

**What  
is  
Africanness?**

**Contesting nativism  
in race, culture and sexualities**

**Charles  
Ngwena**

**Pretoria University Law Press  
PULP**

**2018**

*What is Africanness? Contesting nativism in race, culture and sexualities*

**Published by:**

**Pretoria University Law Press (PULP)**

The Pretoria University Law Press (PULP) is a publisher at the Faculty of Law, University of Pretoria, South Africa. PULP endeavours to publish and make available innovative, high-quality scholarly texts on law in Africa. PULP also publishes a series of collections of legal documents related to public law in Africa, as well as text books from African countries other than South Africa. This book was peer reviewed prior to publication.

For more information on PULP, see [www.pulp.up.ac.za](http://www.pulp.up.ac.za)

**Printed and bound by:**

Pinetown Printers, South Africa

**To order, contact:**

PULP

Faculty of Law

University of Pretoria

South Africa

0002

Tel: +27 12 420 4948

Fax: +27 86 610 6668

[pulp@up.ac.za](mailto:pulp@up.ac.za)

[www.pulp.up.ac.za](http://www.pulp.up.ac.za)

**Cover:**

Yolanda Booyzen, Centre for Human Rights, University of Pretoria

ISBN: 978-1-920538-82-8

© 2018

# TABLE OF CONTENTS

ACKNOWLEDGMENTS	vii
PREFACE	viii
DEDICATION	x

## PART 1: BACKGROUND TO THE HERMENEUTICS OF HETEROGENOUS AFRICANNESS

<b>1</b>	<b>INTRODUCING THE ‘MANYNESS’ OF AFRICANNESS</b>	<b>1</b>
1	Introduction	1
2	Nativism	4
2.1	<i>Theocratic vision</i>	4
2.2	Logic of identity	5
3	Reformulating African identity: Overcoming status subordination and achieving inclusive equality	9
4	Scope and structure of the book: A broad triangulation of race, culture and sexualities	12
4.1	Part 1: Background to the hermeneutics of heterogeneous Africanness	13
4.2	Part 2: Africanness, race and culture	13
4.3	Part 3: Heterogeneous sexualities	14
<b>2</b>	<b>HERMENEUTICS OF AFRICANNESS: BUILDING ON STUART HALL’S CULTURAL THEORY OF IDENTIFICATIONS</b>	<b>18</b>
1	Introduction	18
2	Connecting inclusive equality with a deconstructive hermeneutics of Africanness	19
3	Who/what is African?: A central discursive question	23
4	Hall’s cultural theory of identity as enunciation	25
4.1	Identity as becoming and being	26
4.2	Implications of a Hallian approach for conceptualising Africanness	31
4.2.1	Transposing Hall’s theory to Africanness as broad cultural and racial identifications	31
4.2.2	Transposing Hall’s theory onto African sexuality identifications	36
5	Positionality	38

## PART 2: AFRICANNESS, RACE AND CULTURE

<b>3</b>	<b>WHAT’S IN A NAME? THE NAMING OF AFRICA AND AFRICANS, AND THE CONSTRUCTION OF RADICAL CULTURAL ALTERITY</b>	<b>41</b>
1	Introduction: Representation, truth, knowledge and power	41

2	Naming of Africa	46
2.1	Provenance of the naming	47
3	Naming of Africans: Epochal re-description	50
3.1	Africa at the edge of time: The founding of alterity in anachronistic space	51
3.2	Africa as land of cultural otherness: A leaf from Mudimbe's <i>The invention of Africa</i>	61
3.2.1	Christianity and the production of African spiritual alterity	63
3.2.2	Anthropology and the production of African cultural alterity	66
4	Mudimbe's contribution to dialogic Africanness	69
<b>4</b>	<b>AFRICA AS LAND OF RACIAL OTHERNESS</b>	<b>76</b>
1	Introduction	76
2	The contribution of philosophy and science to the construction of African racial alterity	78
2.1	Philosophy	78
2.2	Science	80
3	Re-membering Saartjie Baartman: Black embodiment, ascribed identity and fetishisation	84
3.1	Logic of identity	89
3.2	Fetishisation	91
4	Apartheid and the banality of race	94
4.1	Creating 'Africans', 'Coloureds', 'Indians' and 'Whites'	99
4.1.1	'Africans' and 'Whites' as extreme polarities	99
4.1.2	'Coloureds'	100
4.1.3	'Indians'	103
4.2	Racial positioning among inferiorised 'races'	104
4.3	Apartheid as not so much about apartness but <i>baasskapism</i>	108
5	Ode to an open Africanness	112
<b>5</b>	<b>DECENTRING THE RACE OF AFRICANNESS</b>	<b>116</b>
1	Introduction: putting <del>race</del> under erasure	116
2	Recalling Hall's deconstructive identification template	119
3	Decentring the race of Africanness	121
3.1	Appiah's <i>In my father's house</i>	121
3.2	Blyden's black personality	126
4	Retaining the political salience of race	137
4.1	Afropolitanism	140
5	Africa as space for diverse identifications and recognition of ever-evolving ethnicities	145

## PART 3: HETEROGENEOUS SEXUALITIES

<b>6</b>	<b>REPRESENTING AFRICAN SEXUALITIES: CONTESTING NATIVISM FROM WITHOUT</b>	<b>151</b>
1	Introduction	151
2	Said's discourse of orientalism	152
2.1	<i>Orientalism</i> and Said's aporias	156

	2.1.1	Hybridity: Breaking with coloniser/ colonised binary	160
3		Nativising African peoples	163
4		Mamdani's discourse of nativism	166
5		Nativism and the construction of colonial whiteness	173
	5.1	Compulsory whiteness and regulation of sexualities	178
6		Nativising black men's sexuality	184
	6.1	Southern Rhodesia and the phantom of the 'black peril'	185
7		Black women's sexual degeneracy and colonial continuities in Caldwell et al: A performative study of African women	192
<b>7</b>		<b>'TRANSGRESSIVE' SEXUALITIES: CONTESTING NATIVISM FROM WITHIN AND OVERCOMING STATUS SUBORDINATION</b>	<b>197</b>
	1	Introduction	197
	1.1	Proclaiming heterosexuality and castigating homosexuality	199
	1.2	Democratising sexuality	203
	2	Discursive clarifications	205
	2.1	Transgressive sexualities: the terminological rationale	205
	2.2	Overcoming status subordination	206
	2.3	Avoiding LGBTI essentialism	209
	2.4	Avoiding unproductive LGBTI anti-essentialism	215
	2.5	Remaining conscious of colonising sexuality knowledge	216
	3	Deconstructing sexualities	222
	3.1	Essentialist social construction	224
	3.2	Transformative social construction	226
	3.3	Deconstructing the relationship between sexuality and gender: Drawing on Richardson's analytic template	230
	3.3.1	Naturalist approach	231
	3.3.2	Prioritising gender over sexuality	231
	3.3.3	Gender as an effect of sexuality	231
	3.3.4	Sex and gender as separate, non-deterministic, historically and culturally situated systems	232
	3.3.5	Sexuality and gender elision	241
	4	Way forward	241
<b>8</b>		<b>MEDIATING CONFLICTING SEXUALITY IDENTIFICATIONS THROUGH POLITICS AND AN ETHICS OF PLURALISM</b>	<b>245</b>
	1	Introduction	245
	2	Rawls' overlapping consensus	248
	3	Rescher's dissensus management approach	250
	4	Young's critique of the ideal of impartiality and the civic public	256
	5	Arendt's concept of citizenship in a plural political community	261

6	Finding an overlapping consensus and asymmetrical reciprocity in African political and constitutional frameworks	265
	<b>EPILOGUE: THEORISING AFRICANNESS</b>	269
	<b>BIBLIOGRAPHY</b>	276
	<b>INDEX</b>	300

# ACKNOWLEDGMENTS

In the course of planning, writing and publishing this book, I benefitted from support in various forms which I wish to acknowledge with sincere gratitude.

The book was funded by the Ford Foundation. Lourdes Rivera was a programme officer at Ford at the time I secured funding. I am grateful not just to the Ford Foundation for its generosity but also to Lourdes Rivera for her abiding patience in awaiting the completion of the book.

The Centre for Human Rights, University of Pretoria, was generous in providing me with sufficient time and space to complete the book. I wish to thank Frans Viljoen, the Director of the Centre, for enabling the book project.

A number of colleagues and friends read the draft manuscript or encouraged me to pursue the manuscript to its completion. I am grateful to Cathi Albertyn, Ebenezer Durojaye, Daniel Mekonnen, Godfrey Kangaude, Reginald Odour, Rudo Chigudu, Serges Kamga, Sylvia Tamale, and Tshepo Mosikatsana for reading the draft manuscript or parts of it and sharing their insights. I extend the same gratitude to reviewers who anonymously reviewed the manuscript. And thank you to Bernard Dickens, Evance Kalula, Rebecca Cook and Siile Matela for warmly encouraging me to see the book to its completion.

The Masters Class of 2015 in the Sexual and Reproductive Rights in Africa programme at the Centre for Human Rights, University of Pretoria, played a part in the making of the book. In seminars, I tried out on the Class some of my thinking in conceptualising Africanness. I thank the Class of 2015 for their responsiveness.

My wife Patricia, children Khosi, Gideon and Claudia-Rose, and niece, Michelle, were a constant source of support. I am profoundly grateful for their love and inspiration.

Last but not least, my gratitude goes to Pretoria University Law Press (PULP) – the publishers of the book. I wish to thank Lizette Hermann, the manager at PULP, for the technical production of the book and Yolanda Boozyen for designing the cover page.

# PREFACE

*What is Africanness* is a dialogue on the subject of who is African and what is African. My aim is mainly twofold: first to implicate a reductive sameness, which I call 'nativism', in the naming of Africans and show its teleology and effects and second, to offer an alternative understanding of how Africans can be named or can name themselves. Above all, I develop an epistemology for constructing the hermeneutics of Africanness today, long after the primal colonial moment and its debasing racialising ideology. I build my thesis on discursively interrogating the making of Africa in colonial discourses and, more particularly, the making of an African race and African culture(s) and sexuality(ies) in ways that are not just historically conscious but also have a heuristic capacity to contest nativism from the outside as well as from within.

In developing an alternative epistemology of how Africans can be named or can name themselves I engage in discursive *re-presentation* in order to map new terrains and articulate new possibilities in the naming. Ultimately, I explore more liberating and affirmative ways for Africans to name themselves. As a counter-discourse, *What is Africanness* develops a hermeneutics of Africanness as its theoretical contribution to discursive representation and to debates on how normatively to address the question: Who/what is African?

I draw from the work of anti-foundational theorists in framing my central arguments, to argue that when thinking about Africanness, Cartesian and dichotomous foundational categories are not particularly useful. We are better served by a hermeneutic template for the cognition of heterogeneous Africanness; an Africanness situated in a multiplicity of histories, cultures and subjectivities, which speaks less to African identity in the way it has been espoused in colonial discourses and by ideologues of identity, and more to African 'identifications' in the sense intended by Stuart Hall, the sociologist and cultural theorist.

My arguments in this book go beyond problematising African identity. More significantly, I address an existential gap in theory for explicating African social identity. I do so not through offering a dogma of Africanness or commending a grid of characteristics or typologies that should be met before one is eligible to claim Africanness, but through developing an interpretive method – a hermeneutics – for locating and deciphering African identifications in ways that are historically conscious and conjunctural.

The hermeneutics I develop are intended as a conceptual tool for deconstructing as well as constructing African identities in ways that dismantle hierarchical systems of thought and unmask aporias and contradictions, without erasing complexities, fluidities and difference. The hermeneutics look to the present and the future in addition to the past, so

that African identifications are not nailed to a mast but remain invested with mobility and the capacity to mutate radically and make new and unexpected beginnings.

# DEDICATION

This book is dedicated to re-membering Saartjie Baartman  
(1789-1815)

**PART 1: BACKGROUND TO THE  
HERMENEUTICS OF  
HETEROGENOUS AFRICANNESS**



---

## 1 Introduction

Uncle Theo ... fingered the mauve and white pebbles on the beach. These stones, which brought such pleasure to the twins, were a nightmare to Theo. Their multiplicity and randomness appalled him ... The pebbles gave a general impression of being either white or mauve, but looked at closely they exhibited almost every intermediate colour and also varied considerably in size and shape. All were rounded, but some were flattish, some oblong, some spherical; some were almost transparent, others more or less conspicuously speckled, others close-textured and nearly black, a few of a brownish red, some of pale grey, others of a purple which was almost blue.<sup>1</sup>

In *Inessential woman* Elizabeth Spelman begins her path-breaking critique of feminist theory by using Theo, a character from Iris Murdoch's novel – *The nice and the good*, as a case study.<sup>2</sup> The aspect of Theo that interests Spelman is his fear of multiplicities: a fear which can be situated in an ontology of reductive sameness. Theo's disposition towards reductive sameness allows Spelman to draw a parallel with a dominant philosophical strand in Western feminist theory constructed on the 'generic woman'.<sup>3</sup> The 'generic woman' is flawed, she argues, because her genericness is a product of an incomplete gaze: a way of seeing women as if they are all white and middle-class. Genericness is ineluctably homogenising. It can serve to obscure heterogeneities among women, preempting the need to explore the implications of differences among women in feminist theory and praxis.<sup>4</sup> Theo's predilection towards a

1 I Murdoch *The nice and the good* (1969) 158-159.

2 EV Spelman *Inessential woman: The problem of exclusion in feminist thought* (1988) 1-4; Murdoch (n 1 above).

3 Spelman (n 2 above) ix.

4 Spelman (n 2 above) ix.

monochromatic vision is a metaphor for feminism's 'generic woman'. It provides Spelman with a pivot around which to develop a discourse on anti-essentialism.

In *The nice and the good* we see Theo, an elderly man, sitting on the beach in the company of his twin nephew and niece. The nine-year-old twins are full of exuberance but Uncle Theo is a man 'preoccupied with perceptual and conceptual tidiness'.<sup>5</sup> He is quite unable to comprehend multiplicities in the colours, shapes and sizes of the pebbles that line the seashore. Whereas variety and unpredictability in the form of the pebbles excite pleasure in the zestful twins, they have an alienating effect on Uncle Theo. He can identify only with seeing things in black and white. He has a 'plethoraphobic distaste for and a discomfort with manyness'.<sup>6</sup> To reconcile his monochromatic telos with the otherwise endless and unpredictable variety in the colours, shapes and sizes of the pebbles, he constructs his own reassuring imagery. It is an imagery organised around compliant, regimented uniformity: a thoroughly homogenising and crushing sameness. With this difference-erasing visual adjustment Uncle Theo is able to see 'pebblehood' not in its multiplicities, changeability and particularities but in its static singularity.<sup>7</sup> It is as if all pebbles are of the same colour, shape and size, and always will be the same.

As does Spelman, I begin this book with an epigraph from Murdoch's novel and its portrayal of Uncle Theo. What is instructive for my own discourse is Uncle Theo's visual disposition and, in particular, what he *cannot* see. Even more instructive is what he does not want to see in the infinite variety of the pebbles. Ultimately, I am deeply interested in Uncle Theo's capacity to reorganise images in ways that obscure diversity and conflate one pebble with another in order to comport with a homogenising visual centre.

The epigraph and its evocation of reductive sameness is a compelling depiction of a rationalising, normative gaze constructed upon a *prior* discursive centre that excludes, invalidates or incorporates in order to align.<sup>8</sup> *What is Africanness* is a discourse that seeks to contest a discourse of reductive sameness – a sameness I call *nativism* – in the naming of Africans mainly by others, but also by themselves. When thinking about how Africans historically have been named, how they continue to be named,

5 Spelman (n 2 above) 1.

6 Spelman (n 2 above) 2.

7 As above.

8 M Foucault *Discipline and punish: The birth of a prison* trans A Sheridan (1977) 182-183; IM Young *Justice and the politics of difference* (1990) 125-126.

and in many respects how they continue to name themselves, a parallel can be drawn between Uncle Theo's visual centre, especially its purposeful monochromatism, and the discourse of nativism.

The term 'discourse' can mean many things but I use it mainly in a Foucauldian sense to imply speech acts and 'practices that systematically form the objects of which they speak'.<sup>9</sup> For the most part in *What is Africanness* I implicitly accept Foucault's premise that a discourse is not simply a sign for designating objects but a sign for something 'more'.<sup>10</sup> Revealing, describing and interrogating the 'more' in nativism, therefore, is the recurring thesis of this book – its deconstructive motif. A discourse necessarily comes imbricated in an ideology tethered to power and knowledge which produce an *effect*. It is a site of constant struggle precisely because it does not exist in isolation but always in juxtaposition with competing discourses and regimes of truth.<sup>11</sup>

*What is Africanness* has two main objectives: first, to implicate nativism in the naming of Africans and reveal its teleology and effects and second, to offer an alternative understanding of how Africans can be named or can name themselves. In implicating nativism I am interested in revealing a discursive structure in the ideas, opinions and concepts that historically have been assembled and continue to be assembled when naming Africans, so that even in their multiplicities they can be understood as a system – 'a discursive formation' – which is not ideologically neutral, but directional.<sup>12</sup> Moreover, I am equally interested in revealing the effects, especially status subordinating and identitarian effects, of nativising discursive structures.

In constructing an alternative epistemology of how Africans can be named or can name themselves my goal is to advance a discourse of *disidentification*.<sup>13</sup> By this I do not mean treating the notion of identity in a postmodern sense as a dispensable fiction; instead, I mean engaging in discursive *re-presentation* in order to map new terrains and articulate new possibilities for renaming ourselves and developing a competing discourse – a counter-discourse – to contest nativism. My aim is to rethink inclusive ways in which Africans can be named. Ultimately, I explore more liberating and affirmative ways for Africans to name themselves, not least

9 M Foucault *The archaeology of knowledge* trans A Sheridan (1972) 49. On different meanings of 'discourse', see S Mills *Discourse* (1997) 1-28.

10 Foucault (n 9 above) 49.

11 Mills (n 9 above) 11-16.

12 Foucault (n 9 above) 38; Mills (n 9 above) 17.

13 Mills (n 9 above) 15.

because discourses have a history – a genealogy – and discursive practices are neither permanent nor immune to shifts in history, but are subject to radical change. As a counter-discourse, *What is Africanness* develops a hermeneutics of Africanness as its theoretical contribution to discursive representation and to debates on how normatively to address the question: Who/what is African? I have made this question a shorthand notation for the book's discursive inquiry into Africanness.

## 2 Nativism

In this section I introduce the concept of nativism. I appropriate the notions of a 'theocratic vision' and 'logic of identity' as conceptual resources for implicating the type of nativism that is the object of my critique.

### 2.1 Theocratic vision

Uncle Theo's vision inclines towards producing essences by repressing rather than recognising difference in the pebbles. He starts off with a plural and heterogeneous world of pebbles but soon transforms it, creating his own homogeneous universe.<sup>14</sup> He reorganises pebbles on the seashore so that their imagery can be interpreted from a *seepoint* aligned to a particular visual template – a theocratic template. Whatever he sees in the end must comport with this template. Inscribed in the theocratic template is a proclivity towards seeing things as if they were the same and in ways that erase their differences and particularity. The imagery of pebbles conveyed to us by Uncle Theo is an imagery in which pebbles already are *interpellated* by a visual discourse of pebblehood in which pebbles are *summoned into place* to appear in a certain form.<sup>15</sup> Pebbles are subsumed under a category of pebblehood in ways that abstract pebbles and ignore difference. Clearly, Uncle Theo is not someone who can reassure us that, if tasked with deciding on the aesthetic status of different pebbles, he can do so in a

14 Young (n 8 above) 98.

15 I use the term 'interpellation' in a general Althusserian sense to imply the 'hailing or summoning into place' of a subject by discourse. Louis Althusser, in an essay titled 'Ideological state apparatuses', first used the term in this sense to implicate and explicate a causal connection between ideology in major social and political institutions and the production of subjects. The essay is published as a part of a book, L Althusser *Lenin and philosophy and other essays* (1971); S Hall 'Who needs "identity"?' in J Evans & P Redman (eds) *Identity: A reader* (2000) 15 at 19-21. I say 'a general Althusserian sense' because I consider the term to be useful, but only to the extent that it does not efface individual agency and reduce human beings to ideological automatons.

manner that is not blinded by an abstract universality in which pebbles appear as either mauve or white with conforming shapes and sizes such that what is out of alignment with this vision loses its visibility and pebble status.

In a phenomenological sense, what matters to Uncle Theo when deciphering the colours, shapes and sizes of the pebbles is not the variety of images that the pebbles are capable of projecting but, instead, his visual starting point: his 'zero-point of orientation'.<sup>16</sup> The orientation represents a *maximum* field of vision from a determinate point.<sup>17</sup> Thus Uncle Theo has a visual *habitus* or positionality.<sup>18</sup> His visual telos is 'at home' when all pebbles look the same.<sup>19</sup> What is outside the visual horizon is eliminated and invisibilised from his 'knowledge and interest, care and concern'.<sup>20</sup> In its subjective construction of the images, a *theocratic* vision speaks resonantly to the main thesis of this book – nativism.

## 2.2 Logic of identity

*What is Africanness* is concerned with implicating and contesting discursive constructions of African identities which have succeeded in producing generic Africanness – a nativised Africanness – within discourses that are hostage to the 'logic of identity' in which identity represents saturated and oppositional natural essences. I am using the term 'logic of identity' in the sense meant by Iris Young in order to implicate historical currents that have dominated the discursive construction of African identity, conceiving it as made up of substantive essences which are a stable half of a self-generating, assimilative, binary category of human identity.<sup>21</sup> Inexorably drawn towards certainty and predictability, the logic of identity, like

16 E Husserl *Ideas pertaining to a pure phenomenology and to a phenomenological philosophy* trans R Rojcewicz & A Schuwer (1989) 165-166; S Ahmed 'A phenomenology of whiteness' (2007) 8 *Feminist Theory* 149 at 151. On applying phenomenology to Africanness, see the discussion in ch 6, sec 5.

17 MS Copeland *Enfleshing freedom: Body, race and being* (2010) 13, citing B Lonergan 'Metaphysics as horizon' in FE Crowe & RM Doran (eds) *Collected works of Bernard Lonergan* (1998) 188 at 198.

18 Copeland (n 17 above) 13, citing P Bourdieu *Outline of a theory of practice*, trans RNice (1972) 72-78; S Ahmed 'Orientations: Towards a queer phenomenology' (2006) 12 *GLQ: A Journal of Gay and Lesbian Studies* 543 at 552-553.

19 Ahmed (n 16 above) 153.

20 Copeland (n 17 above) 13.

21 Young (n 8 above) 98-99 125. I elaborate on the nativising effect of the logic of identity in ch 4, sec 3.1.

*theocratic* vision, is disturbed by the particularity of experience and by ambiguities.<sup>22</sup>

In this book I implicate two main historical currents of the logic of identity – one spawned by European imperialism and colonialism and the other by black/African emancipatory discourses. The currents stand in opposition to each other but paradoxically share the same episteme. They share an ahistorical understanding of identity which inclines towards producing stereotypes. Although they oppose each other, they unite in recognising ‘Africans’ under totalising systems in which Africans have an originary identity and are moulded from the same clay – racially, culturally and sexually, and in other identitarian ways. Both currents are fictive constructions that hypostatise African identity, seeking to erase uncertainty and unpredictability and thus bring everything under a stable identitarian control.

Under the current engendered by European imperialist and colonial discourses African identity appears as merely descriptive but, in fact, is ascribed racial and cultural identity. It is a normatively saturated identity which is dependent on and assimilated to a prior, privileged white, European identity that is assumed to be *the* authoritative view of self, truth and reality.<sup>23</sup> The European-spawned identity is a harmful stereotype which comes fully loaded with stigma. It is the product of a white normative gaze and imperialist discourses that were developed as part of giving Africa and Africans a single and simple ahistorical genealogy that, in turn, would invest the institutions of transatlantic slavery and colonisation with purposeful intelligibility for the protagonists. The discourses have employed a European-centred subsumption of race and culture – but race in particular – historically to codify and produce a prototype, fetishised and commodified African biological identity through a hegemonic classificatory system constructed around binaries that give legitimacy to a stable hierarchy among ‘races’.

The genus of African identity spawned by the logic of identity in discourses of race, imperialism and colonialism has institutionalised a classificatory system which works through an assimilative logic of epidermal identity and determinism. The identity is powered by a racial caste system. It reduces the plurality and particularity of different embodiments to unity by using whiteness as the gold standard of intelligibility so as to bring everything under a directional epidermal

22 Young (n 8 above) 98-99 125.

23 R Wiss ‘Lipreading: Remembering Saartjie Baartman’ (1994) 1 & 2 *Australian Journal of Anthropology* 11 at 34.

control that maintains hierarchical relationships.<sup>24</sup> Under this system, Africa is really sub-Saharan Africa as the continent of origin of people with a Negroid physiognomy – the Negro motherland.<sup>25</sup> It is an Africa biocentrically coded black to mark a prehistoric zone of pathological racial difference and to excise North Africa or 'Arab Africa' from a classification which stands not so much for a geographical territory as for a racialised biology.<sup>26</sup> It is a classificatory system in which race is social and political capital or the lack of it. This system has bequeathed an enduring legacy of hegemonic racial thinking which dichotomously categorises humanity as a predominantly white half at the apex of a racial pyramid, and a predominantly black other half, as its nadir. Interspersing the apex and the nadir are varieties of in-betweens – races not as superior as white but not as lowly as black.

The other historically dominant current in the discursive formation of African identity which, likewise, is informed by the logic of identity, comes from black/African emancipatory discourses that seek to correct through the recovery and affirmation of an African identity that, historically, has been spoiled.<sup>27</sup> This current is a reaction to slavery, European imperialism and colonialism, and apartheid.<sup>28</sup> It is principally concerned with countering negations of blackness through articulating an ontology of blackness.<sup>29</sup> Discourses that sustain this current do so through the recovery of an originary, foundational identity to articulate African identity as a transcendental and radical alternative.<sup>30</sup> Though reactive, self-defining and intended to contest European ideologies of racial supremacy and affirm the equality and human dignity of black people, it is nonetheless a historical current built centrally around a phenotype and a pre-constituted self – a closed identity – which rules out the possibility of an identity that is continuously unfolding, proliferating or is the outcome of multiple ancestries.<sup>31</sup> This current represents a quest for an authentic African

24 Young (n 8 above) 99. See the discussion in ch 4 of this book.

25 S Wynter 'Unsettling the coloniality of being/power/truth/freedom: Towards the human, after man, its overrepresentation – An argument' (2003) 3 *CR: The New Centennial Review* 257 at 267-325.

26 PT Zeleza 'The inventions of African identities and languages: The discursive and developmental implications' in OF Arasanyin & MA Pemberton (eds) *Selected proceedings of the 36th Annual Conference on African Linguistics* (2006) 14 at 15-16; A McClintock *Imperial leather: Race, gender and sexuality in the colonial context* (1995) 30.

27 A Mafeje 'Africanity: A combative ontology' (2000) 2 *CODESRIA Bulletin* 66.

28 JA Mbembe 'African modes of self-writing' (2002) 14 *Public Culture* 239.

29 A Quayson 'Obverse denominations: Africa?' (2002) 14 *Public Culture* 585 at 586.

30 SJ Ndlovu-Gatsheni *Coloniality of power in postcolonial Africa and the myths of decolonisation* (2013) 99.

31 SB Diagne 'Keeping Africanity open' (2002) 14 *Public Culture* 621 at 621-622.

identity built around a civilisational and cultural ontology of blackness that finds its apotheosis in autochthonous determinations. Discourses of *négritude*, pan-Africanism, Afrocentricism or Afro-radicalism, anti-colonialism and African nationalism that incline towards orthodoxy or fundamentalism in their imagination of a collective, unified, foundational African identity, whether racial, cultural, sexual or otherwise, exemplify this current.<sup>32</sup>

Notwithstanding that the two historical currents have followed trajectories powered by radically different teleologies, I argue that they are instances of reductive sameness which obscure multiple ancestries and proliferating heterogeneities among Africans. My thesis is that even if the two identitarian currents are polar opposites, they nonetheless coalesce in the construction of Africans as Cartesian subjects with a primordial identity built around the metaphysics of difference. Africans emerge from both currents as pure, transcendent, homogenised subjects, frozen in time and shorn of any historical radicalisation or transformative movement. These currents, which have normative implications for the lived equality of Africans and their capacity for self-reflexivity, provide this book with its springboard to an anti-nativist discourse of Africanness in which identifications are organised around overcoming status subordination and recognising existential heterogeneities when addressing the question: Who/what is African?

The arguments in this book frame historical and existential tendencies towards reductive sameness when constructing African identity as *nativism*. Such framing serves to discursively implicate the gravitational pull towards a fundamentally static notion of African identity that is dependent on prior essences inscribed by a template peculiar to the identity. In this framing the imperialistic and colonial current is *nativism from without*. It represents the institutionalisation of a rapacious racism. Its historical *modus operandi* has been to nativise in order to racially pathologise, conquer and colonise Africa, appropriate African land, recolonise Africa after its moment of independence from colonial rule, and to keep Africans in positions of status subordination. The other historical current is *nativism from within*. This current has nativised in order to react to the nativising discourses of imperialism, colonialism and neo-colonialism and follows a trajectory of contesting status subordination.

Whereas nativism from within laudably has sought to contest racialising and racist ideology, to affirm the equal humanity of Africans and to assert African identity in order to reclaim African territories and

32 For an overview of these discourses, see generally Mbembe (n 28 above).

rehabilitate a spoiled cultural and racial identity, in its quest for an integral identity it has been as much a dogma as nativism from without.<sup>33</sup> More to the point, in its attempt to anchor Africanness within a pre-set of characteristics it has been vulnerable to chauvinistic and exclusionary tendencies of its own. Just as colonial discourses have been historically nativising in an orientalising sense, counter-discourses from time to time have been appropriated to give legitimacy to occidentalising discourses in which identities and identifications that lie outside dominant 'African' cultural frameworks are treated as being not authentically African and belonging elsewhere. My aim is not to construct some sort of relational moral parity between the two nativisms, but to reveal their discursive connections as well as their status-subordinating effects and ultimately, to suggest a way forward in reformulating African identity by theorising identity rather than reiterating dogmas. Above all, the aim is to theorise African identity in ways that are responsive to affirmative subjectivities and ongoing proliferations.

### **3 Reformulating African identity: Overcoming status subordination and achieving inclusive equality**

Over and above implicating nativism, as a linking thesis this book develops a remedial theoretical framework for rethinking African identity in ways that are dialogic and, above all, inclusive so as to be responsive to the recognition needs of all Africans. At the same time it critically interrogates hegemonic discourses that, at different historical times, were essentialising or exclusionary. Underpinning this critique is the general proposition that identity is being and becoming, something that is always in the making, and that Africans are diverse peoples who cannot be abstracted from identitarian frameworks that reckon with identity only when it is conceived as an 'integral, originary unified' and, ultimately, closed category.<sup>34</sup>

Chapter 2 establishes the book's methodology. It highlights that whereas the book draws its arguments from a syncretic archive of knowledge and theory, in conceptualising how we think about African identity and in the construction of a hermeneutics of Africanness, the work of Stuart Hall, the cultural theorist and sociologist, has been the main

33 JA Mbembe 'On the power of the false' (2002) 14 *Public Culture* 629.

34 Hall 'Who needs "identity"?' (n 15 above)15.

influence.<sup>35</sup> In his cultural work, Hall, who died in 2014, did not directly address Africans or Africa, save for a few sporadic remarks. Nonetheless, his conceptualisation of diasporic blackness and ethnicities as discursive formations and, in particular – as Handel Wright highlights – Hall’s emphasis on rethinking identity, not as singular, essential and ahistorical but as multiple, conjunctural identifications that are always becoming, is a productive mediation for thinking about African identity.<sup>36</sup> More than any other theorist, Hall provides this book with its directional conceptual resources for constructing a normative template that will be useful in rethinking African identity.

The book thus draws on anti-foundational discourses to frame one of its central arguments about identity: that Cartesian and dichotomous foundational categories do not serve us well in our thinking about Africanness. It contributes to contemporary theory about Africanness by proposing instead, a hermeneutic template for the cognition of heterogeneous Africanness. The template draws on an Africanness that is situated in a multiplicity of histories, cultures and subjectivities that speak less to African identity as espoused in colonial discourses and by ideologues of identity and more to African identifications in the sense intended by Hall: as an ongoing and unfinished process in contrast to the naturalism and completeness implied in the concept of identity.<sup>37</sup>

However, in order to contest nativism an undergirding sub-text is necessary, a philosophical resource or grammar that justifies the ethical imperatives of recognising pluralistic identitarian articulations. To this end, the sub-text of the arguments in this book is the ethic of overcoming status subordination and achieving inclusive equality within a heterogeneous public sphere. It is a given that in a pluralistic universe consensus on how we comprehend equality cannot be guaranteed, nor can there be the last word on equality. Nonetheless, the book proceeds on the premise that in order to respond to nativising impulses equality is a normative ethic needed to secure inclusive citizenship so that we all count.

- 35 Hall was Jamaican-born. He lived and worked in Britain for all his adult life as an important interdisciplinary voice on the British Left and a leading name among pioneers in British Cultural Studies. Hall did not produce a sole-authored monograph, but he was a widely published and highly influential essayist and public intellectual. His work is contained in essays, edited books, public lectures and journalism. An overview of Hall’s scholarship can be gleaned from H Bhabha ‘The beginnings of their own enunciations: Stuart Hall and the work of culture’ (2015) 42 *Critical Inquiry* 1.
- 36 HK Wright ‘Stuart Hall’s relevance for the study of African blackness’ (2016) 19 *International Journal of Cultural Studies* 85 at 86.
- 37 Hall (n 15 above) 16.

More specifically, the arguments in this book are committed to participatory democracy as an ethical approach to thinking about identity.

Clearly, the arguments in this book lean heavily in favour of admitting a plurality of interactive voices, each reflecting imaginary, equal power relations so as to erase patterns of dominance and subordination and create space for fields of egalitarian identifications. Ultimately, the book is about overcoming historical status subordination in the normative naming of Africans and promoting parity in participation in the sense meant by Nancy Fraser.<sup>38</sup> Overcoming status subordination and achieving status parity serve as the overarching discursive antidote to Uncle Theo's arresting and panoptic gaze in a context in which 'pebbles' are transposed onto Africanness.

Much as the book is concerned with seeing what has not been seen or has been invisibilised, as a corollary of recognising identity as always in the making, and in the quest for inclusiveness, it does not seek to promote identity politics save as incidental to overcoming status subordination. The idea of identity politics premised on a Hegelian model, important as it is in a context where its denial is a source of inequality, can become, as Fraser argues ironically, a source for misrecognising other identities as not falling within a given historically marginalised group culture.<sup>39</sup> Identity politics tends to draw sustenance from a notion of identity as an 'authentic, self-affirming and self-generating collective identity'.<sup>40</sup> This book, on the contrary, is precisely about problematising notions of identity as singular and about implicating their nativising effects.

In her essay 'Rethinking recognition', Fraser does not dismiss the efficacy of identity politics but, rather, highlights its emancipatory limitations. More specifically, she sounds a word of caution about the vulnerability of identity politics to criticism based on the problems of 'displacement' and 'reification'.<sup>41</sup> In its problematisation of identity, the argument in this book is intensely interested in the problem of reification and its capacity to explain as well as to implicate an identity-politics model of recognition that serves to impose (whether by external imposition or internal appropriation) a single, drastically simplified group-identity which denies the complexity of peoples' lives and the multiplicity of their

38 N Fraser 'Rethinking recognition' (2000) 3 *New Left Review* 107; see also N Fraser *Justice interruptus: Critical reflections on 'post-socialist' condition* (1997) 11-39.

39 Fraser 'Rethinking recognition' (n 38 above).

40 Fraser 'Rethinking recognition' (n 38 above) 112.

41 Fraser 'Rethinking recognition' (n 38 above) 108.

identifications.<sup>42</sup> Fraser is concerned about hypostatisation of culture in ways that seek to render other cultures invisible.<sup>43</sup> She implicates a politics of recognition in practice at a time of increasing transcultural interaction, accelerated migration and global communication that nonetheless, amidst a welter of hybridising and pluralising cultural forms, still manages to lay claim to an 'authentic' collective identity.<sup>44</sup> It is not the collective identity per se that is the bane of identity politics but its proclivity to speak not so much to the recognition of cultural distinctiveness and diversity, but to the misrecognition of others through a valorised, non-reflexive, separate, collective identity that is prone to chauvinism, patriarchalism and authoritarianism.<sup>45</sup>

#### 4 Scope and structure of the book: A broad triangulation of race, culture and sexualities

Books rarely end in the tidy way they are first conceived and mine is no exception. I began this book with the intention of focusing only on African sexualities in order to explicate their multiplicities as a way of contributing towards a human rights debate about African sexual citizenship. The original idea was to write a book that contests, from a human rights perspective, the privileged hegemony of heterosexuality as the sole culturally, politically and juridically acceptable sexuality. However, in the process of reflecting on how the book's discursive inquiry might look, I became more and more convinced that I needed first to step back and construct a 'philosophical' foundation for my inquiry before focusing on African sexualities and human rights.<sup>46</sup> It became increasingly important to first attempt to excavate the historical and cultural contexts in which people who are the repositories of sexualities are located. Sexualities are not distinct realms of experience or mere biology, removed from history and culture.<sup>47</sup> Once I accepted these propositions, a question that kept coming up as being the logical starting point in my inquiry was: *Who/what is African?* In the end, a question which at first appeared to be a preliminary issue – something to be disposed of quickly before addressing African sexualities – became *the* question which shaped my thinking and gave overall discursive direction to the book. This is the context that gives the

42 Fraser 'Rethinking recognition' (n 38 above) 112.

43 Fraser 'Rethinking recognition' (n 38 above) 119.

44 Fraser 'Rethinking recognition' (n 38 above) 108 112.

45 Fraser 'Rethinking recognition' (n 38 above) 108.

46 I place 'philosophical' in quotation marks to suggest my use of philosophy in the broad rather than in the discipline or professional sense.

47 See ch 7 for an elaboration of this proposition.

book its broad triangulation of race, culture and sexualities in developing a discourse on nativism.

Whilst remaining interested in contesting the hegemony of heterosexuality, the book has a wider purview. It is a broader discursive inquiry into the construction of Africanness. I am interested in exploring from a broad identitarian perspective how African peoples have been discursively produced and named. Furthermore, although I am still interested in human rights, now I am more interested in laying down a foundation for a future discussion about human rights in which we take an ethic of inclusive Africanness and, by implication, inclusive equality as the starting point.

The epilogue aside, the book is divided into three main parts.

#### **4.1 Part 1: Background to the hermeneutics of heterogeneous Africanness**

Part 1 comprises two chapters – the present introductory chapter and Chapter 2. Both chapters are foundational in that they provide a theoretical background to how I conceive Africanness. This introductory chapter implicates the historical mischief – nativism – whilst Chapter 2 seeks to provide the remedy, as it were, by constructing the building blocks for an epistemology of heterogeneous Africanness. In Chapter 2 I construct, mainly using the work of Stuart Hall, an identitarian conceptual template for the cognition of heterogeneous Africanness. I use the template as hermeneutics in subsequent chapters to advance the thesis that notwithstanding the nativisation of Africans in colonial, anti-colonial and post-African independence discourses, Africans are an extraordinarily diverse peoples situated in a multiplicity of histories, cultures – including sexual cultures – and subjectivities.

#### **4.2 Part 2: Africanness, race and culture**

Part 2 has three chapters which focus on interrogating the racial and cultural naming of Africans in ways that implicate but ultimately seek to remedy nativism. In Chapter 3 the focus is on deconstructing the naming of African cultural identity in colonial discourses, where it is an exercise in discrepant power that produces Africanness as excess and an Africa that is normatively dependent on Europe for its recognition. I use Hall's concept of knowledge/power, a couplet borrowed from Foucault, to explain the historical and contemporary constructions of African identities in the light of the continent's colonial history where the naming of Africans served the

prerogative of those in power to disempower the 'Other'.<sup>48</sup> I highlight the importance of understanding the naming as an integral part of the construction of a pliable grid of intelligibility for dominating and instructing colonised peoples, rendering them porous to governmentality.

The focus in Chapter 4 is on revealing the construction and sedimentation of African identity as racial alterity. I continue the discussion I began in Chapter 3, seeking to extend to race the foundational or initial naming of Africans at the time of the colonisation of the continent. I use the term 'foundational' here in order to capture and consolidate the idea of epochal naming that is introduced in Chapter 3. At the same time I remain mindful that though the naming of social groups by others or for themselves has had its intense moments historically it is, Hall tells us, an ever-evolving process with no fixed or completed cut-off point.

Chapter 5 on decentring race is an effort at racial disidentification. It completes the first part of the book. In a sense this chapter can be read as a reinforcement of the critique of a colonially-ascribed racial identity of black Africans. In another sense it offers a remedial framework: it argues for an inclusive Africanness so that Africanness can be imagined less in terms of the biology of race and more in terms of belonging to Africa. It consolidates the deconstruction of African racial identities and at the same time acknowledges the continuing social and rhetorical power of 'race'. The arguments in the chapter provide a basis for treating 'race' throughout the book in the Heideggerian and Derridean sense as *racce*: 'race' as a 'concept under erasure', so as to acknowledge the concept's existential reality at the same time as decentring it.<sup>49</sup>

### 4.3 Part 3: Heterogeneous sexualities

Part 3 comprises three chapters organised around interrogating representations of African sexualities and ultimately suggesting a philosophical way forward in the manner sexual citizenship is contested.

Chapter 6 speaks to nativism from without. It highlights that narratives which represent African sexualities should always be understood as being culturally and historically situated. They are representations constructed within the knowledge and power system(s) of a given polity at a particular

48 S Hall 'Cultural identity and diaspora' in J Rutherford (ed) *Identity: Community, culture, difference* (1990) 222 at 224.

49 On Martin Heidegger's 'concept under erasure' and its popularisation by Jacques Derrida, see J Derrida *Of grammatology* trans GC Spivak (1976) xiv, originally published in 1967.

historical time and location, together with a social and political dynamics for social stratification, domination and status subordination. The chapter uses the representation of African sexualities in colonial discourses to make this point. I do not argue that colonial discourses tell us everything we need to know about African sexualities or that, historically, they are the single most important archive on the representation of African sexualities. Rather, the value of colonial discourses lies in their stubbornly persistent power, which continues to summon 'Africans' into place. In many ways, the construction of stereotypical representations of African sexualities is anchored in the nativisation of African cultures by colonial discourses. The argument in this chapter draws in part on Edward Said's 'orientalism',<sup>50</sup> and Mahmood Mamdani's 'nativism'.<sup>51</sup> The works of Said and Mamdani serve as important resources in implicating 'surface regularities' in colonial discourses and their effects in typologising Africans as 'natives'.<sup>52</sup> I argue in this chapter for the importance of understanding the representation of Africanness in colonial discourses as an *effect* of the construction of colonial whiteness.

The backdrop to Chapter 7 is that, from time to time, 'African values' are invoked by political and cultural authorities to continentalise sexuality and to prescribe a regimented and homogenised African sexuality that specifically excludes sexualities outside heterosexuality and, more specifically, delegitimises non-heteronormative and same-sex sexualities. I advance counter-arguments to the legitimacy of claims that heterosexuality is the only culturally acceptable sexuality for Africans. The chapter develops a framework for recognising diversities of sexuality in ways that are informed by a transformative understanding of sexuality and, ultimately, of an inclusive equality. The framework seeks to deconstruct scripted knowledge about sexuality in order to build an understanding that reveals the complexity, diversity and ultimately political nature of sexuality. I argue that recognising difference in the realm of sexuality requires a radical epistemology that is capable of moving beyond the raw physicality of the body, the genitalia, biological impulse and a capacity for language in order to take cognisance of how sexuality is

50 EW Said *Orientalism* (1979). *Orientalism* was first published in 1978. In this chapter and throughout, I use an edition published in 1979 which was revised and has a preface written in 2003 and an 'Afterword' written in 1994.

51 Mamdani's discourse on nativism is articulated most concisely in M Mamdani *Define and rule: Native and political identity* (2013). Nativism provides a discursive framework in Mamdani's other works, including *Citizen and subject: Contemporary Africa and the legacy of late colonialism* (1996) and *When victims become killers: Colonialism, nativism, and the genocide in Rwanda* (2001).

52 Mills (n 9 above) 106-108.

socially constructed in historical time and place.<sup>53</sup> Necessarily, representations of African sexualities ought to acknowledge that norms and frameworks which give coherence to heterosexuality and its congruent gender binaries are but one cultural variant that exists in juxtaposition with pluralistic articulations of sexualities.

Chapter 8 concludes Part 3 with a discussion of how we might mediate conflicting sexuality identifications through first promoting an understanding of the politics and ethics of pluralism. The discussion is predicated on an assumption, regardless of contradictory praxis, that African states in their independence as well as post-independence constitutions formally commit themselves to political pluralism. Against this backdrop the overarching premise is that in political communities committed to liberal democracy, differences are an ordinary part of our political lives. Even if we agree as to how we should be governed and share political space, it is not necessary or warranted that we should also reach agreement on *all* moral issues, including conceptions of our sexual and reproductive selves.

Chapter 8 builds its arguments partly by appropriating to the concept of 'equality' two political notions: the notion of an 'overlapping consensus' as advocated by John Rawls<sup>54</sup> and the notion of 'dissensus' as advocated by Nicholas Rescher.<sup>55</sup> In part the chapter builds its arguments by linking equality with participatory democracy using mainly Iris Young's argument for recognising difference in a heterogeneous public in which there is mutual recognition between different sexuality identifications,<sup>56</sup> and Hannah Arendt's concept of citizenship in a plural political community.<sup>57</sup> The main thesis in Chapter 8 is that overcoming an impasse which arises where there is strong communitarian opposition to a given sexuality does not lie in dismissing such opposition as without a rational political foundation. Rather, it lies in accepting the legitimacy of the opposition through a democratic polity that is committed to non-hierarchical

53 GS Rubin 'Thinking sex: Notes for a radical theory of the politics of sexuality' in CS Vance (ed) *Pleasure and danger: Exploring female sexuality* (1984) 143 at 149.

54 J Rawls *Political liberalism* (2005) 131-172; J Rawls 'The idea of an overlapping consensus' (1987) 7 *Oxford Journal of Legal Studies* 1.

55 N Rescher *Pluralism: Against the demand for consensus* (1993).

56 Young (n 8 above), especially ch 4 on 'The ideal of impartiality and the civic republic'.

57 In drawing on Arendt, I have relied mostly on an interpretation of Arendt's vast body of work by Maurizio D'Entreves: MP D'Entreves *The political philosophy of Hannah Arendt* (1994) 139-166. D'Entreves's interpretation draws from Arendt's wide span of work, including *The human condition* (1998) originally published in 1958; *Origins of totalitarianism* (1962) originally published in 1951; *Between past and future* (1961); *On revolution* (1963); *Men in dark times* (1968); and *Crises of the republic* (1972).

inclusiveness and relations of cooperation in matters of moral and religious controversy.

The intention of this book is not to present a conclusive theory of ways to answer the question of Who/what is African? Rather, it is to offer a discourse on how Africans can name themselves in the present and in the future without succumbing to nativist impulses requiring a homogeneous past and establishing a transcendental ontology as essential elements of Africanness. The book seeks to develop a plausible account of African identifications, but ultimately leaves the question Who/what is African? open to debate. I therefore end the book with an epilogue, rather than a conclusion.

# CHAPTER 2

## HERMENEUTICS OF AFRICANNESS: BUILDING ON STUART HALL'S CULTURAL THEORY OF IDENTIFICATIONS

---

Cultural identities come from somewhere, have histories. But like everything which is historical, they undergo constant transformation. Far from being eternally fixed in some essentialised past, they are subject to the continuous 'play' of history, culture and power. Far from being grounded in a mere 'recovery' of the past, which is waiting to be found, and which when found will secure our sense of ourselves into eternity, identities are the names we give to the different ways we are positioned by, and position ourselves within, the narratives of the past.<sup>1</sup>

### 1 Introduction

In this chapter, I seek to construct the building blocks for an epistemology of heterogeneous Africanness, using, in a broad sense, the concept of 'identity' as a category of analysis. My aim is to establish a method for a discursive inquiry into Africanness. Therefore, I start from the beginning and lay a conceptual foundation for the ethical claim that there is no single or pure Africanness, only heterogeneities that are fluid and militate against any sense of closure. Based on the work of Stuart Hall, from whose work the epigraph is drawn, I construct a conceptual template for the cognition of heterogeneous Africanness.

The chapter begins by linking inclusive equality – the book's connecting thesis – with the importance of reading Africans as a highly diverse social group.<sup>2</sup> When thinking about a political or juridical framework for overcoming the subordination of historically marginalised cultures, 'races' or sexualities, Africans should not be abstracted. This link highlights the centrality of addressing the question: *Who and what is*

1 S Hall 'Cultural identity and diaspora' in J Rutherford (ed) *Identity: Community, culture, difference* (1990) 222 at 225.

2 On the relevance of inclusive equality, see ch 1, sec 3.

*African?* as something that should precede a more direct discussion on African cultural, racial and sexual identities. In this chapter I develop a theoretical framework for addressing the question in ways that are historically conscious.

I argue that Hall's work, especially its problematisation of identity, is a particularly useful theoretical archive to deploy when deciphering Africanness as a historically conscious subjectivity.<sup>3</sup> Without denying the materiality, symbolism and collective meanings or affiliations accorded to Africanness, I apply the work of Hall and other anti-foundational theorists of identity to argue that Cartesian and dichotomous foundational categories do not serve us well when thinking about Africanness or, for that matter, any identity category.<sup>4</sup>

## 2 Connecting inclusive equality with a deconstructive hermeneutics of Africanness

The application of inclusive equality in this book is predicated on the premise that identities are constructed within a given historical and cultural context. It is in response to concrete subjectivities rather than to an abstract blueprint of fungible humanity that our equality responses must be forged if they are to be transformative. This is no longer a new approach to thinking about equality and its intersection with lived lives. Rather, it is now a beginning point for any approach seeking to achieve inclusive equality. It is an approach which builds on the work of existing critical social theory, including the work of cultural theorists and feminists.

Theorists, including Hall, who use deconstructionist and/or psychoanalytic paradigms to explicate as well as critique the concept of 'identity', caution us, by implication, not to build our equality approaches around rigid essentialist or naturalistic identitarian approaches.<sup>5</sup> Whilst identitarian approaches, which seem obvious or natural to us, have an easy claim to legitimacy and veracity when signifying our collective selves as completed constituted unities, in fact, they are partial and situated enunciations. Our collective selves necessarily are constructions of closure

3 On culture and identity, I draw from two of Hall's most widely-cited essays: S Hall 'Cultural identity and diaspora' (n 1 above); S Hall 'Who needs "identity"?' in J Evans & P Redman (eds) *Identity: A reader* (2000) 15-30.

4 J Barton 'The hermeneutics of identity in African philosophical discourse as a framework for understanding ethnicity in post-genocide Rwanda' (2013) 15 *Philosophia Africana* 1 at 3-6; Hall 'Who needs "identity"?' (n 3 above) 15.

5 Hall 'Who needs "identity"?' (n 3 above) 15 17; H Bhabha *Location of culture* (1994) 66-84; J Derrida *Positions* (1981); E Laclau *New reflections on the revolution of our time* (1990).

that exclude others. More to the point, the argument drawn from anti-foundational theorists is that the unities which are proclaimed by any identity assertion, particularly those that are invested with universalised normativity through cultural and legal privilege, are, in the end, unities of exclusion. As Hall and others sought to emphasise, the unities which pronounce us as ‘we’ stand for ‘I’ as unities constructed within the ‘play of power and exclusion’.<sup>6</sup> The homogeneities and affiliations they proclaim are neither natural nor inevitable. Instead, they are the outcome of positionality and are better understood as solipsistic ‘enunciations’ of naturalised processes of closure which are always situated.<sup>7</sup> Feminist theory, in its critique of patriarchy and its deconstruction of ‘woman’, underscores this point.

In its founding formulations as well as its own critical self-reflection, feminist theory inflects post-Cartesian discourses on the making of identities.<sup>8</sup> Especially in its critique of essentialism, feminism has been a discursive tool in resisting concessions to power and privilege built around unities of closure and solipsism. Through self-critique, which seeks to deconstruct the generic ‘woman’ to reveal situated exclusionary tendencies and the tyranny of a single female voice, feminist theory has been in the vanguard of a transformative path that speaks to inclusive equality. It is a heuristic approach that enables feminism to move away from an abstracted ‘woman’ as the staple category of analysis in order to concede the ‘manyness’ of women and intersectionalities when interrogating patriarchy.<sup>9</sup> Anti-essentialism serves as a counter-discourse to Uncle Theo’s preoccupation with perceptual and conceptual tidiness.<sup>10</sup> It gives us an analytic tool for beginning to see womanhood not as a single genus of the same colour, shape and size but as made up of heterogeneities and multiplicities.<sup>11</sup>

6 Hall ‘Who needs “identity”?’ (n 3 above) 18; Bhabha (n 5 above); Laclau (n 5 above) 33.

7 Hall ‘Who needs “identity”?’ (n 3 above) 16-18; Bhabha (n 5 above); KA Appiah *In my father’s house: Africa in philosophy of culture* (1992).

8 The reference to ‘feminist theory’ is to expansive and transformative feminist theory. Implicitly excluded is conservative theory such as liberal feminist theory which functions by embracing abstract equality theory so that, for example, women are treated the same as men: EV Spelman *Inessential woman: Problems of exclusion in feminist thought* (1988); AC Scales ‘The emergence of feminist jurisprudence: An essay’ (1986) 95 *Yale Law Journal* 1373 at 1385 1388; IM Young *Justice and the politics of difference* (1990); M Minow ‘Beyond universality’ (1989) 17 *University of Chicago Legal Forum* 115 at 137.

9 Spelman (n 8 above) 1-4.

10 Spelman (n 8 above) 1-4, drawing from I Murdoch *The nice and the good* (1969) 158-159. See the discussion in ch 1, sec 1 of this book.

11 Spelman (n 8 above) 1-4.

The feminist discourse of intersectionalities enriches how we think about the connections between equality and identity. Discursive intersectionalities serve as an analytic method for revealing that individuals and social groups are made up of more than a single subjectivity. In the workings of structural power, they come under multiple axes of subordination simultaneously.<sup>12</sup> Feminist anti-essentialism has been instructive by highlighting that responsiveness to difference requires turning away from prescribing, as universally normative, a unified, totalising abstract equality theory in favour of the concrete and the particular.

Historically, it is abstraction that has served to shield oppressive, institutionalised norms from democratic and egalitarian scrutiny.<sup>13</sup> Abstraction is an interpretive horizon that effaces particularity because it is inherently reductive. It works by rationalising subordination through denial of difference and immunising juridical equality from democratic and pluralistic iteration. Universalising the subjective experiences of dominant social groups means holding them up as the objective experiences for all people, including the historically excluded and marginalised. Ultimately, abstraction promotes 'false universalism'.<sup>14</sup> Inevitably, such universalism is void of political nuance, ignoring cleavages of difference, including varied histories and imbalances of power. In her critique of the 'impartial civic public' and her argument for a countervailing 'heterogeneous public', Iris Young aptly captures the inherent exclusionary tendencies of abstraction and its false universalism when she says:

Insistence on the ideal of impartiality in the face of its impossibility functions to mask the inevitable impartiality of perspective from which moral deliberation actually takes place. The situated assumptions and commitments that derive from particular histories, experiences, and affiliations rush to fill the vacuum created by counterfactual abstraction; but now they are asserted as 'objective' assumptions about human nature or moral psychology ... The

- 12 KW Crenshaw 'Demarginalizing the intersection of race and sex: A black feminist critique of antidiscrimination doctrine, feminist theory and antiracist politics' (1989) 140 *University of Chicago Legal Forum* 139; KW Crenshaw 'Mapping the margins: Intersectionality, identity politics and violence against women of colour' (1991) 43 *Stanford Law Review* 1241; A Rich 'Compulsory heterosexuality and lesbian existence' (1980) 5 *Signs: Journal of Women in Culture and Society* 631; S Cho et al 'Toward a field on intersectionality studies: Theory, applications and praxis' (2013) 34 *Signs: Journal of Women in Culture and Society* 785.
- 13 Scales (n 8 above); Minow (n 8 above).
- 14 F Williams *Social policy: A critical introduction* (1989) 118; R Lister 'Citizenship: Towards a feminist synthesis' (1997) 57 *Feminist Review* 28 38; A McClintock *Imperial leather: Race, gender and sexuality in the colonial context* (1995) 9-14.

standpoint of the privileged, their particular experience and standards, is constructed as normal and neutral ... Not only are the experience and values of the oppressed thereby ignored and silenced, but they become disadvantaged by their situated identities.<sup>15</sup>

When particularity is effaced, juridical equality becomes a supreme fiction. The corollary is that in overcoming the historical subordination of social groups whose identities are proscribed or despised because they are different necessarily entails addressing the unmet equality needs of commensurately specific social groups rather than abstract social categories. Put in another way, if we wish to construct an effective remedial response to status subordination in the domains of race, culture and sexuality as one of our substantive equality-informing archives, we need to begin with an inclusive biography of the oppressed groups, including their respective histories and their locations. In a strict sociological sense, contextualising and concretising subjectivities call for a social-group-mapping endeavour. However, this would be an arduous undertaking even for a single country, let alone an entire region, given the multiplicities of social groups and cultures. It is an empirical task well beyond the capacities of this book. Notwithstanding, a way of mitigating this limitation is to acknowledge the existential diversity of Africa and Africans and use it as the ethical point of departure for any framework for regulating African identities, including sexual identities, with a view to achieving inclusive citizenship.

For example, abundant sociological evidence already exists to support the proposition that, notwithstanding its dominant visibility, heterosexuality is not the only sexuality shared by African peoples.<sup>16</sup> If we concede that normative reason is dialogic, then hearing the heterogeneous voices of the dialogists – the social groups and persons with different sexualities – ought to be an unqualified ethical injunction and starting point. Dialogism is an essential part of how we construct our equality paradigms ethically in a participatory democracy.<sup>17</sup> Ineluctably, dialogism inclines us towards accepting, as our operative participatory ethics, the

15 Young (n 8 above) 115-116.

16 My arguments about the fact of the diversity of African sexualities take the anthology on African sexualities edited by Sylvia Tamale as an important, foundational archive containing, as it does, contemporary accounts, including first-person accounts, by Africans attesting to a diverse range of sexualities and sexual identities: S Tamale (ed) *African sexualities: A reader* (2011).

17 Young (n 8 above) 116; N Fraser *Justice interruptus: Critical reflections on the 'post-socialist' condition* (1997) 173.

inclusiveness that is carried in popularised injunctions such as ‘nothing about us without us’.<sup>18</sup> The only deontological and democratic way to affirm the equal humanity of Africans and inclusive citizenship is to rely on a normative pathway that recognises diversities, rather than on assumptions of an exclusive African homogeneity. That way, we can lay down a building block for a hermeneutical framework that will check systemic dominance and assure our overcoming status subordination.

### 3 Who/what is African?: A central discursive question

Part of laying a discursive foundation for the proposition that African cultures, including sexual cultures, are diverse lies in attempting to address the question: Who/what is African? This question was introduced in Chapter 1. I describe the task of answering the question as an ‘attempt’ partly because I do not approach it with a view to arriving at a *right* answer as such. Instead, I wish to elucidate the complexity of the question, to highlight the discursiveness of Africanness and to sound a caution about the pitfalls, especially exclusionary ones, of an ahistorical, singular, dogmatic, cut-and-dried identitarian, approach. The task of answering the question is also an attempt because it is part of an ongoing effort throughout this book. Asking the question in this chapter opens the discussion and facilitates staking my own perspective on it. Subsequent chapters speak to the question from sub-thematic vantage points. The present chapter serves to introduce a methodology for eliciting Africanness, as a historically situated but evolving identity that is an integral part of how we imagine Africanness including African sexualities.

Contextualising and concretising the subjects in whom African sexualities manifest necessarily comes with its own complex conceptual underbrush. Identifying the constituent African subjects calls for an initial effort at discursive clearing, or at least explication, even if the effort at clearing proves elusive or incomplete. Sylvia Tamale makes a similar point

18 In disability rights advocacy, for example, the slogan ‘Nothing about us without us’ has become an organising principle: JI Charlton *Nothing about us without us: Disability oppression and empowerment* (1998). In human rights jurisprudence the duty to involve affected persons finds its clearest juridical expression in substantive provisions of the Convention on the Rights of Persons with Disabilities (CRPD), adopted on 13 December 2006, entered into force on 3 May 2008. Art 4(3) of the CRPD obliges states to ‘closely consult with and involve persons with disabilities’, in the development and implementation of disability laws and policies. Art 33(3) requires states to involve persons with disabilities ‘fully’ in the monitoring of the implementation of obligations arising from the CRPD.

when introducing her path-breaking anthology on African sexualities – *African sexualities: A reader*.<sup>19</sup> Alluding to the title of the anthology, an observation she makes is that the subject of ‘African’ sexualities is apt to raise, as one of the preliminary issues, the question: Who/what is African?<sup>20</sup> Though an equivalent question may be asked of a cartographic unit that speaks to a common history or to cultural identities or linguistics with an outward appearance of drawing from relative homogeneity, it is a more obvious question to ask in respect of Africa since Africa is much more than a cartographic unit: in VY Mudimbe’s words, it is also an idea.<sup>21</sup> Africanness, as I shall argue in subsequent chapters, is a product of human effort with no fixed ontological contours.<sup>22</sup> It is no less immune to the organisation of collective passion.<sup>23</sup> Ultimately, it is a discursive concept with multiple genealogies and contingent meanings some of which speak to affirmation and inclusion and some of which speak to *othering* and exclusion. The construction of an inclusive equality framework for recognising diverse African sexualities necessarily must be historically and culturally conscious.

An ongoing quest in this book is to address the equality needs of all social groups by developing a responsive equality framework that will transcend legacies of hegemonic discourses of sexualities which, at different historical times, have served to essentialise, stereotype or *other* Africans. Fulsomely acknowledging the heterogeneity of Africans serves to counter normative homogenising impulses that emanate not just from outside the continent but, more importantly, from within the continent, especially from within the nation state. Addressing the question: Who/what is African?, therefore, is a discursive device for opening the door to the panorama of African cultures and historicities that are repositories of a diverse archive of sexualities in their dominant and valorised forms as well as in their marginalised and subordinated existentialities.

19 S Tamale ‘Introduction’ in Tamale (n 16 above) 1; see also D Lewis ‘Representing African sexualities’ in Tamale (n 16 above) 199-216 at 200, citing Appiah (n 7 above) 240.

20 Tamale ‘Introduction’ (n 19 above) 1.

21 VY Mudimbe *The idea of Africa* (1994); VY Mudimbe *The invention of Africa: Gnosis, philosophy and the order of knowledge* (1988); PT Zeleza ‘The inventions of African identities and languages: The discursive and developments implications’ in OF Arasanyi & MA Pemberton (eds) *Selected proceedings of the 36th Annual Conference on African linguistics* (2006) 14; Appiah (n 7 above) 3-27.

22 I draw this insight from Said’s work: EW Said *Orientalism* (1979) xvii.

23 As above.

## 4 Hall's cultural theory of identity as enunciation

Hall and other deconstructive theorists give us a rich post-Cartesian theoretical template for unmasking identities as complex formations of representations even when we accept, as a point of departure, that identities are real and that it is not their falsity or genuineness that matters. If problematised and deconstructed, identities cease to be neat, atomistic, discrete packages that speak to an 'integral, originary and unified identity'.<sup>24</sup> The identities we take for granted, especially those that we ourselves proclaim to mark our identitarian spheres and that we invest with closures of solidarity and allegiance, are best thought of as 'specific enunciations' which are always situated and ensconced in historical contingency.<sup>25</sup> In the essay, 'Who needs "identity"?', drawing on the work of Jacques Derrida and other deconstructionists, Hall posited identity, in its de-totalised or deconstructed form, as a concept 'under erasure' – something placed in the interval – because it is subject to radical historicisation and is always in a process of becoming.<sup>26</sup>

The proposition I draw from Hall and apply as the identity-informing premise in this book is that African identities that were extant, or more accurately, thought to be extant when Africa and Africans were first named, can no longer operate within their originary paradigm for the simple historical reason that the old Africa is no longer.<sup>27</sup> Literally, centuries have passed, complete with their historical ruptures, including the advent and sedimentation of European colonialism, anti-colonial struggles, modernity, the hybridisation of cultures, capitalism, Christianity, Islam, African independence, the post-independence eras and globalising processes. Consequently, without equivocation, we ought to concede that framing Africanness in terms of an integral, originary and unified identity, which was never there in the first place, is even less convincing today.<sup>28</sup> Rather, as Hall argues, we are better served by a historically conscious concept of Africanness that marks a transformative identification poise; a poise that is not static but fluid and metamorphosing to mark the interval – an 'in-betweenness' – between reversal and the emergence of something that was not there before but is never quite fully completed – as, indeed, is the case with any identity category.<sup>29</sup>

24 Hall 'Who needs "identity"?' (n 3 above) 15.

25 Hall 'Cultural identity and diaspora' (n 1 above) 222; Hall 'Who needs "identity"?' (n 3 above) 17.

26 Hall 'Who needs "identity"?' (n 3 above) 15-17; Derrida (n 5 above).

27 Hall 'Cultural identity and diaspora' (n 1 above) 232.

28 Appiah (n 7 above) 174.

29 Hall 'Who needs "identity"?' (n 3 above) 16.

Ultimately, our focus should be not on how Africans have been named or have named themselves in the past but on how they name themselves today and in the future. But, as I highlight in the next section, this is not the same as saying that the past is irrelevant or to be discarded.

#### 4.1 Identity as becoming and being

If we read Hall closely we can think of the epistemologies of identity as a dialectic between two perspectives: an *originary* perspective and a *transformative* perspective, which we can call *Position I*, and *Position II*, respectively, for ease of exposition. In *Position I*, we can think of a core, 'authentic' African identity that is transcendent and intrinsically lies in us beyond history. Such an identity summons a 'collective true self': an orthodox African sameness, a haecceity or unsullied purity.<sup>30</sup> It is an identity grounded in archaeology, an ahistoricised narration of cultural identity that holds in place the imagined essentials of the African past.

All societies, through social institutions including the family, school, the church and organised politics, indulge in *Position I*, or at least mimic, to a greater or lesser degree, popular interpretations of their identities as originary.<sup>31</sup> The interpretations, which conceal sectional interests, are transmitted from one generation to the other as part of a collective effort to internalise cultural identity as something with an intrinsic core – an organic centre – that has always been there as witnessed, for example, by invocations of national spirits, of *volksgeist* in Germany and *ubuntu* in post-apartheid South Africa.<sup>32</sup> The point Hall makes is, however sincerely we imagine our affiliation to *Position I*, identities do not exist in a pristine and static form and outside of history. Even as we proclaim *Position I* as representing who we are, we are in fact retelling an imaginary past. We are engaged in a teleological production of an identity to restore an imaginary

30 Hall 'Cultural identity and diaspora' (n 1 above) 223.

31 Mudimbe *The idea of Africa* (n 21 above) xiii.

32 The concept of *volksgeist* meaning the 'national character', 'common consciousness' or 'spirit' of the German people was developed and brought into the disciplines first by German philosophers of whom the most frequently credited are Hegel, Herder and Goethe: J Knudson 'The influence of the German concepts of *volksgeist* and *zeitgeist* on the thought and jurisprudence of Oliver Wendell Holmes' (2002) 11 *Journal of Transnational Law and Policy* 407 at 410. The German jurist FK von Savigny is credited with first introducing *volksgeist* to jurisprudence: L Kutner 'Legal philosophers: Savigny: German lawgiver' (1972) 55 *Marquette Law Review* 280; On ubuntu as peculiarly African humanism, especially its emphasis on communalism as a worldview of black Africans, including black South Africans, see, for example, A Shutte *Ubuntu: An ethic for new South Africa* (2001). In ch 5 I engage critically with reductive tendencies in some of the discourses on Africanness.

fullness: a plenitude that we imagine to be eternally and unchangingly present.<sup>33</sup>

The alternative to the archaeological and transcendent character of *Position I* is to historicise identity. We can invoke *Position II* and posit African identity not as originary but as something we produce in the interventions of history.<sup>34</sup> Far from being an archaeological discovery, identity, according to Hall, is not a complete entity but a state of 'becoming and as well as of being'.<sup>35</sup> It is something we have become and are still becoming with the intervention of history. The past and the present are dialectically related, such that an identity is inherently forever subject to change and radical transformation. Identities can be framed along two axes that are juxtaposed – one being the axis of 'similarity and continuity' and the other an axis of 'difference and rupture'.<sup>36</sup>

Even with the intervention of history and the irruption of transformed identity, we concomitantly summon our past. In this sense, identities belong to the past as much as to the future.<sup>37</sup> We construct identities partly through 'memory, fantasy and myth'.<sup>38</sup> We create our primal historical moments and even dramatise them so that the primal scene is coeval and reconciled with the plenitudinous representation we seek to enunciate and 'reclaim'.<sup>39</sup> In her critique of discourses on identity formation that paradoxically gesture towards essentialist, palimpsestic hybridity, Ella Shohat questions whether it is possible to forge a collective identity, especially one that seeks to overcome status subordination, without falling back on a past in which 'communitarian origins', however fragmented, are inscribed.<sup>40</sup> Seeking to emancipate ourselves from conditions of racial, cultural or sexual oppression we recall a past when our 'race', cultural group or sexuality was once free or we invent such a past which enables us to imagine freedom, affirm the rightness of our liberatory cause and rehabilitate a spoiled identity. Hall reminds us that the construction of memory serves as a powerful and creative force for emergent forms of representation.<sup>41</sup> For anti-colonial movements, pan-Africanism and the

33 Hall 'Cultural identity and diaspora' (n 1 above) 224.

34 Hall 'Cultural identity and diaspora' (n 1 above) 225.

35 As above.

36 Hall 'Cultural identity and diaspora' (n 1 above) 227.

37 Hall 'Cultural identity and diaspora' (n 1 above) 225.

38 Hall 'Cultural identity and diaspora' (n 1 above) 226.

39 SV Hartman 'The time of slavery' (2002) 101 *South Atlantic Quarterly* 757 at 766.

40 E Shohat 'Notes on the "post-colonial"' (1993) 31/32 *Social Text* 99 at 109.

41 Hall 'Cultural identity and diaspora' (n 1 above) 223.

poetics of *négritude*, for example, memory serves as a resource of resistance, investing the quest for freedom and equality with imaginary coherence.<sup>42</sup>

Public memory, as well as individual affective memory, feeds into our consciousness in ways that have the capacity to produce social bonds and social identities. Memory allows a historical community to have not just a connection but also an emotional resonance with the past. Collectively, it causes us to look to the historical past that we narrate or that is narrated for us, even as we imagine the present and the future. We see this pattern in the construction of African-American identity, for example.<sup>43</sup> Remembrance of the past, more specifically slavery, is not incidental to African-American identity but, instead, is a central part of its fabric and even its key.<sup>44</sup> Thus, however chronologically removed the person or community doing the remembering might be from the event that is remembered, *Position I* is as much part of how we make and realise identities as *Position II*.

The capacity of *Position I* to create unities of closure that become a powerful force for summoning an imagined coherence of historically marginalised peoples or groups cannot be overemphasised.<sup>45</sup> Especially where there is a history of unfulfilled promises to remedy an injured past or there are new or continuing injuries, remembrance becomes generative and constitutive of identity in a fuller sense.<sup>46</sup> Histories are, therefore, an integral part of, rather than irrelevant to, identity. They are important mirrors and sites of possible roadmaps for future direction. Histories give us memory. When they reveal palpable injustices, they give us a foundation for a mission and a sense of remedial orientation. However, on their own histories cannot premise or promise the future. Exploring our historical past allows us to comprehend how Africa has been and continues to be represented, including its continued subjection to dominant and dehumanising regimes of representation by colonising, racialising and nativising discourses. What is ultimately important,

42 Hall 'Cultural identity and diaspora' (n 1 above) 223-224 225. In ch 5, sec 3.2 I examine *négritude* and its historical place in the imagination of African identity.

43 Hartman (n 39 above).

44 Hartman (n 39 above), citing WB Michaels 'Slavery and the new historicism' in H Flanzbaum (ed) *The Americanization of the Holocaust* (1999) 181 at 188. Michaels's commentary originally appeared as a journal article: WB Michaels "'You who never was there": Slavery and the new historicism, deconstruction and the Holocaust' (1996) 4 *Narrative* 1-16.

45 Hall 'Cultural identity and diaspora' (n 1 above) 223. Discourses on indigenous rights, for example, depend, in part, on appealing to *Position I*. See generally R Niezen *The origins of indigenism: Human and the politics of identity* (2003).

46 Hartman (n 39 above) 766.

though, is that we acknowledge the normative limitations of the archaeologies and, above all, recognise that our Africa and our Africanness are ours to make. Hall underscores agency and futurity in the making of identity. He argues that culture is produced with each generation and that we produce our own identities in the *future* rather than merely inherit them from the past.<sup>47</sup>

Whilst highlighting how the past intermingles with the present in the process of forming individual and group identities, a caveat needs to be considered. It is always important to bear in mind that the past is remembrance: a narration. Narrations can fail identities, whether social, racial, sexual, religious or otherwise.<sup>48</sup> This failure is because narrations are vulnerable to the tendency to search for an ahistorical authenticity and to summon a 'law of origin', a 'certificate of origin' or 'unbroken line' and, in the process, discover an identity that is anachronistic, even if romantic, and promises plenitude.<sup>49</sup> Anachronism chokes reflexivity. This can happen, for example, when the past is fetishised and traditions become normative such that members of the narrated group are expected to bear a particular identity in certain prescribed ways. The danger with narrations is that when saturated they are apt to be lifted from their moorings in historical time and to veer towards an orthodoxy that produces reified identity which overly stresses the need for authentic, self-affirming and self-generated collective identity.<sup>50</sup>

Through recalling traditions, for example, narrations become more than a symbolic cultural resource and begin to produce normative identities with no exit points for refusal or democratic iteration. When traditions are made to come first, the bearers become secondary. As Simon Appiah reminds us, it is people who should be the bearers of tradition and not the other way around.<sup>51</sup> Narrations should come with the opportunity for reflexivity. Remembrance, Appiah argues, should not merely be *propositional* but also *positional*.<sup>52</sup> In a plural polity members of the social group should have the opportunity to relate the past to existential social and economic needs. Models of collective identity that fail to recognise the complexity of people's lives or the multiplicity of their identifications, Fraser cautions, incline towards repressive communitarianism and

47 A Paul 'The ironies of history: An interview with Stuart Hall' (2005) 4 *IDEAZ* 30.

48 SK Appiah 'The quest of African identity' (2003) 32 *Exchange* 54 at 56-58; RC Allen 'Where narrative fails' (1993) 21 *Journal of Religious Ethics* 27.

49 Hall 'Cultural identity and diaspora' (n 1 above) 226; JA Mbembe 'On the power of the false' (2002) 14 *Public Culture* 629 at 635.

50 N Fraser 'Rethinking recognition' (2000) 3 *New Left Review* 107 at 112.

51 Appiah (n 48 above) 55.

52 Appiah (n 48 above) 65.

disapproval of cultural dissidence.<sup>53</sup> Needless to say, *requiring* an identity is, in the final analysis, oppressive and alienating for individual subjectivities.

For Hall it is not 'identity' as some sort of completed representational essence that is key to understanding identities, rather, it is the *unfinished* discursive process of *identification* that in the end amounts to positioning – the process of enunciation. It is important to understand Hall's discursive use of 'identification'. By identification Hall does not mean constructing identity 'on the back of recognition of some common origin or shared characteristic with another person or group, or with an ideal' in ways that create *closure* of solidarity or allegiance around what is identified with. He expressly wants to depart from the 'naturalistic' connotation of the common sense meaning of identification. For Hall identification is an incomplete, non-determinable process that has no closure: so identity always is conditional and always is lodged in contingency.<sup>54</sup> Identification is a process of articulation: it operates across difference, marking symbolic boundaries and producing frontier effects but in ways that are discursive.<sup>55</sup> It is a positional attempt to articulate solidarity and allegiance with another person or group on the back of an interpretive horizon that explains identity and is not a claim to the completeness of identity. Hall says:

Cultural identities are the points of identification, the unstable points of identification or suture, which are made within the discourses of history and culture. Not an essence but a positioning. Hence, there is always a politics of identity, a politics of a position, which has no absolute guarantee in an unproblematic, transcendental 'law or origin'.<sup>56</sup>

According to Hall, therefore, identities do not signal a stable core of the self which unfolds through the vicissitudes of history but remains the same.<sup>57</sup> In his critique of the singular, bounded nature of *Position I*, Hall particularly stresses that identities are neither singular nor unified.<sup>58</sup> Indeed, in the times in which we live, identities are more and more fragmented, intersecting, oppositional or contradictory on account of the multiplicity of the discourses and institutional sites in which they are created and the vantage points from which they are articulated.<sup>59</sup>

53 Fraser (n 50 above) 112.

54 Hall 'Who needs "identity"?' (n 3 above) 16-17.

55 Hall 'Who needs "identity"?' (n 3 above) 17.

56 Hall 'Who needs "identity"?' (n 3 above) 16-17.

57 Hall 'Who needs "identity"?' (n 3 above) 17.

58 As above.

59 As above.

## 4.2 Implications of a Hallian approach for conceptualising Africanness

In this section I highlight the profound discursive implications of Hall's theory of identification for imagining the cultural, racial and sexual identities of Africans.

### 4.2.1 *Transposing Hall's theory to Africanness as broad cultural and racial identifications*

When transposed onto Africanness, Hall's approach gives us a picture of the 'gathering points' (that is *Position I* and *Position II*) through which identity is enunciated but without prescribing a fixed, Archimedean point.<sup>60</sup> Hall's approach is anti-foundational, rendering the search for authentic Africanness a conceptual and, more specifically, a sociological and historical impossibility. Hall's thesis inexorably inclines us towards parting company with Cartesian categories and stereotypes. His deconstructive approach does not require the choice between polar opposites that so readily appeals to ideologues of African identity. Like Iris Murdoch's Uncle Theo, ideologues of identity hunger for familiarity.<sup>61</sup> Easily disturbed by multiplicities and instabilities, they are enamoured of tidy categorisation that requires hermetically sealed dichotomous choices, such as between reason and body, tradition and modernity, Afrocentrism and Eurocentrism, and heteronormative sexuality and non-heteronormative sexuality.

Murdoch's 'Uncle Theos' are a genus of patriarchs that take for granted the naturalness of congealed hierarchical difference. They are ideologues of identity par excellence in that they are drawn inexorably towards integral, originary and unified categories that promise stability, fixity and amenability to over-determination in what is named. Such categories render what is named amenable to intuitive calibration and instant recognition and comprehensibility for eternity much like, for example, the stable racial categories that apartheid pined for in its creation of a racial oligarchy made up of lowly 'Africans', not so lowly 'Coloureds' and 'Indians', and supreme 'whites' – the paragons of humanity. This racialised stability is precisely *not* what Africanness is.

60 Barton (n 4 above) 2.

61 On Murdoch's Uncle Theo, see Spelman (n 8 above) 1-4, drawing from Murdoch (n 10 above) 158-159.

The representation of Africanness in this book aligns with Hall when he says:

The concept of identity deployed here is therefore not an essentialist, but a strategic and positional one. That is to say, directly contrary to what appears to be its settled semantic career, this concept of identity does *not* signal that stable core of the self, unfolding from beginning to end through all the vicissitudes of history without change; the bit of the self which remains always-already 'the same', identical to itself across time... It accepts that identities are never unified and, in late modern times, increasingly fragmented and fractured; never singular but multiply constructed across different, often intersecting and antagonistic, discourses, practices and positions.<sup>62</sup>

The conceptual framework for Africanness espoused in this chapter is a deconstructive tool that should incline us towards detotalised enunciation in order to register radical historicisation and the constant process of change, transformation and positionality. It is identity better understood as *identification*; a situated constellation made up of multiple subjectivities, and an open, as opposed to closed, category. It is a suturing or gathering point of continuity as well as difference and rupture in ways that are within rather than outside of history and discourse. Thus, even when Africanness assumes a determinate existence with its full share of material and symbolic resources, it will always be an identification which is situated in historical contingency.

Using archaeology as our pointer towards identity is a tenable approach, but only if African time is *not* arrested in linear synchronic or diachronic segments and denied its multiplicities and simultaneities, presences and absences.<sup>63</sup> To secure this temporal mirror, Achille Mbembe urges us to think of African time as made up of entangled temporalities with contradictory significations to different actors. About African time, he says:

[T]his time of African existence is neither a linear time nor a simple sequence in which each moment effaces, annuls and replaces those that preceded it, to the point where a single age axis exists within society. This time is not a series but an *interlocking* of presents, pasts, and futures that retain their depths of other presents, pasts, and

62 Hall 'Who needs "identity"?' (n 3 above) 17 (emphasis in original).

63 Mbembe has written about African time to argue for the importance of contextualising historical time so that we do not use a universalised and abstracted normative temporal gaze made up of a linear single-age axis to measure African time: JA Mbembe *On the post-colony* (2001) 16-17.

futures, each age bearing, altering, and maintaining the previous ones.<sup>64</sup>

Clearly, archaeology militates against entanglement as it requires us to discover identity by looking at African time through the prism of an interpretive horizon which posits neat and severable divisions between pre-colonial, colonial and 'postcolonial' Africa. Such an approach to comprehending African time uses a simplistic prism which obscures the hybridity of history and a multiplicity of subjectivities, implying that African social formations have always moved toward a single point.<sup>65</sup> The term 'postcolonial', Anne McClintock argues, is a temporal prism that is singularly shaped by the tenacious trope of colonial discourses.<sup>66</sup> In this prism, African time is only intelligible through linearly tracing its movement backwards guided by the epic stages of Western historicism and the single axis of European time.<sup>67</sup> Comprehending African time in this way constitutes a nativist denial of African subjectivities in their similarities and continuities as well differences and rupture.<sup>68</sup>

Thus to insist on linear time stifles new African lifeworlds, including the emergence of new cultural and transcultural forms, or hybridity, in a quest to give substance to a phantasmagoric 'authentic' primordial African identity. I argue in subsequent chapters that insisting on African homogeneity teleologically serves to rationalise status subordination through a denial of pluralistic space for recognising African difference and difference among Africans. Regardless of any individual affiliations we may have with appropriating, for our individual or group selves, categories that are used to define or differentiate human beings – including race, class, gender, sexuality, culture, religion, disability and other associational categories – we should embrace an inclusive rather than an exclusive notion of Africanness. What serves us well in a liberal and humanistic polity is a notion of Africanness that is consistent with reciprocal

64 Mbembe (n 63 above) 16 (emphasis in original).

65 As above.

66 McClintock (n 14 above) 9-17. See also Shohat (n 40 above).

67 McClintock (n 14 above) 9-17. At the same time, there are contexts where the term 'postcolonial' is useful. As Hall argues, 'postcolonial' is an intelligible term when we wish to describe (as opposed to evaluate) historical conjunctures such as transition from the age of Empires to post-independence, the demise of 'direct' colonial occupation and the emergence of new relations of power: S Hall 'When was "the post-colonial"?' Thinking at the limit' in I Chambers & L Curtis (eds) *The post-colonial question: Common skies, divided horizons* (1996) 242 at 246-247. Therefore, it is nuance rather than banishment of the term that we need.

68 Hall 'Cultural identity and diaspora' (n 1 above) 226-227.

enhancement of each other's humanity and mutual recognition of belonging to shared space in Africa, and in the earth community.

Ultimately Africanness is something we produce in the play of history, rather than an archaeological discovery. Subject to change and transformation, Africanness cannot be reduced to a cultural or racial essence such as has been imagined in both colonial discourses and in some anti-colonial, pan-African and nationalistic articulations of Africanness.<sup>69</sup> I follow Hall in arguing that whatever materiality we might attach to African identities from our different subjectivities, whether they are racial, cultural, sexual or otherwise, continuity is always juxtaposed with change. If we accept this argument, we can think of Africanness as framed along two axes that are dialogically related. One is an axis of similarity and continuity and the other is an axis of difference and rupture.<sup>70</sup> There will always be entanglement between these two axes. Each is present in our identities but with varying emphasis depending on positionality and the mediation of knowledge and power.

It bears stressing that from Hall's perspective recognising diversity should not mean giving legitimacy to the existence of a multiplicity of *congealed* and *competed* differences as, arguably, might be implied in the cliché 'rainbow nation'. The quotidian usage of 'rainbow' nation in South African post-apartheid discourses, for example, assumes that apartheid races were, in fact, races and the only shortcoming was in the construction of a racial pyramid, which can now be flattened in order to celebrate horizontal parity between 'races'.<sup>71</sup> Post-apartheid discourses, including laws to redress an inequitable racial past, have begun with race as a pre-existing signifier lodged in fixity rather than in contingency. In Hall's paradigm such an approach would nullify identification as enunciation of something that is not pre-given. An enunciative process necessarily comes with the capacity of subjectivity to question race as a stable system of reference, to negate its certitude and fixity, including the possibility of rejecting it altogether as part of its radical historicisation and transformation.<sup>72</sup> Even where race has materiality, it would not be enough, for example, for the state to summon and regulate race without

69 In subsequent chapters I expound on this assertion.

70 Hall 'Cultural identity and diaspora' (n 1 above) 226.

71 K Pillay 'South African families of Indian descent: Transmission of racial identity' (2015) 46 *Journal of Comparative Family Studies* 121 at 131.

72 Chs 4 and 5 of this book are constructed around 'race' as a historical and political category that has been historically forced into a biological category by dominant discourses, not least colonial discourses.

the complement of a corresponding response from the individual who has the capacity of subjectivity.<sup>73</sup>

Hall's approach to identity as *identification* has an important transformative implication for the discourse of intersectionalities. Thus far, the intersectionalities discourse has largely taken identity as a point of departure or, at least, has begun with an assumption of the particularity of identity. On the one hand, a Hallian perspective welcomes the feminist discourse of intersectionalities as equality-enriching in that it allows us to imagine overcoming subordination in multiple registers. On the other hand, it is wary of a discourse that seems to first require us to affirm allegiance to *Position I* and treat intersectional identity as if it were a shibboleth.<sup>74</sup> In *Am I that name?*, Denise Riley argued, even within the same nation state, once historicised so that mutation and shifts are unmasked, an apparently transparent category such as 'women' can become unstable.<sup>75</sup>

We should not treat the multiple identities that intersectionalities articulate as identities that belong to *Position I* as if, in themselves, such identities are unitary, natural and sealed. Instead, the identities to which intersectionalities are tethered, whether they are described as class, race, gender or sexuality, are best understood as provisional attachments or suturing. They are not sacrosanct but remain subject to polemic and debate. Ultimately, they are situated enunciations belonging to *Position II*. Intersectional identities can only ever be identities in the making. Even within an asserted intersectionality, there is inherent heterogeneity. This is not an argument for banishing intersectionalities, but rather for creating space for intersectionalities that shift with the play of history together with any political coalitions upon which they may be based.

Deciphering: Who/what is African? is a discursive question. It entails questioning and ultimately moving away from the assumptions about the cultural and raced essence of African identity which made up the colonial archive on the naming of Africans.<sup>76</sup> Equally, it also entails repudiating, as no longer useful, appropriation of similar assumptions as manifestly found in early articulations of *négritude* or black personality and in some

73 Hall 'Who needs "identity"?' (n 3 above) 25.

74 A Carastathis 'Identity categories as potential coalitions' (2013) 38 *Signs: Journal of Women in Culture and Society* 941.

75 D Riley 'Am I that name?' *Feminism and the category of 'women' in history* (1988).

76 More than any author, it is perhaps VY Mudimbe who has led the intellectual inquiry into the normative naming of Africa and Africans in his published works, including *The invention of Africa* (n 21 above); and *The idea of Africa* (n 21 above). In ch 3 of this book especially, Mudimbe's contribution is elaborated upon as well as critiqued.

contemporary nativist, nationalistic articulations of Africanness.<sup>77</sup> Necessarily, it requires conceding that history ‘contaminates’ existing cultures and in the Africa of today Africanness is also a product of deeply rooted and irrevocable effects of transculturation.<sup>78</sup>

#### 4.2.2 *Transposing Hall’s theory onto African sexuality identifications*

If we transpose Hall’s cultural theory to the cultures of sexualities, we can understand African sexualities as a constituent part of Africanness. We are best served by a historicised notion of African sexuality identifications as enunciations which are also always in the making. Even when such enunciations acquire the materiality of identities and are, therefore, real, they are not hermetically sealed, but of a diverse, dynamic nature rather than a hardened, saturated, and seemingly complete form of African identity. Africanness and African sexualities are not primordial or metaphysical states of being. Instead, these are states of ever-becoming and being and, even more so, as Paulin Hountondji so aptly puts it, states of belonging.<sup>79</sup> Ultimately, to borrow from Edward Said, Africanness, as any other identity category, is extraordinarily differentiated and so unmonolithic as to be capable of bearing coexisting contrapuntal perspectives.<sup>80</sup>

When transposed onto sexuality, Hall’s theory and praxis of identification tell us that history does not fatefully tie us to a particular present and a particular future for the reason that sexuality in an age gone by is subject to the continuous play of history, culture and power.<sup>81</sup> When representing Africa and Africanness, whether in the sphere of sexualities or otherwise, we are engaged in the ‘production’ of something and not merely retrieval.<sup>82</sup> In this sense, exploring the past to see whether

77 On early articulations of pan-Africanism, see, for example, Appiah (n 7 above) 3-27. On nativist nationalism and its implications for normative African sexualities, see, for example, B Ndjio ‘Sexuality and nationalist ideologies in post-colonial Cameroon’ in S Wieringa & HF Sivori *The sexuality history of the global south: Sexual politics in Africa, Asia and Latin America* (2013) 120-144. In chs 5 and 7 of this book, the discussion on Africanness intersects with African nationalistic ideologies.

78 F Kalua ‘Homi Bhabha’s Third Space and African identity’ (2009) 21 *Journal of African Cultural Studies* 23 at 25.

79 P Hountondji ‘Que peut la philosophie?’ (translated as ‘What can philosophy do?’) (1981) 119 *Présence Africaine* 47 52, cited in English translation in Mudimbe *The invention of Africa* (n 21 above) 37. Hountondji’s essay is published in English as ‘What can philosophy do?’ (1987) 1 *Quest: Philosophical Discussions* (now *Quest: An African Journal of Philosophy*) 2.

80 EW Said *Culture and imperialism* (1993) xxix 36.

81 Hall ‘Cultural identity and diaspora’ (n 1 above) 224.

82 As above.

sexualities outside of heterosexual values and practices were lived experiences is useful but only to a point. It is useful empiricism that may well provide the evidence to tilt the balance in debates about the 'un-Africanness' of same-sex sexualities by confirming a past where such sexualities existed.<sup>83</sup> We see this, for example, in approaches contesting claims that non-heteronormative sexualities are un-African and colonial or neo-colonial impositions by excavating an African past in order to establish an unbroken link between the sexualities and African pneumatologies or age-old cosmologies.<sup>84</sup> In this way authenticity is claimed through constructing an epistemological foundation that can be traced back to the pre-colonial era.

My argument is that whilst a backward-looking anthropological approach to validating sexualities can be strategically useful, it is nonetheless instrumentalism that implicitly and ultimately appeals to nativism.<sup>85</sup> In *Gender trouble*, Judith Butler cautions against the futility of feminist approaches that conduct a backwards anthropological approach that goes back to the origin of a time before patriarchy in order to yield an imaginary perspective for the historical contingency of women's oppression.<sup>86</sup> The risk with the 'postulation of the before' approach, as Butler calls it, is that it can serve to constrain the future by reifying what was found in the 'before' so that a historically situated practice is no longer seen as historically situated but, instead, is pre-social or 'pre-cultural' and invested with a universally true all-determining power.<sup>87</sup> The focus of social theory that seeks to overcome status subordination, whether in the domain of sexualities or otherwise, should be on addressing contemporary cultural struggles as they concretely manifest in their time rather than on summoning a plenitudinous past.<sup>88</sup>

Reclaiming sexuality through marshalling evidence of past sexualities has the unintended effect of promoting an epistemology of sexuality as primordialism at the expense of affirming existential agency and

83 See the discussion in ch 7 of this book.

84 S Nyanzi 'Dismantling reified African culture through localized homosexualities in Uganda' (2013) 15 *Culture, Health and Sexuality: An International Journal for Research, Intervention and Care* 952 at 961-962; S Nyanzi 'Knowledge is requisite power: Making a case for queer African scholarship' (2015) 126-127, [https://hivos.org/sites/default/files/15\\_knowledge\\_is\\_requisite\\_power\\_by\\_stella\\_nyanzi.pdf](https://hivos.org/sites/default/files/15_knowledge_is_requisite_power_by_stella_nyanzi.pdf) 126-135 (accessed 2 May 2017); NZ Nkabinde *Black bull, ancestors and me: My life as a lesbian sangoma* (2009). See ch 7 of this book.

85 J Butler *Gender trouble: Feminism and the subversion of identity* (1999) 45-49. *Gender trouble* was originally published in 1990.

86 Butler (n 86 above) 46-47.

87 Butler (n 86 above) 49.

subjectivity.<sup>89</sup> By attempting to retrieve a certificate of origin about sexuality expression, a backward-looking approach risks promoting unprincipled discourses of sexualities. More crucially, it risks rendering quite irrelevant any discourse that is tied to the plural politics of a constantly evolving heterogeneous public sphere, as affirmation of sexual diversity-status will perilously depend on whether there is a fortuitous archive, a past history, that supports the status. What we sorely need is not so much corroborating anthropological evidence of sexuality diversity, even if this can be useful, but a political, cultural theory for mutual recognition of a benign variation of sexualities in ways that decentre the hegemony of heterosexuality.

## 5 Positionality

Positionality is a conceptual resource for recognising not just the constitutive force of discourse but also the place of people and individuals within the discourse, their conversations with it and the positions they adopt as their own.<sup>90</sup> Yes, discourses produce racial, cultural and sexual subjects but they also leave individuals with the possibility of choice, even if limited, of how they wish to engage with discursive practices. Understood in this sense, positionality is the practice of recognising oneself as having agency – even if notional – to locate oneself in, for example, a particular dichotomous racial, cultural or sexual category and not another. Self-reflection means that individuals are not simply automatons trapped in a position required by a discourse that summons them, requiring their compliance. They are not just hearers but active speakers who can position themselves within a discourse, constructing their own stories even if these are oppositional or contradictory.<sup>91</sup>

Positionality, therefore, confounds the idea of individual social identity as merely the passive role playing of a ‘docile body’ that is summoned by a discourse: a dramaturgical model of identity.<sup>92</sup> Instead, it envisages the possibility of choice in how we engage with discursive practices in ways that create the possibility of negotiating new positions to make the practices our own and to reflect our individual subjectivities, even in the face of external constraining forces. In this way, positionality leaves room for an ‘account of the practices of subjective self-

89 Nyanzi ‘Knowledge is requisite power’ (n 84 above) 127.

90 B Davies & R Harré ‘Positioning: The discursive production of selves’ (1990) 20 *Journal of the Theory of Social Behaviour* 43 at 46.

91 Davies & Harré (n 90 above) 53.

92 Hall ‘Who needs “identity”?’ (n 3 above) 25; Davies & R Harré (n 90 above) 51 58-59.

constitution'.<sup>93</sup> Underscoring the place of positionality, in his essay 'Who needs "identity"?' Hall highlights the importance of building into a theory of identification an understanding of how individuals may resist interpellation through 'technologies of the self'.<sup>94</sup> He says:

The question which remains is whether we require ... a theory of what the mechanisms are by which individuals as subjects identify (or do not identify) with the 'positions' to which they are summoned; as well as how they fashion, stylize, produce and 'perform' these positions, and why they never do so completely, for once and all time, and some never do, or are in a constant, agonistic process of struggling with, resisting, negotiating and accommodating the normative or regulative rules which they confront and regulate themselves.<sup>95</sup>

Thus, multiple subjectivities, contradictory discursive practices, discontinuities in the production of self and rupture can be understood as the effects of positionality. Ultimately, the question Who and what is Africa? is an open question, which elicits responses depending on how each actor is located within their own discursive practices as well as those of others.<sup>96</sup> As submitted earlier the unities which pronounce 'we' in fact stand for 'I'.<sup>97</sup>

In seeking to articulate Africanness, positionality is indispensable. Articulations of identities and identification are exercises in representation that occur in a given historical context and come with standpoints.<sup>98</sup> The representor, so to speak, is always a positioned historical subject rather than a nameless, neutral disinterested observer. This recognition is a vital biographical fact, which we are to be cognisant of, especially in the representation of Africa and Africans where, historically, who does the representation and the subject who is represented frequently are not the same.<sup>99</sup> The core issue is not whether others can or cannot speak for Africans, but from what standpoints and with what knowledges they do so. This is not to silence the voices of 'non-Africans' on the assumption that only African voices are authentic. Rather, it is to ensure, foremost as a matter of participatory democracy and ethical ownership, that African voices take centre stage in matters relating to Africans so that the making

93 Hall 'Who needs "identity"?' (n 3 above) 26.

94 Hall 'Who needs "identity"?' (n 3 above) 27.

95 As above.

96 Davies & Harré (n 90 above) 46.

97 See discussion in sec 2 above; Hall 'Who needs "identity"?' (n 3 above) 18; Bhabha (n 5 above); Laclau (n 5 above) 33.

98 Hall 'Cultural identity and diaspora' (n 1 above) 222.

99 As above.

of equality relating to African aspirations is grounded in their concrete realities rather than in an abstract ideal. It is to ensure that the will and preference of Africans is articulated and not that of proxies, as is the case especially with colonial and neo-colonial discourses.

Thus, positionality also implicates the partisan nature of speaking on behalf of others. I shall argue in Part 3 of this book that proxy articulation of Africanness in the sphere of sexualities becomes problematic when the representational narratives seem indistinguishable from the staple found in Victorian anthropology which served, not as a window to a different world, but as a functionalist tool for advancing the imperial colonial project through giving scientific validity to the reified alterity of Africans.<sup>100</sup> Although some of the narratives have the laudable goal of bringing to the scholarly domain published and accessible commentaries on the sexualities of Africans, they have not been able to overcome condescension and paternalism. It is even more disconcerting that some narratives are heavily compromised by their Eurocentric and racialising overtones which punctuate sympathetic representation with racial stereotyping, even if the 'racial' comes in a cultural accoutrement. The Africa and the Africans that are represented seem over-determined and, in some cases, locked in a 'timeless zone of the primitive, unchanging past' which in self-congratulatory tones is juxtaposed with a progressive and historically dynamic West, the civilisational comparator.<sup>101</sup>

However, it is not just problematic representation from the outside that we should be concerned about but, equally, representations from within that come as part of dominant cultural narratives. The Africanness that our national authorities, regional institutions, national laws and cultural institutions promote and articulate on our behalf may not be necessarily what we imagine, especially when institutionalised notions of Africanness come tethered to dominant cultural and religious discourses that are essentialising and nativising such that they primarily serve to accentuate the stigmatisation, exclusion and marginalisation of certain social groups on the basis of a normative African identity. In Chapter 7 especially, I highlight how dominant representations of Africanness from within can become powerful exclusionary ideological tools.

100 See ch 6 especially.

101 Hall 'Cultural identity and diaspora' (n 1 above) 231.

**PART 2: AFRICANNESS, RACE  
AND CULTURE**



## WHAT'S IN A NAME? THE NAMING OF AFRICA AND AFRICANS, AND THE CONSTRUCTION OF RADICAL CULTURAL ALTERITY

---

The scramble for Africa, and the most active period of colonization, lasted for less than a century. These events, which involved the greater part of the African continent, occurred between the late nineteenth and mid-twentieth centuries. Although in African history the colonial experience represented but a brief moment from the perspective of today, this moment is still charged and controversial, since, to say the least, it signified a new historical form and the possibility of new types of discourses on African traditions and cultures ... Because of the colonizing structure, a dichotomizing system has emerged, and with it a great number of current paradigmatic oppositions have developed.<sup>1</sup>

### 1 Introduction: Representation, truth, knowledge and power

Identities are better understood as 'relational' than as 'true' representations. This proposition forms part of the larger premise upon which Hall's theory of identification is based. In a Foucauldian sense, representations necessarily come tethered to certain kinds of knowledge and power.<sup>2</sup> When knowledge is linked to power, as Hall points out, it assumes the authority of truth precisely because it has the power to make itself true.<sup>3</sup> Representations can be the outcome of social constructions that are deployed in the service of power to assemble a 'regime of truth' which

1 VY Mudimbe *The invention of Africa: Gnosis, philosophy and the order of knowledge* (1988) 14.

2 S Hall 'Cultural identity and diaspora' in J Rutherford (ed) *Identity: Community, culture, difference* (1990) 222 at 225-226; S Hall 'Who needs "identity"?' in J Evans & P Redman (eds) *Identity: A reader* (2000) 15 at 18; M Foucault *The archaeology of knowledge* trans A Sheridan (1972); M Foucault *Discipline and punish: The birth of a prison* trans A Sheridan (1977) 27.

3 S Hall 'The work of representation' in S Hall, J Evans & S Nixon (eds) *Representation* (2013) 1 at 33.

dominates and instructs certain social groups.<sup>4</sup> In the final analysis the knowledge we use to represent in order to claim what is true or false about Africa and Africans is derived from a socially constructed archive which, like the identity it seeks to name, is always in a state of becoming and being. We never quite finish knowing. By implication, we never quite finish constructing our identities *for our own selves* or having our identities constructed *for us* by those with power over us or who desire to have such power. The knowledge that is deployed in the construction of identities does not exist in a vacuum. It comes from somewhere and is always contextual.

An important edifice in the subtext of inclusive equality in this book is that knowledge about persons and political communities, and their status as human beings and human communities is, itself, a *human science*. Linda Alcoff has underscored that knowledge is not acquired merely through passive observation informed by disinterested neutrality about what is perceived to be reality.<sup>5</sup> Rather, it is always a product of interaction, conscious or unconscious, between the source of the knowledge – the primary repository – and the individual or political community that appropriates the knowledge to make it their own – the secondary repository.<sup>6</sup> Analysing social deconstruction, Kenneth Gergen highlights the relativity of truth in how we perceive the world by emphasising that what we take to be knowledge of the world is situated knowledge.<sup>7</sup> The knowledge we appropriate is not the outcome of a testing of general hypotheses, or knowledge driven by the forces of nature, but the outcome of an interactive process among persons in a relationship.<sup>8</sup> It follows that the terms on which the world is understood are not empirical truths but instead, ‘social artefacts; products of historically situated exchanges between persons and social groups’.<sup>9</sup>

Social, political and economic institutions play their part in sustaining knowledge and its underpinning assumptions.<sup>10</sup> Echoing Hall, Gergen says that whether knowledge prevails across time depends less on its validity than on the play of history and the vicissitudes of social processes,

4 HK Bhabha ‘The other question ...’ (1983) 24 *Screen* 19.

5 L Alcoff ‘Democracy and rationality: A dialogue with Hilary Putnam’ in M Nussbaum & J Glover (eds) *Women, culture and development: A study of human capabilities* (1995) 225 at 226.

6 Alcoff (n 5 above) 226.

7 KJ Gergen ‘The social constructionist movement in modern psychology’ (1985) 40 *American Psychologist* 266.

8 Gergen (n 7 above) 266-267.

9 Gergen (n 7 above) 267.

10 Gergen (n 7 above) 268.

including negotiation, conflict, communication and rhetorical power.<sup>11</sup> These arguments underscore the importance of deconstructing knowledge as a way of explaining how a social group can account for its naming in the world and have equal application to perspectives and descriptions about Africans, whether adopted by Africans themselves or by others.

On its own, therefore, knowledge about Africans gives no clue about the quality of that knowledge. *Prima facie*, it cannot explain the nature of the interaction which produced the knowledge. It cannot tell us anything about the degree of interaction and the quality of cooperation, such as whether it is knowledge that was imposed or whether it was generated through an inclusive process and democratic reciprocity. On its own the naming of Africans cannot tell us anything about the impact of the knowledge on the political community to which it applies, such as whether historically it has served to affirm or to diminish the humanity of Africans.<sup>12</sup> Because knowledge about a given identity represents a relation with power, or lack of it, it is incapable of registering the absolute truth about any identity category, especially when the category is largely the product of status subordination.

Representational knowledge can create *a truth* but only within a particular discursive system and positionality. Part of what scholarship at the intersection between African sexualities and equality should seek to do is to deconstruct knowledge that represents African sexualities and at the same time argue for a responsive equality paradigm. Deconstruction is necessary in order to unmask hierarchies of power and privilege that are organised around associational or identitarian categories such as class, culture, race, ethnicity, ability/disability and religion, together with the cultural and political institutions that sustain the hierarchies and serve as conduits for transmitting and enforcing hegemonic knowledge about African sexualities. Deconstruction serves the heuristic purpose of implicating unwanted labels, stigma, disadvantage, marginalisation and exclusion in the historical misrepresentations of African sexualities.

Thus, the propositional exegesis from Hall's identitarian architecture is that identities come from somewhere and that they are the names we give to the different ways in which we have positioned ourselves or have been positioned, taking into account our power or lack of it and our knowledge or lack of it.<sup>13</sup> Power and knowledge, which Hall describes as

11 As above; Hall 'Cultural identity and diaspora' (n 2 above) 225; Hall 'Who needs "identity"?' (n 2 above) 17.

12 Alcoff (n 5 above) 226.

13 Hall 'Cultural identity and diaspora' (n 2 above) 226.

a 'fatal couplet', are indispensable to dissecting the construction of the identity of Africans as peoples with interpellated histories that come from a colonial past which is not quite past.<sup>14</sup> As captured in the epigraph, VY Mudimbe observes that whilst the active period of colonisation in African history was a relatively brief one – lasting for less than a century beginning from the late nineteenth century to the middle of the twentieth century – the colonial experience was nonetheless a fully charged one, complete with its polemics, and the possibility of radically transformative discourses on African traditions and cultures.<sup>15</sup>

In this chapter I seek to highlight that Hall's couplet of knowledge/power has particular resonance with and explanatory mileage for the historical and contemporary constructions of African identities in the light of the continent's colonial history. More specifically, I deconstruct the naming of Africans in colonial discourses as an exercise in discrepant power to produce Africanness as excess and an Africa that is normatively dependent on Europe for its recognition. The naming of Africans and, more particularly, sub-Saharan Africans by Europe was tethered to a colonial project. The naming sought to reduce a diverse people to a manageable and, of necessity, subordinate unit through homogenisation and by ascribing a unitary, Goffmanian, spoiled cultural and racial identity.<sup>16</sup> Through othering and misrecognition, colonial discourses that were underwritten by discrepant power succeeded in producing not merely *orientalised* and misrecognised African cultural and racial identities:<sup>17</sup> as Hall explains, drawing on Fanon, the othering and misrecognition of African identities also generated in the othered and misrecognised a process of individual and collective self-appropriation of identities that are disabling.<sup>18</sup> The point Hall makes is that understanding the internalisation, in varying degrees, of not just a black racial identity but equally a spoiled racial identity is an essential part of understanding the historical sinews through which the racial identity of people with African ancestry emerged on the continent as well as in the diaspora.

Methodologically, my interrogation of the historical naming of Africans is spread over two chapters – the present chapter and the next chapter. In these two chapters, I explore the naming of Africa – the

14 Hall 'Cultural identity and diaspora' (n 2 above) 224.

15 Mudimbe (n 1 above) 1.

16 E Goffman *Stigma: Notes on the management of a spoiled identity* (1963).

17 Hall 'Cultural identity and diaspora' (n 2 above) 225, citing EW Said *Orientalism* (1979).

18 Hall 'Cultural identity and diaspora' (n 2 above) 224, citing F Fanon *Black skin, white masks* (1967).

continent – and the naming of the cultural and racial identities of the continent’s inhabitants. The objective is not merely to reveal the ideas and power, or lack of it, behind the names or to reveal unities of cultural and racial identities that were constructed mainly *for* rather than *by* Africans in colonial discourses whose force, though now somewhat mitigated, still remains with us. A concomitant objective is to create discursive space for deconstructing or decentring congealed and sedimented discourses about the naming of Africa and Africans.

I posit that when deconstructing Africanness as identity, which is interpellated in the representation of African sexualities, understanding the provenance of the naming of the continent, ‘Africa’, should be part of the discourse, if not a beginning point. The naming of Africa provides us with a necessary historical backdrop and ways of decoding sedimented colonial discourses that had the deliberate intention of homogenising and over-determining Africans simultaneously to secure their alterity and subordination. Studying the origins of the naming of Africa should be an essential part of how we can take cognisance of the complex histories that have made Africa and their explanatory value in registering diversities within Africanness.

For the greater part, I interrogate the making of African cultural and racial identities through exploring the historical construction of African alterity in the colonial founding of the continent and, ultimately, the subsumption of Africanness under race. At this stage I am particularly concerned with highlighting the substantive absence of Africans in the making of the label ‘African’ even if, in the end, Africans came to appropriate it from a variety of positions.

In exploring the historical construction of African cultural alterity, I draw mainly, though not solely, on Mudimbe, a philosopher, and his seminal work – *The invention of Africa*.<sup>19</sup> Mudimbe’s work, as I shall elaborate, is not merely a trenchant critique of colonial anthropological science, it is also an argument for a knowledge system that represents rather than silences or excludes Africans. At the same time, drawing my arguments from Hall’s template of the construction of identity,<sup>20</sup> I stop short of attempting to construct an African *Weltanschauung*, as Mudimbe seems to want us to do, because such a project inherently inclines us towards the very outcome we wish to avoid – the essentialisation or even petrification of Africanness.

19 Mudimbe (n 1 above).

20 In ch 2 I provided an exposition of Hall’s template for the construction of an epistemology of identity.

## 2 Naming of Africa

The name 'Africa', upon which the adjective African rests, is much more than the retrieval of a meaning from its quotidian usage. It is more than the mere evocation of a cartographic entity – the continent we call Africa – on the understanding that its meaning is immediately apparent to everyone. Beneath the name Africa is an idea: a discursive concept that is historically contingent. Underscoring the complexity and multifarious nature of the concept of Africa, the historian, Paul Zeleza, said:

The idea of 'Africa' is a complex one with multiple genealogies and meanings, so that extrapolations of 'African' culture, identity or nationality, in the singular or plural, any explorations of what makes 'Africa' 'African' are quite slippery as these notions tend to swing unsteadily between the poles of essentialism and contingency. Describing and defining 'Africa' and all tropes prefixed by its problematic commandments entails engaging discourses about Africa, the paradigms and politics through which the idea of 'Africa' has been constructed and consumed, and sometimes celebrated and condemned.<sup>21</sup>

Clearly, a geographical entity called Africa exists. Equally, its political cartographic counterpart – the African Union currently comprising 54 states – exists.<sup>22</sup> But beyond these two existential facts, namely, geography and a regional political union that is recognised under international law, the question is whether there are genealogies or taxonomies we can use to give Africa and Africans a unifying identity or identities. Asking about the provenance of the naming of the continent may unravel some clues. What we see is a transformation from a neutral naming of Africa and Africans at the time that Greco-Romans first had contact with the continent to a belligerent naming in which imperial Europe was completely invested, desiring to own, exploit and direct the continent and its peoples.

21 PT Zeleza 'The inventions of African identities and languages: The discursive and developmental implications' in OF Arasanyin and MA Pemberton (eds) *Selected proceedings of the 36th Annual Conference on African linguistics* (2006) 14-26 at 14.

22 The Organisation of African Unity (OAU) was established in 1963 under the Organisation of African Unity Charter OAU Doc AHG/Res.16(1) (1964) reprinted in (1964) 3 ILM 1116. It was the first African intergovernmental organisation to serve as the first political union of the then 32 independent African states: F Viljoen *International human rights law in Africa* (2012) 155. The African Union, which was established by the African Constitutive Act of 2000, supplanted the Organisation of African Unity.

## 2.1 Provenance of the naming

In the African colonial syllabus, the teaching of African history assumed the naming: it began with an already named Africa and its encounter with Europe and, more specifically, the European colonisation of Africa. Nothing significant was said about the history before European colonisation save cursorily to highlight a void, a *tabula rasa* and an excess of 'primitivism' as marking tribal life.<sup>23</sup> Elementary facts, such as how the continent we inhabit came to be called 'Africa' and how its inhabitants, or at least the majority of them, came to be called 'Africans' was never made a learning point, and yet naming has a history. When thinking about identities, naming carries power, or lack of it, through the statements it implicitly makes as a signifier. Naming has explanatory value, not least if the naming at issue has come to be invested with an enduring archive of alterity, as 'Africa' and 'African' have.

We may not know all the facts about the naming of the continent and its people; nonetheless, we can say categorically that Africa has not always been 'Africa', or Africans 'Africans'. In *The idea of Africa*, a book which explores the socio-cultural making of Africa at the beginning, including its naming, Mudimbe starts by observing that the very naming of the continent is not easily explained.<sup>24</sup> The origins of the naming of Africa are punctuated by conjectures. It is not clear who did the initial naming and for what reasons. However, there are plausible etymological clues to the naming.

It is possible that 'Africa' might have been first used by ancient Romans but only to refer to parts of North Africa hitherto known to the Greeks as Libya.<sup>25</sup> These are parts of current day North Africa which became a province of Rome following the fall of Carthage between 149 and 146 BCE during the Third Punic War.<sup>26</sup> This suggestion rests mainly on the archived use of 'Africa' by the Romans to refer to the region and the linguistic affinity between 'Africa' and its Greco-Roman equivalents.<sup>27</sup> *African*, as Mudimbe highlights, is the equivalent of *Afer* and *Africanus* that

23 VY Mudimbe *The idea of Africa* (1994) xi-xii.

24 Mudimbe (n 23 above) xi.

25 Mudimbe (n 23 above) 26; AA Mazrui 'The re-invention of Africa: Edward Said, VY Mudimbe and beyond' (2005) 36 *Research in African Literatures* 68 at 69; Zeleza (n 21 above) 15.

26 A Goldsworthy *The Punic Wars* (2000).

27 The Latin word for 'sunny' is *aprica* whilst in Greek *aphrike* means 'without cold': Mazrui (n 25 above) 69. Another linguistic explanation which supports the Latin etymology of 'Africa' is that the word 'Afri' was used by the Romans to refer to people south of the Mediterranean and that 'ca' is the Latin suffix for country or land.

were used to refer to a person from the continent, irrespective of colour.<sup>28</sup> This linguistic connection does not mean, however, that 'Africa' could not have been named prior to the annexation of North Africa by Rome such that it is the Greco-Roman language, instead, that borrowed the term. If this is the case it leaves the real possibility is that 'Africa' in fact is an indigenous name, say, from the Berber language.<sup>29</sup> Yet another possibility is that the name might have come from the Phoenicians.<sup>30</sup>

But whatever the provenance of 'Africa', what is clear, as well as significant for explicating the making of African identity that is tied to the continent, is that the current naming of Africa is not the original naming. Initially, Africa as a cartography and a region of the world referred only to North Africa, which at the time (before the expansion of geographical knowledge) was believed to be *tertia orbis terrarum pars* – 'the third part of the world' after Europe and Asia.<sup>31</sup> The initial naming of Africa was confined to the part of Africa adjacent to the Mediterranean. Peoples outside this region would not have been described by outsiders as Africans or appropriated the description themselves until several centuries later, beginning with the European exploration of the sub-continent in the fifteenth century and leading up to the Berlin conference of 1884 at which 'dark' Africa was carved up and apportioned among European nations.

Indeed, it is interesting to note that by the first century Africa had become known as comprised of three regions – Egypt, Libya (corresponding to the Roman province) and Aethiopia (approximating sub-Saharan Africa).<sup>32</sup> With the advent of European exploration of the sub-continent in the fifteenth century, the reference to Aethiopia fell into disuse among geographers, in favour of describing it as *Nigritia* and its inhabitants as *Nigriti*.<sup>33</sup>

Thus, the extension of the name Africa to the entire continent, especially its extension to Africa south of Sahara, is something that came out of European mapmaking. It is mapping that came centuries after the original naming not only to delineate geographical terrain but also to give

28 Mudimbe (n 23 above) 26.

29 Mazrui (n 25 above) 69.

30 Mazrui (n 25 above) 69-70.

31 Mudimbe (n 23 above) xi, citing Sallustius *Iug* 17, 3.

32 In Latin the term *Aethiops* (*Aithiops* in Greek) stood as a generic name for a dark-skinned person – one whose face is burnt by the sun. *Aethiopia* is the territory inhabited by *Aethiopians*, and is a name that conjures both heat and colour: Mudimbe (n 23 above) 26-27.

33 *Nigritia*, the territory, and *Nigriti*, the people, derive from *niger*, meaning black colour: Mudimbe (n 23 above) 27.

cognitive meaning to a magnified terrain – a whole continent – in ways that spoke normatively to a European imperial project as well as a racial typology. The naming of the second Africa, so to speak, is a product of imperialistic Europe in its teleological cartography of the terrain that was to be explored and the peoples that were to be colonised. In the process, a new episteme – a racist and racialised one – was imprinted on the continent, to go hand in hand with its naming.

In highlighting the transformation of the meaning of Africa into a culturally and racially inferiorised meaning with the advent of the colonisation of Africa, I do not imply that the inhabitants of Africa had not previously been treated as different by others. Appiah makes the point that if we go back to the earliest writings, including biblical texts, we will find that cultures distinguish between ‘our own kind’ and other cultures.<sup>34</sup> Moreover, cultures have always placed emphasis on physical appearance as a distinguishing mark but not invariably as a mark of deep-seated, intrinsic inferiority. Hence, as Kwame Antony Appiah notes, the Hellenes described foreigners whether dark-skinned (the Aethiopians) or blonde (the Scythians) as ‘barbarians’ but without implying sedimented, intrinsic inferiority.<sup>35</sup> Mudimbe puts a gloss on this point. He says that in the Greek imagination, the concept of barbarians served as a ‘uniform order of alterity’.<sup>36</sup> Asians and Northern Europeans too were barbarians.<sup>37</sup> The Romans continued this tradition upon inheriting Hellenic culture. Mudimbe reminds us, it is not the idea of African alterity that was the European invention but a new notion of accentuated alterity that accompanied the colonisation of Africa.<sup>38</sup>

Colonisation transformed the discourse of African difference into ‘absolute otherness’. It took difference to its extreme and succeeded in generating a sedimented discourse of disparaging African alterity that remains with us. Mbembe aptly captures the sedimentation of African alterity when saying:

[T]he African human experience constantly appears in the discourse of our times as an experience that can only be understood through a *negative interpretation*. Africa is never seen as possessing things and attributes properly part of ‘human nature’. Or, when it is, its things and attributes are generally of lesser value, little importance, and poor quality. It is this elementariness and primitiveness that makes Africa the world par excellence of all that is

34 KA Appiah *In my father's house: Africa in the philosophy of culture* (1992) 10-11.

35 Appiah (n 34 above) 11.

36 Mudimbe (n 23 above) xii.

37 As above.

38 Mudimbe (n 23 above) xi-xii.

incomplete, mutilated, and unfinished, its history reduced to a series of setbacks of nature in its quest for humankind.<sup>39</sup>

### 3 Naming of Africans: Epochal re-description<sup>40</sup>

Today, in their mundane use, the concepts of 'Africa' and 'African' come to us already ensconced in sedimented discourses that speak to a constructed homogeneity. Some of the discourses affirm the humanity of Africans. However, others, especially discourses from Africa's exteriority, clearly denigrate it in ways that are directed at 'black' Africa and 'black' Africans. Historically, the part of Africa represented by sub-Saharan Africa and dark-skinned people has been at the receiving end of pejorative discourses. It is the part that was popularised as 'Darkest Africa' in Victorian England.<sup>41</sup> Eminent European philosophers in the seventeenth and eighteenth centuries denigrated it to the fullest. To Hegel, for example, 'Africa proper' was a land with no history, lacking development and enveloped in a state of nature.<sup>42</sup> In his *Philosophy of history*, Hegel carefully excised Northern Africa in his denigration of Africa. Of sub-Saharan Africa, Hegel has this to say:

At this point we leave Africa, not to mention it again. For it is no historical part of the World; it has no movement or development to exhibit. Historical movements in it – that is in its northern part – belong to the Asiatic or European World. Carthage displayed there an important transitory phase of civilization, but, as a Phoenician colony, it belongs to Asia. Egypt will be considered in reference to the passage of the human mind from its Eastern to its Western phase, but it does not belong to the African spirit. What we properly understand by Africa, is the Unhistorical, Undeveloped Spirit, still involved in the conditions of mere nature ...<sup>43</sup>

The historical identities of the peoples of sub-Saharan Africa have spoken more to identities made for Africans and aligned with the colonial conquest of an Africa inhabited by members of the Negro race in the

39 JA Mbembe *On the postcolony* (2001) 1 (emphasis in original).

40 The term 'epochal re-description', which I use to signify a radical transformation in naming of colonised people by the colonists at different historical periods, is borrowed from its use by Wynter in S Wynter 'Unsettling the coloniality of being/power/truth/freedom: Towards the human, after man, its overrepresentation – An argument' (2003) 3 *CR: The New Centennial Review* 257 at 265.

41 P Brantlinger 'Victorians and Africans: The genealogy of the myth of the Dark Continent' (1985) 12 *Critical Inquiry* 166.

42 GWF Hegel *The philosophy of history* trans J Sibree (1956) 91-98, cited in LR Gordon 'African philosophy's search for identity: Existential considerations of a recent effort' (1997) 5 *CLR James Journal* 98 at 101-102.

43 As above.

European classificatory system of 'races' than to any common cultural identity among the colonised peoples. In common usage, the term 'African' has stood for race. Race has been a salient feature of how African identity has been imagined, not just outside of the continent but also from within it, ever since the colonisation of the region by Europe in the late nineteenth century.

### 3.1 Africa at the edge of time: The founding of alterity in anachronistic space

The naming of Africa 'proper' and Africans is an outgrowth of the European colonising project and ultimately European racial agency and fantasy.<sup>44</sup> It emanated from European enunciation and its imperial positionality. This was not primarily about spreading an incandescent European civilisational order but about inscribing its crushing dominance, complete with inveterate cultural and racial scarring, and humiliation of the dominated peoples. It is not without historical significance that the normative naming of Africans as a justly colonisable peoples by European colonial powers and the founding of abiding African cultural and particularly racial alterity took concrete shape at precisely the same time as the transatlantic slave trade was being abolished.<sup>45</sup> Commentators have not missed the apparent contradiction between the two European efforts – an emancipatory effort juxtaposed with a subjugating one.<sup>46</sup> The contradiction becomes illusory once the exploitative economic determinism in both is unmasked and, indeed, aligned with a continuing regime of status subordination of the black body. In both efforts, the human *object* remained the same – the Negro. In a deconstructive sense, the naming of Africans can be historically understood as the ontological and juridical reordering of the Negro under a European corporeal gaze. On the one hand, the black body is no longer a chattel, on the other, blackness still bears racial stigmata. It cannot, therefore, be released from continued subordination and exploitation.

The naming of Africans proceeded along the firmly grounded imperialistic axis of exploration, colonisation and appropriation. It succeeded in the invention of alterity as extreme otherness which congealed into catastrophe for the othered. Africa and Africans were for imperial Europe to name in accordance with Europe's desire to find a

44 Appiah (n 34 above) 62.

45 Brantlinger (n 41 above) 167.

46 Brantlinger (n 41 above) 167 citing N Stepan *The idea of race in science: Great Britain 1800-1960* (1982) 1.

single origin for the conquerable and colonisable peoples, pushing aside different histories, languages, cultural products, memory and ethnic identities. Colonial discourses, Homi Bhabha observes, depended heavily on the concept of 'fixity' in the ideological construction of an othered, conquered people to achieve both the representation of the discovery of an unchanging order as well as its disorder and degeneracy.<sup>47</sup> As in the colonisation of the Americas where Aymaras, Aztecs, Chibchas, Incas and Mayas, for example, were merged into a single identity – Indians – so in Africa, Ashantis, Bacongos, Khoisan, Yorubas and Zulus, for example, were merged into one identity – Africans.<sup>48</sup>

The colonial design behind the moniker 'African' was to find a subsumption of culture and race through which colonial subjects and the land of their habitation could be contrasted with Europeans and, by using a single index that would register a recognisable totality, render them objects of control and exploitation.<sup>49</sup> Europe supplied its own self-serving answers as Anne McClintock highlights.<sup>50</sup> The answer lay in linear temporal regression: going back in time to trace evolution using European historical time. Africa would be *terra nullius*, something *discovered* by European explorers in the fifteenth century and represented as a virgin finding in history, the media and other forums. Mudimbe observes this:

Africa was discovered in the fifteenth century. That, at least, is what most history books say. Professors teach it, students accept it as truth. In any case, why doubt? The media propagate the veracity of the fact in the sagas of European explorers. Taken at its first meaning, this discovery (that is, this unveiling, this observation) meant and still means the primary violence signified by the word. The slave trade narrated itself accordingly, and the same movement of reduction progressively guaranteed the gradual invasion of the continent.<sup>51</sup>

The *discovery* of Africa, as the discovery of the Americas by European explorers also attests, required Africa to first possess or approximate the qualities of *terra nullius* so that Africa could be normatively and juridically intelligible for colonial state-making and built from 'scratch' as it were. *Terra nullius* was not just a benign descriptor but a term fully invested in the

47 Bhabha (n 4 above) 18.

48 A Quijano 'Coloniality of power, Eurocentrism, and Latin America' (2002) 1 *Nepantla: Views from South* 533 at 551-552.

49 Bhabha (n 4 above) 23.

50 A McClintock *Imperial leather: Race, gender and sexuality in the colonial context* (1995) 30 40-42.

51 Mudimbe (n 23 above) 16-17.

teleology of penetrating ‘virgin lands’ and the ‘doctrine of discovery’.<sup>52</sup> It was an imperialistic doctrine which spoke through colonial rationality with normative implications. Colonial rationality is what is at play, for example, in the memoir of Ian Smith, Prime Minister of Rhodesia (now Zimbabwe) from 1964 to 1979.<sup>53</sup> Recalling the founding of Rhodesia, he says:

They [the Pioneer Column] were going into *uncharted country*, the domain of the lion, elephant, the buffalo, the rhinoceros – all deadly killers – the black mamba, the most deadly of all snakes, and the Matebele, with Lobengula’s *impis*, the most deadly of all black warriors guarding their frontiers against any intrusion. *But if the mission was to raise the flag for queen and country, no questions were asked. Moreover, their consciences were clear.* To the west the Matebeles had recently moved in ... The eastern parts of the country were settled by a number of different tribes, nomadic people who had migrated from the north and east, constantly moving to and fro in order to accommodate their needs and wants. To the south were scattered settlements of Shangaans from Mozambique and Northern Transvaal. *Clearly it was no-man’s land, as Cecil Rhodes and the politicians back in London had confirmed, so no one could accuse them of trespassing or taking part in an invasion.*<sup>54</sup>

Smith’s simplistic articulation of the beginnings of white settlement in the territory we now know as Zimbabwe and his tribute to the Pioneer Column is self-serving.<sup>55</sup> More to the point, his anodyne explanation obscures the reality that the Pioneer Column participated from the beginning in a colonial project of European power and greed that was determined by racial agency. It is a project that culminated in a profound reconfiguration

52 McClintock (n 50 above) 30; ST Newcomb *Pagans in the promised land: Decoding the doctrine Christian discovery* (2008); JH Greenberg ‘The doctrine of discovery as a doctrine of domination’ (2016) 10 *Journal for the Study of Religion, Nature and Culture* 236; R Stott ‘The Dark Continent: Africa as female boy in Haggard’s adventure fiction’ (1989) 32 *Feminist Review* 69 at 77-79.

53 ID Smith *Bitter harvest: The great betrayal and the dreadful aftermath* (1997).

54 Smith (n 53 above) 1-2 (my emphasis).

55 The Pioneer Column comprised 250 men who were contracted in 1890 to discharge an assignment on behalf of Cecil John Rhodes’ company – the British South Africa Company (BSAC). In 1889 the BSAC had been granted a Royal Charter by Queen Victoria to ‘explore and exploit’ land north of the Limpopo river. Extraordinarily, the BSAC, a private enterprise, secured a mandate effectively to colonise the territory that would become Rhodesia on behalf of Britain, including the right to create its own police force, establish commerce, construct infrastructure and control land ‘not in use’ by the inhabitants of the territory. By September of 1890, the BSAC was able to raise the Union Jack in what they named Salisbury (now Harare) proclaiming the territory to be British: SJ Ndlovu-Gatseni ‘Mapping cultural and colonial encounters, 1880s-1930s’ in B Raftopoulos & AS Mlambo (eds) *Becoming Zimbabwe: A history from the pre-colonial period to 2008* (2009) 39 at 46.

of 'space, and bodies, land and identity' in which the indigenes were at the receiving end of the reconfiguration and their consequent displacement.<sup>56</sup> Smith's narrative is heavily interpellated by a prior discourse – the doctrine of discovery – and its specious universalism, such that he is conceptually incapable of seeing agency in the indigenes. There is a striking coherence in his choice of language – 'uncharted country', 'scattered settlements', 'no-man's land' – which palpably betrays a patterned colonial teleology which insists on an ideal of impartiality, even in the face of its improbability.<sup>57</sup> Concealing a project of land dispossession (stealing and forcibly acquiring land) seems to be the narrative's main objective.

A racialised optic that is powered by the doctrine of discovery allows Smith, a second generation Rhodesian, to reconstitute the territory and to see it in the same way it was seen by his parents and other colonial settlers: as empty or at least under-populated or underutilised, hence *no-man's land*.<sup>58</sup> In no-man's land there is no displacement as there are no indigenes in the first place. Of course, what is meant is not that the territory is literally empty, but that it is symbolically empty so as to be available for the colonial project in a way that is intended to pre-empt the indigenes' claims of aboriginal title to land.<sup>59</sup> Whatever indigenes he sees on the territory prior to the arrival of the Pioneer Column, such as the Matebele who had 'recently moved in' or the 'nomads moving to and fro', are described in language that conjures up an image of virgin territory without permanent settlement. Ultimately, indigenes are transformed into anachronistic beings living outside historical time and, therefore, not in proper occupation of the territory.<sup>60</sup> Through a white European gaze, the identity of the indigenes is stripped of its spatial identifications with the land and given a racial identity. Indigenes are to be understood purely as a raced embodiment that is placed at the nadir of an 'abiding scale of existence' in order to clear the way for premier white occupation of the land.<sup>61</sup> This fundamental displacement of the indigenes and their relationship with the land – the profoundest of all displacements at the behest of a white racial agency – is not what Smith is narrating or helping us to understand.

56 WJ Jennings *The Christian imagination: Theology and the origins of race* (2010) 24.

57 IM Young *Justice and the politics of difference* (1990) 115-116; see discussion in ch 2, sec 2.

58 Smith was born in 1919 in Selukwe (now Shurugwi) to British immigrants to Southern Rhodesia (later to become Rhodesia and then Zimbabwe). His father had immigrated to Southern Rhodesia in 1898 (approximately eight years after the founding of the colony) and his mother had followed: Smith (n 53 above) 7.

59 McClintock (n 50 above).

60 See discussion in sec 3.2 below.

61 Jennings (n 56 above) 19. On the displacement of indigenes' spatial identities on account of colonial occupation, see Jennings (n 56 above) 38-64.

The memoir of the former Prime Minister of Rhodesia carefully steers clear of any utterance that remotely taints the patriotism of the Pioneer Column with an ulterior motive and yet that patriotism is glaringly anchored in British imperialism. The overarching colonial intent and, more particularly, the mission to conquer African territory, to enserf, dispossess and exploit is not articulated. The fact that the men who made up the Pioneer Column – apart from being agents of Rhodes' company, the BSAC, which was ready to use military force if resisted by the indigenes – were fortune hunters in their own right is not amplified.<sup>62</sup> Smith renders an account which is at once a eulogy for and an exculpation of the Pioneer Column. Indeed, along with Cecil Rhodes, the men became totemic figures for white Rhodesia. They were later to be immortalised in the Rhodesian calendar so that they could be remembered as the founding fathers of Rhodesia.<sup>63</sup>

The myth of empty lands went hand in hand with a theological rationale that sanctioned the conquest, colonisation and exploitation of 'pagan', non-Christian lands in Africa, Asia and the Americas.<sup>64</sup> In this sense the will to colonise and conquer other peoples was a 'manifest destiny'.<sup>65</sup> It was in obedience to divine will: God had entrusted Europeans with a mandate to civilise the world and to fulfil the Kingdom of God.<sup>66</sup> Against this self-serving ontology, to borrow from Sylvia Wynter, *terra nullius* meant not just 'lands of no one' but also 'lands of otherness' which were 'justly expropriable' together with the complement of 'justly enslaveable and enserfable' subject peoples.<sup>67</sup> In colonial political

62 This is not to suggest that the memoir does not mention Cecil Rhodes and the BSAC at all, but to highlight that the project was to conquer for the purpose of colonial exploitation and to use force if resisted and that clearly these are not details of interest to Smith.

63 In the Rhodesian calendar, 12 September was designated Pioneers' Day – a public holiday to commemorate the date the Pioneer Column arrived at the site of what became Fort Salisbury in 1890, raising the Union flag the next day.

64 Mudimbe (n 1 above) 45; Newcomb (n 52 above); Greenberg (n 52 above). The Catholic Church, by the issue of 'Papal Bulls' beginning as early as 1436, contributed significantly towards a conceptualisation of the right of European nations to claim possession of exclusive title to the lands inhabited by non-Christians. Regarding Africa, a Papal Bull of 1454, titled *Romanus Pontifex*, permitted King Alfonso V of Portugal to appropriate all non-Christian African territories. The Bull also permitted the enslavement of the inhabitants: Nicholas V, Pope of the Catholic Church, *Romanus Pontifex*, papal bull released on January 8, 1454, <http://www.doctrineofdiscovery.org/pontifex.htm> (accessed 8 November 2016).

65 AA Akrong 'African traditional religion and Christianity: Continuities and discontinuities' in H Lauer and K Anyidoho (eds) *Reclaiming the human sciences and humanities through African perspectives* (2016) 307-320 at 309.

66 As above.

67 Wynter (n 40 above) 292.

and juridical practice, *terra nullius* was rendered anachronistic space.<sup>68</sup> It was geographical space with inhabitants lacking in historical time. The inhabitants, being primitive and irrational, lacked human agency. They could not be recognised as having sovereignty over the territory they occupied. At most, they were occupying the space symbolically until the terms of their occupation were defined by the colonisers as amounting at most to a 'mere right of occupancy' which did not extend to 'original free existence' and 'territorial integrity'.<sup>69</sup>

Without these ontological premises, the colonisation of lands far from Europe and, in some instances, the extermination of humanity that occupied those lands, could not have proceeded in the sure-footed manner it did complete with juridical 'authority'. The 1823 decision of the Supreme Court of the United States in *Johnson v M'Intosh* is explicable as an outgrowth of a European doctrine of discovery.<sup>70</sup> The case was decided on the juridical premise that a European colonial state, which is an extension of a European discovering nation, gains 'radical title' (sovereignty) through discovery of new lands and that the title, perforce, is superior and sufficient to extinguish the 'right of occupancy' of the indigenous inhabitants.<sup>71</sup> The concept of radical title, as developed by the conquering nations, conferred on the discovering nation and its representative authority at the locale a right to expropriate land without compensating the indigenous inhabitants and to acquire exclusive ownership. It extinguished any claim to sovereignty and independence by the indigenous inhabitants.

In the final analysis, colonisation and the establishment of a colonial state with imaginary state sovereignty were predicated on a sense of the 'right' which stood for might. It was the right of European powers to exercise violence, if necessary, in order to dominate and appropriate geographical space.<sup>72</sup> Use of violence, or the threat thereof, undergirded the concept of 'right' precisely because 'right' was a self-serving fiction. 'Right' stood on a void as a juridical fable, save for the 'right of conquest' through use of violence.<sup>73</sup> 'Right', as Mbembe highlights, was the precise opposite of the liberal model of 'debate and discussion' that would otherwise have been required by the discourse of Enlightenment.<sup>74</sup>

68 McClintock (n 50 above) 40-42.

69 Greenberg (n 52 above), citing Newcomb (n 52 above) xxi.

70 *Johnson v M'Intosh* 21 US (8 Wheat) 543 (1823).

71 *Johnson v M'Intosh* (n 70 above) 574.

72 Mbembe (n 39 above) 25.

73 As above.

74 As above.

Enlightenment discourses could be circumvented with equanimity by simply classifying the objects of power and violence as 'natives' or tribespeople.<sup>75</sup> 'Natives' were those peoples without a history and in a state of nature. Necessarily, they were lacking in rationality or agency such that debate and discussion were quite inappropriate. The coloniser, if so disposed, could be simultaneously a fortune hunter, judge, jury and arbitrary executioner.

'Right' drew its (im)moral resource from a sense of messianic duty – taking up the 'white man's burden',<sup>76</sup> – to bring civilisation to those who needed it most. In this sense, it would have been folly for the intended beneficiaries to resist civilisational benevolence and modernity. Though not quite war, the civilisational mission mimicked and anticipated war. As Enrique Dussel put it, the killing of persons who were the object of colonisation was from the coloniser's perspective a 'holocaust of a salvific sacrifice' which was entirely justifiable to overcome 'barbarism'.<sup>77</sup> Those burdened with the duty to bring civilisation would be absolved for killing those standing in the way because they were motivated by a higher purpose – the salvation of the victims. It is the natives who were both the cause and effect of the white man's burden.<sup>78</sup> The racial hierarchisation and brutishness that was employed in the civilising mission was a necessity. In this sense, 'right' was a normative ideology for ameliorating 'native' backwardness.<sup>79</sup>

Ultimately, 'right' in colonial rationality was *cursus solitus naturae*. It was an adapted truth governed solely by its own laws so as to function autonomously or to acquire the status of constitutional autochthony within colonial jurisprudence. One of its derivative laws was that violence could be summoned as a regular resource for not only establishing the colonial state (founding violence) but also for maintaining it.<sup>80</sup> Violence

75 M Mamdani 'The social basis of constitutionalism in Africa' (1990) 28 *Journal of Modern African Studies* 359 372-373; M Mamdani *Define and rule: Native as political identity* (2012); Mbembe (n 39 above) 27. See the discussion in ch 6, secs 3 and 4 elaborating on the normative implications of constructing African peoples as 'natives' and tribespeople.

76 R Kipling 'White man's burden', a poem (1899) in *Rudyard Kipling's verse: Definitive edition* (1929).

77 E Dussel *The invention of the Americas: Eclipse of 'the Other' and the myth of modernity* trans MD Barber (1995) 64 136-137, cited in L Lange 'Burnt offerings to rationality: A feminist reading of the construction of indigenous peoples in Dussel's theory of modernity' in LM Alcoff & E Mendieta (eds) *Thinking from the underside of history: Enrique Dussel's philosophy of liberation* (2000) 135 at 140.

78 Bhabha (n 4 above) 35.

79 As above.

80 Mbembe (n 39 above) 25.

became embedded in colonial rationality as part of the ‘order of things’ such that it did not require special authority.<sup>81</sup> Even the most ordinary of colonial situations could be transacted through violence of genocidal proportions.

Though the term ‘genocide’ acquired its juridical recognition under international law with the adoption of the Genocide Convention in the aftermath of the Second World War and the genocide of European Jews,<sup>82</sup> Australian Aborigines, the Khoisan, Herero, Nama and Native Americans, for example, had long experienced it at the hands of European colonists.<sup>83</sup> The epistemological difference, however, is that when practised against ‘barbarous tribes’ and ‘natives’, genocide could be Europeanised, sanitised and localised so that it could be re-described as military action and a proportionate response to the barbarous circumstances colonists were up against in their valiant and benevolent efforts to bring civilisation.<sup>84</sup>

The colonial situation provided ample room for the use of gratuitous or cathartic violence merely to release colonial aggression. Colonial violence as banality can be gleaned, for example, from letters written by Weston Jarvis, a volunteer in Cecil Rhodes’ settler-army, in the course of the founding of Rhodesia. In letters to his family in England between April and May 1896, using the unequivocal parlance of exterminatory violence, Jarvis shares plans for the implementation of what would have been quite ordinary founding violence:

81 M Foucault *The order of things: An archaeology of human sciences* (1994).

82 Convention on the Prevention and Punishment of the Crime of Genocide, adopted 9 December 1948, 78 UNTS 276, entered into force 12 January 1951.

83 For commentaries on genocide in respect of Australian Aborigines, the Khoisan, Nama, and Native Americans, see respectively AD Moses (ed) *Genocide and settler society: Frontier violence and stolen indigenous children in Australian history* (2004) (on Australian Aborigines); M Adhikari *The anatomy of a South African genocide: The extermination of the Cape San peoples* (2010); JM de Prada-Samper ‘The forgotten killing fields: “San” genocide and Louis Anthing’s mission to Bushmanland, 1862–1863’ (2012) 57 *Historia* 172-187 (on the Khoisan); D Olusoga & CW Erichsen *The Kaiser’s holocaust: Germany’s forgotten genocide* (2010) (on the Herero and the Nama); D Stannard *American holocaust: The conquest of the New World* (1992) (on Native Americans).

84 AD Moses ‘Conceptual blockages and definitional dilemmas in the “Racial Century”’: Genocides of indigenous peoples and the holocaust’ (2002) 36 *Patterns of Prejudice* 7; DO Pendas ‘“The magical scent of the savage”: Colonial violence, the crisis of civilization, and the origins of the legalist paradigm of war’ (2007) 30 *Boston College International and Comparative Law Review* 29 at 47-48; P Wolfe ‘Settler colonialism and the elimination of the native’ (2006) 8 *Journal of Genocide Research* 387.

I hope the natives will be pretty well exterminated. There are 5500 niggers in this district and ... our plan of campaign will probably be to proceed against this lot and wipe them out, then move towards Bulawayo wiping out every nigger and every kraal we can find ... you can be sure that there will be no quarter and everything black will have to die, for our men's blood is fairly up.<sup>85</sup>

The representations of Africanness in colonial discourses came out of the crucible of colonialism with its linguistic systems, juridical power and unabashed violence that both produced and represented African subjects. In order to colonise Africa because it had colonisable subjects, Europe had first to produce the prospective colonial African subjects. In a Foucauldian sense this double act – representation on the one hand but *prior* production of the subject on the other – means that what was at stake is not representation but purposeful and synergic reproduction of objects of colonial power in a regulatory system.

Thus, the representation of African people in colonial discourses, especially those generated by the colonial state, should be understood largely as *re*production of colonial subjects in ways that inscribed and reinforced sovereign power in the political economy. Representation was extended only to that which could coexist with, rather than call into question, the colonial project. The colonial state could only acknowledge that which it had previously formed and defined and subsequently reproduced to fit its own requirements. It is teleological representation that proceeded along an axis of domination, a representation informed by conscious legitimising and exclusion in order to regulate the life of the colonised and, more crucially, to maximally exploit human and material resources for the benefit of the colonising metropolis in Europe and colonists.<sup>86</sup>

From a temporal perspective, the naming of Africa and Africans took clearer and more lasting shape as part of the colonisation that took place when Europe was establishing a geopolitical order in which it had already defined or was defining itself as modern and the centre of history, not least

85 Quoted in B Kiernan 'From Irish famine to Congo reform: Nineteenth-century roots of international human rights law' in R Provost & P Akhavan (eds) *Confronting genocide* (2011) 13 at 42; also quoted in S Howe *Empire: A very short introduction* (2002) 95-96; P Brendon *Decline and fall of the British Empire* (2010) 571.

86 J Butler *Gender trouble: Feminism and the subversion of identity* (1999) xiv-xv. *Gender trouble* was originally published in 1990.

on account of transitioning from the Renaissance to the Enlightenment.<sup>87</sup> Africa and Africans became, in the end, sites of Europe's moment of 'triumphant self-definition of modernity'.<sup>88</sup> Africa and Africans were constructed as recipients of the globalisation of European historical time in which the discourse of European modernity was on a grand unstoppable march, including epochal transformation of notions of differences between human communities that were once seen as geographical but could now be understood as simply differences in arriving at history. To borrow from Walter D. Mignolo, in this transformed discourse there was no longer room for 'coevalness' in the difference between modernity and tradition as to be modern now meant 'to be located in historical time' with Europe, more particularly Western Europe, serving as the temporal centre.<sup>89</sup> The differences were transformed into differences between the 'rational' and the 'irrational', 'logical' and 'pre-logical', 'reflective' and 'pre-reflective' which, in turn, called for distinctions between what is 'human' and 'sub-human' to mark the great divide between the 'civilised' and 'uncivilised'.<sup>90</sup>

From Hall's identitarian perspective the naming of Africa and Africans can be understood as a site of European historical, cultural, religious, racial and hierarchical enunciation; a site for the suturing of hierarchised European modernity in which the re-articulation of whiteness would ultimately become the more permanent artefact.<sup>91</sup> Therefore, modernity was dialectically constituted in a relationship with the colonial world.<sup>92</sup> Indeed, Mbembe makes the point that Africa has served as a signifier for the West: as a metaphor through which the West develops its self-image and enunciates what it is not.<sup>93</sup>

87 W Mignolo 'The enduring enchantment (or the epistemic privilege of modernity and where to go from here)' (2002) 101 *South Atlantic Quarterly* 927 at 933-934; Quijano (n 48 above) 546-547.

88 Mignolo (n 87 above) 939.

89 Mignolo (n 87 above) 933.

90 Mignolo (n 87 above) 936; DA Masolo *African philosophy in search of identity* (1994) 1, who expresses the polarity as logocentrism (for the Europeans) and emotivism (for the Africans); B Hallen *A short history of African philosophy* (2002) 17; B Bujo *The foundations of an African ethic: Beyond the universal claims of Western morality* (2011) 10.

91 On Hall's perspective, see the discussion in ch 2 of this book; Mignolo (n 87 above) 934.

92 Lange (n 77 above) 136.

93 Mbembe (n 39 above) 2.

### 3.2 Africa as land of cultural otherness: A leaf from Mudimbe's *The invention of Africa*

Mudimbe's book, *The invention of Africa*, is groundbreaking work.<sup>94</sup> He uses Foucauldian analysis to reveal Africa as a coherent system of knowledge – an archaeology – assembled from a colonising structure ensconced in oppositional knowledges that teleologically codified African normative cultural inferiority and created new social and historical identities for Africans in ways that projected Western desires. The assemblage of knowledges drew upon the European imperial project, Western philosophy and its Eurocentric gaze, colonial discourses, functionalist anthropological taxonomies and Christian missiological praxis, which were underwritten by discrepant power. Collectively, the knowledges produced a self-serving Africa, an Africa and Africans whose Cartesian alterity unpardonably deviated from the Western paradigm of history.<sup>95</sup>

In terms of comprehending the historical architecture of Africanness, Mudimbe's seminal contribution lies, in part, in the discursive mapping of the normative construction of Africanness in colonial discourses. His work can be read as a dialectical discourse of identity in which Mudimbe analyses for us the politics of otherness and its specific relation to the historical category of African.<sup>96</sup> Of the making of Africanness in colonial discourses, Mudimbe says:

In fact, from a more general historical frame, one can observe three complementary genres of 'speeches' contributing to the invention of a primitive Africa: the exotic text on savages, represented by travelers' reports; the philosophical interpretations about a hierarchy of civilizations; and the anthropological search for primitiveness. The complementarity of these speeches is obvious. It is perceived as a unity in the Western consciousness. The exotic text dominates in the seventeenth century. In the eighteenth century, it complements Enlightenment classifications of peoples and civilization. In the nineteenth century, an ideology of conquest appears in

94 Mudimbe (n 1 above).

95 Mudimbe (n 1 above) 190; A Apter 'Review of VY Mudimbe *The invention of Africa: Gnosis, philosophy, and the order of knowledge*' (1991) 21 *Journal of Religion in Africa* Reviews' 172; E Taylor 'The impact of *The invention of Africa* and *In my father's house* on African studies' (2005) unpublished, [www.oocities.org/edgartaylor3/4-Mudimbe\\_Appiah.doc](http://www.oocities.org/edgartaylor3/4-Mudimbe_Appiah.doc) (accessed 30 November 2015); OP Okechukwu 'Mudimbe on the nature of knowledge of African culture: A review of the self and the other' (2014), <https://philpapers.org/archive/OKEMOT.pdf> (accessed 30 November 2015).

96 DA Masolo 'An archaeology of African knowledge: A discussion of VY Mudimbe' (1991) 14 *Callaloo* 998 at 1000.

explorers' sagas, anthropologists' theories, and the implementation of colonial policy. However, until the beginning of the scramble for Africa, historical distinctions of genres can only be relative.<sup>97</sup>

In this passage Mudimbe is deconstructing the trajectory of the colonial normative gaze on what, ultimately, would be thoroughly raced and inferiorised Africans. The gaze went through a purposeful transformation, eventually congealing in an ideology of otherness which gave imperial licence to colonisation and subjugation. In the transformed gaze the concept of 'primitiveness', as etymologically meaning 'originary', was transformed into a discovery of innately culturally inferior people: a 'savage' people normatively in need of rescue and civilisation.<sup>98</sup> The colonial gaze, which was built on a colonising, dichotomous structure, represents the first experience of large-scale globalisation on the continent. It was a gaze culturally driven by a notion of 'universal civilisation' whose locus was indisputably Europe as maker of world history.<sup>99</sup>

The colonising structure spoke to an epistemological model then functioning in the West (and in many ways still is), which renounced all that was African even if the model was *external* to Africans. This episteme, which Engelbert Mveng, a theologian, described as epitomising 'anthropological poverty', used inferiorisation and fetishisation to unequivocally condemn *everything* to do with the being of Africans – their identities, physical appearances, histories, cultures, ethnicities, spiritualities, creativity and voice.<sup>100</sup> In *The wretched of the earth*, Fanon wrote:

Colonialism is not simply content to impose its rule upon the present and the future of a dominated country. Colonialism is not satisfied merely with holding a people in its grip and emptying the native's brain of all form and content. By a kind of perverted logic, it turns to the past of the oppressed people, and distorts, disfigures and destroys it.<sup>101</sup>

97 Mudimbe (n 1 above) 69.

98 Mudimbe (n 1 above) 17.

99 Mudimbe (n 1 above) 4; P Ricoeur *History and truth* (1965) 277.

100 E Mveng 'Third World theology – What theology? What Third World? Evaluation by an African delegate' in V Fabella & S Torres (eds) *Irruption of the Third World: Challenge to theology* (1983) 220; Mudimbe (n 1 above) 41; Mbembe (n 39 above) 1-3; Fanon *Black skin, white masks* (n 18 above) 109-110; F Fanon *The wretched of the earth* (1967) 169.

101 Fanon (n 100 above) 169.

Echoing Mveng and Fanon, Wynter highlights that colonial difference meant much more than merely disregarding 'native' gnosis.<sup>102</sup> It was an epistemological disregard of the human being, of the mode of being of black Africans.<sup>103</sup> This disregard created space for an epochal *re*-description of Africa as 'primordial chaos' and Africans as the 'acme of the savage'.<sup>104</sup>

Whereas prior to colonisation, what was different between European culture and the cultures European explorers and travellers perceived as 'exotic', the colonial project called for a transformed discourse with unmistakable predatory intentions. African difference would no longer be neutral difference but thoroughly debased difference using language and classificatory systems that come with the authority of being part of a dominant discourse.<sup>105</sup> At a cultural level African difference was rendered as not just difference but 'discovery' of peoples exhibiting absolute, wild and oppositional binary difference that had to be tamed and domesticated. African difference called for the unequivocal establishment of a violent hierarchy between European civilisation and African civilisational deficit, as is apparent, for example, in the attempt by missionaries to empty African religions of all pneumatological meaning through a Manichean dualism built around 'African' as a thoroughly 'spoiled' cultural identity.<sup>106</sup>

### 3.2.1 Christianity and the production of African spiritual alterity

In a complicit sense Christianity mimicked the violence of colonial power.<sup>107</sup> It came already interimbriated with and invested in the European colonising structure, functioning as it did within the paradigm of a hierarchised dichotomy between modernity and tradition in which Europe belonged to the former and Africa to the latter.<sup>108</sup> The Christology that colonisers exported to Africa would have been developed, in the first place, to give spiritual meaning to Christians in the West at a time of modernity. It was a Christology intertwined with the cultural influences of

102 Wynter (n 40 above) 265-266, citing J Pandian *Anthropology and the Western tradition: Towards an authentic anthropology* (1985).

103 As above.

104 Mbembe (n 39 above) 3; Wynter (n 40 above) 266.

105 Mbembe (n 39 above) 5; Masolo (n 90 above) 3.

106 Goffman (n 16 above).

107 Mudimbe (n 1 above) 52.

108 Mignolo (n 88 above) 933-935.

the Industrial Revolution and Enlightenment.<sup>109</sup> The missiological effort to Christianise Africans went hand in hand with a subjugating colonial power, serving to facilitate the political effort to establish European sovereignty over ‘newly-discovered’ territories by rendering ‘natives’ pliable to subjugation. As a theology of conversion, Christianity set itself the task of bringing light to ‘dark’ Africa. Ideologically, like the colonial project, Christianity manifested as a nihilistic dogma in its incorrigible intolerance of African difference.<sup>110</sup> It arrived on African shores already packaged in a reductionist orthodox form.<sup>111</sup> Its theology was superiorised. It spoke a condescending language of bourgeois European culture which derided African lifeworlds, promising in their place transformative virtues and ultimately salvation, putting *light* where there was *darkness*. Constanzo Cagnolo, a Catholic missionary in colonial Kenya, spoke more as a colonist and civilisational crusader and less as a cleric when he cast his mission as ‘an obligation on us civilized peoples to put these fantasies to flight and to lighten their darkness with the sun of justice and the stars of civilization’.<sup>112</sup>

Fabien Eboussi-Boulaga sums up Christian missiological treatment of African spiritualisms as characterised by the language of derision and systematic refutation, valorisation of the historical coherence and transformative nature of the Christian faith, Christian orthodoxy so that Christianity becomes the only way to the Truth, and the requirement of conformity to Christian dogma. Enyi Udoh, in his Christological discourse, points to the highhandedness of Christian missiology, in which Christ was introduced to African people ‘as a forceful, impatient and

109 A Mekonnen ‘Jesus of Africa: Voices of contemporary African Christology’. A review of DB Stinton *Jesus of Africa: Voices of contemporary African Christology* (2004), <http://www.denverseminary.edu/article/jesus-of-africa-voices-of-contemporary-african-christology> (accessed 30 November 2015).

110 Mudimbe (n 1 above) 44-64. The arguments here extend, by implication, to Islamic conversion on the African continent. The spread of Islam on the African continent was preceded by the Arab slave trade. Islam also operated with a racial optic in which black embodiment was at the nadir: Jennings (n 56 above) 36-37, citing B Lewis *Race and slavery in the Middle East: An historical inquiry* (1990); JH Sweet ‘The Iberian roots of American racist thought’ (1997) *William and Mary Quarterly* 143 at 145-150; Ibn Khaldūn *The Muqaddimah: An introduction to history* trans F Rosenthal (2005) 117.

111 F Eboussi-Boulaga *Christianisme sans fétiche. Révélation et domination* (1981), trans RR Barr as *Christianity without fetishes: Revelation and domination* (1984).

112 C Cagnolo *The Agikuyu: Their customs, traditions and folklore* (1930) 27, cited in N Ndung’u ‘Towards the recovery of African identity’ in MN Getui & EA Obeng (eds) *Theology of reconstruction: Exploratory essays* (2003) 258 at 260.

unfriendly tyrant'.<sup>113</sup> The missiology produced an alienating Christ: a Christ who resolutely invalidated the beliefs, history and institutions of the African people in order to exert Europeanised Christological authority.<sup>114</sup>

Against this colonising Christian missiological backdrop, African spiritualisms, which were an integral part of the belief systems of Africans, were pushed aside as they could not be packaged into a European epistemology of religion, especially as they were claimed without recourse to any written scriptures.<sup>115</sup> In the encounter with a religion that was presented as the inheritor of Greek reason and a sequel to Judaic revelation, the vernacular traditions of African spiritualisms failed to muster the qualities of rational religiosity and written scriptures.<sup>116</sup> In consequence, African gods were not merely reduced to the status of mythologies or infinitely pagan gods standing in opposition to an omnipotent Christian God.<sup>117</sup> Christian missiology demanded that the gods be re-described as fetishes – the representations of Satan – and African spirits as demonic spirits. More than merely derisive, Christianity was an epistemicidal discourse in its relationship with African spiritualisms.<sup>118</sup> Its theology spoke a parsimonious language of systematic and absolute refutation of African pneumatologies.<sup>119</sup> In line with the requirement to convert, it demanded absolute renunciation of 'heathen' spiritualisms under European supervision. Christian missiology thus contributed immeasurably to a colonial archive in which Africans were transacted through a Caliban-type syndromic index of 'paganism, nakedness and cannibalism' that corroborated the incommensurability of the equal humanity of Africans.<sup>120</sup>

113 EB Udoh *Guest Christology: An interpretive view of the Christological problem in Africa* (1988) 64, cited in DB Stinton *Jesus of Africa: Voices of contemporary African Christology* (2004) 10.

114 As above.

115 EC Ekeke 'African traditional religion: A philosophical and conceptual analysis' (2011) 22 *Lumina* 1 at 2.

116 Ebousi-Boulaga (n 111 above) 35.

117 Mudimbe (n 1 above) 51. I have used the plural for African deities. However, it is important to note that African spiritual practices were (and still are) diverse, with some exhibiting polytheism and others monotheism depending on location. Furthermore, it is important not to conflate ancestral spirits with deities: IM Zvarevashe 'Shona (Bantu) traditional religion' (1980) 22 *African Ecclesial Review* 294 at 295.

118 B de Sousa Santos *Epistemologies of the South: Justice against epistemicide* (2014).

119 Ekeke (n 115 above) 8; K Gyekye *African cultural values: An introduction* (1996) 7.

120 Mudimbe (n 1 above) 49, citing D Hammond & A Jablow *The myth of Africa* (1977) 36-37; Brantlinger (n 41 above) 184-185.

### 3.2.2 *Anthropology and the production of African cultural alterity*

In juxtaposition to Christianity, anthropology is a field in which African lifeworlds were emptied of all meaning in the service of the colonising structure. The anthropology practised on sub-Saharan Africans largely aligned itself with a discourse anchored in evolutionary assumptions that posited a radical difference between the ‘West’ and ‘primitives’.<sup>121</sup> This difference, as with the overarching colonial discourses, translated into a grand dichotomy between intellectual, spiritual reasoning and rational (logical), civilised reasoning on the one hand and irrational (pre-logical), uncivilised reasoning on the other.<sup>122</sup> To the lesser half of the dichotomy European anthropological discourses assigned not just Africans or Negroes, but other peoples including ‘American Indians, Australian Blackfellows, Chinese, Melanesians, and Polynesians’.<sup>123</sup> The dichotomy was purposeful. It served the colonial project by giving legitimacy to the notion of the ‘white man’s burden’; the duty of Europeans to civilise Africans and uplift them according to their ‘natural’, meaning racial capabilities.<sup>124</sup> In civilisational reasoning, as Mudimbe notes, the dichotomy was also influential in producing a colonial library to give authenticity to complementary ‘primitive philosophy’.<sup>125</sup> It is a genre of philosophy which mimicked Darwinian evolutionary science and the reversal of time in anachronistic space. It purported to express a world in which Africans were incapable of articulating discursive verbal statements – the universal grammar of abstract thought – precisely because their worldview, in essence, was symbolic and ritualistic.<sup>126</sup>

The seminal contribution of Mudimbe’s work in *The invention of Africa* lies in his effort to deconstruct a deliberately constructed dichotomy, laying bare its cultural imperialistic provenance, as well as in his effort to

121 Mudimbe (n 1 above) 135-136, citing the works of French anthropologist, L Lévy-Bruhl, including *Les fonctions mentales dans les sociétés inférieures* (translated as *The mental functions in lower societies*) (1910); *La mentalité primitive* (translated as *The primitive mentality*) (1922).

122 Mignolo (n 87 above) 936; Masolo (n 90 above) 1; Hallen (n 90 above) 17; Bujo (n 90 above) 10.

123 Mudimbe (n 1 above) 136, citing EE Pritchard *Theories of primitive religion* (1980) 88.

124 A Apter ‘Africa, empire and anthropology: A philological exploration of anthropology’s heart of darkness’ (1999) 28 *Annual Review of Anthropology* 577 at 581.

125 Mudimbe (n 1 above) 136. Lévy-Bruhl (n 121 above) contributed considerably to the archive of primitive philosophy. Other examples of literature on primitive philosophy include JA Correia ‘Vocables philosophiques et religieux de peuples Ibo’ (translated as ‘Philosophical and religious word marks of Ibo peoples’) (1925) 1 *Bibliotheca Ethnologica Linguistica Africa*; V Brelsford *Primitive philosophy* (1935); V Brelsford ‘Philosophy of the savage’ (1938) 15 *Nada* 62.

126 Hallen (n 90 above) 14.

construct, however incomplete or contestable, a methodological framework for assembling an African *gnosis* through restructured anthropological methodologies.<sup>127</sup> Mudimbe's attempt at constructing a universal method for African knowledge systems – an African 'order of things' with its own rationality – is mainly through a critique of Eurocentric anthropology as one of the main archives that was used to acquire knowledge about Africans. In welcoming Mudimbe's contribution, it is also important to highlight at the outset that there are reductionist pitfalls in any attempt to search for an 'authentic' African episteme.<sup>128</sup>

As I argued in Chapter 2, a search for authenticity has its place in building a sense of wholeness for a social group. An ever-present pitfall, however, is that a backward-looking approach might incline us towards recovering a narrated past through an ahistorical approach that forces us to reduce the heterogeneity of African cultures to a common denominator in search of an African *Weltanschauung*. If the search for authentic African rationality requires recovering a past, it would be counterproductive precisely because it takes us back to culturally over-determined Africans. It risks essentialising and homogenising Africanness and thus falling foul of Hall's anti-foundational, transformative approach.<sup>129</sup>

An African *Weltanschauung* requires us to imagine Africanness as disproportionately formed along the axis of similarity and continuity, at the exclusion of the axis of difference and rupture.<sup>130</sup> Even allowing for the possibility of a homogeneous African country, the fact remains that no two African countries can ever be quite the same. Coming to share the same historical, economic and social histories would remain problematic as

127 I say 'incomplete' because the main criticism of Mudimbe's *The invention of Africa* here is that although he teases out the possibility of an alternative method to the Western paradigm for ordering knowledge about Africa – a new African episteme capable of generating universal knowledge and thus transforming the methods and theories we use for human sciences – in the end Mudimbe falls short of providing its substance save in a very general sense. As Jules-Rosette and other sympathetic critics observe, readers are still left in search of method: B Jules-Rosette 'Speaking about hidden times: The anthropology of VY Mudimbe' (1991) 14 *Callaloo* 944 at 953; Masolo (n 96 above). I say 'contestable' because in critiquing a reductionist Western paradigm of knowledge, as I argue in this chapter, Mudimbe is also in danger of substituting one reductionist discourse with another.

128 Apter (n 95 above) 173-174; Apter (n 124 above) 583; J Barton 'The hermeneutics of identity in African philosophical discourse as a framework for understanding ethnicity in post-genocide Rwanda' (2013) 15 *Philosophia Africana* 1 at 5.

129 On Hall's approach to identity, see ch 2 of this book.

130 Hall 'Cultural identity and diaspora' (n 2 above) 226. See the discussion in ch 2, sec 4.2 of this book.

African countries were impacted by colonialism in similar but also radically different ways. We are best served by a remedial approach which takes into account not just our similarities but also our differences: what Hall calls connectedness through the 'doubleness of similarities and differences'.<sup>131</sup>

A difficulty with Mudimbe's thesis is that it appears to assume the possibility of discovering an internally uncontested African episteme. The thesis appears to want us to return to an 'unmarked authentic origin': 'a pre-text', but without the tools for anticipating indeterminacy and conflict.<sup>132</sup> It is not clear how a Mudimbean search for an authentic African episteme would respond to the discovery of conflict *within* and *between* African cultures and what deliberative resources Mudimbe would use to resolve differences without flattening them out.<sup>133</sup> Thus, a methodology for resolving inter- and intracultural difference is needed.<sup>134</sup> It can be asked whether the search for an African episteme is not perilously located in the politics of retrieval of an old Africa that is no longer there, in the sense meant by Hall.<sup>135</sup>

Like all cultures, African cultures are subject to decentring, reflexivity and pluralisation.<sup>136</sup> To suggest otherwise would be to give validity to the notion of African culture as 'traditional' as opposed to 'modern' in the sense portrayed in colonial discourses. Barry Hallen reminds us that, when African culture has been described as 'traditional' in Western anthropological and religious studies, it has meant not just a culture that is inherited from the past.<sup>137</sup> It has meant a culture that is incapable of changing in the present so as to be normatively passed on in the same form to the future.<sup>138</sup> Kwame Gyekye argues that the time has passed when this dichotomy can be used to produce a typology of an African society or culture.<sup>139</sup> Like other cultures, African cultures have elements not just of the past and the present but also of other cultures.

131 Hall 'Cultural identity and diaspora' (n 2 above) 227.

132 HK Bhabha 'Culture's in-between' in S Hall & P du Gay (eds) *Questions of cultural identity* (1996) 53 at 56.

133 On conflict within and among cultures I am drawing from Seyla Benhabib's work in a response to a critique of her cultural theoretical work: S Benhabib 'The "claims" of culture properly interpreted: Response to Nikolas Kompridis' (2006) 34 *Political Theory* 383 at 384.

134 In ch 8, focusing on sexuality identifications, I develop a methodology for resolving differences within and between cultures.

135 S Hall 'Cultural identity and diaspora' (n 2 above) 232. See also the discussion in ch 2, sec 4 of this book.

136 Benhabib (n 133 above) 387.

137 Hallen (n 90 above) 17.

138 As above.

My argument, therefore, is that an African episteme should, above all, address the present and be historically situated. If we wish to address the African present in a continent that is radically changed from its past, it is no longer possible to retrieve a pure African episteme or to construct an African episteme at the exclusion of its Western counterpart as the two have become interimbricated. Imagining a pure African epistemology or, for that matter, a pure Western epistemology produces a fallacy. In Seyla Benhabib's words, we have become an 'infinite community of conversation' and a 'community of global interdependence'.<sup>140</sup> An African episteme, 'even in the process of its reconstitution' cannot divest itself of the temporal present with its historical entanglements, ambivalences and cross-cultural hybridity.<sup>141</sup>

#### 4 Mudimbe's contribution to dialogic Africanness

Leaving aside the risks that come with any attempt at searching for an authentic African episteme, it is possible to argue that the broad methodological path that Mudimbe puts at our disposal, including the accent it places on interrogating Western epistemological ethnocentrism in ways that heuristically excavate Foucauldian knowledge and power relations, is something we ought to appropriate to enhance inclusive equality. Mudimbe's methodology is rooted in the capacity to see equality in difference. For this reason it fits in well with how we should think about inclusive equality as equality democratically situated in Young's 'heterogeneous public sphere'.<sup>142</sup> For Mudimbe, the bourgeois anthropology that came out of the visions of the Enlightenment has the same blind spot as Uncle Theo's lifeworld:<sup>143</sup> it operated in conditions of epistemological impossibility which assumed that the language of the observer and his/her forms of thought represent how the universe is constituted.<sup>144</sup> This assumption precluded eliciting relational cultural difference. Its methodology could only yield polarities between self and

139 K Gyekye *Tradition and modernity: Philosophical reflections on the African experience* (1997) 279.

140 S Benhabib 'Cultural complexity, moral independence, and global dialogical community' in Nussbaum & Glover (n 5 above) 250-252.

141 Bhabha 'Culture's in-between' (n 132 above) 56.

142 Young (n 57 above) 96-121; see discussion in ch 2, sec 2 and ch 8, sec 4.

143 I Murdoch *The nice and the good* (1969) 158-159, cited in EV Spelman *Inessential woman: The problem of exclusion in feminist thought* (1988) 1-4; see discussion in ch 1, sec 1 of this book.

144 M Jackson *Essays in existential anthropology* (2013) xii; Apter (n 124 above) 579.

other, observer and observed, body and mind, reason and emotion.<sup>145</sup> Consequently, it was incapable of any exploration of the dialectics between these polarities.<sup>146</sup>

The discipline of anthropology entered Africa at the height of European imperial domination. Wittingly or unwittingly, it served as an instrument of the colonial project.<sup>147</sup> It could not see ‘manyness’ and had an assured *theocratic* capacity for misrecognising difference.<sup>148</sup> In a Foucauldian sense, anthropology became a sign which stood for something ‘more’.<sup>149</sup> It served less as a medium for fostering respectful understanding of the African world and more as a discursive sign of colonial domination and the nativisation of African peoples.<sup>150</sup> Although Mudimbe does not explicitly use the language of equality, implicitly he is already fully invested in an ethic of inclusive equality in which the particularities of African speeches are deepened and amplified. This is in order to render them audible rather than reified. Mudimbe’s ultimate point is that African speeches are part of the universal. They utter a conception of the universal in horizontal, non-hierarchical co-existence with other speeches.

Mudimbe’s critique of the discipline of anthropology and his argument that anthropology participated in the colonisation of Africa are not, in themselves, novel.<sup>151</sup> The novelty in Mudimbe’s work lies in his going much further than merely suggesting complicity by anthropology in the colonial enterprise. His argument rests not so much on anthropology’s complicity as a conscious tool of the colonial project, but on its cognitive

145 Jackson (n 144 above) xii.

146 As above.

147 M Herzfeld ‘The absent presence: Discourses of crypto-colonialism’ (2002) 101 *The South Atlantic Quarterly* 899.

148 See ch 1, sec 2.

149 M Foucault *The archaeology of knowledge* (n 2 above) 49.

150 Apter (n 124 above) 579.

151 Before Mudimbe’s work, other scholars had critically appraised the participation of anthropologists in the colonial project. Apter provides an overview of the critical scholarship: Apter (n 124 above) 579-583. Some anthropologists have been described as ‘reluctant imperialists’ in that they opposed colonial authority and policy: Apter (n 124 above) 579, citing T Asad (ed) *Anthropology and the colonial encounter* (1973). Others have been cast ‘willing co-conspirators’: Apter (n 124 above) 579, citing a host of commentaries, including JC Faris ‘Pax Britannica and the Sudan: SF Nadel’ in Asad *Anthropology and the colonial encounter* 153-170; G Leclerc *Anthropologie et colonialisme* (translated as *Anthropology and colonialism*) (1973). The complicity of anthropologists in the colonial project is a contested claim: JW Burton ‘Representing Africa: Colonial anthropology revisited’ (1992) 27 *Journal of Asian and African Studies* 181.

failure. Mudimbe's focus is on implicating as well as repairing African epistemological disenfranchisement, or what Boaventura de Sousa Santos calls 'cognitive injustice', to denote the failure to recognise different ways of knowing by which people that are different regulate their lives and assign meaning to them.<sup>152</sup>

Anthropology's hand in colonisation was mainly because its methods, touted as scientific, were sufficiently monochromatic to assure the epistemicide of an African gnosis through epistemological determinism.<sup>153</sup> Archie Mafeje puts it differently when he observes that the intellectual effort of anthropologists was of service to colonialism not because of a naked conspiracy or collusion, but because the ontology of its thought categories was shared by the colonising authorities.<sup>154</sup> Anthropology was a bourgeois enterprise in the colonies.<sup>155</sup> In this sense anthropology was not different from the other prevailing social sciences in the metropolis, which were also products of a functionalist Enlightenment and intrinsically allied with imperialism and its project of investing Africa and Africans with pathological alterity and lack.<sup>156</sup> Mudimbe makes the point that Western anthropological methods did not require anthropologists to make sense of the African world.<sup>157</sup> The methods were founded on 'a series of binary oppositions which contrasted the virtues of European civilisation with their supposed absence from Africa'.<sup>158</sup> The methodological grid of analysis and generalisation depended on a Western historical experience in the same way as that used by missionaries.<sup>159</sup>

An important critique in Mudimbe's work is his observation that the crystallisation of a particular historical image of Africa as quintessential civilisational deficit was garnered through a symbiosis between the colonial project and an anthropologically reified definition of *primitive* which justified conquest and subjugation.<sup>160</sup> Anthropological methods were tethered to evolutionary and functionalist paradigms of culture which

152 De Sousa Santos (n 118 above).

153 Mudimbe (n 1 above) 72-73.

154 A Mafeje 'The problem of anthropology in historical perspective: An inquiry into the growth of the social sciences' (1976) 10 *Canadian Journal of African Studies* 307 at 318.

155 Mafeje (n 154 above) 317.

156 Mafeje (n 154 above) 317-318; Zeleza (n 21 above) 16.

157 Mudimbe (n 1 above) 72-73.

158 Mudimbe (n 1 above) 64, quoting W MacGaffey 'African ideology and belief: A survey' (1981) 24 *African Studies Review* 227 at 236.

159 Mudimbe (n 1 above) 66.

160 Mudimbe (n 1 above) 17.

served as surrogates of Darwin's evolution of species.<sup>161</sup> The methods used to understand African cultures were already tied to assumptions about the biological and cultural superiority of Europeans. In this paradigm, African speech, which belonged to a different linguistic system, had first to be translated by Europeans (not Africans) in order to render it intelligible to themselves. We can surmise therefore that linguistic inadequacies, on their own, were apt to incline European investigators towards slogans and dogmatic assertions in place of nuance.<sup>162</sup> The outcome would then be not representation but the teleological construction of Africans.

What is missing from colonial anthropology, to borrow from Mafeje, is the presence of 'authentic' interlocutors.<sup>163</sup> 'Authentic' does not imply that anthropologists need to be indigenes but that in order to represent the peoples they study they need first to develop a capacity and inclination to decode local vernaculars and encode into anthropology local ontologies and modes of comprehension.<sup>164</sup> Colonial anthropology and its *theocratic* disposition did not take local knowledge as a reference point, but instead relied on Enlightenment 'universal' typologies. To use the language of feminism, it produced a colonial library about Africans which was manifestly lacking in 'standpoint epistemology'.<sup>165</sup> Even in its well-intentioned or benevolent moments, colonial anthropology constituted speech that was not uttered *by* Africans. Rather, it was speech uttered *for* Africans, denying their subjectivities. It was inherently incapable of mustering a deeper grammar so as to speak more meaningfully about African lifeworlds. Instead, it 'undid' Africans and saw only one side of them – the side it translated – but not the other side – the side it did not see or could not translate. The failure to see the other side or translate African

161 Mudimbe (n 1 above) 17 69; Apter (n 124 above) 581.

162 Mudimbe (n 1 above) 8-9; Hallen (n 90 above) 22 36-38.

163 A Mafeje *The theory and ethnography of African social formations* (1991) cited in JO Adesina 'Archie Mafeje and the pursuit of endogeny: Against alterity and extroversion' (2008) 33 *Africa Development* 133 at 146.

164 Adesina (n 163 above) 146.

165 A Brooks 'Feminist standpoint epistemology: Building knowledge and empowerment through women's lived experience' in SN Hesse-Biber & P Leavy (eds) *An invitation to feminist method* (2007) 53-82.

cultures in their plenitude and multiplicities evokes the injunction of *Esu-Elegbara (Esu)*, one of the Yoruba deities.<sup>166</sup> *Esu* is a divine linguist who embodies indeterminacy.<sup>167</sup> When a multidimensional occurrence caused sharp disagreement among two close friends because each could see only one dimension from where they were standing, it prompted *Esu* to deliver a triumphant rebuke in the following parable:

Esu, do not undo me,  
Do not falsify the words of my mouth,  
Do not misguide the movements of my feet,  
You who translates yesterday's words into novel utterances,  
Do not undo me,  
I bear you sacrifice.<sup>168</sup>

Mudimbe asks basic questions about how discourses of African gnosis in their multiplicities can avoid the fate of being undone when expressed in dominant discourses and in non-African languages. He asks whether African modalities do not become 'inverted, modified by anthropological and philosophical categories used by specialists of dominant languages'.<sup>169</sup> Ultimately, the argument is that anthropology substituted European speech for African speech. As epistemological redress, Mudimbe calls for a dialectical model for cultural investigation and classification in which there is relational inflection rather than structural opposition so as to be capable of registering change within the spaces created by social, economic and political structures. Mudimbe's point is that the methods that were used by European anthropologists to understand African cultures were organised around an ethnocentric anthropology in which Africans were plotted on an evolutionary path as the ancestors of modern Western civilisation. They were deprived of voice and power and simply studied as objects by subject anthropologists. The monochromatic and emasculating nature of the anthropology assured the production of essential, stereotyped Africans in which sameness and difference were conceived with a European epistemology trapped in panoptic ethnocentrism that causes a conceptual stricture blocking the

166 *Oriki Esu* (a traditional narrative praise poem) reproduced in HL Gates *The signifying monkey: A theory of African-American literary criticism* (1989) 5. In using *Esu* to explicate Africanness, I have drawn on Wright's argument that *Esu* epitomises the 'embodiment of indeterminacy and multiplicity of meaning' which can be used to theorise Africanness: HK Wright 'Editorial: Notes on the (im)possibility of articulating continental African identity' (2002) 16 *Critical Arts* 1 at 11.

167 As above.

168 Wright (n 166 above) 3.

169 Mudimbe (n 1 above) 186.

flow of new ideas, yielding only cultural essentialism, and incapable of revealing non-hierarchical cultural relativism.<sup>170</sup>

As part of extrapolating a theory of inclusive equality from Mudimbe's work, I argue that in a Habermasian sense, Mudimbe can be understood as having implicated the absence of participatory parity in an encounter in which Africans became 'objects' as opposed to subjects of anthropological study. The dialectical model of investigation that Mudimbe advocates requires the institution of Habermasian communicative ethics in anthropological methods.<sup>171</sup> A communicative ethics would require anthropological inquiries to be dialogic, predicated upon an epistemological plurality rather than ethnocentrism, which fails to recognise equality in speeches.<sup>172</sup> It is well to underline that for each speech to count one would need to be attentive to conditions of entry and redress any imbalances of power. Communicative ethics need to take into account that where there is domination there is asymmetry in the effectiveness of speech.<sup>173</sup>

During the colonial era Africans were renamed under the tutelage of Western Enlightenment which arrogated to itself the status of being the wellspring of universal learning and knowledge and modernity.<sup>174</sup> Africa could only be intelligible as the 'primitive world'; as a place of antiquarian traditions and unprocessed data.<sup>175</sup> Africans were studied by European anthropologists under parity-impeding conditions of discrepant power in which 'primitive' was already a defined term in European science and philosophy. Parity-facilitating communicative ethics require dominance and hegemony to be averted by interactions under conditions of equal power. The essence of communicative ethics as an ethics of justice, and by

170 Jules-Rosette (n 127 above) 948.

171 Young (n 57 above) 101; J Habermas *The theory of communicative competence volume 1: Reason and rationalization of society* (1984); J Habermas *The theory of communicative competence volume 2: Lifeworld and system* (1987).

172 Young (n 57 above) 106.

173 A criticism of Jürgen Habermas's communicative ethics is that they assume symmetrical power positioning of different speeches; Lange (n 77 above) 139. Lange's criticism is, in turn, drawn from Dussel's critique of Habermas' communicative ethics. Dussel has argued that Habermas has yet to develop a theory of the conditions for the possibility of dialogue: Dussel *The invention of the Americas* (n 77 above) 87. Young argues that Habermas relies on a counterfactual that is built into an 'impartial starting point' so as to get to the end point – the universal position. This detracts from the notion of starting with a clean slate and allowing the subjects to reconstruct normative reason without a conceptual priori: Young (n 57 above) 106-107.

174 J Comaroff & JL Comaroff (eds) *Theory from the South: How Euro-America is evolving toward Africa* (2014) 1.

175 As above.

extension Mudimbe's critique of anthropology, is that it is aimed at maximal citizenship through discursive interaction as an indispensable part of democratic political practice. Its vision is that citizens are citizens precisely because they deliberate their interests openly, free of domination and oppression and with reciprocity and mutual tolerance of difference.<sup>176</sup> Needless to say colonial discourses stood for the opposite: they stood for Africans as objects of raced power rather than citizens.

176 Young (n 57 above) 33-34; A Heller *Beyond justice* (1987) 240-241.

---

The gaze of modern scientific reason, moreover, is a normalizing gaze. It is a gaze that assesses its object according to some hierarchical standard. The rational subject does not merely observe, passing from one sight to another like a tourist. In accordance with the logic of identity, the subject measures objects according to scales that reduce the plurality of attributes to unity. Forced to line up on calibrations that measure degrees on some general attribute, some of the particulars are devalued, defined as deviant in relation to the norm.<sup>1</sup>

## 1 Introduction

Over and above cultural otherness, as *terra nullius*, Africa was ultimately a prehistoric zone of racial difference.<sup>2</sup> Writing about the ‘coloniality’ of power and Eurocentrism in the making of the Americas, Anibal Quijano implicates the classification of the world population into races as the most fundamental axis of colonial power.<sup>3</sup> More specifically, Quijano highlights that the colonial project of codifying differences between the conquerors and the conquered into racial differences used a biocentric structure which placed the conquered in a natural and permanent position of inferiority.<sup>4</sup> Walter Mignolo echoes Quijano, observing, in the final analysis, that the colonial world was founded and sustained through a geopolitical order whose foundation was race.<sup>5</sup> Globally, this biocentric codification became

1 IM Young *Justice and the politics of difference* (1990) 125-126 (references omitted).

2 A McClintock *Imperial leather: Race, gender and sexuality in the colonial context* (1995) 30.

3 A Quijano ‘Coloniality of power, Eurocentrism, and Latin America’ (2000) 1 *Nepantla: Views from South* 533.

4 As above.

5 W Mignolo ‘The enduring enchantment (or the epistemic privilege of modernity and where to go from here)’ (2002) 101 *South Atlantic Quarterly* 927 at 934.

the racial *longue durée* with seemingly indelible epidermalising effects.<sup>6</sup> The classification of what otherwise were geographically definable populations into races with calibrated hierarchised human essences, developed by Europeans in the fifteenth and sixteenth centuries and given rational imprimatur during the Enlightenment, has survived as a system for producing and reproducing social domination ever since.<sup>7</sup> It has far outlasted slavery and colonisation in which it established its initial rationale in the form of a globalised racial pyramid in which 'white' was placed at the apex and people of black African ancestry permanently assigned to the lowest place.<sup>8</sup>

This chapter completes the discussion, begun in Chapter 3, of *foundational* or initial naming of Africans at the time of the colonisation of the sub-continent. I use the term 'foundational' to capture and consolidate the idea of epochal naming, introduced in Chapter 3. The focus in this chapter will be on the construction of African racial alterity.

In explicating the historical production of 'African' as racial identity in the colonial state, the chapter highlights that 'African' was a normative racial subsumption derived from a master dichotomous classification of races to signify its lesser half. 'African' stood for both racial and cultural signposting of evolutionary backwardness whose repository was black embodiment. In the calibration of races in colonial discourses, 'African' signified racial stigmata and the fetishisation of black embodiment: it meant a person with Negroid physiognomy assigned to the nadir of race.

I conclude the chapter by examining apartheid's pantheon of races if only to illustrate the extreme crucible of racialisation in which 'African' was moulded in some, though not all, parts of Africa. The aim is not to overconflate the discourse and treat all African colonies as if they were identical in the colonial imagination of race. Rather, it is to make some generalisable observations about the making of the African race in parts of Africa where the colonial polity put a premium on racial calibration and assuaging white racial fantasies of inherent superiority and domination.

6 S Wynter 'Unsettling the coloniality of being/power/truth/freedom: Towards the human, after man, its overrepresentation – An argument' (2003) 3 *CR: The New Centennial Review* 257 at 263; H Winant 'The dark matter: race and racism in the 21st century' (2015) 41 *Critical Sociology* 313 at 316-318; TF Slaughter 'Epidermalising the world: A basic mode of being black' in L Harris (ed) *Philosophy born of struggle: Anthology of Afro-American philosophy from 1917* (1983) 283-287.

7 L Poliakov *The Aryan myth: A history of racist ideas in Europe* (1974); Quijano (n 3 above) 533.

8 Wynter (n 6 above) 301, citing Poliakov (n 7 above).

Though the preponderance of colonial states in sub-Saharan Africa imagined racial citizenship in terms of a master dichotomy between ‘European’ or ‘white’ and ‘non-European’ or ‘African’, in those colonies in which there was ‘deep settler colonization’, such as Rhodesia (now Zimbabwe), or in ‘break-away settler colonies’, such as South Africa, juridical racial regimes did not stop at two polarities.<sup>9</sup> They also imagined and practised racial ‘trichotomies’ or even quadronomies’ in order to recognise ‘in-betweens’. Historically, ‘deep settler colonies’ and ‘break-away settler colonies’ have been the most ‘developed’, as it were, in terms of racial amplification of the originary dichotomy. Their polities, which were organised around race, serve as a useful case study not only of the construction of races in colonial discourses but in the banal persistence and amplification of race well after the founding of the African colonial state. With its development and institution of apartheid as a theory and praxis of white racial supremacy South Africa, particularly, provides us with an apt study in this regard.

## 2 The contribution of philosophy and science to the construction of African racial alterity

The focus in this section is on showing the roles played by European philosophical discourses and science – or more accurately pseudo-science – in the production of ‘Africans’ as a category at the nadir of race.

### 2.1 Philosophy

The construction of racial classification in the colonial state was predicated on a colonially propagated, singular, self-serving notion of evolutionary sameness tethered to essentialised difference in phenotype. Its genealogy can be traced back to the racial caste system that was spawned in

9 Here I am employing Anne McClintock’s taxonomy for describing colonial states. McClintock describes as ‘deep settler colonisation’ the colonisation experienced in colonies such as Rhodesia where there was deep penetration of colonial power and, furthermore, the colonial government clung to power with particular tenacity and even brutality: A McClintock ‘The angel of progress: Pitfalls of the term “post-colonialism”’ (1992) 31/32 *Social Text* 84 at 88. ‘Break-away settler colonies’ are countries such as South Africa (as it was before the fall of the apartheid state in 1994) which were ‘distinguished by formal independence from the founding metropolitan country, alongside continued control over the appropriated territory’: McClintock ‘The angel of progress’ (above) 89. South Africa, a former British colony, was recognised as a dominion in 1910 upon the creation of the Union of South Africa. It formally became a republic in 1961 and continued with, in fact accentuated, oppressive, brutish and exploitative colonial rule on the black population.

eighteenth- and nineteenth-century Europe and whose aesthetic, moral and scientific cultures constructed some bodies as pure, neutral and rational and others as impure, abnormal and mentally degenerate.<sup>10</sup> Europe's celebrated philosophers, including Hegel, Kant, Hume, Locke and Voltaire spared little energy in propagating virulent racist views.<sup>11</sup> In this way philosophers provided key support to Western racial attitudes that began as merely travellers' and missionaries' cultural bias.<sup>12</sup> Voltaire, for example, saw world populations not so much as *homo sapiens* as different human species with the 'Negro race' definitely faring as the 'greatly inferior' race.<sup>13</sup> Hume saw dichotomous human essences between innately superior and innately inferior races. He said:

I am apt to suspect the negroes and in general all the other species (for there are four or five different kinds) to be naturally inferior to the whites. There never was a civilised nation of any other complexion than white, or even any individual eminent either in action or speculation. ... Such a uniform and constant difference could not happen in so many countries and ages, if nature had not made an original distinction betwixt these breeds of man.<sup>14</sup>

At the time of colonisation, racial classification purported to be guided by evolutionary science.<sup>15</sup> This science required signposting a pseudo-Darwinian racial asymmetry in which the black race and its diaspora stood for a backward movement to the primordial stage, whereas the white race stood for its forward movement to an epic stage. Other 'dark races' were assimilated into this polarity and assigned intermediate positions but in ways that assured that the critical faultline in terms of the laws of nature would be the black Negroid race. Black would come to signify human otherness, its extreme. Sylvia Wynter underscores that, from the outset, the Negro race would be consigned to the pre-Darwinian last link in the 'Chain of Being' as the stage which also marks the evolutionary difference between 'rational humans' and 'irrational animals', and 'man' and 'monkeys'.<sup>16</sup>

10 Young (n 1 above) 123; C West *The Cornel West reader* (1999) 70-86.

11 M Omi & H Winant *Racial formation in the United States from the 1960s to the 1990s* (1994) 63; West (n 10 above) 82-84. See also KA Appiah *In my father's house: Africa in the philosophy of culture* (1992) 52; N Thiong'o *Decolonising the mind* (1981) 18; MS Copeland *Enfleshing freedom: Body, race and being* (2010) 10.

12 DA Masolo *African philosophy in search of identity* (1994) 3; Copeland (n 11 above) 10.

13 Thiong'o (n 11 above) 18, quoting from Voltaire as quoted, in turn, in TF Gossett *Race: The history of an idea in America* (1965) 45; West (n 10 above) 83.

14 Quoted in RH Popkin 'The philosophical basis of modern racism' in C Walton & JP Anton (eds) *Philosophy and the civilizing arts* 126 at 143, cited in SJ Gould *The mismeasure of man* (1981) 41; West (n 10 above) 83.

15 Quijano (n 3 above) 551-553; Winant 'The dark matter' (n 6 above) 317-318.

16 Wynter (n 6 above) 301.

The evolutionary distinction, to which the colonial project was wedded, translated into ontological dualism in the recognition of human essences with implications for citizenship status in the founded colonial states. Caucasoid physiognomy signified full citizenship, whereas Negroid physiognomy became a referent for civil death which was normatively enforceable by the colonial state through laws, policies and practices that required socio-economic subordination.<sup>17</sup> In this way a biocentric disciplinary regime was given political and social reality across the world, wherever European imperial power announced itself. 'Wherever he goes, the Negro remains a Negro', Frantz Fanon wrote to underscore blackness as deeply inscribed racial stigmata: an ineradicable sign of excess and degenerate difference in colonial discourses.<sup>18</sup> It is on this biocentric normative regime that the colonial state in Africa constructed its notion of citizenship as a bifurcated citizenship importing calibrated racial essences.

## 2.2 Science

The attraction of science, as Jonathan Jansen observes, is that it is more dependable as source knowledge and discoverer of truth.<sup>19</sup> Its laws promise to eliminate uncertainty and rule out ideology. This view assumes, however, that science is not amenable to controllable outcomes through manipulation by the investigator.<sup>20</sup> From time to time, the ideologues of white supremacy have strived to manipulate science. Phrenology,<sup>21</sup> craniometry<sup>22</sup> and intelligence testing<sup>23</sup> are among the

17 Wynter (n 6 above) 315.

18 F Fanon *Black skin, white masks* (1967) 173.

19 JD Jansen *Knowledge in the blood* (2009) 180.

20 As above.

21 Phrenology is a 'science' for determining mental capacities by measuring the size of localised brain areas, the theory being that the larger the size of the localised part, the greater the cerebral capacity. It was first developed at the end of the eighteenth century with Franz Josef Gall, a French neuroanatomist and physiologist, recognised as the founding figure: Gould (n 14 above) 92 97-98.

22 Craniometry is a 'science' that developed as a by-product of phrenology at the end of the eighteenth century and was based on the theory that brain size and intelligence were correlated. S Dubow *Scientific racism in modern South Africa* (1995) 29; Gould (n 14 above) 57-60 64-65 82-112. Using craniometry, Morton, for example, a Philadelphia-based doctor and staunch defender of slavery, purported to show in two published works that whites had the biggest brains, blacks the smallest, and that Native Americans occupied an intermediate position: SG Morton *Crania Americana* (1839); SG Morton *Crania Aegyptiaca* (1844); Dubow *Scientific racism in modern South Africa* (above) 28-29; Gould (n 14 above) 53-54.

23 Intelligence testing refers to intelligence quotient (IQ) testing. It was pioneered by Alfred Binet, a French psychologist who, incidentally, had abandoned craniometry in favour of psychological methods as more dependable methods for measuring

scientific methods that race science historically enlisted in a bid to identify intrinsic biological differences and demonstrate that racial differences are fixed and deep, further entrenching the idea that black persons are intrinsically inferior to white people.<sup>24</sup> For example, following the defeat of the Herero and Nama people by the Germans at the turn of the twentieth century during the colonisation of South-West Africa (now Namibia) this part of Africa became a field laboratory for phrenology and craniometry by German race scientists.<sup>25</sup> The 'scientists' began with a hypothesis of natural racial degeneration among African people and the dangers of racial mixing, which they had little difficulty in proving.<sup>26</sup>

Using the 'science' of phrenology, these 'scientists' assigned whites the status of *races frontalis* to mark their possession of the largest anterior parts of the brain that are associated with higher mental functions and therefore their superiority over blacks, who were assigned the status of *races occipitals* to mark their premiere position in respect of posterior parts of the brain that are associated with mundane tasks, involuntary movements, sensation and emotion.<sup>27</sup> Paul Broca, a French professor of clinical surgery, was an eminent phrenologist, whose main hypothesis was that human races occupied positions on a linear scale of mental capacities. In his robust

intelligence. In its original conception, IQ testing was intended not so much to measure intelligence in the abstract but to identify children who were performing below their expected level and were in need of 'special' education. Gould (n 14 above) 148; Dubow (n 22 above) 211-212. As IQ testing became popular, its use was extended beyond the original purpose. Especially in the United States, IQ testing became yet another instrument for giving legitimacy to biological determinism against a backdrop of a history of slavery, prevailing racial segregation and a doctrine of white supremacy in the same way as phrenology and craniometry had attempted to do: Gould (n 14 above) 155-157.

- 24 P Rich 'Race, science and the legitimization of white supremacy in South Africa 1902 – 1940' (1990) 23 *International Journal of African Historical Studies* 665; S Dubow *Racial segregation and the origins of apartheid in South Africa 1919-1936* (1989); AJ Norval *Deconstructing apartheid discourse* (1996) 31-32; ML Fick 'Intelligence test results of poor white, native (Zulu), coloured and Indian school children and the educational and social implications' (1929) 26 *South African Journal of Science* 904. For a view on the use of science to justify racism in the United States, see R Horsman *Race and manifest destiny: The origins of American racial Anglo-Saxonism* (1981) 43-61, noted in KW Crenshaw 'Race, reform and retrenchment: Transformation and legitimization in antidiscrimination law' (1988) 101 *Harvard Law Review* 1331 at 1370-1371 footnote 149.
- 25 D Olusoga & CW Erichsen *The Kaiser's holocaust: Germany's forgotten genocide* (2010) 245-251.
- 26 One of the race scientists was Eugen Fischer who published a book to prove a thesis of racial degeneration through racial 'mixing': E Fischer *Die Rehobother Bastards und das bastardierungsproblem beim menschen* (*The Rehoboth bastards and the bastardisation problem in man*) (1913); Olusoga & Erichsen (n 25 above) 249-250.
- 27 Gould (n 14 above) 92 97-98.

critique of biological determinism, Stephen Gould says this of Broca's scientific approach:

He traversed the gap between fact and conclusion by what may be the usual route – predominantly in reverse. Conclusions came first and Broca's conclusions were the shared assumptions of most successful white males during his time ... Broca and his school used facts as illustrations, not as constraining documents. They began with conclusions, peered through their facts, and came back in a circle to the same conclusion.<sup>28</sup>

The 'objective' and authoritative value of science in resolving the troubling question of equal citizenship *vis à vis* the 'native' who, after all, was said to be in a state of arrested development<sup>29</sup> and recapitulation,<sup>30</sup> was not lost on colonial discourse. In 1937, Linde, a psychiatrist based in Cape Town, articulated the prevailing colonial sentiment of racially differentiated intelligence and scientifically valid calibrated citizenship when he said:

There can be one, and only one adequate reason justifying differentiation, and that is if the native can be proved to have an inferior intelligence to the European. In that case, that is, if he is really at the mental level of the child, we obviously cannot trust him with the vote or with other privileges of full citizenship.<sup>31</sup>

Gould, Dubow and other writers highlight the considerable effort and ingenuity that were employed by craniometrists to ensure that the scientific

28 Gould (n 14 above) 85.

29 In the early twentieth century especially, the theory that Africans had arrested cerebral development was popularised in colonial and scientific discourses through the alchemy of medical science, anthropological findings and travel writers. The thesis was that anatomical and physiological differences between the brains of whites and blacks were such that an adult African at best attained the cerebral development of the average seven or eight year-old European. This was because the brains of African people stopped growing after puberty and thereafter they deteriorated. The most widely-shared explanation for arrested development among scientists was the theory of premature closure of the brain sutures in Africans which stymied any further cerebral growth: Dubow (n 22 above) 198-204.

30 Recapitulation is an evolutionary theory that was established in the nineteenth century and was used to validate racial hierarchies. It is a theory that is based on the notion of retracing or reconstructing evolutionary lineage. The hypothesis is that when an individual grows, they pass through a series of stages that represent adult ancestral forms. As Gould observes, recapitulation served to confirm that the ancestral lineage of races had progressed to different levels of development and that some races progressed further than others. More specifically, the theory was used to confirm that adults of the 'inferior' black race were at the evolutionary stage of development of the children of the 'superior' race. Recapitulation became not just a biological deterministic tool but also a tool for organising racial hierarchies: Gould (n 14 above).

31 Cited in Dubow (n 22 above) 210.

racial inquiry always yielded inscribed racial identities.<sup>32</sup> For example, if craniometry revealed that ‘Negro’ and ‘Nordic’ skulls had the same characteristics in terms of a dolichocephalic (long-headed) head shape, then new criteria, such as prognathism (measurement of the projection of the face and jaws beyond the forehead) and nasal indices (measuring the relative breadth to height of the nose), were introduced to fit a script in which anatomical characteristics of whites eventually trump those of their black counterparts.<sup>33</sup> Georges Cuvier, a leading French zoologist, got around the uncomfortable finding that ‘primitive’ races frequently turned out to be large-brained by suggesting that the large brain size of ‘primitive’ races was caused by development of the posterior region of the brain (the less cerebrally significant) and not the frontal region of the brain (the more cerebrally significant).<sup>34</sup>

IQ testing historically provided its fair share of pseudo-science. In IQ testing differences among white children have largely been explained in terms of environmental differences, whereas heredity has been the explanation proffered for differences between black and white children.<sup>35</sup> Moreover, low IQ performance among whites has been treated as a problem that could be remedied through socio-economic intervention.<sup>36</sup> As Paul Rich notes, behind much of the science of race has been an unstated assumption that there is some form of racial order and hierarchy in which the white, Anglo-Saxon race occupies the premier position.<sup>37</sup> Iris Young captures the unsparing, all-out search for ‘objective’ standards to legitimise the supremacy of white bodies over dark ones in the following remarks:

In the developing sciences of natural history, phrenology, physiognomy, ethnography, and medicine, the gaze of the scientific observer was applied to bodies, weighing, measuring, and classifying them according to normative hierarchy. Nineteenth-century theorists of race explicitly assumed white European body types and facial features as the norm, the perfection of human form, in relation to which other body types were either degenerate or less developed. Bringing these norms into the discourse of science, however, naturalized them, gave the assertions of superiority an additional authority as truths of nature.<sup>38</sup>

32 Gould (n 14 above) 73-112; Dubow (n 22 above) 29.

33 Dubow (n 22 above) 29.

34 Dubow (n 22 above) 29-30.

35 Rich (n 24 above) 679; Dubow (n 22 above) 223-232.

36 Dubow (n 22 above) 225-226.

37 Rich (n 24 above) 667.

38 Young (n 1 above) 128.

In the end the science of investigating racial differences became, foremost, the science of validating preconceived racial differences. Science about races, as Gould notes, became advocacy masquerading as objectivity.<sup>39</sup> ‘Scientific’ conclusions stemmed from the assumption that there were human races and that they could be ranked on a linear scale of human worth.<sup>40</sup> The genius of proving hierarchical racial differences using craniometry, for example, lay in selecting criteria for testing a hypothesis and modifying or abandoning the criteria if the outcome proved inconvenient, such as when it suggested that human variation might be ramified and random<sup>41</sup> and that the overall genetic difference among races is astonishingly small.<sup>42</sup> Instead of using information about genetic difference to benefit humankind, the science of race became a racist and racialising ‘scientific’ enterprise.

Thus, in its understanding of race, European race science privileged European body types and facial features as the perfection of human form, whereas different bodies and faces were classified as less developed or degenerate.<sup>43</sup> Degeneracy lay, as Sander Gilman and other writers<sup>44</sup> point out, in gross morphology. It could be found in skin colour, hair texture, facial features, shape of head and nose, location of eyes, structure of genitals, buttocks, hips, chest, breasts and so on, which can be observed or measured using comparative anatomical amarmentaria and given ‘scientific validity’. Saul Dubow captures the significance of anatomy as race when he says, to nineteenth-century Europe, physiognomy became a ‘powerful means of registering “otherness”’.<sup>45</sup>

### 3 Re-membering Saartjie Baartman: Black embodiment, ascribed identity and fetishisation

In colonial discourses black embodiment historically served to provide white aggressive imaginary with a site for metonymic construction of lack and despised embodiment.<sup>46</sup> The exhibition of the semi-undressed person of Saartjie Baartman in Britain and France during her life, as well as parts of her body after her death, is telling of the black body as a site for

39 Gould (n 14 above) 85.

40 Gould (n 14 above) 86.

41 Gould (n 14 above) 73-112.

42 Gould (n 14 above) 323.

43 Young (n 1 above) 128; West (n 10 above) 75-82.

44 SL Gilman *Difference and pathology: Stereotypes of sexuality, race and madness* (1985) 156-158 191-194; Young (n 1 above) 128; West (n 10 above) 78-80.

45 Dubow (n 22 above) 23.

46 HK Bhabha ‘The other question ...’ (1983) 24 *Screen* 18 at 29; Young (n 1 above) 124.

aggressive racial fantasy, disavowal and fetishisation.<sup>47</sup> Her story stands, not only as testimony to the presence of egregious forms of racial and gender degradation in Europe at the time, but also captures poignantly how nineteenth-century Europe perceived African bodies as pathologised objects that merited a white, imperialist mastering gaze and ‘scientific’ dissection to give objective validity to racial stigmata and a biocentric structure of race which placed blacks in natural and permanent inferiority.<sup>48</sup> The gaze was racialised, gendered, sexualised and pseudo-scientific. It dis-membered Saartjie Baartman in the vilest possible manner in life and after death, reducing her to a caricature in order to cohere with a racial stereotype: a ‘Hottentot’ with diseased buttocks and hypertrophied genitalia.<sup>49</sup>

Saartjie Baartman, who was born around 1789, is also known as ‘Sara or Sarah’.<sup>50</sup> Holmes alerts us to the controversy attending to her first name. Saartjie was the name she used when growing up:<sup>51</sup> it is a name derived from Dutch. Used affectionately and sentimentally it means ‘little Sara’. Its Afrikaans form, according to Holmes, captures an intensity of affection and care which is lost when the name is anglicised to Sara or Sarah. At the same time, Holmes cautions us, Saartjie carries ‘-tjie’ as a suffix which, when used in a context of unequal relations between the namer and the named, conveys contempt, belittlement and subordination for the named. If the unequal relations are of a racial nature, as obtained at the time of her birth, then Saartjie also has a racially pejorative meaning depending on who the namer is. Many commentaries use Sara or Sarah in part to distance themselves from any racist connotation in ‘Saartjie’, and in part to use the name she was baptised with when she became a Christian convert in 1811 in Britain. However, I have chosen to use Saartjie on the

47 R Garland-Thomson ‘Integrating disability, transforming feminist theory’ (2002) 14 *National Women’s Studies Association Journal* 1 at 7; A Fausto-Sterling ‘Gender, race, and the nation: The comparative anatomy of Hottentot women in Europe, 1815–1817’ in J Terry & J Urla (eds) *Deviant bodies: Critical perspectives on difference in science and popular culture* (1995) 19–48; Young (n 1 above) 127; Gilman (n 44 above) 88–94; Copeland (n 11 above) 12.

48 C Crais & P Scully *Sara Baartman and the Hottentot Venus* (2009) 54–57 72–81; R Holmes *African queen* (2007) 25–32; Quijano (n 3 above).

49 N Gordon-Chipembere ‘Introduction: Claiming Sarah Baartman, a legacy to grasp’ in N Gordon-Chipembere (ed) *Representation and black womanhood: The legacy of Sarah Baartman* (2007) 1 at 4. I parenthesise ‘Hottentot’ to capture the naming of subjects who were Khoisan in colonial discourses and convey its derogatory and racist connotations.

50 Crais & Scully (n 48 above) 107–109; Holmes (n 48 above) xii–xiv. Saartjie Baartman’s date of birth is an approximation due to the unavailability of a precise record.

51 Holmes (n 48 above) xii–xiv.

understanding that those who were affectionate towards her, including her family, called her by that name.

Saartjie was a poor, unlettered woman of Khoisan descent. She was spirited out of the then Cape Colony and exhibited between 1810 and 1815 in London and Paris under a plan hatched by three men – Alexander Dunlop, Pieter Cezars and Hendrick Cezars. Ostensibly, she was to fulfil a contract for services, earn some money and return home. In reality, however, she was the object of financial and sexual exploitation. Though euphemistically exhibited as an exotic woman, in reality she was exhibited as an ‘ethnic pornographic’ object.<sup>52</sup> Following her death from tuberculosis in 1815, Cuvier, the French zoologist, dissected her body, removing some parts.<sup>53</sup> Her skeleton, brain and genitalia were put on display in the Paris Museum of Man (Musée de l’Homme).<sup>54</sup>

Cuvier was racially and sexually fixated on Saartjie Baartman. As part of his anatomical findings, he drew parallels with an orangutan and the lowest order of human species to confirm a thesis of physical affinity between apes and black people. In practice, Cuvier was only reiterating a racial pseudo-scientific theory that he had concluded and popularised prior to his encounter with Saartjie. In 1812, he had described ‘Africans’ as ‘the most degraded of human races, whose form approaches that of the beast and whose intelligence is nowhere great enough to arrive at regular government’.<sup>55</sup> For Cuvier Saartjie is positioned somewhere between a human and a homunculus: a missing link in the Chain of Being.<sup>56</sup> She is presented as a category of nature, pure biology. Saartjie is remade into the ultimate referent of Caliban, marking the incommensurability of the equal humanity of black African people. The following animality-suffused ‘scientific’ description of Saartjie’s bodily gestures and physiognomy by Cuvier is a poignant witness to her Calibanisation:

52 Crais & Scully (n 48 above) 54-57 72-81; Holmes (n 48 above) 25-32.

53 Georges Cuvier (1769-1832) was also known as Jean Leopold Nicolas Frederic Cuvier.

54 Y Abrahams ‘The great long national insult: Science, sexuality and the Khoisan in the 18th and early 19th century’ (1997) 32 *Agenda: Empowering Women for Gender Equity* 32 at 44; Dubow (n 22 above) 23; Holmes (n 48 above) 25-32. Saartjie Baartman’s remains were on display in the museum until 1974. Following the fall of apartheid, the South African government requested France for the repatriation of her remains. On 9 August 2002, 187 years after her death, Baartman’s remains were interred in Gamtoos Valley near where she was born in present Eastern Cape: ‘Saartjie Baartman born’, [http://www.aaregistry.org/historic\\_events/view/saartjie-baartman-born](http://www.aaregistry.org/historic_events/view/saartjie-baartman-born) (accessed 10 October 2016).

55 G Cuvier *Recherches sur les ossemens fossils* Vol 1 (1812) 105, as cited in Gould (n 14 above) 36.

56 Wynter (n 6 above) 301 303-304.

These movements had something brusque and capricious that recalled those of the ape. She had above all a manner of sticking out her lips much the same way as we had observed in the orangutan ... Our Bushman has an even more prominent muzzle than the negro and an even broader face than the Calmuck and nose bones flatter than the one and the other; in this last respect, I have never seen a human head that more resembles the apes than hers.<sup>57</sup>

Cuvier uses Saartjie Baartman's embodiment as raw material to give a pseudo-scientific comparative anatomy a validity that is teleologically tethered to an already existing discursive hierarchy.<sup>58</sup> What is at play is explicable in terms of Althusserian interpellation rather than the production of science.<sup>59</sup> Racial perception and the desire to colonise and appropriate the physiognomy of African bodies determine an outcome pretending to be science. Under the mask of scientific precision Cuvier uses a scalpel, but Saartjie's cadaver in fact is summoned by a nativising discourse of race, class and the appropriation of the Enlightenment's elevation of reason. The darker side of Enlightenment reason is at play here:<sup>60</sup> it is a telos which keeps black embodiment within the limits of the ontological difference of those perceived to lack reason and beauty and thus are outside the limits of generic identity.<sup>61</sup> The scalpel legitimises the power of defining others according to the logic of the discursive needs of the dissector and not the dissected.<sup>62</sup> Prior to dissection, Saartjie's body is already determined as belonging solely to the order of material extension and consequently is doomed to death and destruction.<sup>63</sup> Cuvier successfully uses comparative anatomy to produce 'controlling' difference out of Saartjie's cadaver.<sup>64</sup> What matters to Cuvier in the dissection is not the anatomical variety he sees but his 'zero-point in orientation'.<sup>65</sup> The orientation represents a *maximum* field of vision from a determinate point.<sup>66</sup> Like Uncle Theo, Cuvier has a visual *habitus* or positionality.<sup>67</sup>

57 English translation from G Cuvier 'Extrait d'observations faites sur le cadaver d'une femme connue à Londres sous le nom de Vénus Hottentote' in G Cuvier, P-Ch Joubert & FL Passard *Discours sur les révolutions du globe* (1864) 211 at 214-220.

58 Abrahams (n 54 above) 43-46; TD Sharpley-Whiting *Black Venus: Sexualized savages, primal fears, and primitive narratives in French* (1999) 23-24.

59 L Althusser *Lenin and philosophy and other essays* (1971); S Hall 'Who needs "identity"?' in J Evans & P Redman (eds) *Identity: A reader* (2000) 15 at 19-21.

60 JA Mbembe 'African modes of self-writing' (2002) 14 *Public Culture* 239.

61 Mbembe (n 60 above) 245-246.

62 R Wiss 'Lipreading: Remembering Saartjie Baartman' (1994) 1 & 2 *Australian Journal of Anthropology* 11 at 34.

63 Mbembe (n 60 above) 246.

64 Wiss (n 62 above) 35.

65 See the discussion in ch 1 sec 2 and in ch 6 sec 5.

66 As above.

67 As above.

His visual telos is *theocratic*: it is 'at home' when all bodies look white. What is outside the visual horizon is invalidated and the outcome is the nativisation of Saartjie Baartman.

Sadiya Qureshi points out that it is highly significant that on presenting his anatomical findings following the dissection of Saartjie Baartman's body Cuvier *reclassifies* her as being a 'femme de race Boschimanne' (female of the Bushman race).<sup>68</sup> As a result of this classification, Saartjie ceases to be of 'Hottentot type' and becomes 'Bushman type' so that her supposed racial essence is lowered even further in order for a better fit with a prior discourse that places 'Bushman' at the very bottom of the human chain and as close as possible to homunculi.<sup>69</sup> When classified as a 'Bushman', her embodiment, including her brain and genitalia, can be rendered ultra 'primitive' and analogous to those of apes. At the time, 'racial' science regarded the San people (in derogatory terminology, 'Bushmen') as human, but not quite human. Saartjie's black embodiment is made to serve as a yardstick in plotting a pseudo-Darwinian evolutionary progress, and to discern identity and the distinction between beauty and ugliness.<sup>70</sup> She is ascribed a normative identity she cannot negotiate: an identity nativised from without to mark the terrain of the primitive in contrast to a white identity as the paragon of the human species.<sup>71</sup>

To nineteenth-century European bourgeois aesthetics and culture, Saartjie Baartman was not only racially deformed, she also epitomised a sexually degenerate, dark race. Her genitalia, in particular, were pathologised and rendered the central image and episteme of the black female, representing 'lasciviousness, corruption and disease'.<sup>72</sup> Forced to line up for calibration using a 'normalising scientific, aesthetic and moral gaze' mastered and controlled by a European investigator, Saartjie failed the normative test. As implied by Young in the epigraph, she was destined to fail the test as her body was already rendered 'deviant' by a prior discourse.<sup>73</sup> Under this normative gaze, she was fetishised and racially scorned.<sup>74</sup> In all these respects, however, Zine Magubane reminds us that

68 S Qureshi 'Displaying Sara Baartman, the Hottentot Venus' (2004) 42 *History of Science* 233 at 242-243.

69 As above. The aim is not to 'dignify' 'Hottentot' (see n 49 above) but to imply that in colonial discourses an even greater racial inferiority was ascribed to 'Bushman'.

70 Sharpley-Whiting (n 58 above) 23.

71 As above.

72 Gilman (n 44 above) 85-94; Dubow (n 22 above) 23.

73 Young (n 1 above).

74 Foucault summarised the 'normalising gaze' as entailing five stages, namely, (i) comparison; (ii) differentiation; (iii) hierarchisation; (iv) homogenisation; and

Saartjie was unexceptional in her racial debasement, which was part of a much wider repertoire of debasement experienced by colonised peoples at the hands of imperial Europe.<sup>75</sup> Saartjie Baartman serves as an emblem of nineteenth-century Western philosophical, cultural and scientific traditions and practices for representing non-European bodies which were mediated by the logic of identity and its origins in the Enlightenment.

### 3.1 Logic of identity

The pathologisation of Saartjie Baartman's dark body can be understood as symbolising the challenges that Western philosophical, political, and cultural tradition has historically experienced in comprehending foreign, non-European worlds.<sup>76</sup> The challenge stems from a Cartesian spirit that lacks the capacity to comprehend the 'you', and is only faithful to its own understanding.<sup>77</sup> It is, according to Achille Mbembe, a tradition in which that which is not 'I' poses an insurmountable difficulty that can be resolved only by denying the existence of any 'self but its own'.<sup>78</sup> The idea that we have 'concretely and typically, the same flesh',<sup>79</sup> as Mbembe underlines, became problematic for Western philosophical and political traditions when faced with different phenotypes and physiognomies. Clearly, the classificatory system that European culture used on Africa and its inhabitants took othering to an extreme.<sup>80</sup> The system did not read difference as meaning 'not to be like' in the sense of being non-identical, but meaning 'not to be at all' (nothingness).<sup>81</sup> The classification produced African peoples that epitomised absolute and degenerate otherness.<sup>82</sup>

Over and above its appropriation in the service of the project of imperialism, a Cartesian approach to race and its binary dialectics can be explicated through the 'logic of identity'.<sup>83</sup> Drawing on the deconstruction discourses of Adorno, Derrida and Irigaray, Young criticises 'the logic of

(v) exclusion. M Foucault *Discipline and punish* (1977) 182-183; Young (n 1 above) 125-126.

75 Z Magubane 'Which bodies matter? Feminism, poststructuralism, race and the curious theoretical odyssey of the "Hottentot Venus"' (2001) 15 *Gender and Society* 816.

76 JA Mbembe *On the post-colony* (2001) 2.

77 L. Frobenius *Schicksalskunde im sinne des kulturwerdens* (1938) 111 (first published in 1932 and translated as *Destiny of civilisations*), cited in M Saman 'Senghor's other Europe' (2012) 1 *Savannah Review* 23 at 33-34.

78 Mbembe (n 76 above) 2.

79 As above.

80 As above.

81 Mbembe (n 76 above) 4.

82 Mbembe (n 76 above) 2.

83 Young (n 1 above) 98-99.

identity' in Western philosophical thought for reckoning with perceived varied phenomena through a single, totalising classificatory system which reduces everything to a unity under a hegemonic principle and necessarily represses difference.<sup>84</sup> It is a logic, as Rosemary Wiss emphasises, that interprets difference from a position that is dependent on and is assimilated to a prior privileged position that is taken as the authoritative view of self, truth and reality.<sup>85</sup> The prior position represents a discursive centre: a given standard from which to exclude, invalidate or incorporate.<sup>86</sup> The racial caste system appropriated by colonial and apartheid polities was constructed on such an assimilative logic of identity. It reckoned with equality only if difference was reduced to unity. It was a 'self-generating and autonomous' archive of racial classification: creating the difference and maintaining it through racial surveillance.<sup>87</sup> The racial caste system reduced the plurality and particularity of different embodiments to unity, using whiteness as the standard of intelligibility to bring everything under control.<sup>88</sup> It succeeded in creating mutually exclusive categories in which one half of the dichotomy was elevated above the other, which was regarded as human but incomplete and ripe for exploitation.

Expounding on the logic of identity and its foundation in a fantasy of origin which generates mutually exclusive and hierarchical oppositions that transform what is merely different into the 'absolute other', Young says:

... it has no foundation outside itself, it is self-generating and autonomous. Its pure identity or origin ensures that its representation of reality will be unambiguous and true. The logic of identity also seeks to reduce the plurality of subjects, their bodily, perceptual experience, to a unity, by measuring them against the unvarying standard of universal reason. The irony of the logic of identity is that by seeking to reduce differently similar to the same, it turns the merely different into the absolutely other. It inevitably generates dichotomy instead of unity because the move to bring particulars under a universal category creates a distinction both inside and outside. The first side of the dichotomy is elevated over the second because it designates the unified, the self-identical, whereas the second lies outside the unified as chaotic, unformed, transforming, that always threatens to cross the border and break up the unity of the good.<sup>89</sup>

84 Young (n 1 above) 97-98, drawing on TW Adorno *Negative dialectics* (1973); J Derrida *Of grammatology* trans GC Spivak (1976), originally published in 1967; L Irigaray *Speculum of the other woman* trans GC Gill (1974).

85 Wiss (n 62 above) 34.

86 Wiss (n 62 above) 36.

87 Young (n 1 above) 98.

88 Young (n 1 above) 99.

89 As above.

Drawing critically on the Enlightenment thesis, Cornel West underscores the logic of identity, seeing the absolute otherness and discursive exclusion of dark bodies in European modern discourse as the inevitable outcome of a European normative gaze.<sup>90</sup> The European classificatory system was self-referencing. It used forms of scientific investigation, rationality, Cartesian epistemology and European aesthetic and cultural norms to set the parameters and draw the boundaries of knowledge. In this way the unintelligibility and even illegitimacy of asserting equality in beauty, culture and intellectual capacity between black and white bodies was assured.<sup>91</sup> It is clear that Europeans were not, in effect, discovering Africans but ‘inventing’ them in the same way as they did for colonised people elsewhere.<sup>92</sup>

Against this backdrop the scaling of bodies under colonialism, apartheid and the doctrine of white supremacy were neither an innovation nor an aberration but rather, a logical application of a normative gaze rooted in Western scientific claims and the Enlightenment. If ever Saartjie Baartman’s anatomy measured up to European humanity it was to the ‘lowest’ and ‘most disgusting’ classes of European ‘prostitutes’ who, like the objectified ‘Hottentot’, had a pathological genital physiognomy.<sup>93</sup> The significance of racially-differentiated genitals, as Gilman writes, is that it is, in no small measure, part of validating the scientific thesis of hierarchical racial difference and, in turn, racial superiority and inferiority.<sup>94</sup> It conveniently connected physiognomy with moral and intellectual capacities.

### 3.2 Fetishisation

Iris Young analyses racial oppression partly through corporeality.<sup>95</sup> She sees racism as contingent upon the existence of a group that is defined by a dominant discourse as having an ugly body that must be feared, avoided, hated or derided.<sup>96</sup> For Kobena Mercer, the production of raced black embodiment through a white binarising normative gaze can be understood

90 West (n 10 above) 75.

91 As above.

92 L. Lange ‘Burnt offerings to rationality: A feminist reading of the construction of indigenous peoples in Dussel’s theory of modernity’ in LM Alcoff & E Mendieta (eds) *Thinking from the underside of history: Enrique Dussel’s philosophy of liberation* (2000) 135 at 138.

93 Gilman (n 44 above) 94.

94 Gilman (n 44 above) 83-91 112.

95 Young does so in a chapter titled ‘The scaling of bodies and the politics of identity’ in her book *Justice and the politics of difference*: Young (n 1 above) 122-155.

96 Young (n 1 above) 123.

as ‘a logic of fetishisation’ in which there is disavowal of difference.<sup>97</sup> It is mimetic representation aimed at bestowing objectification in order to make present for the subject that is doing the gazing something that is absent in the person that is gazed at and, in the process, assuaging the racial fantasies of the gazer.<sup>98</sup> Skin colour in the form of blackness has served as the most visible fetish: the ethnic signifier.<sup>99</sup> Baartman’s embodiment was fetishised in the extreme.

In psychoanalysis, when the body is fetishised by a normative gaze fantasy is at play.<sup>100</sup> Fantasy serves as an intervening factor to construct a representation in which there is *displacement* – the substitution of an object for something that is a dangerous force.<sup>101</sup> What is fetishised opens the door to an ambivalent identity – whether racial, cultural or sexual – that swings between affirmation of something that is whole and similar on the one hand, and disavowal of something that constitutes lack on the other hand.<sup>102</sup> It is disavowal that turns what is fetishised into a grotesque figure that summons ‘defence’ in the gazer. Disavowal, Hall explains, is the means by which a powerful desire for what is gazed at is simultaneously indulged and denied.<sup>103</sup>

Shawn Copeland observes that it is Fanon, more than any other writer, who poignantly captures how black embodiment was transformed by racial subjugation and rendered a fetish.<sup>104</sup> Fanon articulates the hegemony of whiteness and its dominance in the representation of embodiment. He captures the purposeful and crushing objectification of black embodiment in ways that evoke its plaintive loss, shock and

97 K Mercer ‘Reading racial fetishism: The photographs of Robert Mapplethorpe’ in S Hall & J Evans (eds) *Visual culture: The reader* (1999) 435 at 437, originally published as a chapter in a book, K Mercer *Welcome to the jungle: New positions in black cultural studies* (1986).

98 Mercer in Hall & Evans (n 97 above) 437.

99 Mercer in Hall & Evans (n 97 above) 444.

100 An essay written by Sigmund Freud in 1927 has provided a foundational psychoanalytic explication of fetishism in writing on the subject: S Freud ‘Fetishism’ (1927) in S Freud *On sexuality* (1977) 345-358; S Hall ‘The spectacle of the “other”’ in S Hall, J Evans & S Nixon (eds) *Representation* (2013) 215 at 257. However, whilst from a Freudian perspective sexuality plays a formative role with the phallus as the object of displacement, such a perspective seems overly narrow and not easily reducible to racial, class and cultural hierarchies, for example. It is better to open fetishisation to a wider interpretation to render it permeable to a variety of social contradictions: McClintock (n 2 above) 184. Indeed, the section on Baartman in this chapter proceeds on the premise of giving fetish a wider interpretation to include race, culture and class.

101 Hall ‘The spectacle of the “other”’ (n 100 above) 256.

102 Bhabha (n 46 above) 27.

103 Hall ‘The spectacle of the “other”’ (n 100 above) 257.

104 Copeland (n 11 above) 15; see also Young (n 1 above) 122-123.

anguish.<sup>105</sup> In *Black skin, white masks*, Fanon draws on phenomenology to speak for black embodiment in its overburdened and fetishised moment when he says:

My body was given back to me sprawled out, distorted, recolored, clad in mourning in that white winter day. The Negro is an animal, the Negro is mean, the Negro is ugly; look, a nigger, it's cold, the nigger is shivering because he is cold, the little boy is trembling because he is afraid of the nigger ... All around me the white man, above the sky tears at its navel, the earth rasps under my feet, and there is a white song, a white song. All this whiteness that burns me ... I sit down at the fire and I become aware of my uniform. I had not seen it. It is indeed ugly. I stop there, for who can tell me what beauty is.<sup>106</sup>

Baartman's body was given back to her transformed, disassembled and stereotyped by three main forms of marking – the racial, the gendered and the sexual. It came back as a fetish: a spectacle, in *excess* of what it was in order to assuage the need for a prototype figure for black racial degeneration and sexual deviance that speaks to a fantasy of origin and identity.<sup>107</sup> Her new embodiment was totally recognisable to the European normative gaze whose discursive strategy was its cause and effect. For Baartman, it was dismembered embodiment 'clad in mourning' and totally unrecognisable. Baartman's blackness, femininity and sexuality were returned but remade by discursive white racial power. These features were 'sprawled out, distorted and recolored' to reflect and conform to a new disciplinary aesthetics of race, gendered sexuality and the demand for a racial stereotype.

If we transpose Freudian psychoanalysis onto the public display of Baartman in order to think through the modalities of stereotyping in colonial discourse, we see fetishisation in its multiplicities or cross-cutting determinations.<sup>108</sup> The multiplicities articulate racialised, gendered and sexualised difference.<sup>109</sup> Baartman is not just black but is also a woman and a sexual object. Her body is rendered the site for the confluence of fetishisation and phallogocentric fantasy inscribed in both the economy of domination and power and the economy of gendered patriarchal pleasure and desire.<sup>110</sup> We see not just a gaze directed at Baartman's body. We see also obsessive masculine gazing of a profusely eroticised nature directed at

105 Copeland (n 11 above) 15.

106 Fanon *Black skin, white masks* (n 18 above) 113-114.

107 On the need for 'excess' in creating stereotypes, Bhabha (n 46 above) 18-19.

108 Bhabha (n 46 above) 19.

109 As above.

110 As above.

'Hottentot' women.<sup>111</sup> Because the gaze is a transgressive fantasy, it must, simultaneously, be disavowed.<sup>112</sup> In this instance, colonial discourse served as a figleaf and licence for unregulated European voyeurism.<sup>113</sup> For the European onlookers, who were overwhelmingly male, Baartman's colour, gender and buttocks served as a displaced sexual object – her genitalia.<sup>114</sup>

Under a European patriarchal gaze Baartman is racially scorned at the same time as she is sexually desired.<sup>115</sup> Beneath the veneer of racial revulsion lay an intense, violent sexual desire that in colonial discourses was part of a broader sexualised political economy and the effect of a regime of power. Cultural imposition, physical violence and the plunder of African lands were not only raced but also deeply implicated in gender and sexuality.<sup>116</sup> In the gendered imagination of the phallic ego of white males, like African lands, Baartman's embodiment represented a 'category of nature' to be conquered and penetrated.<sup>117</sup> Her body was remade by white masculine power as part of a broader sublimated sexual economy of imperialism that set its gaze on Africa.<sup>118</sup>

#### 4 Apartheid and the banality of race

The creation of races under apartheid is particularly instructive for understanding the historical production of 'African' as ascribed racial alterity. Apartheid doctrine and practice explicate most vividly the production of the racial othering of 'African' in colonial discourses as a negative racial category in ways that were directly tethered to legitimising the economic exploitation of 'Africans'. In this sense the classification of races under apartheid brings to life Higginbotham's analysis of race as social construction and political signification. Drawing an analogy with gender and class, Higginbotham said of race:

111 Julien-Joseph Virey, a French writer who is credited with writing a standard study of race in the early nineteenth century, described 'Hottentot' women as having a "voluptuousness" that is developed to a degree of lascivity unknown in our climate': *Dictionnaire des sciences médicales (Dictionary of Medical Sciences)* (1819) 398-403. The quoted words and phrases are cited in Gilman (n 44 above) 85; Dubow (n 22 above) 20-24; R Miles & M Brown *Racism* (2003) 37.

112 Mercer in Hall & Evans (n 97 above) 437.

113 Hall 'The spectacle of the "other"' (n 100 above) 258.

114 As above.

115 McClintock (n 2 above) 22-24.

116 McClintock (n 2 above) 22-24; A Loomba *Colonialism/Postcolonialism* (2005) 128-131.

117 McClintock (n 2 above) 22-24; Loomba (n 116 above) 128-131.

118 R Scott 'The Dark Continent: Africa as female body in Haggard's adventure fiction' (1989) 32 *Feminist Review* 69 at 84-85; Copeland (n 11 above) 12.

Like gender and class, then, race must be seen as a social construction predicated upon the recognition of difference and signifying the simultaneous distinguishing and positioning of groups vis-à-vis one another. More than this, race is a highly contested representation of relations of power between social categories by which individuals are defined and identify themselves. The recognition of racial distinctions emanates from and adapts to multiple uses of power in society. Perceived as 'natural' and 'appropriate', such racial categories are strategically necessary for the functioning of power in countless institutional and ideological forms, both explicit and subtle.<sup>119</sup>

The creation of races under the apartheid system was an outgrowth of the British colonial racial caste system. A racial caste system was practised in Boer Republics as well as British colonies before the institution of official apartheid.<sup>120</sup> Christi van der Westhuizen highlights that racial segregation, as a clear and concerted national policy, did not begin in the Boer Republics.<sup>121</sup> Instead, its genesis is closely identified with the South African Native Affairs Commission set up by Milner.<sup>122</sup>

Alfred Milner was the British Governor-General of the Transvaal and the Orange River Colony after their annexation in 1900.<sup>123</sup> He was a pillar, par excellence, of the British imperial establishment. In his quest to advance British imperialism he intended to transform South Africa into a modern industrial capitalist state. However, unwilling or insufficient black labour stood in the way. To overcome this obstacle Milner set about developing an exploitative policy for governing blacks and extracting black labour, not least for the mining sector which was the imperial gem.<sup>124</sup> To this end, in 1903, the South African Native Affairs Commission (Milner Commission) was set up to examine and co-ordinate 'native' policy and labour issues.

The Milner Commission conducted hearings from 1903 to 1905. It made recommendations, many of which were later to become not only constituent but cardinal parts of the architectural design of apartheid,

119 EB Higginbotham 'African-American women's history and the metalanguage of race' (1992) 17 *Signs: Journal of Women in Culture and Society* 251 at 253-254.

120 R First et al *The South African connection: Western investment in apartheid* (1973) 66; DK Stasiulis 'Pluralist and Marxist perspectives on racial discrimination in South Africa' (1980) 31 *British Journal of Sociology* 463 at 472; C van der Westhuizen *White power and the rise and the fall of the National Party* (2007) 14; S Terreblanche *A history of inequality in South Africa 1652-2002* (2002) 179-296.

121 Van der Westhuizen (n 120 above); Terreblanche (n 120 above) 246; PE Louw *The rise, fall and legacy of apartheid* (2004) 1-26.

122 Van der Westhuizen (n 120 above) 15; Louw (n 121 above).

123 Louw (n 121 above).

124 As above.

namely, racial separation of landownership with a clear division of South African territory into prime white areas and deprived African areas (the so-called homelands or tribal reserves), the establishment of 'native' locations in white towns, influx control to regulate the movement of blacks into cities, mission-based rather than state schooling for blacks, separate native councils to administer affairs concerning the welfare of blacks, and black disenfranchisement.<sup>125</sup> The point is not that this was the first time that racial segregation was being instituted: racial segregation had long been a practice in the administration of South Africa under both Dutch and British colonialism.<sup>126</sup> Rather, as Van der Westhuizen highlights, this is the first time that an overarching policy of racial segregation was being prepared for inscription into law.<sup>127</sup> Against this backdrop Sampie Terreblanche notes, the Milner Commission became, if not immediately, then certainly in the medium and long term, a major part of the edifice for the ideological justification of apartheid, the impoverishment of blacks and the migrant labour system.<sup>128</sup> Indeed, Terreblanche describes the apartheid system that was propagated by the National Party as scrupulously built on foundations laid down by the English establishment.<sup>129</sup>

Racially discriminatory legislation passed before the inauguration of official apartheid in 1948 was mainly the product of the Union Parliament.<sup>130</sup> As part of implicating British imperialism in the apartheid project, Terreblanche observes that it is not insignificant, apart from the nine years of pact government (from 1924 to 1933), as of 1910 when the Union was established, and up to 1948 when the National Party took office, governance in South Africa was largely under an English

125 Van der Westhuizen (n 120 above) 15; Louw (n 121 above); Terreblanche (n 120 above) 246. For example, a direct progeny of the Native Affairs Commission is the Native Lands Act 27 of 1913, which was passed by the Union Parliament and regulated ownership of land, creating 'reserves' for blacks and confining blacks who, numerically, exceeded the whites, to about one-eighth of the land mass of South Africa. The same applies to the 'pass' system and the creation of 'homelands'.

126 Terreblanche (n 120 above) 151-217.

127 Van der Westhuizen (n 120 above) 14-15.

128 Terreblanche (n 120 above) 246.

129 Terreblanche (n 120 above) 313.

130 Examples of discriminatory legislation passed before 1948 include the Mines and Works Act 12 of 1911 as amended (which prescribed entry into employment on racial lines, reserved jobs for whites, and prohibited industrial action by black mineworkers); the Native Lands Act (n 125 above) and the Urban Areas Act 21 of 1923 (which divided the country into urban and rural areas and restricted the movement of blacks into urban areas); the Wages Act 27 of 1925 (which prescribed higher wages for white workers).

establishment<sup>131</sup> which, therefore, had a conscious, dedicated hand in entrenching white political power and racial segregation.<sup>132</sup> Thus, the dye of unequal citizenship through racial segregation had already been cast when the National Party came to power in 1948.<sup>133</sup> By then the status of privilege had already been conferred on whites. They were already protected from economic competition with blacks though state policies and laws sanctioning racially discriminatory remuneration, job reservation for whites, spatial demarcation, the pass system and the establishment of reserves for blacks.

Thus, apartheid constructed its races on a foundation of colonial racial ideology. The weight of historical evidence implicates the British establishment far more than its Afrikaner counterpart in the spawning of apartheid ideology, built around social Darwinism and white supremacy. Though the semantics of apartheid came from the bowels of the National Party and were popularised for the first time in the 1948 'general' election,<sup>134</sup> it is more accurate to recognise, as Mandela, the founding president of post-apartheid and democratic South Africa, said in his biography, that 'apartheid was a new term but an old idea'.<sup>135</sup> Racial segregation and discrimination, as instruments for inscribing white supremacy onto the South African political economy, predate legally inscribed apartheid. Racist laws, policies and practices have their genesis in the country's colonial heritage under British imperialism.

Whilst apartheid built its racial ideology of white supremacy on a foundation laid down by the colonial archive, it added its own imprint to project race as an integral part of a soteriological sphere in which all peoples have their own unique theological identity.<sup>136</sup> Apartheid hybridised the colonial archive in order to also anchor whiteness in

131 Terreblanche (n 120 above) 247.

132 As above.

133 Van der Westhuizen (n 120 above) 63.

134 According to Terreblanche, the term 'apartheid' was coined by the National Party during campaigns in the 1948 'general election': Terreblanche (n 120 above) 312. Save for the inclusion of the 'coloured' vote, the 1948 election was a 'whites'-only election. It was a 'general' election only in the sense that, however, racially exclusionary, within a racial oligarchy that enjoyed external recognition in the international arena, including the United Nations, its outcome effectively decided the government of the day. The 'coloured' vote was removed from the common roll in 1956, when the Separate Representation of Voters Amendment Act 30 of 1956 was passed: Van der Westhuizen (n 120 above) 48.

135 N Mandela *Long walk to freedom* (1994) 104; BM Magubane *The political economy of race and class in South Africa* (1990) 226.

136 On Christian theology's contribution to racial thinking, see WJ Jennings *The Christian imagination: Theology and the origins of race* (2010).

racialised as well as ethnicised soteriology.<sup>137</sup> Racial fantasy, manifesting as Christian nationalism under the tutelage of the Dutch Reformed Church, allowed apartheid ideology to appropriate the Bible so that racial hierarchisation could be understood as fulfilment of the Book.<sup>138</sup> Parallels were drawn between the Great Trek and the Israelites' journey to the Promised Land. Whites, or more specifically Afrikaners, were imagined as God's chosen people who had overcome unimaginable odds and were destined for the Promised Land. The chosenness of Afrikaners was clearly articulated by, for example, JC van Rooyen, chairperson of the Afrikaner Broederbond, in 1944.<sup>139</sup> He said:

In every People in the world is embodied a Divine Idea and the task of each People is to build upon that idea and to perfect it. So God created Afrikaner People with a unique language, a unique philosophy of life, and their own history and tradition in order that they might fulfil a particular calling and destiny here in the southern corner of Africa. We must stand guard on all that is peculiar to us and build upon it. We must believe that God has called us to be servants of his righteousness in this place.<sup>140</sup>

137 C van Wyngaard 'White theology amidst white rhetoric on violence' in R Drew Smith et al (eds) *Contesting post-racialism: Conflicted churches in the United States and South Africa* (2015) 96 at 97-99.

138 L Thompson *The political mythology of apartheid* (1985); R Müller 'War, religion, and white supremacy' (2004) 10 *The Princeton Theological Review* 17 at 18; DJ Bosch 'The roots of Afrikaner civic religion' in JW Hofmeyr & WS Vorster (eds) *New faces of Africa: Essays in honour of Ben Marais* (1984) 14-35; A du Toit 'The construction of Afrikaner chosenness' in WR Hutchison & H Lehmann (eds) *Many are chosen: Divine election and Western nationalism* (1994) 115-139; R Hamerton-Kelly 'Biblical justification of apartheid in Afrikaner civil religion' in K Keulman *Critical moments in religious history* (1993) 161-172; GJ Rossouw 'Essentials of apartheid' in JW Hofmeyr et al (eds) *1948 plus 50 years. Theology, apartheid and church: Past, present and future* (2001) 88 at 97.

139 The Broederbond was a semi-clandestine exclusively white, Afrikaner, male organisation formed in 1918 so that it could serve Afrikaner nationalism by being 'wholly devoted to the service of the Afrikaner nation' in all walks of life: Thompson (n 138 above) 46. In 1943 Hendrik Verwoerd said: 'The Afrikaner Broederbond must gain control of everything it can lay its hands on in every walk of life in South Africa. Members must help each other to gain promotion in the civil service or any other field of activity in which they work with a view to working themselves up into important administrative positions': quoted in Thompson (n 138 above) 46. More than any other National Party leader, Verwoerd substantially expanded the role of the Broederbond within the state after taking office as Prime Minister in 1958: Posel *The making of apartheid 1948-1961* (1991) 242-244.

140 Quoted in Thompson (n 138 above) 29.

Therefore, it was left to Ham's children – the blackened and cursed family – to resign themselves to their lowly place in the divine order of things.<sup>141</sup> In Afrikaner nationalism the Dutch Reformed Church was transformed into a people's church – *volkskerk* – such that the boundaries between religion, culture and the apartheid state became blurred.

#### **4.1 Creating 'Africans', 'Coloureds', 'Indians' and 'whites'**

The South African apartheid system was designed as a pyramid. To give expression to white nationalism, it comprised 'whites' at the apex, 'Africans' at the nadir, with 'Coloureds' and 'Indians' in intermediate positions.<sup>142</sup> The political imaginary was to invest apartheid with 'authentic organicity' so that racial identities could be accepted as natural, closed and directly linked to differential citizenship commensurate with racial desserts.<sup>143</sup> This section serves as a background to understanding racial positioning among inferiorised 'races' under apartheid.

##### **4.1.1 'Africans' and 'whites' as extreme polarities**

The 1950 Population Registration Act divided South African humanity into three racial groups: 'white', 'Coloured' and 'native'. Colonial discourses on race in the South African context, in which apartheid

141 The mythology created from the biblical story of Ham is to paint the Bible as telling a story in which white racism has divine approval: J Kovel *White racism: A psychohistory* (1984) 63-64. The self-serving interpretation of the Bible provides a way out of the scripture that says that all humanity is descended from Adam and Eve who are racially represented in much of Christendom as white. By saying that blacks are direct descendants of Ham, upon whom a curse of servitude was placed, and thus justifying a master-servant relationship between whites and blacks with the latter destined to remain as hewers of wood and drawers of water, Christendom is able to claim Adam and Eve as white: Van der Westhuizen (n 120 above) 56; Miles & Brown (n 111 above) 25. The account in the Bible is that, after overindulging in wine, Noah is inebriated and falls asleep in his tent. Inadvertently, he is uncovered and his genitals are exposed. Ham, one of Noah's sons, unlike his more obedient siblings who look away and take a garment to cover his nakedness, looks straight at his father's genitals. For this indiscretion and disrespect, with God's approval, Noah punishes Ham not only by banishment, but also by putting a curse of servitude on Ham and his descendants – the Hamites: Genesis 9: 18-27. In racial mythology or fantasies inspired in part by biblical understandings, blackness has not just been a way of marking black people as a racial caste destined to be servile and subordinate. Blackness is also symbolic of what is ugly, sinful and impure. Whiteness appositely has opposite qualities: Kovel (above) 61-92; Fanon (n 18 above) 188.

142 Population Registration Act 30 of 1950, for example, required every person in South Africa to be registered according to their 'racial characteristics'.

143 Norval (n 24 above) 301.

steeped itself, had initially imagined two ‘full blooded’ races<sup>144</sup> – a colonising, innately superior and civilising white race and a colonisable, innately inferior, indigenous black race, members of which were described as ‘natives’ (later to be used interchangeably with ‘Bantu’, ‘blacks’ or ‘Africans’). ‘Native’ was colonial nomenclature of a derogatory and belligerent nature to describe a member of the indigenous population.<sup>145</sup> It served to denote the bestial but tameable nature of the ‘supposedly’ human object of conquest.

Both the ‘white’ racial caste and the ‘native’ caste were imagined to possess a purity of race, save that it was purity of polar and hierarchical opposites. However, at the time that the Population Registration Bill was proposed to a white Parliament, ‘whites’ and ‘natives’ were not the only races as colonial racist and racialising discourse had long begun the process of (mis)recognising a third racial caste – ‘Coloureds’ – but had yet to complete the architecture on the essential features and status of the ‘Coloured’ race.<sup>146</sup> In this sense ‘Coloured’ was a race in the making rather than a race completely made at the time that the National Party came to power. Prior to the Population Registration Act, the making of the ‘Coloured’ race had taken the form of official racial typing which was ad hoc rather than systematic. ‘Coloured’ was a fluid rather than a fixed racial category. Posel observes, for example, that under the Natives Representation Act of 1936,<sup>147</sup> well-educated ‘natives’ could submit a petition to be promoted to the status of ‘Coloured’.<sup>148</sup>

#### 4.1.2 ‘Coloureds’

Colonial racial discourses historically have been ambivalent towards ‘Coloureds’.<sup>149</sup> In one sense, colonial discourses pathologised ‘Coloureds’, regarding them as ‘half-castes’ or a ‘mixed or hybridised race’

144 D Posel ‘What’s in a name? Racial categorisations under apartheid and their afterlife’ (2001) 47 *Transformation* 50 at 55.

145 See the discussion in ch 6 sec 3.

146 Posel makes the point that ‘coloured’ was part of the hierarchical racial categories employed in segregationist South Africa prior to the apartheid era but its use was, on the whole, marked by the absence of a ‘fixed, officially authorised racial categorisation’. In consequence, people could move in and out of the ‘coloured’ category. For example, one could be ‘coloured’ for the purposes of accessing work, and yet be ‘native’ for the purposes of entering into a customary marriage: Posel ‘What’s in a name?’ (n 144 above) 54.

147 Act 12.

148 Posel (n 144 above) 54.

149 Van der Westhuizen (n 120 above) 60.

and a physical sign of 'miscegenation'.<sup>150</sup> 'Coloureds' were imagined to be the degenerate and unstable offspring of white men who had abandoned middle-class respectability and fallen prey to the effusive and uninhibited sexuality of 'Hottentot' women.<sup>151</sup> According to this perspective, 'Coloureds' posed a threat to the purity of the white race. However, the colonial imaginary also ascribed to 'Coloureds' a higher status than the objectified 'natives', as exemplified in the extension of the franchise to 'Coloureds', among other 'racial' privileges.<sup>152</sup> Though the National Party government was later to take away many of the racial privileges hitherto accorded to 'Coloureds', nonetheless, it implemented apartheid on the footing or with the sentiment that, when juxtaposed with 'Africans', 'Coloureds' would at least be subjected to a 'softer' brand of apartheid in a number of socio-economic spheres.<sup>153</sup>

In colonial racial aesthetics, 'Coloureds' had a distinct phenotype and physiognomy that lay somewhere between the purity of 'whites' and the raw savageness of 'natives'. The colonial imaginary was that 'Coloureds' were educable and could be brought up to middle-class respectability and to a level where they emulated but could not become white. In a number of areas, including the extension of the franchise and access to semi-skilled jobs, 'Coloureds' were treated preferentially relative to their 'native' counterparts, and in line with the colonial imaginary that they were superior to 'natives'.<sup>154</sup> What the Population Registration Act did was to ascribe to 'Coloureds' the authority and stability of race, albeit by the draconian means of inscribing into law that 'Coloureds' were not only a distinct race, but also that although superior to 'natives' they were inferior to 'whites'.

Despite seeming to resolve the ambivalence surrounding the Coloured race, apartheid created new problems, even on its own terms. 'Coloured' was legally a residual racial caste; it was all that 'white' or 'native' was not. Apartheid overestimated the ease with which a person's residual racial

150 Rich (n 24 above) 676; Dubow (n 22 above) 185-189; Van der Westhuizen (n 120 above) 55; J Martens 'Citizenship, "civilisation" and the creation of South Africa's Immorality Act, 1927' (2007) 59 *South African Historical Journal* 223 at 225.

151 On colonial perceptions of the sexuality of 'Hottentot' women, see the discussion on Baartman in sec 3 above.

152 The 'coloured' franchise was entrenched into law by the South Africa Act of 1909. It was removed by the National Party government in 1955 as part of apartheid policy, following a protracted challenge involving the courts: Van der Westhuizen (n 120 above) 44-48.

153 Van der Westhuizen (n 120 above) 49-50.

154 I Goldin *Making race: The politics and economics of coloured identity in South Africa* (1987) 3-73.

identity could be told: gross morphology is not always compliant. Race did not prove to be the indelible badge on the forehead that apartheid race discourse imagined. Telling the difference between 'native' and 'Coloured', 'Coloured' and 'white' was not always the easy task it was meant to be, but an exercise in cattle branding for the committees that were charged with the task of racial classification in disputed cases.<sup>155</sup> Families were torn apart because one member was darker than the others or their hair was too woolly and could not pass the 'pencil test' in apartheid's racial grid.<sup>156</sup> The 'racial misfit', therefore, could not legally continue to live with their family and had to be relocated to their rightful racial home in accordance with the racial spatial demarcations prescribed by the Group Areas Act.

Another problem created by apartheid in 1948, the year the National Party came to power and began constructing and implementing apartheid, was that to describe everyone who was not a 'white' person or a 'native' as 'Coloured' meant to a large extent the creation of a new race out of 'indigenous races', 'mixed races' and migrant 'races' that had migrated to South Africa as slaves or indentured labour from Malaya, China, and India.<sup>157</sup> Far from being a matter of using common sense, in the end, even on apartheid's own terms, racial classification became a messy enterprise as either the racial groups did not accurately match 'popular' understandings of race at the street level or the phenotype or physiognomy of an individual simply refused to live up to the expectations of the manual used by apartheid racial classifiers. Crude tests were devised to resolve 'hard' cases: cases where gross morphology did not easily give out the

155 M du Plessis & S Peté 'Kafka's African nightmare – Bureaucracy and law in pre- and post-apartheid South Africa' (2006) 31 *Journal for Juridical Science* 39 at 42-43. Those disgruntled by the racial classification could appeal to a Race Classification Board and ultimately the courts; RH du Pre *The rape of the 'Coloured' people* (1992) 87-89.

156 The texture of one's hair was used as an important marker of race. The 'pencil test' (or comb test) consisted of running a pencil (or comb) through one's hair. If the pencil (or comb) was halted by tight curls, a person claiming to be 'white', for example, was likely to be classified 'coloured': R Ormond *The apartheid handbook* (1986) 26; Du Plessis & Peté (n 155 above) 42-43.

157 Amendments to the Population Registration Act attempted to improve racial classifications by subdividing the 'coloureds' into subgroups and removing 'Indian' from a subcategory of 'coloured' and making it a distinct race. In the end, over and above 'natives' (later to be rehabilitated to 'Bantu' and then 'black') at the base of the racial pyramid and 'whites' at the apex, South Africa ended with seven intermediate racial categories, namely, 'Cape coloured, Malay, Griqua, Chinese, Indian, other Asian, other coloured': Proclamation 46 of 1949; Du Pre (n 155 above) 86.

'race' or could not comply with the morphological expectations of the racial classifiers.<sup>158</sup> The racial tests had the effect of not only dehumanising those who were being tested but also of amplifying, as well as normalising, racialised reasoning among South Africans.

#### 4.1.3 'Indians'

The classification of 'Indians' to describe persons who had emigrated from the Indian subcontinent or their descendants as an intermediate racial group under apartheid mimicked the racial politics of the British Empire and, in turn, the influence of a hierarchical or pyramidal understanding of race under evolutionary pseudo-Darwinism. In this understanding 'Indians' were treated differently from the indigenous black race. As people of Asian ancestry they were understood to occupy an intermediate position, second to white. Stephen Howe captures the evolutionary thinking at play in this racial pyramid in the following statement:

European whites were at the top of this pyramid or ladder, and only they were fully capable of abstract thought, technical progress, efficient government, true cultural creativity ... Asian peoples occupied intermediate positions. Some were acknowledged to possess considerable intelligence, and Indian, Chinese, or Arab civilisational achievements could not be entirely denied. Africans were lower still down the scale, often believed to be inherently less intelligent and incapable of building or sustaining an 'advanced' civilization.<sup>159</sup>

In the African colonies, Asians became a 'subject race' to use Mamdani's term.<sup>160</sup> Whites were the only full citizens as the colonising race; subject races were made into 'virtual' citizens.<sup>161</sup> At the same time as depriving them of the status of full citizens, the colonial polity offered the potential of becoming full citizens. Certainly, people of Asian descent were set apart from indigenous 'natives' – the core objects of colonial dominance and exploitation.<sup>162</sup> In this sense apartheid doctrine simply gave juridical

158 Appearance and social standing were the two operative criteria for determining race. As Posel has argued, they operated tautologically, one reinforcing the other according to popular biocultural perceptions of race: Posel (n 144 above) 53. A close reading of hair on a person's head as well as bodily hair, facial features, complexion, residential location, occupation, friends, associates, and food and drink, became signifiers of race in borderline cases: Posel (n 144 above) 62-63.

159 S Howe *Empire: A very short introduction* (2002) 86.

160 M Mamdani *When victims become killers: Colonialism, nativism, and the genocide in Rwanda* (2001) 27.

161 Mamdani (n 160 above) 27-28.

162 Mamdani (n 160 above) 27.

recognition to an already calibrated 'race'. 'Indians' became one of apartheid's subject races.

In her writings on the making of 'Indians' in South Africa, Kathryn Pillay observes that the epithet 'Indians' became an apartheid technology for the making of an Indian 'race'.<sup>163</sup> 'Indians' became a shorthand not just ascribing racial identity solely on the basis of phenotype to peoples whose ancestry originated from the Indian subcontinent irrespective of their heterogeneities, but also legitimising that identity in a material, physical and socio-economic sense in the apartheid polity. Whilst the Population Registration Act of 1950 as amended did the classification, other laws and policies, including the Group Areas Act, reinforced the classification to give existential 'truth' to the classification of 'Indians' as an intermediately positioned 'race'. Against the backdrop of a state-ordained pyramidal structure of race, the racial classification was a resounding success in the sense that it caused the ascribed group, on the whole, to internalise the classification, imagine an 'Indian' race and order its socio-economic life according to the apartheid script.<sup>164</sup>

#### 4.2 Racial positioning among inferiorised 'races'

Ultimately, being South African meant, first and foremost, identifying one's 'correct' racial home within the legally prescribed categories of race. The birth as well as the death certificate recorded race, thereby capturing a full biographical cycle of race. To make assurance doubly sure so as not to miss out on one's racial benefits or escape from one's racial burdens, during one's life one would be required to possess, as proof of one's identity, an identity certificate that recorded not just one's birth date, gender, and citizenship but also one's race. Such was citizenship under apartheid. Race became seminal and, paradoxically, a banality of quotidian life.

The subdivision of 'non-white races' into 'Coloureds', 'Indians', and 'Africans' ultimately was a calculated political stratagem by a racist and racially dominant class that was keenly aware that it was small in number compared to the 'Africans' and that it needed 'other races' as collaborative buffers to sustain its dominance. Subdividing the exploited races through

163 K Pillay 'South African families of Indian descent: Transmission of racial identity' (2015) 46 *Journal of Comparative Family Studies* 121; K Pillay "'The coolies here": Exploring the construction of the Indian "race" in South Africa' (2017) 34 *Journal of Global South Studies* 22; K Pillay 'Perpetual foreigners: Indian identity in South Africa (1948-1994)' (2017) 10 *Diaspora Studies* 45.

164 Pillay "'The coolies here'" (n 163 above) 53-58.

differentiated inferiorisation served to augment white political power through 'divide and rule'. By conferring relative racialised privileges on 'Coloureds' and 'Indians' and legitimising the 'super-exploitation' and 'super-marginalisation' of 'Africans', apartheid was able to frustrate and thus delay the construction of a strong and united opposition.<sup>165</sup> The quadruple racial grid became a device for not only signposting the 'master race' but also creating a buffer system comprised of the not-so-inferior 'Coloureds' and 'Indians' as racial allies to keep at bay the doubly inferiorised 'African' race, numerically the largest group and therefore the most threatening to the white racial citadel.

Apart from serving the interests of white nationalism as a buffer system, the creation of intermediate races under apartheid served to produce a phenomenon of racial positioning among the 'intermediately inferiorised races'. Being placed in an intermediate racial category as 'Coloured' or 'Indian' came with a commensurate sense of racial privilege relative to 'Africans'. Apartheid succeeded in inculcating a strong sense of relative racial superiority among 'Coloureds' and 'Indians' over 'Africans' and an accompanying sense of duty to guard their own racial space against encroachment by 'Africans' using precisely the same racial ideology scripted by apartheid. Thus in significant political ways, the social construction of profusely racialised identities in South Africa, though initiated and ultimately controlled by whites who had monopoly over political and socio-economic power, paradoxically became an ever-alluring collusive enterprise between the 'superior' race and the intermediately 'inferior' races.

The intermediate racial positioning of 'Coloureds' and 'Indians' under apartheid shows that a 'race' that is labouring under racial oppression can become consciously complicit in the fable of racial supremacy when it finds something redemptive in being placed, not at the nadir of race, but in an intermediate position. A lesson to learn from colonial and apartheid's racial classifications is that the making of racial identity, even under a robust racial oligarchy, is rarely a one-way street that is policed completely by the original maker. Kwame Anthony Appiah points out that a racial identity whose origin lies in 'misrecognition' by the 'master race', nonetheless, can be appropriated by its 'victims' to the point of flourishing<sup>166</sup> and even be guarded with conspicuous tenacity regardless of the racialised myths that underpin its original making – especially if it

165 Young (n 1 above) 122.

166 Appiah (n 11 above) 178.

means not occupying the most stigmatised position.<sup>167</sup> This phenomenon is particularly evident in the making of a 'Coloured' identity prior to the democratisation of South Africa in 1994 as Roy du Pre reveals in his book, *The rape of the 'Coloured' people*.<sup>168</sup> His arguments for the equality of 'Coloured' people are less a claim for affirmation of an equal humanity than a plaintive cry for the disappointed expectations of 'Coloured' racial positioning.

The pervading equality and racial identity arguments in *The rape of the 'Coloured' people* are contradictory or even, unwittingly racist. In one sense the author, a political historian who self-identifies as 'Coloured', laments the racist premises of apartheid and the injustices meted out to all inferiorised 'races'. In another sense, though, the book is a plea for the realisation of promises of preferential treatment for 'Coloureds' that were made but were not kept by successive white governments. Du Pre quite unambiguously conveys that he would have been content with a system in which 'Coloureds' were treated as 'whites', notwithstanding that other 'races' were subjected to different and burdensome racial status. Clearly, Du Pre lacks a vision of even formal equality, let alone substantive equality, not least because the author's arguments are unconsciously steeped in apartheid racial thinking or an approximation thereof. His arguments are based on a racialised or biologised understanding of 'Coloureds' as a 'race' with the same or nearly the same racial essence as 'whites' as well as on an implicit inegalitarian concession that calibrated racial essence can legitimately determine differentiated citizenship. It is an understanding that is not atypical and has been harboured by intermediately inferiorised 'races' in comparable racialised settings.<sup>169</sup>

167 'Passing' was one of the phenomena produced by the racial hierarchies erected by colonialism and apartheid. It was an escape valve for those whose gross morphology allowed them to move from a 'lower' racial category to a 'higher' one. Much of passing took the form of 'coloured' passing for 'white' much more than 'native' passing for 'coloured'. Passing came with benefits as well as burdens. On the benefits side, especially if one managed to pass for 'white', would be privileged access to socio-economic goods, including education and employment. On the burden side, however, one would have to cut oneself off from family, relatives and friends as association with family, relatives and friends of a 'lower' racial category could invite official suspicion and loss of the 'passed' category through 'downward' reclassification: Du Pre (n 155 above) 90; I Goldin (n 154 above) 80; G Lewis *Between the wire and the wall: A history of South African 'coloured' politics* (1987) 164-165.

168 Du Pre (n 155 above).

169 Discussing 'coloured' identity in the then Rhodesia (now Zimbabwe), James Muzondidya gives, as an example of racial positioning, a resolution that was taken in the mid-1920s by the Umtali (now Mutare) Coloured and Asian School Advisory Board (a board comprised of parents) demanding the removal of 'native' and 'half-caste' pupils from a school designated for 'coloureds' and 'Indians' by the colonial

At the same time, it is important not to paint 'Coloured' self-identity with the same brush: Du Pre's viewpoint is one of many viewpoints on 'Coloured' identity. In the post-apartheid era, especially, other perspectives by commentators who self-identify as Coloured seek to assert or argue for a 'Coloured' identity as an ethnicity that does not depend on a colonial archive of racial essence for its sustenance but, instead, is constructed as a socio-political reality within a South African socio-political milieu. In this post-apartheid construction of 'Coloured' identity, 'Coloured' people are agents in the making of their identity, and not merely recipients of a racialised colonial identity. They are makers of a racially decentred 'Coloured' identity which does not necessarily succumb to the confining essence of race or, at least, does not seek to perpetuate a racialised identity.

However, whilst post-apartheid discourses on colouredness are making a discursive effort at deconstructing essentialised coloured identity to decentre race and carve out a space for 'Coloured' identity(ies) as deraced, heterogeneous and fluid ethnicity(ies),<sup>170</sup> some discourses remain hostage to nativism, even if unwittingly. More specifically, there are discourses which purport to be disruptive of apartheid discourse on race but concomitantly fail to disrupt colonially spawned raced whiteness and blackness and in fact depend on it as a racially opposite referent, scarcely problematising, for example, the apartheid category of 'Africans'.

government. The parents insisted that admission be limited to 'pure children of coloureds and Indians'. J Muzondidya 'Race, ethnicity and the politics of positioning: The making of coloured identity in colonial Zimbabwe' in M Adhikari (ed) *Burdened by race: Coloured identities in Southern Africa* (2009) 156 at 164. On racial positioning in the United States, see, for example, LC Ikemoto 'Traces of the master narrative in the story of African American/Korean American conflict: How we constructed "Los Angeles"' (1993) 66 *Southern California Law Review* 1581; CR Lawrence 'Foreword. Race, multiculturalism, and the jurisprudence of transformation' (1995) 47 *Stanford Law Review* 819 at 829-835.

- 170 See for example Z Erasmus 'Creolisation, colonial citizenship(s) and degeneracy: A critique of selected histories of Sierra Leone and South Africa' (2011) 59 *Current Sociology* 635; Z Erasmus 'Throwing out the genes: A renewed biological imaginary of "race"' (2013) 60 *Theoria* 38 at 45; D Bowler & L Vincent 'Contested constructions of colouredness in the Kuli Roberts saga' (2011), [https://groups.google.com/forum/#!topic/politics\\_seminar/RBt\\_AUqa5bE](https://groups.google.com/forum/#!topic/politics_seminar/RBt_AUqa5bE) (accessed 27 May 2018); T Petrus & W Isaacs-Martin 'The multiple meanings of coloured identity in South Africa' (2012) 42 *Africa Insight* 87; W Isaacs-Martin 'National and ethnic identities amongst the coloured population of Port Elizabeth, South Africa' (2014) 14 *Studies in Ethnicity and Nationalism* 55; M Ruiters 'Collaboration, assimilation and contestation: Emerging constructions of coloured identity in post-apartheid South Africa' in Adhikari (n 169 above) 104 at 112.

Mohamed Adhikari's writings on 'Coloured' identity fall into this category.<sup>171</sup> They serve as an example of a discourse on colouredness which purports to move away from race as essence but is simultaneously heavily inflected with nativism and the persistence of the ideology of race. In Adhikari's construction of 'Coloured' identity as fluid and transformative, paradoxically 'Africans' and 'Bantu-speaking' people from which 'Coloured' identity differentiates itself remain trapped in raced straightjackets. The 'Africans' in Adhikari's article are simply abstracted from colonial and apartheid discourses. The category 'Africans' is never problematised. Instead, it is ascribed a colonially spawned primordial identity in which 'Africans' are pure, transcendent and homogeneous subjects that are frozen in time.

Historically, 'Coloured' self identity has nearly always accepted rather than challenged nativism through its appropriation of the colonial archive of 'Coloured' people as a 'mixed race' placed somewhere between the superiorised racial essence of 'whites' and the inferiorised racial essence of 'Africans'. To this extent it has largely been complicit in the fable of race and seemingly incapable of imagining an alternative collectivity to race as deterministic biology. The demise of apartheid has opened spaces for the construction of a more fluid 'Coloured' ethnicity(ies) that does not depend on the sedimentation of apartheidised racial intermediateness for its assertion or recognition. Coloured identity need not be raced identity. As is any other identity, 'Coloured' identity is subject to radical historicisation, in the sense intended by Hall.<sup>172</sup>

### 4.3 **Apartheid as not so much about apartness but about *baasskapism***

Under the political tutelage of its best-known ideologue, Hendrik Verwoerd, apartheid attained dizzying heights of fantastical racial ideology.<sup>173</sup> Verwoerd and some of the key architects of apartheid, such as

171 Adhikari has written extensively on 'coloured' identity. For my argument, however, it suffices to cite one of his articles as paradigmatic of a discourse that remains wedded to apartheid categories of race even if that may not be the author's intention: M Adhikari 'Hope, fear, shame, frustration: Continuity and change in the expression of coloured identity in white supremacist South Africa, 1910–1994' (2006) 32 *Journal of Southern African Studies* 467. In this article Adhikari conflates the two categories of those who are 'Africans' and those who are 'Bantu-speaking' to form one raced and ethnicised category – a subsumption – that is distinguishable from who is 'coloured'.

172 See ch 2.

173 Although apartheid was an institutional creation coming from the bowels of the National Party and Afrikaner nationalism, Verwoerd, who was Prime Minister of South Africa from 1958 until his assassination in 1966, is widely credited by opponents

Nic Diederichs and Piet Meyer, were race obsessed partly on account of having absorbed some of the racial views of the Third Reich.<sup>174</sup> Apartheid architects came to see racial differentiation as a 'final solution' not for genocidal purposes but for the purposes of subordinating and economically exploiting the inferiorised races.<sup>175</sup> The principal imaginary of apartheid was of a society in which every 'race' knew its place economically, politically and socially.<sup>176</sup> The professed resolve of the architects of apartheid was to establish a permanent *baasskap* society.<sup>177</sup> The notion of a *baasskap* society was underpinned by an assumption of not only a natural racial hierarchy but also a racialised and gendered hierarchy.<sup>178</sup> It encapsulated the colonial philosophy of racial mastery by the colonists and settlers and racial subordination of the colonised as the twin principles of governing blacks.<sup>179</sup> A white man – *baas* – especially, stood as a perpetual master, father figure and lifelong trustee for the eternally child-like black people who depended on him for their welfare.<sup>180</sup> Thus, eliminating 'Africans' would have undermined the essence of *baasskapism* as it would have produced a racial paradise but without subject races to dominate and exploit economically.

My point is that the doctrine of *baasskapism* says more about the primary objects of the project of apartheid than is suggested by term 'apartheid'. The Afrikaans word 'apartheid' literally means 'separateness'

of apartheid as the most polarising face of apartheid and its most powerful ideologue. Steve Biko, the founding leader of the Black Consciousness Movement, described Verwoerd as an 'able' theoretician guiding the National Party to convert a policy of naked, wanton discrimination and segregation into a euphemistic separate development policy: S Biko *I write what I like* (1978) 96. According to Mandela, Verwoerd was the 'chief theorist and master builder of grand apartheid': Mandela (n 135 above) 417.

174 Van der Westhuizen (n 120 above) 70; Terreblanche (n 120 above) 301.

175 As above.

176 Posel (n 144 above) 52.

177 The Afrikaans word *baasskap* literally means 'boss-ship' or mastership or lordship: *Pharos Afrikaans-Engels English-Afrikaans Woordeboek/Dictionary* (2005). It is a term that was used and popularised by the architects of apartheid as well as the National Party to reinforce the message of white supremacy and attendant hierarchical social ordering. Simply put, *baasskap* conveys the idea that the 'white man' is boss and will always remain so, exercising paternalism and guardianship over the servile and lesser dark races: Mandela (n 135 above) 104. For an account that combines a pictorial as well as a narrative of the *baasskap* society, see D Goldblatt *South Africa: The structure of things then* (1998).

178 R Sylvain 'Bushmen, boers and baasskap: Patriarchy and paternalism on Afrikaner farms in Omaheke Region, Namibia' (2001) 27 *Journal of Southern African Studies* 717.

179 M MacDonald *Why race matters in South Africa* (2006) 7.

180 MacDonald (n 179 above) 7-8.

or 'apartness'.<sup>181</sup> However, whilst the etymology of 'apartheid' carries the imagery of a desired absolute physical separation of races, in practice, apartheid was a hybrid form of racism combining elements of both 'dominative racism' as well as 'aversive racism'.<sup>182</sup> Apartheid entailed, on the one hand, direct mastery of whites over blacks but also daily association between blacks and whites, especially in the economy and in the home, where blacks constituted the backbone of much-needed menial cheap labour to white households under white supervision (dominative racism). On the other hand, apartheid was about professing aversion towards blacks as an inferior and repulsive caste (aversive racism). In both respects, apartheid was the progeny of a colonial tradition spawned by British imperialism. But what distinguished apartheid from British colonial racism is that it was racism which had as its outstanding features brazenness, exhibitionism and lack of apologia: these were outgrowths of Afrikaner nationalism.<sup>183</sup> Apartheid accentuated both dominative and aversive racism with something approaching religious zeal. Its ideology and praxis embraced and nurtured a much more virulent strain of both dominative and aversive racism than its colonial predecessors.

Race is the vehicle through which *baasskapism* found expression. Race was ultimately the archetypical organising principle of apartheid in respect of the recognition of human worth and status. Race and racial differentiation are what determined the distribution of social and economic benefits and burdens. Physical appearance, more significantly 'whiteness', is what earned privilege and empowerment, and 'blackness' is what attracted burden and disempowerment. As critics of a traditional Marxist position on apartheid have pointed out, phenotype rather than ownership of land or capital was the most significant factor determining socio-economic status during apartheid.<sup>184</sup> The relationship between white and black was legally unambiguously inscribed as a relationship of

181 *Pharos dictionary* (n 177 above).

182 These typologies of racism are suggested by Joel Kovel: Kovel (n 141 above) 31-33; Young (n 1 above) 141-142. Kovel has written about racism from a 'psychohistorical' perspective. He posits the psychodynamics of dominative racism in Freudian oedipal terms of sexual object and conquest, and aversive racism in pre-oedipal terms of fantasies of dirt and pollution and the urge to expel the body standing over and against a purified abstracted subject. Kovel also advances a third type of racism which he calls 'metaracism' to signify a stage where racial supremacy is no longer the animating ideology, and there is no conscious systemic effort to dominate or avoid 'other races' as such, but the configuration of the economy determines the domination of one group by the other: Kovel (n 141 above) 48-50; Young (n 1 above) 142.

183 JS Ndebele *Rediscovery of the ordinary* (1991) 38.

184 PL van den Berghe *South Africa: A study in conflict* (1979) 267-268; Stasiulis (n 120 above) 465; F Fanon *The wretched of the earth* (1967) 30-31.

power and disempowerment, of domination and subordination. Fanon argued for a nuanced application of Marxist economic theory when addressing economic inequalities in the colonies whose master dichotomies he saw as quintessentially Manichaeic. He said:

The originality of the colonial context is that economic reality, inequality and the immense difference of ways of life never come to mask the human realities. When you examine at close quarters the colonial context, it is evident that what parcels out the world is to begin with the fact of belonging to or not to a given race, a given species. In the colonies the economic substructure is also a superstructure. The cause is the consequence; you are rich because you are white, you are white because you are rich. This is why Marxist analysis should always be stretched every time we have to deal with the colonial problem ... It is neither the act of owning factories, nor estates, nor a bank balance which distinguishes the governing classes. The governing race is first and foremost those who come from elsewhere, those who are unlike the original inhabitants, 'the others'.<sup>185</sup>

Race played a singular role in the creation of the system of white privilege and has outlasted the legal demise of apartheid. Race and *baasskapism* are what held white nationalism together. They are the principal reasons for the oppression of black South Africans. The prosperity of whites and white privileges were directly, and not incidentally, connected with the exploitation and pauperisation of blacks.<sup>186</sup> The maintenance of colonialism and the institution of apartheid served constantly to reproduce conditions of racial oppression and exploitation to assuage white nationalism.<sup>187</sup>

Apartheid served as an enabling instrument of white nationalism in more ways than one. It succeeded in inculcating in whites, from the cradle to the grave, a distinct sense of entitlement to self-determination and permanent political and economic dominion over South Africa on the grounds of a supremacy that was exclusively based on phenotype. Merely by virtue of being white one had an instant incontestable claim to membership of a privileged caste. Furthermore, whiteness invested one not only with a moral claim to seeing black people as standing in opposition to the self-determination of whites and hence legitimate objects of antipathy and domination in virtually every sphere of life, but also with a moral duty to defend white privilege and the rightness of the exploitation of blacks.

185 Fanon (n 184 above) 30-31. Renate Zahar makes the same point as Fanon about the primacy of racism in understanding the socio-economic disparities produced by colonialism: R Zahar *Frantz Fanon: Colonialism and alienation* (1974) 25-26.

186 Zahar (n 185 above) 18.

187 As above.

Whatever differences there were between the English and Afrikaner political constituencies, they paled into insignificance when contrasted with mutual unity and purpose when it came to maintaining white supremacy and white privileges.<sup>188</sup> In these ways, apartheid not only helped to create cohesion among whites but also a sense, or more accurately, an illusion of equal white citizenship in much the same way that the institution of slavery, and later segregation, did for whites in the United States.<sup>189</sup>

## 5 Ode to an open Africanness

Racial identities, like all identities, are subject to the play of history. We need to ask questions about whether the racial categories in colonial and apartheid dispensations still carry the same meanings or whether there have been changes and shifts that gesture towards a desaturation of the apartheid term 'race'. If racial categories still carry the same saturated meanings, it speaks not only to the success of apartheid but also the failure of a democratic dispensation to imagine a future without apartheid races. What does being African mean as an identity in South Africa today? Who is African and what is Africanness? Have the categories of 'African', 'Coloured', 'Indian' and 'white' changed?

Apartheid fell in 1994, officially. However, we must still ask the question: What happens to oppositional racial identities with calibrated racial essences once their juridical authority has been dismantled? Do they continue as elective affinities or do they metamorphose into benign relational identities? The intensity of the ideology and praxis of race under colonial and apartheid governance and its categorical differentiation of races causes us to raise the question Edward Said asked in *Orientalism*.<sup>190</sup> Said asked whether one can divide human reality into clearly different cultures, histories, traditions, societies, *even races*, and survive the consequences, humanly.<sup>191</sup>

The supreme effort made by the colonial and apartheid states to divide people into distinct races with distinct characteristics and citizenships produced not just polarised distinctions, especially with all the oppression and violence it took to maintain the distinctions. It also produced the

188 Magubane (n 135 above) 230-231; H Arendt *The origins of totalitarianism* (1962) 199-200.

189 K Karst 'Why equality matters' (1983) 17 *Georgia Law Review* 245 at 269; Crenshaw (n 24 above) 1370-1372; Higginbotham (n 119 above) 259.

190 E W Said *Orientalism* (1979).

191 Said (n 190 above) 45 (my emphasis).

banishment of social space for fruitful, mutual and respectful encounters between different cultures, traditions and communities that were moulded into distinct races.<sup>192</sup> In the process, the humanity of cultures, traditions, and societies that were 'misrecognised' by apartheid was sacrificed on the altar of racial bigotry and exploitation. Equally, the humanity of the ideologues of apartheid and their adherents was also lost. In short, to answer Said's rhetorical question, apartheid did not and could not survive – humanly – its racial project.

It is reasonable to surmise that, though apartheid was formally interred with the inauguration of a democratic constitution in 1994, it left racially bruised peoples and communities in its wake. It bequeathed to democratic South Africa a profusely racialised people: a people whose lifeworlds and interpretive horizons were imbued with an ideology that impressed upon them the naturalness and logic of accepting racial essences and racial positioning as the prime gateway to citizenship.

Precisely because apartheid's *raison d'être* was a bifurcated racial state, it bequeathed a people and a nation largely without an archive of mutually shared common citizenship or a common egalitarian ethos and communitarian values to draw upon as a single nation when building democratic South Africa, save for the political consensus reached at Kempton Park to begin afresh and a Constitution which mandates and, more significantly, requires a new beginning, a new imagination about how to be human without the tag of calibrated racial essences.<sup>193</sup>

For South Africa, paradoxically, the place of race seems assured because the structural effects of colonialism and apartheid are deeply rooted. Their legacies remain not just visible, but seemingly indelible in our socio-economic sectors. The challenge of our time is to give substance to the promise of race, so that, in Derrida's words, apartheid can be reduced to the state of a term that is confined and abandoned to memory – a term in disuse.<sup>194</sup> This is an enormous challenge.

It takes the entire nation to build common citizenship. Juridical fiats have their role to play, but nation-building is far more than the text of a constitution. For South Africa, part of making a new beginning and sustaining a new beginning requires having a conversation about race and about Africanness. In a country where the salience of race has been not

192 Said (n 190 above) 46.

193 A Sparks *Tomorrow is another country: The inside story of South Africa's negotiated revolution* (1996); H Ebrahim *The soul of a nation: Constitution-making in South Africa* (1998).

194 J Derrida 'Racism's last word' (1985) 12 *Critical Inquiry* 290 at 291.

only historically affirmed, but also accentuated in ways that are socially, politically and economically divisive, exploring new beginnings about inclusive citizenship calls for a deeper and continuing dialogue about race to share critical understandings about what race is and what it means today in South Africa, including its new formations, its connections with power/disempowerment and vulnerabilities, and ultimately, a dialogue about common citizenship.

Against this backdrop the speech 'I am an African', by then Deputy-President Thabo Mbeki, which was delivered to the South African Parliament on 8 May 1996 on the occasion of the adoption of the final South African Constitution by the Constitutional Assembly, can be read at a number of levels.<sup>195</sup> The speech, possibly the finest since the demise of apartheid in articulating an inclusive ontology of Africanness, can be read from a South African perspective as an attempt to transcend the legacy of apartheid and its pantheon of races. The speech seeks to consign to memory the idea of 'Africans', 'Coloureds', 'Indians' and 'whites' as South Africa's races in favour of a deraced oneness – Africanness. From a broader continental perspective, the speech speaks to deraced pan-Africanism after the colonial moment. The Africanness in Mbeki's speech, as the following abridged parts show, puts a salience not on biology, as the colonial discourses prescribed, but on belonging:

I am an African.

I am formed of the migrants who left Europe to find a new home on our native land. Whatever their own actions, they remain still part of me.

In my veins courses the blood of the Malay slaves who came from the East. Their proud dignity informs my bearing, their culture a part of my essence. The stripes they bore on their bodies from the lash of the slave master are a reminder embossed on my consciousness of what should not be done.

I am the grandchild of the warrior men and women that Hintsá and Sekhukhune led, the patriots that Cetshwayo and Mphophu took to battle, the soldiers Moshoeshe and Ngungunyane taught never to dishonour the cause of freedom.

My mind and my knowledge of myself is formed by the victories that are the jewels in our African crown, the victories we earned from Isandhlwana to Khartoum, as Ethiopians and as Ashanti of Ghana, as Berbers of the desert.

195 Mbeki's speech is available at [http://www.soweto.co.za/html/i\\_iamafican.htm](http://www.soweto.co.za/html/i_iamafican.htm) (accessed 2 February 2018).

I come of those who were transported from India and China, whose being resided in the fact, solely, that they were able to provide physical labour, who taught me that we could both be at home and be foreign, who taught me that human existence itself demanded that freedom was a necessary condition for that human existence.

Being part of all of these people, and in the knowledge that none dares contest that assertion, I shall claim that – I am an African.

In its expansive African imaginations Mbeki's speech is an affirmation of Hall's thesis about identity. It conceives identity as real and imagined, complex, dynamic and open-ended, unlike the racially saturated Africanness that was bequeathed by colonial and apartheid discourses. Mbeki's articulation of Africanness can be understood as the decentring of the race of Africanness. Race is present, but as a historical record and socio-political phenomenon, not as an essence. It leaves Africanness open to different and transformative appropriations by apartheid's races – 'Africans', 'Coloureds', 'Indians' and 'whites'. If Mbeki's imaginaire gestures towards a metaphysics of Africanness, it is certainly not a metaphysics of radical alterity but one of historically conscious presence in and belonging to Africa.

# CHAPTER 5

## DECENTRING THE ~~RACE~~ OF AFRICANNESS

---

Therefore it was necessary to begin by demythifying the concept of Africanity, reducing it to the status of a phenomenon – the simple phenomenon which per se is perfectly neutral, of belonging to Africa – by dissipating the mystical halo of values arbitrarily grafted on this phenomenon by the ideologues of identity. It was necessary, in order to think of the complexity of our history, to bring the theatre of history back to its basic simplicity. In order to think of the richness of African traditions, it was necessary to weaken resolutely the concept of Africa, to rid it of all ethical, religious, philosophical, political connotations, etc., which a long anthropological tradition had overloaded it ...<sup>1</sup>

### 1 Introduction: putting race under erasure

The discussion in the preceding chapters sought to deconstruct the making of African identities in colonial discourses: to question and unmask the overloaded conceptual binaries and hierarchical systems of thought that Hountondji is alluding to in the epigraph. These systems were epistemologies purposefully assembled by the colonial project in order to construct culturally and racially subordinate and exploitable essential Africans. Colonial subsumption of Africanness created not just African cultural alterity – more significantly, it created a dense racial alterity: a race at the nadir of all races. This chapter can be read as a consolidation of the critiques of colonially ascribed identities of Africans. I seek to amplify the deconstruction of Africanness by answering the question: What does

1 P Hountondji 'Que peut la philosophie? (translated as 'What can philosophy do?') (1981) 119 *Présence Africaine* 47 at 52, quoted in VY Mudimbe *The invention of Africa: Gnosis, philosophy and the order of knowledge* (1988) 37. An English translation of Hountondji's article is published in (1987) 1 *Quest: Philosophical Discussions* (now *Quest: An African Journal of Philosophy*) 2-28. The epigraph is taken from Mudimbe's translation.

Africanness mean today (or at least what should it mean) when race is deconstructed and when Africanness is read using Hall's template of identification? I wish to deconstruct Africanness in contemporary Africa with a focus on problematising race. In the final analysis, I argue for inclusive Africanness so that Africanness can be imagined less in terms of an overloaded biological race and more in terms of belonging to Africa, as Paulin Hountondji urges us to do in the epigraph.

In my deconstruction of the race of Africanness, I do not deny the materiality that race has historically mustered in the ascription or appropriation of African identities. It is not my aim to dismiss race as something unimportant or to detotalise its social reality. As a point of departure, I concede that race existentially remains a powerful social and political reality such that, indeed, it would be manifestly unconvincing to argue otherwise, precisely because our individuality is partly embedded in a collective history. Linda Alcoff makes the point that though individuals have agency over their history, at the same time they cannot opt to live outside their history, even if history is dynamic.<sup>2</sup> Africa has a history of race which Africanness cannot escape any more than African-Americans can escape the history of Negro slavery or Jews the history of the Holocaust. My aim is to place emphasis on the importance of relating to race as a deconstructed category so that Africanness can be imagined as an inclusive category without the normative albatross of biological and metaphysical essences that both colonial and, significantly, racial emancipatory discourses purposefully saturated it with.

Put differently, this chapter is not about banishing the race of Africanness but, instead, decentring it. Decentring Africanness allows us to imagine difference, as not simply comparative or oppositional difference, but relational difference. We need not continue to think about difference in the manner that the exclusionary colonial ideologies of self and the other did: as external difference between two complete entities that can be calibrated by an external index to determine a comparative relationship of something that is pegged to a gold standard.<sup>3</sup> We should not remain stuck in thinking about difference as an expression of metaphysical polarities and a struggle between two Cartesian entities.<sup>4</sup> Homi Bhabha underscores this point, eloquently asking his own questions:

2 LM Alcoff *Visible identities: Race, gender and the self* (2006) 115.

3 Here I am drawing my argument from Elizabeth Grosz's normative framing of feminist difference: E Grosz 'Derrida and feminism: A remembrance' (2005) 16 *Journal of Feminist Cultural Studies* 88 at 89-90.

4 Grosz (n 3 above) 89-90; K Oliver *Womanising Nietzsche: Philosophy's relation to the "feminine"* (2016), drawing from J Derrida *Positions* (1981) 41-43.

Must we always polarize in order to polemicize? Are we trapped in a politics of struggle where the representation of social antagonisms and historical contradictions can take no other form than a binarism of theory vs. politics? Can the aim of freedom or knowledge be the simple inversion of the relation of oppressor and oppressed, margin and periphery, negative image and positive image? Is our only way out of such dualism the espousal of an implacable oppositionality or the invention of an originary counter-myth of radical purity?<sup>5</sup>

By decentering Africanness I mean amplifying Africanness without succumbing to the originary counter-myth that Bhabha speaks against. Decentering is a process of *repositioning* and ultimately relegating to a *lower category* the colonial and nativist bequests of raced Africanness while continuing to acknowledge race's social and political presence in the making of Africans. In a deconstructive sense, this repositioning can be understood as bringing 'low' that which has been historically 'high'.<sup>6</sup> Thus, whilst acknowledging the continued social and rhetorical power of race, my discursive aim, in Heideggerian and Derridean senses, is to deconstruct the 'race' in Africanness such that in this chapter and throughout this book it can be *implicitly* read as ~~race~~ – meaning 'race' as a 'concept under erasure'.<sup>7</sup>

The use of race as a concept under erasure is a deconstructive tool. Its heuristic utility lies in creating discursive space for applying to Africanness a dialectic which arises from Hall's identification thesis. The dialectic is that race was historically constructed on a biocentric, racist and racialising premise which we ought not to prolong. However, even if invented, race is an historical and existential reality. For now, we are stuck with race as our social systems, polities and juridical systems have yet to find a substitute for it. We cannot, therefore, 'opt out' of race; we are constrained to continue using the term, but not in its *originary* form. Hall aptly articulates this deconstructive technique when he says:

5 HK Bhabha 'Commitment of theory' (1988) 5 *New Formations* 5.

6 The concept of rendering 'low' that which was once 'high' comes from the deconstructive grammar of Derrida's thinking about difference beyond binary opposition: S Hall 'Who needs "identity"?' in J Evans & P Redman (eds) *Identity: A reader* (2000) 15 at 16, citing J Derrida *Positions* (1981) 42; Oliver (n 4 above); Grosz (n 3 above) 89-90.

7 S Hall (n 6 above) 15-16, citing Derrida (n 4 above) 42. I use ~~race~~ 'implicitly' because, as a matter of technique, I do not actually cross out ~~race~~ but ask readers to always read it in whenever I use the term in this book. Heidegger, the German philosopher, first used the technique of 'concept under erasure'. Derrida, the French philosopher and deconstructionist, popularised it: J Derrida *Of grammatology*. trans GC Spivak (1976) xiv, originally published in 1967.

Unlike those forms of critique which aim to supplant inadequate concepts with 'truer' ones, or which aspire to the production of positive knowledge, the deconstructive approach puts the key concepts 'under erasure'. This indicates that they are no longer serviceable – 'good to think with' – in their originary and unreconstructed form. But since they have not been superseded dialectically, and there are no other, entirely different concepts with which to replace them, there is nothing to do but to continue to think with them – *albeit now in their detotalized or deconstructed forms and no longer operating within the paradigm in which they were originally generated.*<sup>8</sup>

Applied to the African context, what Hall means is that whilst race is extant or remains with us for the foreseeable future, it can no longer operate with the same epistemology that gave it naturalistic validity under colonial *commandement* or even under emancipatory African nationalistic discourses. Africanness, therefore, should be understood as the irruptive emergence of a new concept that could never be included in the colonial discourses.<sup>9</sup> Once detotalised, what race retains is its social or political salience.

## 2 Recalling Hall's deconstructive identification template

The critique of colonial discourses in Chapter 3 and Chapter 4 clarifies that the race of Africanness is a historical construction that biologised African cultures. A single index of what is Africa and who is African facilitated racial and cultural dominance as well as economic exploitation in the colonial state, including its outgrowths such as the apartheid state. In the post-independence and post-apartheid African era, Hall's deconstructive work on identity formation is instructive. It allows us to avoid the pitfall of essentialised racial and cultural identities. Hall's identification thesis should cause us, as implored by Hountondji, not only to unpack the loaded essences of our colonial racial bequests and the unities they proclaimed but also not to emulate the same excesses.<sup>10</sup> Hall's arguments about the historical situatedness of identities leave us conscious of the exclusionary tendencies of identities, especially those bequeathed to us by the colonial state as they were moulded in the crucible of colonial *commandement*.<sup>11</sup>

The discussion of the making of apartheid racial identities in Chapter 4, especially, shows how the ascription of racial identities can easily

8 Hall (n 6 above) 15-16 (reference omitted) (my emphasis).

9 Derrida (n 4 above) 42.

10 Hountondji (n 1 above).

11 Hall (n 6 above) 17.

become an exercise in legislation rather than an affirmation of equal humanity. Indignity and oppression are suffered by those who cannot fit into, or cannot see themselves in, the paradigm that is held out to be the model for full citizenship. It can be recalled from Chapter 2 that Hall's basic premise about identity and identification is that identity or identification does not have a determinate existence but is always situated in historical contingencies in which a variety of cultural, religious, political and ideological constellations are in place. Furthermore, identity is rarely if ever complete; it is always in the making – an ongoing process of becoming. The African identities ascribed by the colonial state were an antithesis. They stood for the opposite of Hall's thesis in their quest for completeness, fixedness and transcendence so as to achieve political stability in the hierarchical relations of raced power.

As emphasised in Chapter 2, Hall's critique of Cartesian identities is principally directed at essentialist or 'naturalistic' identities. These are identities which hold themselves as binaries that signify a completed, constituted unity of the collective self without any internal differentiation. The point is that we should be wary of identities that come with certitude and sharp antinomies. Such identities are more an effect of the marking of difference and exclusion than they are a sign of inclusive sameness.<sup>12</sup> It can be recalled that identities are not constituted in a vacuum but within a discourse in given historical and institutional sites. In the process of recognising some persons and social groups, identities concomitantly exclude other persons and social groups. Internal homogeneity, which is what consecrates an essentialised identity category, is in fact the construction of closure that keeps out other persons or groups precisely because identities are constructed *through* and not outside of difference – the 'constitutive outside'.<sup>13</sup>

To borrow from Ernesto Laclau, the idea of African identity as something which conveys homogeneity requires us to establish unity and internal homogeneity through excluding others.<sup>14</sup> This requires us, in the end, to establish a 'violent hierarchy' unless, of course, African identity and Africanness are pegged at a very high level of generality that accommodates internal differentiation and, more crucially, a fluid rather

12 As above.

13 Hall (n 6 above), citing J Derrida *Positions* (1981); E Laclau *New reflections on the revolution of our time* (1990) 17-18; J Butler *Bodies that matter: On the discursive limits of 'sex'* (1993) 3.

14 Laclau (n 13 above) 33; Hall (n 6 above) 18.

than static Africanness.<sup>15</sup> What this chapter seeks to highlight is that a saturated Africanness today would be an imposed, stereotypical mirror of its colonial counterpart. It would be out of place and not useful to contemporary Africa as it would demand a cramped African identity which lies outside history.

### 3 Decentring the race of Africanness

Race has been the platform from which to comprehend the contingency and historical situatedness of African identity-formation. In this sense race has been Africa's own identitarian crucible: something inscribed onto Africans by colonial *commandement*. As part of decentring Africanness it is necessary to emphasise that the scientific basis for the division of the world's populations into different races with different racial essences has been refuted, despite extraordinary attempts by white supremacists and eugenicists to lay down such a foundation.<sup>16</sup> Kwame Anthony Appiah accomplishes this refutation in his influential book, *In my father's house*.<sup>17</sup>

#### 3.1 Appiah's *In my father's house*

In his book, Appiah deconstructs the racial making of African peoples into a single index of Africans by showing that the colonists' perception of the African race was self-serving, a register of race moulded from a biocultural construction of race framed on an axis of Cartesian alterity. Appiah's argument is that for the purposes of racial exploitation, race has worked as a metonym for culture.<sup>18</sup> The morphologies (the 'bio' component of racial construction) of the colonised people were combined with their cultures (the cultural part of racial construction) to produce a distinct African race with calibrated racial essences. Appiah's fundamental argument is that neither race nor culture should be the foundation upon which to essentialise identities and, furthermore, science does not favour the apostles of race – the racial supremacists and ideologues of racial purity.

Neatly summarising his extensive research about the science of race, Appiah's conclusion is that similarities with other human beings aside, given a person's 'race', it is hard to tell beforehand what his or her

15 As above; S Newman *From Bakunin to Lacan: Anti-authoritarianism and the dislocation of power* (2001) 117.

16 Ch 4 discusses white supremacists' attempts in using, for example, IQ testing, craniometry and phrenology to establish Africans as people of inferior intelligence.

17 KA Appiah *In my father's house: Africa in the philosophy of culture* (1992).

18 Appiah (n 17 above) 6.

biological characteristics will be save for morphological differentiation.<sup>19</sup> We may differ greatly in colour, hair and bone but are so much more alike than we are different. The genetic variation between the populations of Africa, Asia or Europe is not much greater than that found within a given population.<sup>20</sup> Differences in language and civilisation are patently poor guides as indicia for biological differences precisely because, as Appiah argues, race has historically worked as a metonym for culture.<sup>21</sup> It has served as a political tool for biologising culture.<sup>22</sup> Of course, badges of colour and nineteenth-century racial theories of polygenesis continue to hold sway among racial supremacists. However, we need not cavil with the fact of our monogenetic origins. Although populations moved in different territorial directions, as the human race we descend from one original population.<sup>23</sup>

Nonetheless, race is socially and, more pertinently, politically real not least because, although it was imposed on 'Africans' and people of African ancestry, they themselves ended up appropriating the imposed racial identity even if only to challenge the suppositions and the burdens that came with that African/Negro racial identity. Self-identification with the African race, for example, can be understood as the explanation for the solidarity between African-Americans, Afro-Caribbeans and pan-Africanists before and after the Second World War. It is obvious that race was a central organising factor in the rise of African nationalism and struggles against colonialism and apartheid. The question to ask is whether racial affinity and solidarity suggest more than political organisation based on common interests so as to also indicate an assimilation of colonial racial views about the essence of race.

An argument can be made that political struggles against racial oppression have tended to absorb and implicitly accept European racial thinking, that there are, in fact, races with different racial essences. Appiah makes this point in his exploration of early articulations of race by black intellectuals.<sup>24</sup> He builds his thesis by exploring, especially, the writings of WEB Du Bois, the African-American sociologist, civil rights leader and

19 Appiah (n 17 above) 36. Ch 2 of Appiah's book is devoted to refuting scientific claims about innate racial differences.

20 Appiah (n 17 above) 35.

21 Appiah (n 17 above) 45.

22 As above.

23 Appiah (n 17 above) 37.

24 Appiah (n 17 above) chs 1 & 2.

pan-Africanist. Du Bois was an apt figure for Appiah to study as he was not just a prolific black scholar who wrote about race,<sup>25</sup> he was also a pioneer of both African-American liberation and African liberation in the late nineteenth century and the first half of the twentieth century, precisely the time when Europe consolidated and firmly inscribed in colonial discourses the racial inferiorisation of black people. Du Bois was able to reflect on white racial thinking not only in relation to black people in the United States – the Negroes – but also in respect of black people in the Negro motherland – the Africans.

Appiah is of the view that although Du Bois was cognisant of the social construction of race and its historical making, at the same time he seemed, initially, to be influenced more by race as biology than as a constructed notion.<sup>26</sup> To a point, in an essay written in 1897, 'The conservation of races' Du Bois demonstrates this ambivalence, as is apparent in this extract:<sup>27</sup>

Nevertheless, in our calmer moments we must acknowledge that human beings are divided into races. Although wonderful developments of human history teach us that the grosser physical differences of colour, hair and bone go but a short way towards explaining the different roles which groups of men have played in human progress, yet there are differences – subtle, delicate and elusive, though they may be – which have silently but definitely separated men into groups. While these subtle forces have generally followed the natural cleavage of common blood, descent, and physical peculiarities, they have at other times swept across and ignored these. At all times, however, they have divided human beings into races.<sup>28</sup>

But as Appiah concedes, at the same time as appearing to give credence to phenotype as a sign of racial essence and destiny, Du Bois was clearly not saying that the intellectual and cultural capacities of black people were inferior to those of their white counterparts.<sup>29</sup> Seeming to give credence to a biological conception of race, Du Bois at the same time resists it.<sup>30</sup> Indeed, in the same essay, Du Bois says 'when we come to inquire into essential difference of race we find it is hard to come to any definite

25 Foner has edited the speeches and writings of Du Bois in two volumes: PS Foner (ed) *WEB du Bois speaks: Speeches and addresses 1890–1919* (1970); PS Foner (ed) *WEB du Bois speaks: Speeches and addresses 1920–1963* (1971).

26 Appiah (n 17 above) 33.

27 WEB du Bois 'The conservation of races' (1897) in Foner (ed) *WEB du Bois speaks: Speeches and addresses 1890–1919* (n 25 above) 73–85.

28 Du Bois 'The conservation of races' (n 27 above) 73–75; Appiah (n 17 above) 28.

29 Appiah (n 17 above) 34.

30 KK Smith 'What is Africa to me? Wilderness in black thought, 1860–1930' (2005) 27 *Environmental Ethics* 279 at 292–293.

conclusion'.<sup>31</sup> Notwithstanding, Appiah argues that Du Bois took the fact of race for granted but sought to revalue the hierarchical essences it came tethered to.<sup>32</sup> In Appiah's view, Du Bois received a concept of race as hierarchy and a vertical structure but sought to rotate the axis to give it a horizontal reading.<sup>33</sup> But this is only one reading of Du Bois.

A different reading of Du Bois is that his seeming acknowledgement of the essence of race, on the one hand, and its revision to rotate the axis and give it a horizontal reading on the other, needs to be interpreted contextually. It needs to be understood in a historical context in which denying race would have been a bridge too far. Du Bois' approach to race was not untypical; it was shared by several other black writers and intellectuals of his generation.<sup>34</sup> He was seeking to confront a racialised juggernaut of his day. Du Bois was courageously confronting interimbricated social, political, legal, philosophical, theological, racialised opposition that did not point to a peaceful co-existence but instead a 'violent hierarchy' in which 'white' had the upper hand over its 'black' counterparts. He was operating in a polity in which a virulent strain of racism had acquired the status of an organising principle. To have attempted to deconstruct race so that race would be the irruptive emergence of a new concept would have been to move too quickly – to jump a step – in ways that would have left the prevailing oppressions untouched. A pragmatic or even strategic option for Du Bois was first to acknowledge the existence of different races and then to proceed patiently to affirm the equality of races.

Responding to Appiah and other writers from a deconstructionist perspective who have been critical of Du Bois' position on race, Nahum Chandler makes the salient observation that one needs to keep in mind that Du Bois was trying to contend with sedimented discourse of not just white supremacy but, more significantly, black degeneracy.<sup>35</sup> At the same time

31 Du Bois 'The conservation of races' (n 27 above) 74.

32 Appiah (n 17 above) 46.

33 As above.

34 Names that can be cited in this connection include Walker, Stewart, Douglass, Harper and Crummell: ND Chandler 'The economy of desedimentation: WEB du Bois and the discourses of the Negro' (1996) 19 *Callaloo* 78 at 79.

35 Chandler (n 34 above). Appiah aside, Chandler cites the following writers: A Reed *Race, politics and culture: Critical essays on the radicalism of the 1960s* (1986) 61-95; A Reed 'Du Bois's "double consciousness": Race and gender in progressive era American thought' (1992) 6 *Studies in American Political Development* 93-139; P Gilroy *The black Atlantic: Modernity and double consciousness* (1993) 112-145; K Warren 'Appeals for (mis)recognition: Theorizing the diaspora' in A Kaplan & DE Pease (eds) *Cultures of United States imperialism* (1993) 392-406.

as fighting for the civil liberties of black people, Du Bois was seeking to do the basics: to first vindicate the very identity of black people as persons who were 'fully' persons, against the backdrop of congealed politics and discourses about the supremacy of a *pure* white race whose polar opposite was an intellectually and culturally *degenerate* black people.<sup>36</sup> It can be recalled from the discussion in Chapter 3 and Chapter 4 that in the late eighteenth and nineteenth centuries the European global project of classifying world populations into races and asserting white supremacy hardened. White supremacy was content only with establishing and maintaining that black people were not fully human. Given this social and political context, a totally deconstructed discourse of race would not have been intelligible to Du Bois' audience.

It hardly needs stressing that Du Bois was not operating in a 'free zone' in which a non-essential discourse about race could emerge and be given audience.<sup>37</sup> The ascribed sub-human status of the African/Negro object was inextricably tethered to the supposed purity of the white subject.<sup>38</sup> Given this context, as DA Masolo puts it, confronting white racism at the time required blacks first to redeem 'their own identity' and refute the foundation for discrimination so as to gain a 'self-identity'.<sup>39</sup> To contest white supremacy, therefore, one had first to affirm the separate, as it were, equal humanity of black people even if through the route of acknowledging *different* races.

The acknowledgement of different races by Du Bois and other black intellectuals of his generation, therefore, is an historical approach that can be understood as a political effort to deal with white supremacy. Du Bois' political project was to respond to the prevailing social, political and economic exclusion of black people from full citizenship in various locales, whether in the United States, the African colonies or in the Caribbean islands, by arguing for racial equality. The concession by Du Bois and other black intellectuals that *different* races exist is racial reasoning that was already sedimented or even required by its *other*: its constitutive outside or boundary (white racial identity) that it sought to challenge.<sup>40</sup> It is a concession that existed only because the adversary was a white polity and acknowledging different races was the consequence of the racialised society in which Du Bois, a committed and formidable advocate of an

36 Chandler (n 34 above) 79-81.

37 Chandler (n 34 above) 80.

38 Chandler (n 34 above) 79.

39 DA Masolo *African philosophy in search of identity* (1994) 11.

40 Hall (n 6 above) 17.

egalitarian society, lived and could impact positively only through arguing for equality between *races*.<sup>41</sup>

Thus, to render his racial equality cause intelligible, Du Bois first had to acknowledge the existence of different races but without necessarily giving succour to the thesis of different and hierarchical racial essences or 'scientific' racism. Indeed, in his later writings Du Bois clearly walks the line of refuting 'scientific' racism. Writing in the *Crisis* in 1911, he made the point that it would not be legitimate to argue from differences in physical appearance to differences in mental attributes or to treat the civilisation of a given 'race' at any historical moment as offering an index to its innate or inherited characteristics.<sup>42</sup>

There is, of course, a danger that in responding to white racism, one can, paradoxically, end up finding purchase in biological essence, including aligning the black race with notions of black racial purity, a distinct black personality and black vocational competence. Equally, responses to white racism can excite narrow, exclusionary sentiments about what constitutes an authentic black race. To a point only, the racial thinking of Edward Wilmot Blyden can be understood as exemplifying both these excesses.

### 3.2 Blyden's black personality

Blyden was Afro-Caribbean.<sup>43</sup> In 1851, he emigrated from the Danish island of St Thomas (now the Virgin Islands) to West Africa, settling first in Liberia and later in Sierra Leone. He was largely self-taught. Notwithstanding the racial obstacles he encountered in accessing higher education, remarkably, he rose to become a prolific writer and intellectual.<sup>44</sup> VY Mudimbe notes that Blyden witnessed, first hand, not just the 'Scramble for Africa' but also the first European settler arrivals in West Africa.<sup>45</sup> Blyden invested considerable time in thinking about race

41 Grosz (n 3 above) 89.

42 WEB du Bois 'Races' (1911) 2 *Crisis* 157-158, cited in Appiah (n 17 above) 34.

43 Ch 4 of Mudimbe's (n 1 above) is devoted to examining the legacy of Blyden; HR Lynch *Edward Wilmot Blyden: Pan-Negro patriot 1832-1912* (1967).

44 On Blyden's obstacles to education see V Pawliková-Vilhanová 'The African personality and the self in the philosophy of Edward W Blyden, 1832-1912' (1998) 7 *Asian and African Studies* 162 at 166.

45 Mudimbe (n 1 above) 99.

and the place of the African/Negro in the racially oppressive polities of his time.<sup>46</sup>

Blyden contributed positively towards repairing the sullied dignity of people of African ancestry. He made it his lifelong project to counter the white supremacist belief that Africans were destined for lifelong servitude at the hands of colonial masters. Blyden raised political consciousness about black self-rule, nationhood and self-identity. He was acutely aware that the institutions of slavery and colonialism had left black people, including those in the diaspora, with a deep psychological dependence on whites for affirmation. In his writings, he sought not just to counter white ethnocentrism and rebut the ascribed intellectual inferiority of black people, but also sought to cultivate a new understanding of history in which notions of civilisation and progress were relative and not the preserve of a Western interpretation. To this end, he urged black people to master and write their own histories according to their own experiences and epistemologies without depending on a Western perception of them.<sup>47</sup> He said:

The songs that live in our ears and are often on our lips are the songs which we have heard sung by those who shouted while we groaned and lamented. They sang of their history, which was the history of our degradation. They recited their triumphs which contained the records of our humiliation. To our great misfortune, we have learned their prejudices and their passions, and thought we had their aspirations and their power.<sup>48</sup>

We have neglected to study matters at home because we were trained in books written by foreigners, and for a foreign race, not for us – or for us only so far as in the general characteristics of humanity. We have had history written for us, and we have endeavoured to act up to it; whereas, the true order is, that history should be first acted, then written.<sup>49</sup>

Blyden's writings are credited with announcing West African regional unity, pan-Africanism, African nationalism and *négritude* as byproducts of

46 The works of EW Blyden include *Vindication of the Negro race: Being a brief examination of the arguments in favour of African inferiority* (1857); *Liberia's offering* (1862); *The Negro in ancient history* (1869); *Liberia: Past, present and future* (1869); *Christianity, Islam and the Negro race* (1888); *Africa and the Africans* (1903); *African life and customs* (1908).

47 Mudimbe (n 1 above) 121-122; Pawliková-Vilhanová (n 44 above) 169.

48 Blyden *Christianity, Islam and the Negro race* (n 46 above) 91, cited in Mudimbe (n 1 above) 121.

49 Blyden *Christianity, Islam and the Negro race* (n 46 above) 221, cited in Mudimbe (n 1 above) 122.

his lifelong commitment to achieving racial justice and African national selfhood.<sup>50</sup> At the same time there is a manifestly contradictory side to Blyden. He was far from consistent in the manner he advocated for African liberation. Moreover, he held quite ambivalent views not just about colonialism but also slavery.<sup>51</sup> His views about race were contradictory in that Blyden was, himself, not above the racism that he passionately stood against.<sup>52</sup> Indeed, it is not unfair to say, as Mudimbe has argued, that Blyden had quite a narrow understanding of race.<sup>53</sup> Paradoxically, he seemed to derive the main foundation for his views about race from the very eighteenth-century European racial thinking and colonising structure that he was seeking to challenge and negate.<sup>54</sup>

What is of interest in an appraisal of Blyden's philosophy of race in a discourse on Africanness is not so much his belief that Africans historically constituted a different world with its own history and traditions, it is the emphasis he placed on innate and normative racial difference between blacks and whites. Albeit with some vacillation, Blyden seemed to implicitly find purchase in a racial differentiation thesis that, in substance, would have struck rapport with the apartheid doctrine of a hierarchised separation of races.<sup>55</sup> Even if his objective was to equalise races, his approach detracted from equality on a horizontal axis partly because he prescribed a regimen of mutually exclusive races in which racial capacities were dichotomised. As the following passage suggests, Blyden had an abiding belief that races were *really* different:

There is no absolute or essential superiority on the one side, nor absolute or essential inferiority on the other side. It is a question of difference of endowments and difference of destiny. No amount of training or culture will make the Negro a European; on the other hand, no lack of training or deficiency of culture will make the European a Negro. The two races are not moving in the same groove with an immeasurable distance between them, but on parallel lines. They will never meet in the plane of their activities so as to

50 Mudimbe (n 1 above) 98, 117; Lynch (n 43 above) 252; Pawliková-Vilhanová (n 44 above) 172-175; Masolo (n 39 above) 11-12; F Viljoen *International human rights law in Africa* (2012) 152.

51 Mudimbe cites as one example Blyden's statement that transatlantic slavery was 'deportation from a land of barbarism to a land of civilisation': Blyden *Liberia's offering* (n 46 above) 156; Mudimbe (n 1 above) 105.

52 Mudimbe (n 1 above) 98 119; Masolo (n 39 above) 12.

53 Mudimbe (n 1 above) 104.

54 Mudimbe (n 1 above) 104 129, citing CH Lyons *To wash an Aethiop white: British ideas about black educability 1530-1960* (1975) 108.

55 See ch 4.

coincide in capacity of performance. They are not identical, as some think, but unequal; they are distinct but equal.<sup>56</sup>

In his laudable pursuit of racial equality and repairing the spoiled identity of people of African descent, nonetheless, Blyden made the same error of biologising culture and thinking about race in oppositional differences as did the colonists. In this regard he strikes a marked contrast to Du Bois, who advocated racial equality but without apportioning different racial capacities. Blyden seems inexorably drawn to the thesis of race as destiny with Africa as the 'natural' home of Africans, including her Negro descendants in the diaspora. Whilst, on the one hand, purporting to affirm equality between races, on the other hand, it seems that Blyden conceived races along Cartesian dualisms in which races have dichotomous essences; his thinking is thus implicitly wedded to polygenesis. He seemed to hold a strong conviction that the assertion of a liberating African identity and humanity required the abjuration of any commonalities between the black and the white race. Blyden believed that each race had its own inherent attributes and destiny, which were different from each other. Furthermore, in this 'never the twain shall meet' thesis he believed that each race had a moral duty to 'retain race integrity and race individuality'.<sup>57</sup>

Blyden is credited as one of the pioneers of 'black consciousness'.<sup>58</sup> He is remembered for his original effort to theorise 'blackness' in the form of an attempt to ascribe to Africans/Negroes a distinctively 'African/black personality'.<sup>59</sup> The idea of an 'African personality' was a benevolent and reparatory one. It was spurred by the objective of countering embedded white racism and ethnocentric denigration of African peoples by affirming the humanity of Africans and restoring dignity to an injured and derided black race. Through the assertion of black personality, Blyden sought to recover black human dignity; to restore pride and to retrieve from the past the wholeness of black people and their civilisation by asserting positive human qualities that were 'authentically theirs'.<sup>60</sup> But what did black personality imply? What were its main contents?

To understand Blyden's black personality one has first to adopt Blyden's situatedness: his own racial vantage point of seeing humanity as made up of different races and among them a distinct African race with its

56 Blyden *Christianity, Islam and the Negro race* (n 46 above) 227.

57 Quoted in Pawliková-Vilhanová (n 44 above) 170.

58 Blyden *Christianity, Islam and the Negro race* (n 46 above) 276; Mudimbe (n 1 above) 121.

59 Mudimbe (n 1 above) 118-129; Pawliková-Vilhanová (n 44 above) 170; Masolo (n 39 above) 11-12.

60 LS Senghor 'Foreword' to EW Blyden' in HR Lynch (ed) *Selected letters of Edward Wilmot Blyden* (1978) xv-xxii.

own essence. From this interpretive vantage point the possession of African racial identity becomes a precondition for correcting colonial and racial inequalities as well as for the socio-political transformation of the continent. The essentials of blackness, according to Blyden's thesis, were to be found foremost in the race itself: in its history, customs and institutions and, ultimately, in its capacity to be independent. The qualities of independence and self-realisation which, of course, are positive socio-political characteristics were the fulcrum of Blyden's project of African redemption.<sup>61</sup> However, the black personality was far from being unproblematic.

Part of the shortcoming of the black personality thesis arises from Blyden's attempt to produce a list of race-based characteristics that are peculiar to black people. Important as it was to counter white supremacy by invoking positive qualities of black people, Blyden ended up compiling his own stereotypes of black people, which, incidentally, were likely to serve white supremacists. This is partly as a result of Blyden's believing that it was in the areas of spirituality and culture that blacks were destined to make their mark in contributing to human civilisation, implicitly leaving out, for example, the intellectual realm.<sup>62</sup> The virtues of the black personality, which Blyden sought to extol, were to be found, among others, in the character of 'simple and cordial manliness and sympathy with every interest of actual life and every effort for freedom' among black people.<sup>63</sup> The subjects of Blyden's black personality were marked by 'cheerfulness, love of nature and willingness to serve'.<sup>64</sup> Blyden seemed to put a particular stress on willingness to serve, including serving the interests of the civilising mission of the colonial project. He saw black people as a people with a disposition towards being 'supple, yielding, conciliatory, obedient and gentle' with a 'musical spirit' to boot.<sup>65</sup>

The issue is not whether Blyden's concept of black personality did not convey to black people positive notions of self-affirmation, pride in one's identity and black emancipation at a historical time that these attributes were sorely needed. Of course, it did. Notwithstanding its liberating trajectory, however, Blyden's black personality was a problematic concept in its attempt to compile a single racial index for black people. His

61 R Nathan "African redemption": Black nationalism, and end of empire in Africa' (2001) 30 *Exchange* 125 at 133.

62 Pawliková-Vilhanová (n 44 above) 170; Masolo (n 39 above) 171.

63 HR Lynch (ed) *Black spokesman. Selected published writings of Edward Wilmot Blyden* (1971) 197, cited in Pawliková-Vilhanová (n 44 above) 171.

64 Lynch (n 63 above) 207, cited in Pawliková-Vilhanová (n 44 above) 171.

65 Blyden *Christianity, Islam and the Negro race* (n 46 above) 276.

conceptualisation of the African/black personality predictably ended up unduly trapped in an essentialised racial identity.

The philosophical weakness with ethnocentric concepts such as 'African personality' or its successor, *négritude*, is that they depend heavily on creating binaries and normative essences. As Edward Said and others argue, it is an emancipatory approach that places too much demagogic stress on ethnocentric identity to the point of, paradoxically, appearing to be cut from the very same cloth it wishes to oppose.<sup>66</sup> Achille Mbembe makes a similar point.<sup>67</sup> He understands the autochthonous rationale of self-regeneration, self-knowledge and self-rule behind concepts such as *négritude*.<sup>68</sup> At the same time he laments that *originary negation* – the effort to negate and dislodge the canon instituted by discourses of colonialism – has culminated in imprisoning rather than liberating articulations of African identity.<sup>69</sup> The effort to negate a spoiled identity, Mbembe argues, has produced the praxis of Afro-culturalism which is ensconced in the nativist thesis of radical difference and is preoccupied with the purity and authenticity of African identity.<sup>70</sup> It is a thesis which is fixated on the past and above all, on countering the originary events of slavery, colonialism and apartheid in ways that obscure other vectors of history and multiple ancestries of identity.<sup>71</sup> Its ahistorical and archaeological orientation inclines it towards creating an ontology of Africanness in which African identity manifests not as open, ever-evolving subjectivities and identifications that are subject to radical historicisation and that create pathways for the enunciation of new forms of African ethnicities. Instead, African identity appears hypostatised: as an epidermalised monument which articulates the final truth about the qualities of black people and their normative future.<sup>72</sup>

*Négritude* (translated from French as *Negro-ness*) began as a literary movement founded by black writers living in France in the 1930s and 1940s.<sup>73</sup> Aimé Césaire, a Martinican and founding member of the

66 EW Said *Culture and imperialism* (1993) 275-276; F Fanon *The wretched of the earth* (1967) 170.

67 JA Mbembe 'African modes of self-writing' (2002) 14 *Public Culture* 239; JA Mbembe 'On the power of the false' (2002) 14 *Public Culture* 629.

68 Mbembe 'On the power of the false' (n 67 above) 635.

69 As above.

70 Mbembe 'African modes of self-writing' (n 67 above) 252-256.

71 Mbembe 'African modes of self-writing' (n 67 above) 241-242; Mbembe 'On the power of the false' (n 67 above) 636; A Quayson 'Obverse determinations: Africa' (2000) 14 *Public Culture* 585-586.

72 Mbembe 'On the power of the false' (n 67 above) 629.

73 Mudimbe (n 1 above) 85-87; R Zahar *Frantz Fanon: Colonialism and alienation* (1974) 60.

*Négritude* movement, is credited with coining the term *négritude* in a poem *Cahier d'un retour au pays natal* (*Return to my native land*).<sup>74</sup> In the poem Césaire seeks to repair a sullied dignity through retrieving the past. He harkens to the past not just to recall and assert the personhood and humanity of black people against the backdrop of European ethnocentrism; equally significantly, he also seeks to recover a 'black' worldview to rival Cartesian rationality.<sup>75</sup> In a hermeneutical sense, *Cahier* represents the poetics of black/African identity as *originary*:<sup>76</sup> the desire to recapture an uninferiorised Africanness and restore its imaginary fullness. Among intellectuals from mainland Africa, *négritude* was articulated first by francophone Africa, with Leopold Senghor (later to become the first president of independent Senegal) as its best-known exponent.<sup>77</sup>

Initially, the common ground among the Parisian black exponents of *négritude* was that to oppose dehumanising colonialism and racism it was desirable to develop a counter discourse that would affirm the equal and full dignity of black people. However, as the movement grew, *négritude* gestured towards a worldview of black people that espoused a distinct, oppositional black racial essence, consciousness and civilisation.<sup>78</sup> Senghor described *négritude* as 'the sum of the cultural value of the black world'.<sup>79</sup> In this sense *négritude* can be understood as a gloss on and successor to Blyden's black personality. Indeed, Senghor treated Blyden's ideas as a forerunner of *négritude*.<sup>80</sup> *Négritude* spoke not just to a given nation but across nations where black people were located. It was a pan-African/Negro philosophy – its *Weltanschauung* – in its enunciation of a rooted, if not primordial, culture, subjectivity and spirituality of black people on the continent and in the diaspora.<sup>81</sup>

74 Masolo (n 39 above) 1; A Loomba *Colonialism/Postcolonialism* (2005) 176.

75 Masolo (n 39 above) 24-28.

76 See ch 3 sec 4.1; Hall (n 6 above).

77 Senghor's works include LS Senghor *Anthologie de la nouvelle poésie nègre et malgache de langue française* (Anthology of the new Negro and Malagasy poetry in French) (1948); 'Prière aux masques' (Prayer to masks) in *Oeuvre poétique* (Poetical works) (1990); 'Négritude: A humanism of the twentieth century' in P Williams & L Chrisman (eds) *Colonial discourse and postcolonial theory* (1994) 27-35.

78 Mudimbe (n 1 above) 85-87; Loomba (n 74 above) 25; Zahar (n 73 above) 67, citing as an example Cheikh Anta Diop's articulation of the relationship between whiteness and blackness as epitomised by diametrically-opposed socio-economic, cultural and moral values such as patriarchy versus matriarchy, individualism versus collectivism, and war-like use of force versus ideals of peace, justice and goodness: CA Diop *The cultural unity of black Africa* (1962) 195-197.

79 Senghor 'Négritude' (n 77 above) 28.

80 Mudimbe (n 1 above), citing Senghor's foreword to Blyden *Selected letters of Edward Wilmot Blyden* (n 60 above) xv-xxii.

81 Loomba (n 74 above) 176-177.

The imperative in *négritude* to rehabilitate a spoiled identity and to restore the dignity of black humanity was a given, as Frantz Fanon underscored.<sup>82</sup> The European colonising structure had not stopped at only imposing its rule and will to dominate and economically exploit the continent and its people; more significantly, the colonising structure had come tethered to a violent epistemological model that insidiously renounced all that was black African – the identities, physical appearances, histories, cultures, ethnicities, spiritualities, creativity and voice.<sup>83</sup> Doubtless, therefore, the passion in *négritude* to confront racism and colonialism and their debasement of black people was called for.

However, in its defence as well as assertion of black humanity, the semantics of *négritude* succumbed to an ethnocentric trap. While appearing to re-evaluate the relationship between an existing or erstwhile hierarchical relationship, Said argues, ethnocentric efforts to recover an injured identity tend to reinforce the very same hierarchy by continuing to look for clear-cut absolute difference.<sup>84</sup> The danger with this ethnocentric approach is that those seeking to recover from a sullied dignity may be obliged to invent an ‘originary counter-myth of radical purity’ in which Africanness emerges as an extraordinarily reified normative identity.<sup>85</sup>

Handel Wright observes that *négritude*’s articulation of an African identity in ‘direct opposition’ to what was prevailing in Eurocentric discourses was a strength and as well as a weakness.<sup>86</sup> *Négritude* valorised African-centredness. It idealised African culture, implicitly imagining its aesthetics to be singular, static and shorn of any propensity towards modernity.<sup>87</sup> Fanon understood that liberatory efforts, such as *négritude*, were an effect: the predictable emotional antithesis of a racialising and racist polity in which to be black was to have a spoiled identity.<sup>88</sup> He warned that the historical necessity of those at the receiving end of racism to racialise their claims when seeking to vindicate their humanity can cause them to miss a more heterogeneous political and cultural configuration.<sup>89</sup> Whilst admiring *négritude* for its courage and

82 Fanon (n 66 above) 170-171.

83 See ch 3 sec 3.2.

84 Said (n 66 above) 275.

85 Bhabha (n 5 above) 1; C Eze ‘Rethinking African culture and identity: The Afropolitan model (2014) 26 *Journal of African Cultural Studies* 234 236; JA Mbembe *On the postcolony* (2001) 12.

86 HK Wright ‘Editorial: Notes on the (im)possibility of articulating continental African identity’ (2002) 16 *Critical Arts* 1 at 3.

87 As above.

88 Fanon (n 66 above) 171.

89 Fanon (n 66 above) 172-173.

combativeness, Wole Soyinka has been critical of the oppositional dualisms in the discourse of *négritude*. In his view it not only failed to refute a racialising and racist ideology but drank from the very same founding colonial wellspring, thus inadvertently reinforcing the ideology.<sup>90</sup> Soyinka says:

[N]égritude trapped itself in what was primarily a defensive role, even though its accents were strident, its syntax hyperbolic and its strategy defensive ... *Négritude* stayed within a pre-set system of Eurocentric analysis on both man and his society, and tried to re-define the African and his society in those externalized terms.<sup>91</sup>

Soyinka's critique of *négritude* as a philosophy of blackness in which Blyden is credited with being an inspirational figure, equally applies to its forerunner – the black personality. Blyden's ideas about distinct races and his attempt to equalise the black race with the white race led him into a number of blind alleys – racial suppositions that can only be understood as a mirror of eighteenth-century European views about the racial supremacy of the white race. Blyden apologetically sought to carve an African zone of equality out of a racist ideology by attempting to give a badge of equality and virtue to what Victorian anthropologists had already documented and inferiorised as some of the regular characteristics of Africans. Accepting Blyden's African personality thesis requires us, among other unpalatable racist outcomes, to accept a division of labour between whites and blacks, assigning the tasks that require intellectual effort to whites and those that require muscle to blacks – the beasts of burden.

Blyden's belief that races were real, in the sense of being natural and that each race had a 'purity of blood' of its own, led him to adopt racial positions that are patently untenable as they were separatist and unmistakably racist against persons of 'mixed' racial ancestry, not unlike the position adopted by advocates of eugenics. Blyden, who seemed to derive virtue from being described as a person of 'unadulterated African blood' and of 'the purest Negro parentage',<sup>92</sup> rallied against 'the introduction on a very large scale of the blood of the oppressors among its victims' believing it to weaken the black race.<sup>93</sup> My point is that in the laudable effort of contesting white racism, Blyden ended up hurting the

90 W Soyinka *Myth, literature and the African world* (1976) 127; Said (n 66 above) 276; M Saman 'Senghor's other Europe' (2012) 1 *Savannah Review* 23 at 27.

91 Soyinka (n 90 above) 129 136, as cited in Said (n 66 above) 276-277.

92 Pawliková-Vilhanová notes that these epithets were used by Samuel Lewis in an introductory biographical note to the first edition of Blyden's *Christianity, Islam and the Negro race* (n 46 above) vii viii; Pawliková-Vilhanová (n 44 above) 165-166, footnote 12.

very cause he was committed to – racial equality – by succumbing to a paradoxical exclusionary nativist discourse of race.

Clearly, Blyden's black personality had some disquieting, contradictory features. Its heavy accent on phenotype left it porous to black exceptionalism by way of nativist political opportunism and an ethnocentrism that would exculpate black colonists. Blyden's racial thesis did not allow him to appreciate that the colonisation of Africa by its 'Christianised' and 'civilised' repatriated black diaspora, ostensibly to uplift the African people, would be tantamount to ethnic chauvinism.<sup>94</sup> It would be just as unwanted and as oppressive as colonisation by white colonists. Like some of the black intellectuals of his time, such as Alexander Crummell and Martin Delany, he developed with equanimity a parallel thesis to the 'white man's burden' urging black Americans and Afro-Caribbeans to colonise and 'civilise' Africa.<sup>95</sup> For Blyden Africa was not just the racial birthright of the black diaspora,<sup>96</sup> it was also an object to colonise and civilise complete with mimicry of the predatory and condescending predilections of white colonists.<sup>97</sup> However, seeing the contradiction between, on the one hand, espousing a single index of blackness and pan-Negro/African racial unity and, on the other, promoting a black-ethnicised version of a colonial project against the other blacks in the motherland seemed a bridge too far for Blyden. He was unable to comprehend a simple truth about equality and human freedom: that an exploitative and oppressive boot remains so irrespective of the colour that wears the boot. Colonists are persons who make an appropriate

93 Blyden *Selected letters of Edward Wilmot Blyden* (n 60 above) 488, cited in Mudimbe (n 1 above) 119.

94 Blyden *Selected letters of Edward Wilmot Blyden* (n 60 above) 349-355.

95 A Crummell 'Relations and duties of free coloured men in America and Africa' (1860) in H Brotz (ed) *African-American social and political thought, 1850-1920* (1992) 171 at 173; M Delany *The condition, elevation, emigration, and destiny of coloured people of the United States* (1852); Smith (n 30 above) 285-286.

96 Blyden wrote: 'The exiled Negro, then, has a home in Africa. Africa is his, if he will. He may consider that he is divested of any right to it; but this will not alter his relation to that country, or impair the integrity of his title.' Blyden *Christianity, Islam and the Negro race* (n 46 above) 124, cited in Mudimbe (n 1 above) 105.

97 In 1877, in a letter to the Secretary of the American Colonisation Society, Blyden wrote: 'There is great wealth in their fatherland of which if they do not soon avail themselves, others will get their first pick and perhaps occupy the finest sites.' Blyden *Selected letters of Edward Wilmot Blyden* (n 60 above) 260, cited in Mudimbe (n 1 above) 104.

investment in colonising others and need not be persons of white European descent.<sup>98</sup>

The purpose of this commentary on Blyden is not to render a comprehensive appraisal of his life work, or much less, to judge him with hindsight outside of his given historical period and the prevailing intellectual ferment. Indeed, in respect of the latter, it serves well to stress, as I argued in the preceding section in respect of the racial views of Du Bois, that Blyden, too, was also not operating in a 'free zone' in which a non-essential discourse about race could emerge and be given an audience.<sup>99</sup> His recourse to a nativist discourse of race is not hard to appreciate in someone who was politically engaged in a struggle against, literally, the erasure of the humanity of black people.<sup>100</sup> If anything, Blyden was at once a courageous politician and formidable African intellectual. The mantle of first articulating intellectual ideas about African cultural autonomy and African liberation, political independence and nationhood on the African mainland is, perhaps, one that belongs to Blyden more than any other black intellectual of his time. The passion with which Blyden argued for African cultural autonomy shorn of dependence on Western affirmation is nothing short of remarkable given the domineering colonial and racist discourses of his time.

Rather, the point of my assessment is to argue that Blyden's black personality and black nationalism were pioneering emancipatory concepts, but only for Blyden's time. In contemporary times we need not reinvent the concepts in their orthodox forms – even in our understandable need to counter orientalisating discourses – whether in our anti-colonial, nationalistic, Afrocentric or Afro-radical discourses. This is because the concepts betray a positionality, political opportunism and nativism exposing the limits of expedient, binarised, biocentric nationalism and certitudes and therefore inconsistent with egalitarian and inclusive Africanness. They are concepts and certitudes that cannot serve us well today when, to borrow from Alcoff and Bhabha, we are more able to unmask and contest colonising and racialising self-aggrandising structures without having to invent a counter-myth of radical purity.<sup>101</sup> Above all, ethnocentric concepts betray a single narrative of history and a panoptic account of identity inconsistent with the hybridities and multiplicities of the cultures and subjectivities of contemporary Africans and contested

98 E Tuck & KW Yang 'Decolonization is not a metaphor' (2012) 1 *Decolonization: Indigeneity, Education and Society* 1 at 7.

99 Chandler (n 34 above).

100 Eze (n 85 above) 236.

101 Alcoff (n 2 above) 125; Bhabha (n 5 above) 1.

meanings of Africanness.<sup>102</sup> In short, it is a ‘pluritopic’ rather than a ‘monotopic’ hermeneutic of Africanness that is apt to adequately explain our African selves today.<sup>103</sup>

#### 4 Retaining the political salience of race

Efforts to deconstruct race aside, it hardly needs to be stressed that race commands an existential, durable presence as a social construction that is materially real in political, economic and cultural senses. Without race, transatlantic slavery, the colonisation of Africa, the oppression of colonial peoples, resistance to colonisation and their interimbrication with the formation of African identities would be inexplicable. Equally, without race, the identities of people who belong to Africa as a spatial location, but do not necessarily describe themselves as ‘Africans’ in a racial sense, would also be inexplicable. Race remains an associational criterion that people often claim as part of their identity or that may be ascribed to them by others or the political community of which they are part. Race has political implications where the body politic is racialised, overtly or covertly, in the sense that racial differentiation is tethered to hierarchised essences that carry social, political and economic meanings that may be positive or negative for the racialised subject, depending on which side of the ‘colour line’ the person falls or is deemed to fall.<sup>104</sup>

Therefore, to dismiss race as inconsequential because it is without scientific salience, would be to miss its political salience – its significance as social practice with a social ontology. This is the point made by Alcoff in her discourse on identities of race, gender and the self.<sup>105</sup> Alcoff’s argument is that our capacities to transform or even eradicate race, whose once-claimed scientific basis has been disabused, should go hand in hand with fully taking into cognisance the social and political reality of race as lived embodiment, with its hidden epistemic effects and the hold it has over collective imaginations whether as privilege or at the receiving end of race.<sup>106</sup> Indeed, it is not lost on Alcoff that the classification of people according to the racial categories devised by Europeans is precisely what

102 Alcoff (n 2 above) 124-125, citing W Mignolo *The darker side of the Renaissance: Literacy, territoriality, and colonization* (1995) 15-16.

103 Alcoff (n 2 above) 125.

104 In 1903, Du Bois famously wrote: ‘The problem of the twentieth century is the problem of the colour-line – the relation of the darker to the lighter races of men in Asia and Africa, in America and the islands of the sea: WEB du Bois *The souls of black folk* (1903) 19.

105 Alcoff (n 2 above) 179-194.

106 Alcoff (n 2 above) 182.

was used by Europeans to develop a cartography that gave order and intelligibility to the new expanding territories that were being discovered, and that would eventually become colonial possessions and, therefore, raced worlds.<sup>107</sup> Ultimately, according to Alcoff, race is given a reality in given contexts. In this sense, Alcoff is asking us to think about race as an identity under Derridean ‘erasure’.<sup>108</sup>

But whilst in the Western archive, especially, Africa as alterity has endured,<sup>109</sup> it is not this knowledge that makes Africans. Knowledge of Africa as alterity exists among other archives. Ultimately in this book, it is no longer the sedimented discourses – the congealed pasts or archaeologies – that are crucial to understanding the espousal of Africa and Africanness. What matters more is the present and future representation of Africa and Africanness. When Hountondji implores us to undo the myth and weaken the very notion of historical Africa,<sup>110</sup> he is calling for a critical interpretation of African culture and history against the backdrop of a sedimented Africa invented from outside. Necessarily, as Mudimbe observes, Hountondji is calling for a discourse that is porous to radical historicisation.<sup>111</sup>

In a Goffmanian sense and on two fronts – race and culture – the transformed colonial discourse laid the durable and stable seeds for a ‘spoiled African identity’.<sup>112</sup> To be African would come to mean, to be black or ‘non-white’ or ‘non-European’ under apartheid, to possess an ‘attribute that is deeply discrediting’<sup>113</sup> in an epidermalising and epidermalised world.<sup>114</sup> Being black as opposed to being white has meant reducing the bearer from a ‘whole and usual person to a tainted and discounted one’.<sup>115</sup> Categories that carry stigma are potent immobilising

107 Alcoff (n 2 above) 179.

108 Hall (n 6 above) 15.

109 Mbembe (n 85 above) 2.

110 Hountondji (n 1 above).

111 Mudimbe (n 1 above) 37.

112 E Goffman *Stigma: Notes on the management of spoiled identity* (1963).

113 Goffman (n 112 above) 3.

114 IM Young *Justice and the politics of difference* (1990) 123; TF Slaughter ‘Epidermalizing the world: A basic mode of being black’ in L Harris (ed) *Philosophy born of struggle: Anthology of Afro-American philosophy from 1917* (1983) 283-287. Slaughter explains the notion of an epidermalised world as how the stigmatised group experiences discursive consciousness of its lowly status through the body language of the ‘superior’ group such as through the physical distance that the ‘superior’ group keeps from the stigmatised group or even a certain nervousness that it displays when compelled by circumstances to share physical space with the stigmatised group: Slaughter (above); Young (above).

115 Goffman (n 112 above) 3.

forces. By themselves, categories, in a Hegelian sense, can become a form of oppression that is capable of imprisoning and distorting the self to the point of crippling self-hatred.<sup>116</sup> A positive understanding of the self derives in part from intersubjective approval.<sup>117</sup> Stigma often serves to discourage stigmatised individuals and groups from taking up rights and privileges and is conducive to the creation and sustenance of a passive sub-class, instilling into stigmatised subjects real feelings of intergenerational inferiority.<sup>118</sup>

In the epigraph, Hountondji invites us to stop caricaturing Africanness through perpetuating the archive of panoptic identitarianism imposed from outside of Africa. When reflecting on 'who/what is African', Hountondji implores us to engage critically with a history of Africa, especially its construction from exteriority, which produced an Africa and Africans that were over-determined and fossilised, rendered non-reflexive objects of a cavilling power and devoid of a history and subjectivity of their own.<sup>119</sup> At the same time, and this is Hountondji's ultimate point, correcting the excess of colonialism and Western epistemology that historically and materially have othered Africa, should not mean recourse to appropriating an authentic African identity in the way, for example, Blyden or *négritude* attempted to do.

Hountondji should not be misunderstood as rejecting 'Africa' or the term 'African' but, instead, should be understood to be seeking to disrupt their interpellated status as concepts which are the product of an enduring bipolar discourse by the West that consigns the continent and its peoples, especially dark-skinned peoples, to an instantly recognisable and indelible register of racial and cultural alterity. Moreover, Hountondji is not seeking to expunge African ancestry or descent as markers of usable and existential socio-political identity, including solidaristic identity, but seeks to argue for an anti-essentialist, non-primordial idea of African identity so that

116 C Taylor 'Multiculturalism and the "politics of recognition"' in A Gutmann (ed) *Multiculturalism. Examining the politics of recognition* (1992) 25.

117 A Honneth 'Integrity and disrespect: Principles of conception of morality based on the theory of recognition' (1992) 20 *Political Theory* 187 at 188-189.

118 Assertions about the negative effects of stigma should be read as generalisations rather than invariable universal experiences as there are always exceptions to the rule. Alexander argues that the effects of stigma and prejudice are contingent on a number of factors and will not be uniform amongst all societies, groups and societies, and historical eras. For some groups, stigma can paradoxically lead to the opposite – a sense of superiority and a redoubling of efforts: L Alexander 'What makes wrongful discrimination wrong? Biases, preferences, stereotypes, and proxies' (1992) 14 *University of Pennsylvania Law Review* 149 at 163. See also K Karst 'Foreword: Equal citizenship under the Fourteenth Amendment' (1977) 91 *Harvard Law Review* 1 at 7.

119 Hountondji (n 1 above).

African biological descent and territorial setting no longer are all-telling signposts in deciphering African identity. Ultimately, he is contesting biologised nativism in the same way that proponents of Afropolitanism have done in recent years in their effort to replace a monochromatic African identity with polychromatic, fluid, de-ethnicised and de-raced identities.<sup>120</sup>

#### 4.1 Afropolitanism

Taiye Selasi is credited with coining the term 'Afropolitan', having used it in a magazine piece published in 2005.<sup>121</sup> 'Afropolitan' began its life as a conceptual resource for conveying the self-identity of 'Afropolitans', meaning mostly upwardly mobile people in the diaspora who share African descent (though not necessarily in a biological sense) and who have other belongings and cultural identifications which cannot be explained by reference only to Africa. Of Afropolitans, Selasi says:

They (read: we) are Afropolitans – the newest generation of African emigrants, coming soon or collected already at a law firm/chem lab/jazz lounge near you. You'll know us by our funny blend of London fashion, New York jargon, African ethics, and academic successes. Some of us are ethnic mixes, e.g. Ghanaian and Canadian, Nigerian and Swiss; others merely cultural mutts: American accent, European affect, African ethos. Most of us are multilingual: in addition to English and a Romantic or two, we understand some indigenous tongue and speak a few urban vernaculars. There is at least one place on The African Continent to which we tie our sense of self: be it a nation-state (Ethiopia), a city (Ibadan), or an auntie's kitchen. Then there's the G8 city or two (or three) that we know like the backs of our hands, and the various institutions that know us for our famed focus. We are Afropolitans: not citizens, but Africans of the world.<sup>122</sup>

120 Commentaries on Afropolitanism include T Selasi 'Bye bye Barbar' *Lip Magazine* 3 March 2005, <http://thelip.robertsharp.co.uk/?p=76> (accessed 1 January 2017); JA Mbembe 'Afropolitanism' in N Simon & L Duran (eds) *Africa remix: Contemporary art of a continent* (2007) 26-30; S Gikandi 'Foreword: On Afropolitanism' in J Wawrzinek & JKS Makoka (eds) *Negotiating Afropolitanism: Essays on borders and spaces in contemporary African literature and folklore* (2010) 9-11; M Salami 'Can Africans have multiple subcultures? A response to "Exorcising Afropolitanism"' (2013), <http://www.msafropolitan.com/2013/04/can africans have multiple subcultures a response to exorcising afropolitanism.html> (accessed 1 January 2017); Eze (n 85 above); S Gehrman 'Cosmopolitanism with African roots. Afropolitanism's ambivalent mobilities' (2016) 28 *Journal of African Cultural Studies* 61.

121 Selasi (n 120 above).

122 As above.

In an identitarian sense, Selasi's Afropolitanism enunciates the positionality of a class of peoples of African descent who participate in the cosmopolitanism of the global North. At first glance, Afropolitanism seems to portray not just a sense of cosmopolitanism but also a select Afro-lifeworld not accessible to continental Africans. This perception of Afropolitanism has made it the subject of criticism for its exclusivity and classism in debates about African identity.<sup>123</sup> The perception of elitism notwithstanding, as Chielozona Eze underscores, Selasi's contribution is significant for giving voice to an elective affinity which challenges and unsettles the notion of African identity as a closed racial and cultural identity, thus revealing the heterogeneities of Africanness.<sup>124</sup>

In explicating Afropolitanism, Simon Gikandi emphasises recognising Africans in their fluid heterogeneities as being both rooted geographically somewhere and released from a normative homogenising African identity. In Afropolitanism Gikandi captures the notion of an Africanness that is made up both of roots and routes. He explains the impetus behind Afropolitanism:

the desire to think of African identities as both rooted in specific local geographies but also transcendental of them. To be Afropolitan is to be connected to knowable African communities, languages and states. It is to embrace and celebrate a state of cultural hybridity – to be of African and other worlds at the same time.<sup>125</sup>

Afropolitanism is an important addition to post-Cartesian discourses on Africanness after the primal moment of colonisation. It serves as a platform for a conversation in which assumptions about African identity as singularly modular, static and necessarily racial are interrogated in order to reveal cultural hybridity and, more specifically, the presence of new or evolving African identifications. To borrow from Hall, what is significant about the discourse of Afropolitanism is the enunciation of new, non-coercive African ethnicities in ways that signify the refutation of an essential African subject.<sup>126</sup> Afropolitanism underscores the view that the African subject is not a stable category of nature with a fixed transcultural

123 Eze (n 85 above) 240; Gehrman (n 120 above) 62; E Dabiri 'Why I am not an Afropolitan' (2014), <http://africasacountry.com/2014/01/why-im-not-an-afropolitan/> (accessed 1 January 2017); R Fasslet "'I'm not Afropolitan – I'm of the continent": A conversation with Yewande Omotoso' (2015) 50 *Journal of Commonwealth Literature* 231 at 235.

124 Eze (n 85 above) 235.

125 Gikandi (n 120 above) 9.

126 S Hall 'New ethnicities' in D Morley & K Chen (eds) *Stuart Hall: Critical dialogue in cultural studies* 442 at 448.

and transcendental constitution or orientation but a social construction.<sup>127</sup> It is challenging the centrality of race in dominant notions of ethnicity. It tells us that, whereas in the aftermath of slavery and colonialism race played a central historical role in the formation of African identities, it is now being displaced by other categories – even if it has not been eclipsed.<sup>128</sup> Present constructions of African identities and subjectivities are being articulated in an identarian conceptual structure, which includes class, migration and cosmopolitanism, to signify African heterogeneities rather than a transcendent singularity.<sup>129</sup>

It needs stressing that Selasian Afropolitanism stands for the particular. Afropolitanism speaks to Alcoff's point that when claimed by the self, social identities are context-variable and, above all, fundamental to one's experience of the world.<sup>130</sup> Ultimately, any claimed identity is autobiographical. Thus, Afropolitanism is not immune to solipsism and, therefore, should be hesitant to universalise its experience.<sup>131</sup> The unities Selasian Afropolitanism pronounces as 'we' in fact stand for 'I'.<sup>132</sup> The homogeneities and affiliations it claims and the identity it names, in the end are *naturalised* and over-determined processes of closure which are always situated.<sup>133</sup> Selasian Afropolitanism cannot articulate a universalism about the identifications of migrants of African descent who have migrated to and live in the global North. It need not speak for the identifications of migrants of African descent who experience virulent forms of racial exclusion or xenophobia and form part of the underclass in the global North. Indeed, if Afropolitanism attempts to do so it risks articulating a false universalism that comes with any attempt to generalise identity and in consequence overlooks the cleavages of difference, varied histories and imbalances of power.<sup>134</sup>

Even if Afropolitanism is to be welcomed as an enunciation of diversity within Africanness, it is possible to argue that in contesting the essentialisation of African identity, paradoxically, Selasian Afropolitanism may end up essentialising the identity of continental Africans. A glaring weakness in Selasian Afropolitanism is that it has nothing insightful to say about movement in the identifications of continental Africans. It seems that it stands or falls by direct participation

127 Hall 'New ethnicities' (n 126 above) 444.

128 Hall 'New ethnicities' (n 126 above) 446.

129 As above.

130 Alcoff (n 2 above) 90 92.

131 See ch 2 sec 2.

132 As above.

133 As above.

134 As above.

in the cosmopolitanism of the global North. In its imagination the transformation of African identity into cosmopolitan identifications seems to occur only when people of African descent locate themselves in the global North. This is a fallacy in its argument that leaves Selasian Afropolitanism vulnerable to the charge that it appears to harbour latent nativising tendencies of its own. Let me extend this argument.

It can be recalled that identities are relational accounts which are established partly by excluding something and by establishing a 'violent hierarchy'.<sup>135</sup> Selasian Afropolitanism is relational to something: 'a margin, an excess'.<sup>136</sup> It is an Afropolitanism that seems to assume stable identities among continental Africans as its relational comparator is what it implicitly misperceives to be uniformity and the lack of movement in the cultural identifications of continental Africans. If this is the case, then Afropolitanism is open to criticism as an Afropolitanism predicated on an orientalising 'them and us' discourse. There seems to be an assumption that Africa and continental Africans are cut off from the rest of the world. Another assumption is that Africa can only be impacted upon by the world but can never exercise any radiating impact beyond its cartography. These assumptions are juxtaposed against an intrinsically dynamic West and highly mobile Afropolitans. In this sense, on one hand Selasian Afropolitanism is a contribution towards the enunciation of African heretogeneities yet on the other, it paradoxically repeats some of the excesses of coloniality. It seems to reappropriate coloniality and reinscribe primordialism on continental Africans, however unintended the result.

For Afropolitanism to be able speak to a broader Africanness in ways that do not mimic coloniality and its nativising discourses, there is a need to radicalise its conceptual parameters. Its philosophical reach can be extended and its meaning deepened beyond Selasi's original conception of Afropolitanism as a subculture tethered to the diaspora and a cosmopolitanism which is dependent on a specific territorial location. The work of Mbembe is a pointer in this direction.<sup>137</sup> It is orientated towards an Afropolitanism that is non-exclusive and has the conceptual capacity to address broader African identifications. Mbembe argues that Afropolitanism is significant, not as a new idea but in its amplification,

135 See discussion in sec 2 above.

136 Hall (n 6 above) 18.

137 Mbembe (n 120 above); Gehrmann (n 120 above) 64-65.

which reflects a historical moment in the intensification of Africa's entry into dispersion and vibrant mobility at a cultural level.<sup>138</sup>

Membe's Afropolitanism seeks to articulate African cultural movements in whatever spaces they occur. It requires moving away from notions of a closed African identity constructed around autochthonous fundamentalism in order to generously encompass fluidity in the constant making of Africanness.<sup>139</sup> Mbembe's Afropolitanism is made up of lifeworlds which register African itinerancy, intercultural mixing and blending in ways that are transformative and are situated in a 'geography of circulation and mobility' rather than territory.<sup>140</sup> Thus, Afropolitanism need not be tethered to diasporic movements that exclude continental Africans as mobility occurs in all spaces – within the nation and across the nation, between rural and urban spaces, within Africa and across continents including not just the Western world. Of course, not all spaces will have the same intensity of movement as movement comes with its own heterogeneous valences.

It is significant that in his conception of Afropolitanism, Mbembe puts 'race' under erasure. Race is not a precondition precisely because race is essentialising and exclusionary, such that it obscures the heterogeneities and movements of Africa and Africans. In an interview, Mbembe explains the non-essential place of race in Afropolitanism:

[T]o say 'Africa' does not necessarily mean to say 'black'. There are Africans who are not black. And not all blacks are African. So Afropolitanism emerges out of that recognition of the multiple origins of those who designate themselves as 'African' or as 'of African descent.' Descent here, or descendants, or genealogy, is a bit more than just biological or racial, for that matter. For instance, we have in Africa a lot of people of Asian or Indian origin. We have people who are Africans but they are Africans of European origin in South Africa, and other former settler colonies like Angola, Mozambique. We have Africans who are of Middle Eastern origin, for example in West Africa, Senegal, and Côte d'Ivoire. And more and more, we have Africans of Chinese origin.<sup>141</sup>

138 Gehrman (n 120 above) 65, drawing from JA Mbembe *Sortir de la grande nuit. Essai sur l'Afrique décolonisée* (translated as 'We must get out of the great night: Essay on decolonised Africa') (2010) 221, where Mbembe argues that as early as the 1960s some African writers were already contesting the idea of a pure African identity.

139 Mbembe (n 120 above).

140 S Balakrishnan 'Pan-African legacies, Afropolitan futures: A conversation with Achille Mbembe' (2016) 120 *Transition* 28 at 34.

141 Balakrishnan (n 140 above) 30.

It is not that Mbembe is denying the place of 'race'. He accepts that 'race' remains and may never disappear and yet concomitantly it is being 'renamed and repurposed' in ways that are no longer originary.<sup>142</sup> Framed in this way, Afropolitanism gestures towards Hall's dialectic of identification; a dialectic between an *originary* perspective where African identity is transcendent and intrinsic and a *transformative* one where identity is subject to radical historicisation.<sup>143</sup> Afropolitanism can be understood as a discursive space for articulating African transformative self-identification through the appropriation of a nuanced understanding of African identity and the rejection of a raced, essentialist, monochromatic identity that has its genesis in coloniality and serves to deny the diversity of Africa and heterogeneities among Africans.

## 5 Africa as space for diverse identifications and recognition of ever-evolving ethnicities

Hall urges us to think about 'race' historically as an 'already-produced' collective identity but whose 'master' status and explanatory power have been weakened and become problematic.<sup>144</sup> 'Race' has not disappeared but it no longer comes with the same racial code as in the past. Its purchase and efficacy remain, but *not* in their originary form. The 'comprehensive' power 'race' had in the high noon of colonisation has been weakened.<sup>145</sup> Equally, 'race' no longer can be appropriated by Africans in the same way as during the anti-colonial struggle. The race of Africanness and its supposed completed unities no longer can be conceptualised as they were in the past if we are to be attentive, not just to 'race's' historical contradictions and fragmentations, but to increasing social diversity and existentially pluralistic articulations of African subjectivities.<sup>146</sup> Ultimately, in thinking about Africa and African identities, it serves us well to recognise the emergence of new identities and new ethnicities which exist side by side with old identities and old ethnicities, including racialised identities and ethnicities.

As Africans, when addressing Africanness, we should strive to be as reflective and as nuanced as we can, partly as celebratory homage to the

142 Balakrishnan (n 140 above) 33.

143 See ch 2 sec 4.1.

144 S Hall 'Old and new identities, old and new ethnicities' in AD King (ed) *Culture, globalization, and the world system: Contemporary conditions for the representation of identity* (1997) 41 at 45-46.

145 Hall (n 144 above) 46.

146 As above.

conceptual complexity of Africa and partly in order to avoid the pitfalls of serving to propagate centuries-old pejorative stereotypes, contemporary oppressive hegemonies and appropriations of the identifications, identities and representations. Our inquiry into Africanness should be as varied and as inclusive as the multiplicity of peoples, historical communities and cultures, together with their social structures, spatiotemporal contexts and connectedness to and interdependence with a larger global community. Whatever typologies we use to explain African identities and Africanness, they should remain as pluralistic explanatory devices that are open to democratic iteration, multiple mappings of Africa, heterogeneous identifications and transformation, rather than epistemologies that are normatively fixed and immune to change.<sup>147</sup> Certainly, any typologies or categories should not assume a transcendence of their own, becoming an albatross that cramps the human agency of how we, as Africans, define ourselves.<sup>148</sup> Identity is becoming and being.<sup>149</sup> The past is there but we produce our identities in the future.<sup>150</sup>

What is striking about Africa and the people who live in it is its palpable diversity. The claim that Africa and Africans are 'racially' or culturally homogeneous always requires first 'balkanising' the continent in order to create smaller cartographies of Africa – smaller Africas so to speak – which are more amenable to reading in homogeneity, although in some Africas more than others.<sup>151</sup> However, even balkanised geographies cannot assure homogeneous identities. If placed under a pluralistic spotlight, they easily reveal diversity and movement in what appeared at first sight to be a homogeneous political community. Let us consider two examples, precisely for the reason that they are often cast as homogeneous smaller Africas – Arab Africa and sub-Saharan Africa.

In the first place the examples of Arab Africa and sub-Saharan Africa tell us that we cannot think about African identity through privileging a particular race as that would be exclusionary. In the second place the examples tell us that even within each smaller Africa, racial and cultural homogeneity exists only as a relative concept. At first sight a semblance of

147 PT Zeleza 'The inventions of African identities and languages: The discursive and developmental implications' in OF Arasanyin & MA Pemberton (eds) *Selected proceedings of the 36th Annual Conference on African Linguistics* (2006) 14 at 18.

148 Zeleza (n 147 above) 20.

149 See ch 2 sec 4.1.

150 See ch 2 sec 4.1; A Paul 'The ironies of history: An interview with Stuart Hall' (2005) 4 *IDEAZ* 30 at 44.

151 I have appropriated the idea of 'smaller Africas' from Zeleza who uses 'little Africas' to capture smaller African spaces from which to construct identity: Zeleza (n 147 above) 17-18.

racial and cultural homogeneity seems apparent when Arab Africa and Black Africa – the sub-Saharan part – are separated. However, on closer examination numerous problems of diversity arise, which can only be resolved by the construction of inclusionary and exclusionary criteria that privilege certain morphological and social markers over others among the citizens of one country.

In many of the predominantly Arab-speaking countries in North Africa, there are diverse morphologies and diverse cultures among populations that are not always acknowledged by institutions of state and the country's media, which tend to portray a particular image of racialised Arab identity.<sup>152</sup> The question will always be what makes one citizen more Arab than the other so as to legitimise the construction of hierarchical citizenship based on Arabness. The very use of the term 'Arab', at least within the cartography of Africa, is problematic if it is intended to convey national or regional homogeneity. It is an exercise in differentiation and assuaging a majoritarian impulse which erases the presence and histories of peoples who were present on the land before Arabisation. For example, in the case of Libya, Arabisation has served to marginalise Berber-speaking Libyans. In Sudan, Arabisation served to disenfranchise the south which led to a violent conflict that culminated in the partition of Sudan.<sup>153</sup> Looking for racial or cultural homogeneity in a nation, much less on a continent, requires establishing a violent hierarchy in order to suppress difference. In the end it requires the institution of a reconstructed apartheid system as the blunderbuss for managing diversity. The argument here is not that there cannot be an Arab identity in Africa, but that such an identity even within the confines of one country, is not the only so-called 'national' identity but is instead expressive of a majoritarian impulse.

Sub-Saharan Africa throws up similar challenges. Racial homogeneity can only be claimed as a majoritarian impulse at the expense of diversity. If we use an epidermalising axis – blackness – as the criterion for homogeneity, then sub-Saharan Africa is a slippery place, even historically, without taking into account more recent immigrants to Africa. Colonisation brought white settlers. Whilst, at the advent of African independence, many returned to Europe some remained behind. In southern Africa and South Africa, in particular, successive generations of white people have made Africa their home. Migration and indentured

152 Zeleza (n 147 above) 16.

153 DM Wai *The African-Arab conflict in Sudan* (1981); M Mamdani 'South Sudan: Rethinking citizenship, sovereignty and self-determination' 4 May 2001, <http://www.pambazuka.org/governance/south-sudan-rethinking-citizenship-sovereignty-and-self-determination> (accessed 12 October 2016).

labour under British colonial rule brought Asians to Africa, especially to East Africa and South Africa.<sup>154</sup> Successive generations of Asian people have made Africa their home. Thus, in a racial sense, sub-Saharan Africa can pass the homogeneity test only by disenfranchising millions of its inhabitants who are not epidermally black Africans.

As axes of identities culture and religion throw up the same challenges. Nigeria provides an instructive example. Paul Zeleza observes that long before the colonisation of Nigeria by Britain, the Hausa people of northern Nigeria were already converts to Islam, sharing a script – Arabic – and trading with neighbours in North Africa.<sup>155</sup> There are other parts of sub-Saharan Africa that exemplify Nigeria in terms of religious diversity and for which religion rather than the epidermal axis, would be the more significant identity.

It is better to concede that there is no single racial or cultural signifier for Africa. Such a marker is absent, even if we can imagine it. Africa and Africanness are open to multiple mappings, as Zeleza has argued.<sup>156</sup> Depending on the context and our interpretive horizon, it is really up to us how we construct taxonomies for explicating African identity. In the final analysis, identitarian taxonomies are interrelated. Each is a social construction and none is exhaustive, self-standing or immune to debate and iteration.<sup>157</sup> If African identity and Africanness were to be conceived in terms of a recognition of a common origin or shared characteristic, ideal or aspiration, then we need first to narrate and fill in the substance of the common origins, characteristic, ideal or aspiration. This will always be an exercise in the construction of identity – of becoming and ever becoming.

On account of the cultural diversity within Africa, I maintain that attempts to find cultural unity across the continent would be fruitless. At the same time my argument is not that Africans merely occupy geographical space. Rather, it is that they comprise a social group with identifiable equality needs. In this connection I draw support mainly from Young's argument that the possession of any inherent characteristics or even cultural or political unity is not necessary for persons to be constituted as a social group with common inherent characteristics.

154 G Oonk *Global Indian diasporas: Exploring trajectories of migration and theory* (2007); P Richardson *Chinese mine labour in the Transvaal* (1982).

155 Zeleza (n 147 above) 16.

156 Zeleza (n 147 above) 18.

157 Zeleza (n 147 above) 14-15.

In *Justice and the politics of difference*, Iris Young reminds us that groups are socially constituted categories and that there are a variety of ways rather than a single way in which a social group might be constituted.<sup>158</sup> Ultimately a social group is not a thing in itself or something that has an immutable identity or common origins.<sup>159</sup> Instead, a social group is a social relation: it exists only in relation to another group.<sup>160</sup> A social group need not always be constituted through the possession of common inherent characteristics, or by consciously professing its own social or political identity. It can also be constituted through a common experience of exclusion and social oppression, even if the experience is not conscientised at a group level.<sup>161</sup> According to Young, whether a group counts as an oppressed group depends on whether it has a collective experience of being at the receiving end of what she describes as the five faces of oppression: exploitation, marginalisation, powerlessness, cultural imperialism, and violence.<sup>162</sup>

Writing about race, gender and the self as identities, Alcoff argues that an adequate account of social identity must be able to do two things simultaneously.<sup>163</sup> On the one hand it must be able to account for the historical fluidity and instability of identities.<sup>164</sup> On the other it must be able to account for the powerful salience and persistence of identities.<sup>165</sup> In appropriating Hall's theoretical approach to thinking about Africanness, I have taken, as a point of departure, that Hall already concedes that there are reasons (good and bad) that account for the powerful salience and persistence of identities such as race, and the focus in this sub-section has been on highlighting the historical fluidity of identities so that race need not continue to govern our future.

Needless to say, the concept of Africanness that I am putting forward here is particularly indebted to the deconstructive archive of cultural theorists and their notion of identity as real and imagined, as well as complex, fluid, dynamic and open-ended. Adopting this position, including appropriating Hall's cultural theory, should not be misunderstood as taking refuge in an empty linguistic postmodern

158 Young (n 114 above) 42-43.

159 Young (n 114 above) 43.

160 Young (n 114 above) 44.

161 Young (n 114 above) 46.

162 Young (n 114 above) 38-65.

163 Alcoff (n 2 above) 87-88.

164 As above.

165 As above.

conception of identity that denies the materiality of identities or even the materiality of discourses.<sup>166</sup> Rather, it is to argue, as Hall did, that identities are made within rather than outside of discourse and that to ground African identity in archaeology would be manifestly ahistorical and incomplete.<sup>167</sup>

At a basic level, a simple though not simplistic response to the question of who is African might be: 'You are African if you say you are. Africanness is belonging'.<sup>168</sup> In answering the question simply and without equivocation, my aim is twofold. First, it is to centre the discourse of equality and sexuality in ways that speak to the concrete lives of people who live in the geographical enclave called Africa (or who identify with it) and the political community called the African Union in ways that do not essentialise identities but are, instead, inclusive. This approach is tied to acknowledging the diversity of political subjectivities, including aligning with discourses on the contingency, heterogeneity and fluidity of identity. Ultimately, the need is to develop a discourse on Africanness that avoids preempting equality, in the first place, through the trap of nativist identities, whether for race, culture or sexuality, that are predicated on hermetically sealed, monolithic notions that are immunised against contestation. Monolithism and prescriptiveness in recognising identities easily create room for dominant discourses to seek exceptions to the imperatives of substantive equality.

166 Mbembe (n 85 above) 5.

167 S Hall 'Cultural identity and diaspora' in J Rutherford (ed) *Identity: Community, culture, difference* (1990) 222 at 232.

168 Here I have appropriated the semantics from the disability work of Simi Linton. In order to highlight the elusive nature of the definitional construction of disability, Linton said: 'The question of who "qualifies" as disabled is as unanswerable or as confounding as questions about any identity status. One simple response might be that you are disabled if you say you are.' S Linton *Claiming disability: Knowledge and identity* (1998) 12-13.

**PART 3: HETEROGENEOUS  
SEXUALITIES**



# REPRESENTING AFRICAN SEXUALITIES: CONTESTING NATIVISM FROM WITHOUT

---

[T]here is a difference between knowledge of other peoples and other times that is a result of understanding, compassion, careful study and analysis for their own sakes, and on the other hand knowledge – if that is what it is – that is part of an overall campaign of self-affirmation, belligerency, and outright war. There is after all, a profound difference between the will to understand for the purposes of coexistence and humanistic enlargement of horizons, and the will to dominate for the purposes of control and external domination.<sup>1</sup>

## 1 Introduction

This chapter seeks to underscore that narratives created by others to represent African sexualities should always be understood as culturally and historically situated. They are representations constructed within the knowledge and power systems of a given polity, at a particular historical time and location, together with their social and political dynamics for social stratification, domination and status subordination. I use the representation of African sexualities in colonial discourses to show how the stereotypes they construct are anchored in the nativisation of African cultures.

My argument is that the value of these discourses lies, not in their being the most important archive on the representation of African sexualities, but in their persistent power to regulate the social, political and economic lives of the objects of that power – the colonised people. Colonial discourses show connections between knowledge and power and how this couplet can be used by a politically dominant social group to achieve the status subordination of a marginalised social group through regulatory policies, laws and practices. A combination of patriarchal-capitalist ideology, imperialistic interests of domination and appropriation

1 EW Said *Orientalism* (1979) xix, originally published in 1978.

and racially delineated institutional power is what sustained colonial discourses.<sup>2</sup>

The theoretical framing of the arguments in this chapter draws mainly, though not solely, on the works of two authors: Edward Said's discourse on 'orientalism'<sup>3</sup> and Mahmood Mamdani's discourse of 'nativism'.<sup>4</sup> I use orientalism and nativism as conceptual resources for interrogating the (mis)representation of African sexualities from the outside. I argue that the discursive value of colonial discourses goes beyond merely providing us with a historical backdrop for the representation of African sexualities during a bygone era. The discourses help us to understand the present by revealing how knowledge about African sexualities, especially the persistence of stereotypes, is constructed in part from the outside.

## 2 Said's discourse of orientalism

In 1978 Said published his path-breaking monograph, *Orientalism*.<sup>5</sup> Prior to that date orientalism, as an academic discipline, was understood primarily through the prism of Western-inspired inquiry: it was the philological, cultural, and historical study – mostly by the West – of the peoples in the region known as the Orient or the East.<sup>6</sup> In *Orientalism* Said reversed the order. Focusing on the Arab East, he developed 'orientalism' as an idea and, significantly, as a discourse that critically interrogates how the West historically succeeded in producing and sustaining a set of knowledges about the East through imperial power and cultural hegemony.

In Said's words, *Orientalism* is an effort to implicate and decode a Eurocentric 'style of thought based upon an ontological and epistemological distinction between "the Orient" and (most of the time) "the Occident"'.<sup>7</sup> Said broke new ground in deconstructing the classical era of European imperialism to reveal its coherence as an intertwined system of knowledge and discrepant power. Ultimately *Orientalism* implicates cultural imperialism as a political vision whose intellectual

2 S Tamale 'Exploring the contours of African sexualities: Religion, law and power' (2014) 14 *African Human Rights Law Journal* 150 at 158-159.

3 Said (n 1 above).

4 M Mamdani *Define and rule: Native and political identity* (2013). See also Mamdani's other works, including *Citizen and subject: Contemporary Africa and the legacy of late colonialism* (1996); and *When victims become killers: Colonialism, nativism, and the genocide in Rwanda* (2001).

5 Said (n 1 above).

6 Said (n 1 above) 38 49-53. Geographically, the Orient is a vast region which covers parts of North Africa, present-day Middle East and South Asia, and includes Japan.

7 Said (n 1 above) 2.

power is held together by a set of ideas that, in a Gramscian sense, create a theory and practice of hegemonic and durable knowledge about colonised peoples.<sup>8</sup>

Introducing *Orientalism*, Said wrote:

[A]s much as the West itself, the Orient is an idea that has a history and a tradition of thought, imagery, and vocabulary that have given it reality and presence in and for the West ... ideas, cultures and histories cannot seriously be understood or studied without their force, or more precisely their configurations of power, also being studied. The relationship between Occident and Orient is a relationship of power, of domination, of varying degrees of a complex hegemony ...<sup>9</sup>

In linking the production of knowledge with the exercise of discrepant imperial and cultural power, Said was not pioneering a new epistemology: instead he built on earlier discourses but applied them to a new setting. To a point *Orientalism* methodologically borrows from a foundation laid down by Michel Foucault:<sup>10</sup> its discursive architecture builds upon Foucault's works, including *The archaeology of knowledge*, and *Discipline and punish*.<sup>11</sup> Implicitly as well as explicitly, Foucault's notion of discourse as an analytical tool for understanding, in political, sociological, military, ideological, scientific and other senses, how European culture was used to produce and reproduce the Orient in the post-Enlightenment period is an integral fabric of Said's narrative.<sup>12</sup> In the following remark Said expressly appeals to a Foucauldian premise as a tool for decoding texts written about the Orient by Europeans:

Most important, such texts can *create* not only knowledge but also the very reality they appear to describe. In time, such knowledge and reality produce a tradition, or what Michel Foucault calls a discourse, whose material presence or weight, not the originality of a given author, is really responsible for the texts produced out of it.<sup>13</sup>

8 Said (n 1 above) 5-7 43; A Gramsci *The prison notebooks: Selections* (1971). Said (n 1 above) 7.

9 Said (n 1 above) 5.

10 Said (n 1 above) 3. I say 'to a point' because Said draws on other methods, and in order to acknowledge the criticism about the incompleteness of Said's own Foucauldian analysis which I discuss in sec 2.1 (below).

11 Said (n 1 above) 3; M Foucault *The archaeology of knowledge* (1972); M Foucault *Discipline and punish: The birth of a prison* (1977).

12 Said (n 1 above) 3.

13 Said (n 1 above) 94 (emphasis in original).

Gramsci's discourse of hegemony in *The prison notebooks* is also an informing premise in *Orientalism*.<sup>14</sup> Said uses Gramsci's notion of hegemony to explain the durability of orientalism. The Gramscian insight is that, even without totalitarianism, certain cultural forms become dominant and more influential than others – hegemonic – so as to constitute cultural leadership.<sup>15</sup> However, *Orientalism* is not pinned to only Foucauldian and Gramscian analytical approaches but draws on a syncretic archive which includes the disciplines of anthropology, archaeology, comparative literature, history, philology and sociology.

The specific linkage between the production of knowledge and the exercise of colonial power in Said's discourse, together with its teleology as a Western tool and a modality for dominating and subjugating colonies,<sup>16</sup> had been anticipated by anti-colonial theorists, notably by Frantz Fanon and Aimé Césaire.<sup>17</sup> At the same time Said's discourse is an august addition: its contribution is to new understandings of colonialism in the period *after* the colonial moment.<sup>18</sup> The pioneering anti-colonial theorists, such as Fanon and Césaire, write at the coalface of the colonial moment whereas, Ali Mazrui remarks, Said's interpretation of European imperialism came with the hindsight of Hegel's 'owl of Minerva', spreading its wings at the fall of dusk.<sup>19</sup>

Said's contribution lies in its extensive use of literature to interrogate simulations and dissimulations of historical forces which have become a foundation of 'postcolonial studies' as an academic discipline.<sup>20</sup> Addressing the theoretical and practical body of knowledge which Europe or the 'West' constructed around the Orient or the 'Middle East', he argues, as is quoted in the epigraph, that there is a difference between knowledge of other people derived from understanding, compassion and careful study, and knowledge that is part of an aggressive campaign of self-affirmation. Whereas the former serves humane coexistence, the latter

14 Said (n 1 above) 6-7; Gramsci (n 8 above).

15 Said (n 1 above) 7.

16 Said (n 1 above) 3.

17 F Fanon *Black skin, white masks* (1967); F Fanon *The wretched of the earth* (1967); A Césaire *Discourse on colonialism* (1950). See also A Memmi *The colonizer and the colonized* (1967).

18 A Loomba *Colonialism/Postcolonialism* (2005) 44; AA Mazrui 'The re-invention of Africa: Edward Said, VY Mudimbe, and beyond' (2005) 36 *Research in African Literature* 68 at 68-69; S Wynter 'Unsettling the coloniality of being/power/truth/freedom: Towards the human after man, its overrepresentation – An argument' (2003) 3 *The Centennial Review* 257 at 327.

19 Mazrui (n 18 above) 68; GWF Hegel *Elements of the philosophy of right* (1991), originally published in 1820.

20 Loomba (n 18 above) 44; Mazrui (n 18 above) 68.

facilitates domination and control. Said's point is that as a knowledge system, orientalism squarely belongs to the latter and has been constitutive of Western civilisation.

*Orientalism* does not set out to demonstrate whether knowledge generated by the West about the East has no foundation or, much less, is built on 'a structure of myths and lies'.<sup>21</sup> Said's spotlight is on the cultural production of knowledge which has the effect of 'orientalising' the Orient such that the heterogeneities of countries, cultures, traditions, religions and histories of a particular region are elided and filtered through a grid of intelligibility that registers only an Oriental category to produce, for example, representations of 'the Oriental character', 'the Arab mind' or 'the Muslim mind'.<sup>22</sup> *Orientalism* challenges the notion of human difference built around certain chosen forms if that difference implies a 'frozen reified set of opposed essences' around which an archive of adversarial knowledge for separating human beings and for polarising social groups is constructed.<sup>23</sup>

As a discourse orientalism implicates hegemonic knowledge and an ideological grid of intelligibility that articulates the relationship between the Occident and the Orient within a political configuration of power, domination and possession.<sup>24</sup> Said's orientalism speaks to knowledge and praxis deployed to nurture and sustain a political project whose objective was to promote the difference between the familiar – Europe, the West, 'us' – and the strange – the Orient, the East, 'them',<sup>25</sup> – through representation. Said explains representation and its connection with truth in the following way:

I believe it needs to be made clear about cultural discourse and exchange within a culture that what is commonly circulated by it is not 'truth' but representations. It hardly needs to be demonstrated again that language itself is a highly organized and encoded system, which employs many devices to express, indicate, exchange messages and information, represent and so forth. In any instance of at least written language, there is no such thing as delivered presence, but a *re-presence*, or representation.<sup>26</sup>

21 Loomba (n 18 above) 6.

22 Loomba (n 18 above) 38-40; H Teo 'Orientalism: An overview' (2013) 54 *Australian Humanities Review* 1 at 2.

23 Said (n 1 above) 350.

24 Said (n 1 above) 5-6.

25 Said (n 1 above) 45-46.

26 Said (n 1 above) 21 (emphasis in original).

Said did not write specifically about Africa or sexuality. Nonetheless, *Orientalism* is insightful as a deconstructive archive for understanding the teleology in colonial expressive, as well as implicit, representations of Africans, including, as I argue, African sexualities.<sup>27</sup> Said's critical lens is focused not so much on the objects of imperial power as on the discursive power itself. The discursive power of Said's orientalism in questioning as well as implicating cultural imperialism is a useful conceptual resource for understanding some of the knowledge systems that have been historically used to *misrepresent* African sexualities, especially from the outside. Sexualities are historically and culturally constructed.<sup>28</sup> Africa's past, including its colonial history, is an important archive for understanding how African sexualities were represented during the colonial encounter and how some of the representations persist. It is possible to draw a parallel between the creation of the Orient and orientalism and the creation of Africa and nativism. In the African context, 'nativism from without', which is the theme of this chapter, can be understood as the accompanying knowledge system about African people assembled by colonising powers and their proxies, including knowledge about African sexualities.

## 2.1 *Orientalism* and Said's aporias

In appropriating Said's discourse of orientalism as an analytic resource, I am mindful that despite its path-breaking nature it is not above reproach: it is the subject of both acclaim and criticism.<sup>29</sup> Some of the criticism, especially by politically conservative commentators, such as Bernard Lewis and Donald Little, is one-sided to the point of dismissing *Orientalism*.<sup>30</sup> The main charge is that Said's work is baseless, manipulative political rhetoric motivated by an ideological resentment of the West. It is said that *Orientalism* distorts the true picture and leaves out scholarship by European and Arab scholars that does not fit Said's thesis. What critics such as Lewis and Little miss is that *Orientalism* is not about analysing the work of individual scholars, politicians or bureaucrats to see whether their efforts were the result of imperialist inclinations, racism or malevolence.<sup>31</sup> Said's work is an attempt at producing a discourse of power and subjection

27 Mazrui (n 18 above) 68.

28 See ch 7.

29 For an overview of the main criticisms, see: Teo (n 22 above).

30 B Lewis 'The question of Orientalism' *New York Review of Books* 24 June 1982; 'Reply to Said's letter' *New York Review of Books* 12 August 1982; *Islam and the West* (1993). See also DP Little 'The three Arab critiques of Orientalism' (1979) 69 *Muslim World* 110; Teo (n 22 above) 11.

31 Z Lockman *Contending visions of the Middle East: The history and politics of orientalism* (2004); Teo (n 22 above) 12.

to reveal a systematic cultural production and reproduction of knowledges of others, together with imagery, vocabulary and institutions, which were generated by the West in order to understand and direct the Orient for the purposes of control and external domination.

*Orientalism* is not a diatribe against the West but a discourse of domination and subordination, inclusion and exclusion, voice and silence and ultimately the codification of hegemonic difference between the conquerors and the conquered.<sup>32</sup> It is a robust interrogation of the Eurocentricism in the imperial power of the West, in the sense of epistemologies that privilege European worldviews at the same time as they marginalise and invalidate worldviews from other parts of the globe. Through the discourse of orientalism Said developed a theoretical perspective on epistemic processes that naturalise the idea of a superior colonising power and culture and an inferior colonised peoples and culture by producing knowledge that cognitively valorises the West and invalidates its colonial objects. *Orientalism* does not suggest that Western culture is unique in imagining itself as the bearer of history, enlightenment and the culmination of civilisation. Rather, it is a discourse on how imperial Europe managed to spread and establish this perspective as a hegemonic understanding of the Arab East.

Other critics of *Orientalism* are not entirely dismissive but point out aporias and methodological inconsistencies. I single out for discussion three criticisms because of their value in drawing lessons for the construction of an inclusive framework for representing African sexualities. The first is that the voice of resistance is absent in *Orientalism*.<sup>33</sup> A second is that there is an absence of historicism, especially the subjective histories of colonised people.<sup>34</sup> A third criticism is that gender and sexuality are absent.<sup>35</sup> Collectively, these criticisms can be understood as saying that in seeking to reveal the orientalisating excess of imperialism, Said paradoxically succeeded in committing an excess of his own by creating sameness among the colonised people as well as in the coloniser.

32 P Brantlinger 'Victorians and Africans: The genealogy of the myth of the Dark Continent' (1985) 12 *Critical Inquiry* 166 at 167.

33 F Halliday "'Orientalism" and its critics' (1993) 20 *British Journal of Middle Eastern Studies* 145; Loomba (n 18 above) 193; P Holden 'Reinscribing orientalism: Gendering modernity in colonial Malaya' (2001) 29 *Asian Journal of Social Science* 205.

34 A Ahmad 'Between orientalism and historicism: Anthropological knowledge of India' (1991) 7 *Studies in History* 135; Halliday (n 33 above); Holden (n 33 above).

35 L Lowe *Critical terrains: French and British Orientalisms* (1991); B Melman *Women's Orients: English women and the Middle East, 1718–1918. Sexuality, religion and work* (1992) 1-22; R Lewis *Gendering orientalism: Race, femininity and representation* (1996) 1-22; M Yegenoglu *Colonial fantasies: Towards a feminist reading of orientalism* (1998) 1-38.

With regard to the first criticism it is true that in Said's discourse the voices of the colonised are not heard: *Orientalism* does not allow the colonised to speak save through Said's voice.<sup>36</sup> It is not argued that there is no place for a representative voice, but in not creating space for direct representation the impression is given, however unintended, of colonised people as passive recipients who are all impacted by the imperialist intrusion in the same way. In Fred Halliday's view, *Orientalism* illustrates the limits of 'discourse' analysis.<sup>37</sup> Thus Said tells us what was done to people in the Arab East but not how they responded or were impacted by colonial power. From this perspective *Orientalism* leaves an existential gap by overly focusing on a discourse about the Middle East without looking at the politics and concrete socio-economic realities on the ground.<sup>38</sup> According to Halliday, this means that *Orientalism* gives causal primacy to what people say and write about the Orient and but not what actually happens at a societal level.<sup>39</sup>

Philip Holden frames his criticism of the silencing of the voices of the colonised in *Orientalism* using Said's own Foucauldian premise.<sup>40</sup> His charge is that in a Foucauldian sense Said's orientalism is methodologically incomplete: it allows us to see only half the picture and in an ossified form. On the one hand, *Orientalism* shows us that discursive formations have regularities but on the other, it fails to tell us that the regularities are subject to change.<sup>41</sup> In sum, Holden's argument is that Said's discourse ought to have conceded, as Foucault argued, that a discursive formation is not an all-determining epochal event that 'arrests time and freezes it for decades or centuries',<sup>42</sup> but is a formation which determines a regularity that is tethered to temporal processes.<sup>43</sup>

A discourse formation, according to Foucault, 'presents the principle of articulation between a series of discursive events, transformations, mutations and processes'.<sup>44</sup> By not articulating the impact on and the response of colonised people to imperial discourses, *Orientalism* failed to reveal the transformations and the mutations consequent upon the colonial encounter. It is argued that Said succeeds in revealing only the operation of imperial power in its 'terminal forms', but not as a process 'which

36 Loomba (n 18 above) 46.

37 Halliday (n 33 above) 150.

38 As above.

39 Halliday (n 33 above) 149-151.

40 Holden (n 33 above).

41 Holden (n 33 above) 215.

42 Foucault *The archaeology of knowledge* (n 11 above) 74.

43 As above.

44 As above.

through ceaseless struggles and confrontations, transforms, strengthens, or reverses' a multiplicity of relations.<sup>45</sup> Echoing the criticism, Ania Loomba says that *Orientalism* overly focuses on imperialist discourses and their impact or intended impact on colonised people but fails to simultaneously register the voices of the colonised peoples, to see how they 'received, contributed to, modified, or challenged such discourses'.<sup>46</sup>

The second criticism – the absence of the historicism of the colonised people in *Orientalism* – on which Aijaz Ahmad has been most vocal,<sup>47</sup> can be understood as an amplification of the charge about the failure to give voice to colonised peoples. Ahmad argues that Said treats colonialism as a singular factor that is autonomously constitutive of the colonised society.<sup>48</sup> Said is criticised for not proposing any periods of Arab historicities, social strata (including class and gender), cultural, religious and governing institutions, and politics in the framing of his arguments about orientalism. It is said that 'disagreeable' facts about the Orient's past, such as the monarchical absolutism of the medieval Islamic Caliphate, and of the present, such as 'Islamic fundamentalism' and its use in political and juridical discourses, are ignored in *Orientalism*.<sup>49</sup> Ahmad goes so far as to suggest that in not engaging with Arab histories of class and gender formation, Said gives succour to oppressive Arab nationalism and promotes an indigenism that fits into a paradigm of 'orientalism in reverse'.<sup>50</sup>

The third criticism, mainly by feminists, interrogates the gendered nature of Said's discourse and, more particularly, the invisibility of women. In *Orientalism* Said says that orientalism was 'an exclusively male province'.<sup>51</sup> Critics argue that this perspective is limited as it fails to interrogate how women participated in the construction of orientalism, including seeing whether women's orientalism was different from that created by men.<sup>52</sup> Said is criticised for developing a discourse that implicates only the patriarchal.<sup>53</sup> This criticism underscores the perceived ahistoricism in *Orientalism*. A related criticism is that Said fails to see contradictions in colonial power, including competing narratives of

45 M Foucault *History of sexuality Vol 2* (1990) 92; Holden (n 33 above) 202.

46 Loomba (n 18 above) 193; Holden (n 33 above),

47 Ahmad (n 34 above).

48 Ahmad (n 34 above) 148-152.

49 Ahmad (n 34 above) 148-149.

50 Ahmad (n 34 above) 163, citing SJ Al-Azm 'Orientalism and orientalism in reverse' (1981) 8 *Khamsin* 5.

51 Said (n 1 above) 207.

52 Melman (n 35 above); Lewis (n 35 above); Yegenoglu (n 35 above).

53 Teo (n 22 above) 13-14.

power.<sup>54</sup> Lowe observes that at the same time as orientalising the East Europe was also engaged in creating its 'internal others', especially the working class and women and, furthermore, this internal othering was the subject of contestation in the metropolis.<sup>55</sup> It is argued that colonial power was not as unitary or dominant as it appears in *Orientalism* but was subject to contestation.

By seeing orientalism as 'an exclusively male province', as *Orientalism* does, Said failed to develop a heterogeneous orientalist discourse, including an analysis of the role of women in cultural production and imperial hegemony. Feminist works have sought to fill this gap, such as Reina Lewis' *Gendering orientalism*.<sup>56</sup> Lewis uses visual arts and writings by white middle-class women to interrogate the relationship between gender, race and the empire.<sup>57</sup> She seeks to uncover 'the profound heterogeneity of the Orientalist discourse'.<sup>58</sup> One of her findings is that as cultural agents, women had a contradictory relationship with the imperial project. On one hand Western women were complicit in contributing to the culture of imperialism, on the other they spoke with different, albeit, paternalistic voices and in the process contradicted to a point some of the orientalising views of their male counterparts.

### 2.1.1 *Hybridity: Breaking with coloniser/colonised binary*

A lesson to draw from the critique of *Orientalism* is that, when interrogating colonial power and its reach, it is important to register the voices of the colonised in their multiplicities, subjectivities and historicities. *Orientalism* does not speak at all about the resistance against colonialism. Furthermore, it falls into the trap of treating a historical era as if it were shaped by a single factor – imperialism. A single social or political factor, however, epochal, cannot solely shape history, which is, rather, shaped by a multiplicity of interacting and interdependent factors.<sup>59</sup> Inadvertently, Said invested imperialism with the status of a centripetal force that asserts crushing and unstoppable progress.<sup>60</sup>

54 Lowe (n 35 above).

55 As above.

56 Lewis (n 35 above); A Levy 'Review' (1999) 63 *Feminist Review* 117; A Burton 'Review' (1999) 25 *Signs: Journal of Women in Culture and Society* 243 at 244.

57 From visual arts, Lewis used the paintings of the French artist Henriette Browne – *Les Soeurs de Charité* (The Sisters of Charity) (1859) and *La Pharmacie Intérieure* (The Convent Dispensary) (1859). From writing, she used the novel *Daniel Deronda* by George Eliot (Mary Ann Evans) (1876).

58 Lewis (n 35 above) 5.

59 A McClintock *Imperial leather: Race, gender and sexuality in the colonial context* (1995) 61.

The rhetorical power of *Orientalism* lies in its capacity to map the disciplinary regimes that produce subjugated knowledges and identities.<sup>61</sup> At the same time Said's discourse is heavily reliant on imperialism as a founding premise and homogeneous text with stable representational practices that are organised around an unchanging binary of colonised/coloniser power relations.<sup>62</sup> *Orientalism* does not tell us about the limits of the disciplinary regime, including whether the imperialists or colonisers were transformed by the objects of their power. Highlighting this aporia in some anti-colonial discourses, John Comaroff says an account of colonialism that merely records its triumphs is incomplete as it misses out on registering the contradictions as well as the resistant forces.<sup>63</sup> Colonial power was the subject of a struggle between the ruled and the ruler.<sup>64</sup> In this sense *Orientalism* fails to give a fuller picture of the colonial encounter so as to concomitantly register not just the resistance of the colonised people but also imperialism's own contradictions, incoherence, inchoateness, and complexities.<sup>65</sup> Indeed, this is a criticism that Said conceded. In a later work, *Culture and imperialism*, where the intrusion of Western imperialism is juxtaposed with active 'native' resistance which culminated in anti-colonial struggles and, ultimately, decolonisation, Said addresses the aporia in *Orientalism*.<sup>66</sup>

Colonial power is best understood as subject to transformation in ways that often could not have been anticipated by either the coloniser or the colonised. The work of Homi Bhabha makes this point:<sup>67</sup> he argues, although colonial power imprinted itself on colonised peoples, it was subject to limits, transformation and interchange. His point, contrary to what is implied in *Orientalism*, is that imperialistic intrusion does not work in a smooth dichotomised paradigm. Bhabha uses psychoanalysis and post-structuralism to espouse 'hybridity' as a theory of discourse and

60 J Comaroff 'Images of the empire, contexts of conscience: Models of colonial domination in South Africa' (1989) 16 *American Ethnologist* 661 at 662; Holden (n 33 above) 206.

61 AN Stoler *Race and the education of desire: Foucault's history of sexuality and the colonial order of things* (1995) 1.

62 S Mills *Discourse* (1997) 119, citing D Porter 'Orientalism and its problems' in F Barker et al (eds) *The politics of theory: Proceedings of the Essex Sociology of Literature Conference* (1982) 180.

63 Comaroff (n 60 above) 662.

64 As above; Holden (n 33 above) 206.

65 Comaroff (n 60 above) 662.

66 Said *Culture and imperialism* (1993) xii.

67 HK Bhabha 'Signs taken for wonders: Questions of ambivalence and authority under a tree outside Delhi 1817' (1985) 12 *Critical Inquiry* 144. See also HK Bhabha *The location of culture* (1994); Loomba (n 18 above) 145-153.

power and an alternative discourse to pure 'otherised' difference in explicating the workings of colonial power.<sup>68</sup>

According to Bhabha colonial or imperial power should not be thought of as 'plenitude': as something that has a 'full presence' to command unbridled triumph over what it seeks to subordinate.<sup>69</sup> Instead, there is a middle ground between the coloniser and colonised – the space of hybridity – which is a manifestation not so much of the conscious will of either but of a discursive outcome of the enunciation and translation of colonial power and authority.<sup>70</sup> To make his point Bhabha uses the transformation of the Bible in India, including the demand by Indians that the Gospel be Indianised and translated into local languages. The Indianisation of the Bible shows how the triumph of the writ of colonial power is questioned by its objects so that it emerges not as originary but in a hybridised form: a form in which it is estranged from simple *commandement* and a dominant discourse and becomes colonially appropriated so that it gestures towards representative authority.

Bhabha's main proposition is that colonial power cannot reproduce itself perfectly and that colonialism does not produce fixed or stable identities in which the self and the other are hermetically formed and sealed. This is because the exercise of colonial authority produces 'ambivalence' rather than pure *commandement*: ambivalence leaves the original, colonially intended pure differentiation between coloniser and colonised 'self' and 'other' no longer pure, but altered. In this way, Bhabha captures a subliminal dialogical process involving the conqueror and the conquered: a process in which enunciating and implementing colonial authority places the coloniser and the colonised in relations of complex agonistic reciprocities in which both are changed.<sup>71</sup> When colonial authority is repeated, together with its effort at differentiation and repression, the unanticipated outcome is historical transformation and a discursive transfiguration of what the authority represents. Hybridity is discursively produced from the shifting forces as well as fixities of the colonality of power. It emerges to take the place of the 'noisy command of colonial authority' and the 'silent repression of native traditions',<sup>72</sup> and in the process transforms the relationship of dominance and subordination in ways that subvert the originary myth of non-dialogic and unitary colonial power.<sup>73</sup>

68 Bhabha 'Signs taken for wonders' (n 67 above) 153; Loomba (n 18 above) 148-149.

69 Bhabha 'Signs taken for wonders' (n 67 above) 149.

70 Bhabha 'Signs taken for wonders' (n 68 above); Loomba (n 18 above) 145-153.

71 Loomba (n 18 above) 194.

72 Bhabha 'Signs taken for wonders' (n 67 above) 154.

In short, even among *Orientalism's* supporters, the chief criticism is that Said's discourse essentialises and over-amplifies the discursive power of imperialism. However, to suggest, as Ahmad does, for example, that *Orientalism* ought to have placed Arab societies, their histories and cultures under the same spotlight as imperial power, and that failure to do so is an apologetic for indigenous patriarchies and pathologies of power misses the point about Said's discourse.<sup>74</sup> *Orientalism* is about European imperialism and how dominant imperial European culture represented non-European cultures. Said's discourse is not about the identity and culture of the Orient itself.<sup>75</sup> Rather, it is an excavation – an archeology – of how Western epistemology projected itself on the Orient from the vantage point of hegemonic colonial power that produced from its interiority what it wished to banish from the European self as its Other.<sup>76</sup>

Highlighting the emergence of hybridised identifications nonetheless requires that we problematise hybridity in order to remain conscious of the hegemony of colonial power and continuing forms of orientalisation and status subordination. Ella Shohat cautions against abstracted 'catch-all hybridity' and its capacity for flattening heterogeneities and eliding differences among different hybridities.<sup>77</sup> She argues, for example, that it is important to tell the difference between hybridity that takes the form of 'creative transcendence', and its coerced counterpart which is a fait accompli and the outcome of 'forced assimilation or internalised self-rejection'.<sup>78</sup> Thus hybridity needs to be particularised so that it can speak to specific locations and temporalities.

### 3 Nativising African peoples

When transposed onto Africa, more particularly sub-Saharan Africa, Saidian orientalism enriches what we know about the European colonising project and its epistemology for framing African peoples. It is an epistemology that transformed Africa, like the Orient, into an idea, a history, and a tradition complete with an imagery and a vocabulary that has given Africa an enduring reality and presence in and for the West.<sup>79</sup> Europe constructed ways of knowing, studying, believing and writing

73 Bhabha 'Signs taken for wonders' (n 67 above) 157.

74 Ahmad (n 35 above).

75 J Massad 'The intellectual life of Edward Said' (2004) 33 *Journal of Palestine Studies* 7 at 9; Loomba (n 18 above) 42.

76 Massad (n 75 above) 9.

77 E Shohat 'Notes on the "post-colonial"' (1993) 31/32 *Social Text* 99 110.

78 Shohat (n 77 above) 109-110.

79 Said (n 1 above) 5.

about Africa and its people.<sup>80</sup> In this sense Said's orientalism discursively echoes VY Mudimbe's thesis on the creation of dichotomous colonising structures to 'invent' an Africa.<sup>81</sup>

The knowledge systems that powered European colonialism reproduced and fulfilled the power of Western discourses on human varieties.<sup>82</sup> Western philosophical and political traditions, however, were manifestly ill-suited to comprehend the diversity of, as well as similarities among Africans.<sup>83</sup> The traditions were ethnocentric in conceiving a universal civilisation that had its origins in a European centre. Encountering other cultures, they maintained the illusion that European culture was the paragon of a universal culture.<sup>84</sup> The cardinal cultural error they made, which Enrique Dussel highlights in his work on liberation philosophy, was to prescribe universality through imagining it *prior* to dialogue across cultures.<sup>85</sup> A compounding error was for imperial Europe to proceed insistently with this fiction long after encountering not just difference but resistance to Eurocentrism. A claim to universality requires intersubjective praxis and should remain porous to iteration which, of course, is precisely the antithesis of imperialism.<sup>86</sup>

The classification of African people as 'natives' and the theory and praxis of 'nativism' are useful as conceptual prisms for discursively understanding the cognitive processes through which colonial representation of African people was allowed to permeate Western consciousness and assume a stable and durable life.<sup>87</sup> 'Native' was constructed out of Eurocentric teleology which produced cultural and racial alterity as discussed in Chapter 3 and Chapter 4 respectively. The term is a geographical application of European Cartesian epistemology that is dependent on the construction of racial difference. It is a modality for investing the difference, especially morphological differences, with metaphysical and moral hierarchical status.<sup>88</sup> It served to 'discover'

80 Loomba (n 18 above) 43.

81 See discussion in ch 3 sec 3.2 especially; VY Mudimbe *The invention of Africa: Gnosis, philosophy and the order of knowledge* (1988).

82 Mudimbe (n 81 above) 16.

83 Mudimbe (n 81 above) 19; JA Mbembe *On the postcolony* (2001) 2.

84 Mudimbe (n 81 above) 19-20, citing P Ricoeur *History and truth* trans CA Kelbley (1965) 277, originally published in 1955.

85 See, for example, E Dussel *The invention of the Americas: Eclipse of the 'Other' and the myth of modernity* (1995). This point is made in LM Alcoff & E Mendieta 'Introduction' in LM Alcoff & E Mendieta (eds) *Thinking from the underside of history: Enrique Dussel's philosophy of liberation* (2000) 1 at 10.

86 Alcoff & Mendieta 'Introduction' (n 85 above) 10.

87 'Nativism' is a concept that is borrowed from Mamdani: Mamdani *Define and rule* (n 4 above). I explain the theory of nativism in the next section.

Africans by geographically anchoring colonised people, thus giving order and intelligibility to the imperial mapmaking project.<sup>89</sup>

‘Native’ was not used to affirm the humanity of the ‘first Africans’ as peoples colonisers could make a genuine effort to understand and with whom they could co-exist in conditions of equality. It did not mean the regular or local inhabitants of Africa prior to the arrival of the colonisers from Europe. Indeed, as Jean-Paul Sartre observed, Europeans could not be natives of any country.<sup>90</sup> Instead, ‘native’ was an emblematic ethnic signifier: it was colonial nomenclature of a derogatory and belligerent nature to mark inferior peoples who were legitimate objects of conquest, subjugation and exploitation. Deployment of ‘native’ to describe Africans became a daily part of capturing the legitimacy of the interaction between a colonising, innately superior and civilising white race and a colonisable, innately inferior, indigenous black race.

‘Native’ has served as a trope for the animal to capture fictions of the bestial, but tameable, raw, savage status of the inhabitants of Africa as imagined by Europe in the age of Enlightenment.<sup>91</sup> Putting a gloss, Achille Mbembe says ‘native’ belongs to the colonial grammar of animality and servility to mark the radical otherness of the ‘native’ as well as ‘its’ amenability to domestication.<sup>92</sup> Mbembe describes ‘native’ as a principle of objectification in ways that mimic slavery.<sup>93</sup> It is a term that in colonial discourses registers deficient qualities of ‘imperfection, error, deviation, approximation, corruption, and monstrosity’ in the ‘supposed’ humanity of the ‘native’.<sup>94</sup> It is a grammar for constructing a principle of equation in colonial discourses in which the ‘native principle’ is brought to the same level as the ‘animal principle’ to denote a thing – property – that can be tamed and used.<sup>95</sup>

‘Native’ provided colonial authorities with a ready archive, a complete biography of the ‘regular characteristics’ – the essence – of the first ‘Africans’, especially their limitations.<sup>96</sup> It epitomised the objectification

88 DT Goldberg *Racist cultures: Philosophy and politics of meaning* (1993); C West *The Cornel West reader* (1999) 75.

89 LM Alcoff *Visible identities: Race, gender, and the self* (2006) 179.

90 J-P Sartre ‘Materialism and revolution’ (1946) in J-P Sartre *Literary and philosophical essays* trans A Michelson (1968) 215, cited in R Zahar *Frantz Fanon: Colonialism and alienation* (1974) 29.

91 C van der Westhuizen *White power and the rise and the fall of the National Party* (2007) 55.

92 Mbembe (n 83 above) 236.

93 Mbembe (n 83 above) 235-236.

94 Mbembe (n 83 above) 236.

95 As above.

of the colonised – their ‘thingification’ according to Césaire.<sup>97</sup> Ultimately, ‘native’ was an othering trope: around it colonialists could construct a master dichotomy of ‘them’ and ‘us’. As enabling emblematic nomenclature it served the imperialist cultural function of producing encoded representation and alterity.<sup>98</sup> ‘Native’ assigned difference and conveyed colonially imagined polar and hierarchical opposites in human essence between white and black racial castes.

Thus, labelling African peoples as ‘natives’ was normative racial-scripting for achieving racial domination and exploitation. It served the same designs as gender stereotyping and comes with a burden.<sup>99</sup> Not only the colonial state but also the European metropolis invested heavily in sustaining, through cultural and ideological construction, the representation of Africans as ‘natives’ in a variety of media, including literature, science, law, linguistics and the cinema. The representations were designed to give legitimacy to the colonial project.

#### 4 Mamdani’s discourse of nativism

The scripting of black inhabitants of the colonies as ‘natives’ was politically implemented through what Mamdani coined a theory and praxis of ‘nativism’.<sup>100</sup> Nativism was developed and organised around a ‘conquest of alterity’, with repercussions beyond the immediate colonial space.<sup>101</sup> When imposed from the outside it was an effect of a racialising and racist discourse that divided phenotypes into naturalised and hierarchised human types. Necessarily, it ascribed a raced political identity not just to ‘Africans’ but to whites also: it constructed whiteness and middle-class respectability for whites at the same time as othering blacks.<sup>102</sup> Alcoff makes this point.<sup>103</sup> The subjectivity of European subjects was transformed by the conquest of alterity emanating from the colonial encounter.<sup>104</sup> Alcoff says:

96 An analogy is drawn here with Said’s work on the ‘racial’ attitudes of Occidentals towards Orientals at the time of colonisation: Said (n 1 above) 39-42.

97 Zahar (n 90 above) 74; Césaire (n 17 above) 21.

98 Said (n 1 above) 21; Mazrui (n 18 above) 69.

99 RJ Cook & S Cusack *Gender stereotyping: Transnational legal perspectives* (2010) 18-20.

100 Mamdani *Define and rule* (n 4 above) 43-44.

101 LM Alcoff ‘Power/knowledges in the colonial unconscious: A dialogue between Dussel and Foucault’ in Alcoff & Mendieta (n 85 above) 249 at 255.

102 IM Young *Justice and the politics of difference* (1990) 137-141.

103 Alcoff ‘Power/knowledges in the colonial unconscious’ (n 101 above) 255.

104 As above.

It was this encounter ... that produced a European subject whose subjectivity was predicated on the conquest ... This was the decisive criterion of demarcation between Europe and its Others, though it required (and requires) a performative repetition to enact this superior status, a repetition apparently without end. Thus the core of the European subject is not a disciplinary regime of normalizing practices but conquest of alterity, upon which the normalizations are organized toward establishing the justice and justifiability of the conquest.<sup>105</sup>

The construction of African peoples into tribes-people provided an ethnographic unit as well as an ahistoricised group's political subjectivity on which to inscribe alterity and facilitate exploitation through racial capitalism. In colonial discourses 'tribe' has less to do with historical specificity or African self-identity,<sup>106</sup> and more to do with a racialised nomenclature appropriated from evolutionary anthropology to give truth to the primordial 'regular characteristics', especially the limitations of its atavistic members.<sup>107</sup> Politically, tribe has served as the other half of a master dichotomy deemed necessary for colonial state formation and giving legitimacy to bifurcated citizenship as between white settlers and the colonised and the system for commanding tribes-people.

It was politically expedient for the colonial state to recognise tribes rather than a single tribe so that a numerically larger social group could be divided into a constellation that speaks to fragmented tribal units rather than a nation. Whilst civil law regulated the life of white settlers, 'tribes-people' were regulated by 'customary' or 'native' law.<sup>108</sup> 'Tribe' was reified ethnicity which produced difference and thus allowed for the colonial management of difference using culture as something fixed among 'natural' groups.<sup>109</sup> It was state technology for producing the 'governmentality' of the social groups perceived by the colonial state as defined by geography, in contrast with white settlers, who were defined by a historically dynamic Western culture.<sup>110</sup> The parlance of 'tribe' became part of the ensemble of knowledges, institutions and administrative

105 As above.

106 KV Ngaruka 'Historical distortion and human degradation: The "tribe" as Eurocentric mentality than African mentality' (2007) 5 *Human Architecture: Journal of the Sociology of Self-Knowledge* 137.

107 On 'regular characteristics', I am drawing an analogy with Said's analysis of the 'racial' attitudes of Occidentals towards Orientals at the time of colonisation: Said (n 1 above) 39-42.

108 Mamdani *Citizen and subject* (n 4 above) 22-23.

109 Mamdani *Define and rule* (n 4 above) 7.

110 Mamdani *Define and rule* (n 4 above) 43; M Foucault 'Governmentality' in J Faubian (ed) *Power, essential works of Foucault 1954-1984* (1994) xxiii-xxiv, 201-222.

practices that gave durability to a specific type of state power whose objects were the indigenous inhabitants of the colony.<sup>111</sup>

In a 'break-away settler colony', South Africa,<sup>112</sup> 'tribe' was a useful surrogate for 'race', providing the apartheid state with a rationale for 'separate development' and the creation of 'bantustans' or 'homelands' for black people.<sup>113</sup> In a bid to convince critics of apartheid that it was a benign doctrine, state propaganda promoted preferential treatment for whites as equal 'separate development'. Laws and policies mandating separate and unequal development were sold as innocuous ethnic democracy. Bantustans were ostensibly established to promote plural democracy but in reality to legitimise a *cordon sanitaire* around premier citizenship for whites. The Verwoerdian rationale animating separate development was the idea of South Africa made up of several black tribes and a white nation.<sup>114</sup> Such a territory called for governance through ethnic democracy.<sup>115</sup> Each ethnicity stood the best chance of preserving its cultural identity and reaching its socio-economic development potential only as a separate political entity.<sup>116</sup> In support of separate development, Prime Minister Hendrik Verwoerd marshalled the following arguments:

111 Foucault (n 110 above).

112 On the notion of a 'break-away settler colony', see ch 4 sec 1, footnote 10; A McClintock 'The angel of progress: Pitfalls of the term "post-colonialism"' (1992) 31/32 *Social Text* 84 at 88.

113 S Terreblanche *A history of inequality in South Africa 1652–2002* (2002) 325.

114 The rationale rested on the expedient premise that the 'African' component of the South African population was not South African. Instead, it belonged to a multitude of 'African' ethnic or tribal groups for which Western democracy was not suited. To give recognition to the multi-ethnic composition of South Africa, each African tribe would be given space to develop its own nationhood. White South Africa would magnanimously recognise the quest for black nationhood by granting independence to 'bantustans' in a process analogous to decolonisation: Terreblanche (n 113 above) 321-322; AJ Norval *Deconstructing apartheid discourse* (1996) 142-145, 160-163; LM Thompson *A history of South Africa* (2006) 185-188; M MacDonald *Why race matters in South Africa* (2006) 11-13.

115 Essentially, linguistic groupings were used to create 'bantustans' for 'Africans': Bophuthatswana (for Tswanas); Ciskei and Transkei (both for Xhosas); Gazankulu (for Tsongas or Shangaans); KwaNdebele (for Ndebeles); KaNgwane (for Swazis); KwaZulu (for Zulus); Lebowa (for Northern Sotho or Pedi); and QwaQwa (for Southern Sothos). The paradigm of using linguistic groupings to create 'bantustans', which was in line with the colonial imaginary of seeing black people as permanently affiliated to a tribe rather than a nation, was translated into legislation. See, for example, the Promotion of Black Self-Government Act 46 of 1959. The Act proclaimed in its Preamble that '[t]he black peoples of the Union of South Africa do not constitute a homogeneous people, but form *separate national units* on the basis of language and culture' (my emphasis).

116 PE Louw *The rise, fall and legacy of apartheid* (2004) 103.

The first is that every group would ... at least be able to exercise control over its own people ... Secondly, it could offer opportunities of developing equalities among groups. It could satisfy the desire for the recognition of human dignity.<sup>117</sup>

Another Verwoerdian supposition was that racial and cultural differences were the cause of friction between different ethnic groups and could be solved only by physical separation.<sup>118</sup> From this perspective apartheid was 'good neighbourliness':<sup>119</sup> an enabling tool for 'separate freedoms' for separate races.<sup>120</sup> Later, Verwoerd's successor, Vorster, was barely able to disguise the white supremacist premise of separate development when he pegged its rationale on innate difference. He said:

[W]e instituted the policy of separate development, not because we consider ourselves better than others, not because we considered ourselves richer or more educated than others. We instituted the policy of separate development because we said we were different from others. We prize that difference and we are not prepared to relinquish it. That is the policy of separate development.<sup>121</sup>

In the economic sphere, 'tribe' served to name a newly discovered rural class that could be 'civilised' and used at the periphery of a capitalist social formation.<sup>122</sup> Imposing tribal identity was part of the purposeful implementation of the colonial sovereign command where the initial founding violence of creating its territorial space was translated into authority to produce political subjectivities designed to give durability to its governance of the territory.<sup>123</sup> Thus tribe was neither merely something

117 HF Verwoerd 'Speech in the House of Assembly' 23 January 1962, quoted in Norval (n 114 above) 164.

118 K Tomaselli 'Myth media and apartheid' (1987) 34 *Media Development* 18.

119 Prime Minister Verwoerd, in a televised interview on 4 March 1961, described apartheid, with calm fervour, as a misunderstood Afrikaans word intended to mean 'good neighbourliness': 'Hendrik Verwoerd defines apartheid', <https://www.youtube.com/watch?v=vPCln9czoys> (accessed 17 October 2016). The 'good neighbourliness' sentiment was to be repeated by one of Verwoerd's successors, President PW Botha, who expressed no remorse for apartheid: 'Botha uses court to defend apartheid' *World* 23 January 1998, available at <http://news.bbc.co.uk/2/hi/49942.stm> (accessed 17 October 2016).

120 Van der Westhuizen (n 91 above) 41.

121 BJ Vorster 'Extract of speech at Heilbron on 16 August 1968', quoted in Norval (n 114 above) 164.

122 Ngaruka (n 106 above).

123 Here I draw from Mbembe's argument that state sovereignty in a colony rested on three kinds justifications for violence, namely, (i) to found the territory; (ii) to be the sole power to judge colonial laws; and (iii) to ensure that authority is maintained, spread and rendered permanent: Mbembe (n 83 above) 25. In ch 3 sec 3.1, I discuss the use of violence as a technology for founding the colonial state.

that colonised people wanted for themselves, nor could it be negotiated; it was required by the colonial state.<sup>124</sup>

For their own governance colonisers subscribed to a Western, secular Enlightenment tradition which required citizens to be protected from the tyranny of the state though recognition of basic individual rights and liberties.<sup>125</sup> Universalist notions of human liberty for all inhabitants of the state would have frustrated the colonial project. Mamdani argues that for the colonial project to succeed it was expedient to adopt a duality and cast the Enlightenment as a tradition inappropriate for 'traditional' societies.<sup>126</sup> In this way the colonial state's hand could be freed to govern the colony at will. For black inhabitants, citizenship was dispensed according to an evolutionary development thesis in which tribes-people were held together by kinship with no consciousness of individual identities.<sup>127</sup> 'Natives' had no use for individual rights that spoke to individual agency. There was no need for the colonial state to try too hard to sell this status-subordinating message to the metropolis. Bifurcated citizenship was implicit in the Enlightenment tradition.<sup>128</sup> Universal notions of human liberty and equality in the philosophies of Locke and Mill, which undergird political liberalism, co-existed with status subordination: they anticipated the exclusion of classes such as 'natives', blacks and women, who could not muster the 'naturalised' habits anticipated by the Enlightenment thesis.<sup>129</sup>

To a point seventeenth-century European philosophers improved on their earlier Greek counterparts in democratising equality and raising its republican status. However, they expounded equality in a manner that preserved its durable proclivity towards yielding a self-serving equality universe. John Locke's *Second treatise*, written in 1690, espoused equality that was deeply mired in double standards: it advanced an idea of equality citizenship tethered to natural law and a social theory that is anti-feudal and opposed to hierarchies of caste bestowed by a medieval papacy, the monarchy and the landed aristocracy,<sup>130</sup> but the *Second treatise* barely departed from earlier Athenian wisdom. It saw no contradiction in

124 Mamdani *Define and rule* (n 4 above) 44.

125 M Mamdani 'The social basis of constitutionalism in Africa' (1990) 28 *Journal of Modern African Studies* 359 at 372.

126 As above.

127 Mamdani (n 125 above) 372; Mamdani *Define and rule* (n 4 above) 17.

128 Stoler (n 61 above) 130-131, citing U Mehta 'Liberal strategies of exclusion' (1990) 18 *Politics and Society* 427; Goldberg (n 88 above) 39; E Balibar *Masses, classes, ideas* (1994) 195; C Pateman *The sexual contract* (1988).

129 Stoler (n 128 above); Mehta (n 128 above); Goldberg (n 88 above); Balibar (n 128 above); Pateman (n 128 above).

130 McClintock (n 59 above) 315.

juxtaposing a recognition that ‘men are by nature all free, equal and independent’ with a recognition of the rightness or even necessity of the servitude of wives, children, servants and slaves.<sup>131</sup> Thus Locke’s doctrine carried a thick vestige of monarchical and feudal powers. It was primarily a doctrine for emancipating males from feudalism while ringfencing despotic space for the patriarchal heads of households. As an equality doctrine, it was punctured with significant gaps. It is a vision of equality that is coherent only in a political sphere which countenances a sharp divide between the public and private realms with state authority confined to the public realm, leaving the private realm untouched and in the capable hands of the patriarchs.<sup>132</sup> Seventeenth-century liberal thought seemed unable to comprehend the extent to which law and its institutions empowered some – white propertied males foremost – but disabled others, including women, children enslaved, and colonised people.<sup>133</sup>

Eighteenth-century emergent institutions of democracy constructed their own justifications for bifurcated citizenship. For example, the ‘founding fathers’ of the Constitution of the United States developed an expedient relationship with equality. The American War of Independence was fought on the principles of the Enlightenment, which rejected class and religious privileges, yet the founding fathers’ vision of a republic that professes commitment to liberty and equality was conceived with implicit notions of exclusionary citizenship ‘from within’ and the preservation of patriarchal privileges.<sup>134</sup> The American Constitution of 1787 did not envisage including slaves, free blacks, Native Americans, debtors, paupers and women in the domain of equal constitutional rights bearers.<sup>135</sup> Though the American Constitution expresses fundamental rights in universal terms, it was a document which at its founding primarily served the interests of white, propertied, adult males.<sup>136</sup>

In similar vein, eighteenth and nineteenth-century institutions of colonialism expediently evaded equality. In the apportionment of

131 J Locke *Two treatises of government* (1689); P Laslett (ed) *Two treatises of government / John Locke; edited with an introduction and notes by Peter Laslett* (1988) paras 86 and 95; S Fredman *Discrimination law* (2002) 5.

132 G Binion ‘Human rights: A feminist perspective’ (1995) 17 *Human Rights Quarterly* 509 at 516.

133 MC Nussbaum *Sex and social justice* (1999) 63-64.

134 Young (n 102 above) 156-157; R Lister ‘Citizenship: Towards a feminist synthesis’ (1997) 57 *Feminist Review* 28.

135 T Marshall ‘Reflections on the bicentennial of the United States Constitution (1987) 101 *Harvard Law Review* 1; RB Ginsburg & B Flagg ‘Some reflections on the feminist legal thought of the 1970s’ (1989) 1 *University of Chicago Legal Forum* 9 at 12.

136 Marshall (n 135 above); Ginsburg & Flagg (n 135 above).

citizenship the colonial state treated the colonised peoples as human, but of a lower order and therefore entitled to less equality and, perforce, to a subordinate citizenship. The gross iniquity aside, far from being irrational, bifurcated citizenship in the colonial state had internal coherence according to its own dictates of a racial feudalism. The colonial state treated likes alike using the notion of different races with differentiated racial essences in much the same way as Plato's and Aristotle's notions of different human essences and commensurately differentiated citizenships. Of course, it was the state that determined what was alike and what was different. A state doctrine of nativism not only supplied the distinguishing criteria but also created the distinctions.

Nativism has been Africa's colonial discourse of orientalism and an integral part of an enduring political doctrine of misrecognition. As colonial statecraft it facilitated the 'doctrine of discovery' – discovery of *terra nullius* – which was used by European imperial powers and their surrogates in the colonies to dispossess black inhabitants.<sup>137</sup> It invested the indigenous inhabitants with 'native' existence: they could exist on the land but without claiming ownership. By dint of state fiat they could be removed from land desired by whites. Nativism was sustained by a labyrinth of manipulative 'native laws' and 'native administration' dispensed by 'native authorities' through a praxis for governing a people without a history, permanently limited by geography and tribe and, ultimately, objects of imperialistic and capitalist exploitation.<sup>138</sup> In a Hegelian sense nativism registered a lack rather than a presence of mutual recognition as there was no reciprocity, only a relationship of master and serf in a *baasskap* society.<sup>139</sup>

For colonialism to work, the entire white population in a colony and not just the white elite needed to be affirmed as superior.<sup>140</sup> The point Said makes about orientalism is that what was crucial to the self-conception of Europeans was not just defining Orientals but their oppositional or polar qualities.<sup>141</sup> Nativism was driven by the same oppositional teleology: it inscribed into colonial regulatory frameworks, including legal and administrative frameworks, explicit or implicit racial fictions that justified

137 S Newcombe *Pagans in the promised land: Decoding the doctrine of Christian discovery* (2008). On *terra nullius*, see ch 3 sec 3.1.

138 Mamdani *Citizen and subject* (n 4 above) 109-112; M Chanock *The making of South African legal culture 1902-1936* (2001) 243-248.

139 Fanon *Black skin, white masks* (n 17 above) 220; Mamdani *Define and rule* (n 4 above); N Fraser 'Rethinking recognition' (2000) 3 *New Left Review* 107 at 109; GWF Hegel *Phenomenology of spirit* (1977) 104-109. On *baasskap* society, see ch 4 sec 4.3.

140 Alcoff 'Power/knowledges in the colonial unconscious' (n 101 above) 255.

141 Said (n 1 above) 39-42.

not only hatred and disgust for 'natives' but also racial and imperialistic self-pride and arrogance by whites that could only be appeased by directing and exploiting 'natives'.<sup>142</sup> Nativism was colonial 'define and rule' praxis.<sup>143</sup>

In deconstructing 'tribe' and 'native' in this section to reveal the coloniality of their enunciation, especially their use as concepts for facilitating European colonialism and justifying a bifurcated citizenship through creating a frontier of backward, subordinate, but governable peoples, the intention is not to rule out the possibility of appropriating 'tribe' or 'native' in a positive sense. 'Tribe' and 'native' can serve as positive forms of political self-definition, depending on the political context.<sup>144</sup> Today, tribal identifications are appropriated by some historically marginalised indigenous population groups as political currency in advocating self-determination and in resisting state laws and policies that require their assimilation into dominant cultures or socio-economic systems.<sup>145</sup>

## 5 Nativism and the construction of colonial whiteness

As a normative relation nativism gave legitimacy to socially constructed whiteness. Analysing how whiteness was constructed in the colonies provides a site for understanding how colonial discourses were discursively broad, constituting in part a sexual economy that disciplined not just the colonised but equally the colonisers. Ann Stoler uncovers this phenomenon in her study of the genealogy, politics and praxes of state regulation of sexuality in the colonies.<sup>146</sup> Stoler's work applies Foucault's ideas, in particular from *The history of sexuality*, to European-ruled colonies.<sup>147</sup> She brings nuance to the mapping of colonial discourses so

142 I am drawing an analogy with what Said says in *Orientalism* on the consolidation of fictions which lend themselves to expedient political manipulation when one social group identifies the other as 'the Other', such as when the West identifies Arabs and Islam as the Other: Said (n 1 above) xvii.

143 Mamdani *Define and rule* (n 4 above) 44.

144 SK George 'Earth's the limit: The sense of finiteness among the hill tribes of Northeast India' in R Meinhold (ed) *Environmental values: Emerging from cultures and regions of the ASEAN region* (2015) 91 at 95, citing D Chakrabarty 'Politics unlimited: The global Adivasi and debates about the political' in BT Karlson & TB Subba (eds) *Indigeneity in India* (2006) 235 at 238.

145 George (n 144 above) 94-95.

146 Stoler (n 61 above); AN Stoler *Carnal knowledge and imperial power: Race and the intimate colonial rule* (2002).

147 M Foucault *The history of sexuality, Vol 2* (1985).

that they are not over-determined by a coloniser/colonised binary. By bringing colonial whiteness under an analytic gaze, we can see in a Foucauldian sense, and I would add a phenomenological sense, the effects of sedimented knowledge and power as a self-regulating and self-disciplining biopower in the making and performance of sexualities among those in power.

Stoler observes that in the colonies whiteness became a technology of sex crucially linked to how power in the colonial state was held together. As a technology of sex, with its prescriptions and proscriptions on sexual intimacy and marriage between the races, whiteness was one of the critical links between the colonialists and the colonial state.<sup>148</sup> It was linked to the imperatives of maintaining a distance that would otherwise be compromised by the familiarity prompted by sexual intimacy. More importantly, it was linked to a eugenic notion of maintaining a healthy, vigorous, white European population, free from the racial contamination of 'miscegenation'.<sup>149</sup>

The construction of whiteness in the colonies originates in the racial thinking that was implicit as well as explicit in the making of a European middle-class identity in the nineteenth century. The making of the bourgeois self in Europe, as Stoler highlights, was predicated on drawing boundaries between individuals within the body politic and those at the margins to reflect an imagined notion of those who were fit to rule and those who were consigned to be ruled.<sup>150</sup> It was not just outward markers that mattered, such as phenotype, but also inside markers – how one conducted oneself outside public view in the private domestic sphere and in intimacy.<sup>151</sup> Among whites notions of bourgeois identity and their prescriptions of cultural competencies served to create within the nation state two main kinds of white citizens in the sexual economy. They were whites who mustered self-discipline in the sexual domain, including not transgressing the prohibition against sexual immorality and racial contamination, in contrast to 'subaltern' compatriots who transgressed bourgeois biocultural prescriptions by crossing the colour bar in sexual relations.<sup>152</sup>

148 Stoler (n 61 above) 5 95-164; Stoler *Carnal knowledge and imperial power* (n 146 above) 79-111.

149 Stoler *Carnal knowledge and imperial power* (n 146 above) 79-111.

150 Stoler (n 61 above) 8.

151 As above.

152 As above.

In implicating European middle-class identity as the provenance of colonial whiteness we should guard against conflating the two so that we are able to see not just the commonalities but also the distinctions. Whiteness is a historicised phenomenon:<sup>153</sup> a shifting category which cannot be understood by treating all whitenesses as fungible.<sup>154</sup> As a progeny of European bourgeois identity, colonial whiteness is better understood as 'indigenised' whiteness to capture its historical situatedness as a hybrid racial idea entangled with the colonial encounter at the locale. Whiteness was neither completely invented in the colonies nor completely transplanted from Europe.<sup>155</sup> The broad logic as political currency for productive and dominating racial power was the same across colonies, but its quality and intensity was fluid rather than fixed.<sup>156</sup> Each colonial locale provided its own peculiar setting for adapting or resituating the making of European bourgeois identity, taking into account local political and cultural configurations and, more specifically, local European interests.

Through whiteness colonisers could judge not just those who had been colonised, but also themselves. As a set of beliefs and practices that required all whites to affect raced middle-class respectability and occupy white spaces in their interactions with black people as part of the social production of a cultural and political identity, colonial whiteness was mimicry of European bourgeois identity. It was mimicry in the sense that class distinctions remained.<sup>157</sup> However, when juxtaposed with colonised people, white nationalism and the survival of the colonial state depended on affecting the exterior of a single whiteness.

In 'deep settler' and 'break-away' colonies, such as Rhodesia and South Africa respectively, colonial whiteness required the projection of white as an inherently and palpably superior humanity with pre-social entitlement to premier citizenship as a collective, nationalistic project of white self-determination. Whiteness did not merely serve as a discursive polar opposite to 'nativeness' but also provided whites with a starting point – a 'zero-point of orientation' – from which a profusely racialised lifeworld of white citizens unfolded in the colonial state.<sup>158</sup> Phenomenologically,

153 Stoler (n 61 above) 102-108.

154 As above.

155 As above.

156 Stoler (n 61 above) 104-105.

157 Stoler (n 61 above) 102-105.

158 E Husserl *Ideas pertaining to a pure phenomenology and to a phenomenological philosophy* trans R Rojcewicz & A Schuwer (1989) 165-166; S Ahmed 'A phenomenology of whiteness' (2007) 8 *Feminist Theory* 149 at 151; A Schutz & T Luckmann *The structure of the lifeworld*, trans RM Zaner & H Tristram Engelhardt (1974) 36; Stoler (n 61 above) 8.

colonial statecraft depended on a white phenotype that was not simply corporeal embodiment but, more importantly, an embodiment of purposeful history and racial standing that in turn served to inform the *orientation* of white citizens.<sup>159</sup> From this perspective the nativisation of the black inhabitants of the colony can be understood as the effect but not the cause of an orientation towards whiteness. In pursuit of white nationalism the colonial state constructed a Fanonian ‘white epidermal schema’ to serve as the gateway to bodily privilege and normative identification with whiteness as naturalised ideology.<sup>160</sup> In turn the naturalisation of an ideology of whiteness in colonial settings provided a patterned discursive stimulation to whites and, ultimately, a self-disciplinary regime that penetrated both their public and their private lives, including their sexual lives.<sup>161</sup>

Drawing on the phenomenological discourses of Edmund Husserl and Maurice Merleau-Ponty and their application to racialised and colonial spaces by Fanon, Sara Ahmed foregrounds the concept of orientation to theorise whiteness.<sup>162</sup> Ahmed’s explication of whiteness as centred on orientation is useful in deconstructing the colonial construction of whiteness and its links with the representation of African sexualities. Highlighting that whiteness is not something with an ontological force of its own or reducible to a white skin, Ahmed captures the socio-cultural construction of whiteness and its dependence on ‘orientation’.<sup>163</sup> What is determinative is a ‘social and bodily orientation which is more at home in a world orientated around whiteness’.<sup>164</sup> Being ‘at home’ is much more than just being more at ease or comfortable: it signifies a ‘body-at-home’ that is invested with motility – a body ‘that can do’ – precisely because its identity is extended rather than denied or erased by the space it is occupying.<sup>165</sup> A body-at-home is about inhabiting whiteness and being in a place where the ‘racial epidermal schema’ has supplanted the corporeal schema, that is, the body before it is racialised.<sup>166</sup> In the construction of colonial whiteness the colonial state and the technologies and discourses that affirmed its legitimacy served to give white corporeal embodiment, the ‘here of the body’ and the ‘where of its dwelling’, its starting point and

159 The term ‘orientation’ here is appropriated from the phenomenology of Husserl: Husserl (n 158 above) 165-166.

160 Fanon *Black skin, white masks* (n 17 above) 112.

161 Stoler (n 61 above) 3.

162 Ahmed (n 158 above) 159; Husserl (n 158 above); M Merleau-Ponty *The phenomenology of perception* trans C Smith (2002); Fanon *Black skin, white masks* (n 17 above).

163 Ahmed (n 158 above) 159.

164 Ahmed (n 158 above) 160.

165 Ahmed (n 158 above) 153 159 161.

166 Ahmed (n 158 above) 153, citing Fanon *Black skin, white masks* (n 17 above) 112.

direction.<sup>167</sup> The orientation of white citizens towards some objects depended on what was within reach in the whitened dwelling place – its *habitus* – and in turn what they reached for depended on their orientation.<sup>168</sup>

Colonial polity, which was informed by ‘sedimented histories’ of the body,<sup>169</sup> served as the primary prefabricated dwelling where successive generations of white citizens of the colonial state could inherit an already constructed orientation. Ultimately, whiteness became something analogous to an inheritance and family resemblance:<sup>170</sup> it was reproduced in habitual actions and its attributes were distributed among those who enjoyed proximity to whiteness. At least outwardly, whites who would have been regarded in Europe as the ‘lower classes’ would be instantly transformed into members of an ‘aristocracy of colour’ upon arrival on colonial shores.<sup>171</sup> This is not to suggest that there were no class distinctions among whites; there were. Colonialism was a class-levelling project only in so far as producing consensus about white supremacy; it did not erase socio-economic class distinctions.<sup>172</sup> In Rhodesia (now Zimbabwe), for example, whiteness was lived in shades of whiteness. Those of British descent generally had a monopoly of political power which they used to cultivate a premier form of whiteness and to maintain a socio-economic distinction from, say, their Afrikaner, Italian, Jewish, Greek, Polish and Portuguese counterparts.<sup>173</sup> What the ‘aristocracy of colour’ highlights, rather, is that what mattered most to whites in the colony was not so much their relative social position among other whites

167 Ahmed (n 158 above) 151, citing Schutz & Luckmann (n 158 above) 36.

168 On *habitus*, see Ahmed (n 158 above); S Ahmed ‘Orientations: Towards a queer phenomenology’ (2006) 12 *GLQ: A Journal of Lesbian and Gay Studies* 543 at 552-553, citing A Steinbock *Home and beyond: Generative philosophy after Husserl* (1995); P Bourdieu *Outline of a theory of practice*, trans R Nice (1972) 72.

169 I am using the notion of ‘sedimented history’ in a phenomenological sense to imply that which bodies tend to do: Their comportment, posture and gestures, including their sexuality, are embedded in knowledge and perceptions that integrate past experiences, including cultural habits that have become customary: Ahmed ‘Orientations’ (n 168 above) 552-555, citing Steinbock (n 168 above); Bourdieu (n 168 above) 72.

170 Ahmed (n 158 above).

171 T Ranger ‘The invention of tradition in colonial Africa’ in E Hobsbawm & T Ranger (eds) *The invention of tradition* (1983) 211 at 213, drawing from a statement made in 1908 by John X Merriman, then Prime Minister of the Cape Colony, cited in EN Katz *A trade union aristocracy: A history of white workers in the Transvaal and the general strike of 1913* (1976).

172 Stoler (n 61 above) 102-103.

173 AS Mlambo ‘Becoming Zimbabwe or becoming Zimbabwean’ (2013) 48 *African Spectrum* 49 at 55-56.

as their membership of a class that commanded state-sanctioned power over 'natives' and held racial entitlement to a premier class of citizenship.

Thus, conflicts between genders, between classes and between the different white ethnicities, such as between the English and Afrikaners, Northern Europeans and Southern Europeans and Jews and gentiles, generally were articulated with restrained dissonance in order to maintain a united racial front and thus not imperil the project of white nationalism. There were exceptions, of course. The Anglo-Boer War (1899–1902) is a prime example: it can scarcely be described as restrained dissonance. Even if it is described as a conflict over the spoils of colonialism, these warring white ethnicities nonetheless reconciled in a way that facilitated the construction of a robust foundation for white nationalism, which culminated in the establishment of a racial state in 1948 with the inauguration of a system of apartheid.<sup>174</sup>

Ahmed underscores that the reproduction of a particular orientation is more than spatiality.<sup>175</sup> It is not automatic that we reproduce what we inherit or turn our inheritance into acquisitions.<sup>176</sup> Colonial whiteness required conscious reciprocation. To enjoy the benefits of family resemblance and inheritance it was necessary for beneficiaries to reciprocate by reproducing whiteness. Thus, though the political capital accruing from whiteness was made available to all white persons, a white person had to take it up and follow a certain direction – an *orientation* – in order to realise the fruits of whiteness. Therefore, whiteness entailed not only racial resemblance and being located in a white space but also an undertaking to enter into a social contract with whiteness. It involved social investment in the reproduction of whiteness and a promise by the state to return the investment.<sup>177</sup> For whites emigrating from Europe the investment into whiteness would have already been made prior to arrival in the colony as emigration was motivated by the promise of parallelism in the transformation of identity and space in the colony.<sup>178</sup>

## 5.1 Compulsory whiteness and regulation of sexualities

Insights from feminist discourses explicate more closely whiteness and its link with the representation of sexualities in the colonial state, where

174 See discussion in ch 4 sec 4.

175 Ahmed 'Orientations' (n 168 above) 554-555.

176 Ahmed 'Orientations' (n 168 above) 555.

177 As above.

178 WJ Jennings *The Christian imagination: Theology and the origins of race* (2010) 37.

corporeal embodiment was highly politicised. If refracted through Simone de Beauvoir's feminist discourse in her seminal book, *The second sex*, and its interpretation by Judith Butler, sexuality in the colonial state can be understood through reading the 'body not as a thing but a situation'.<sup>179</sup> Embodiment in a colonial state, as primarily defined by phenotype, produced the body as a raced colonial situation. Applying Butler, in a race-suffused situation colonial embodiment represents two sets of meanings which are not determined by any of its naturalistic possibilities.<sup>180</sup> Each set is politicised. One set of meanings is colonial whiteness as culture already imprinted on its flesh,<sup>181</sup> which highlights the point that embodiment is never a self-referencing identity but rather an occasion for imprinting meaning, culture and political signals.<sup>182</sup> The other set is choice or orientation. In a political sense and in a personal way the body has to take up received norms of whiteness and reinterpret them for itself.<sup>183</sup> In this racialised historical and cultural context hegemonic representations of sexualities are easily produced so as to align with the overall political superstructure of the colonial state.

Using Adrienne Rich's deconstructive analysis of the dominance of normative heterosexuality, it can be argued that state-driven orientation towards whiteness was transformed into 'compulsory whiteness' to register a discursive relationship between state prescriptions and self-regulatory regimes that translate into obligation-patterned sexual desires of white citizens.<sup>184</sup> The notion of compulsory whiteness is particularly apposite to understand white premier citizenship and its links with sexuality in 'deep settler colonies' such as Rhodesia, and 'break-away settler colonies' such as South Africa.<sup>185</sup> These two colonies serve to

179 S de Beauvoir *The second sex*, translated and edited by HM Parshley (1988) originally published in 1959. De Beauvoir sees women as genderised or socially-constructed subjects whose status and possibilities cannot be deterministically read through biology. She argues, 'if the body is not a thing, it is a situation': De Beauvoir (above) 66; J Butler 'Sex and gender' in Simone de Beauvoir's "Second sex" (1986) 72 *Yale French Studies* 35 at 44-46.

180 Butler (n 179 above) 45.

181 As above.

182 Butler (n 179 above) 46.

183 Butler (n 179 above) 45.

184 By using the term 'compulsory whiteness', I am borrowing and adapting to race a term coined by Adrienne Rich in a seminal essay that was first published in 1980 and has been republished since: A Rich 'Compulsory heterosexuality and lesbian existence' (2003) 15 *Journal of Women's History* 11.

185 The use of 'deep-settler colonies' and 'break-away colonies' here follows the taxonomy that I have borrowed from McClintock: A McClintock 'The angel of progress: Pitfalls of the term "post-colonialism"' (1992) 31/32 *Social Text* 84 at 88, which I explained in ch 4 sec 1, footnote 9.

illustrate how the 'racial epidermal schema' can be thought of as the geography of race, which was also linked to the geography of sexualities.<sup>186</sup> Concluding his magisterial work on theology and the origins of race, *The Christian imagination*, Willie James Jennings said that there is no single story to explain the making of race and the racialisation of embodiment precisely because specific histories and social context matter.<sup>187</sup> Jennings underlines how geography crucially informs the construction of our identities, visions and hopes.<sup>188</sup>

Rhodesia and South Africa exemplify colonies in which whiteness took distinctive forms.<sup>189</sup> In these colonies, in addition to positioning whites at the centre, the state appropriated whiteness for aggressive social engineering. Whiteness was marked with the intention of rendering it palpably visible. It was invoked in ways that were frequently brazen or exhibitionist, as opposed to being subtle, precisely in order to render the supremacy of whites constantly visible not just to blacks but also to whites themselves.<sup>190</sup> Njabulo Ndebele observes that displays of whiteness and the commensurate efforts to shore up whiteness became more than just expressions of whites oppressing blacks to maintain supremacy, they also became spectacles.<sup>191</sup> The state went to extraordinary lengths to explicitly name whiteness and construct its essence as normatively privileged, desirable and entitled to a proportion of state resources commensurate with its premier status. It developed a self-serving discourse of the imperativeness of protecting whiteness. By first highlighting the vulnerability of whiteness to contamination by lesser civilisations, the state was able to justify appropriating policy and, more significantly, law to maintain and enforce a social, legal and political hierarchy between whites and blacks.<sup>192</sup>

Apartheid, as we saw in Chapter 4, used racial classification and segregation as the main state technologies for the governability of raced citizens. Through segregation the state formalised the institution of

186 Fanon *Black skin, white masks* (n 17 above) 112.

187 Jennings (n 178 above) 289.

188 As above.

189 In ch 4 sec 4 South Africa, especially, is a point of focus to illustrate the making of race in a break-away colonial state. The focus here is on the making of sexualities in the colonial state.

190 K Ratele 'Sexuality as constitutive of whiteness' (2009) 17 *Journal of Feminist and Gender Research* 158 at 161; N Ndebele *Rediscovery of the ordinary* (1991) 38-39.

191 Ndebele (n 190 above) 38.

192 Ratele (n 190 above) 162, citing S Parnell 'Creating racial privilege: The origins of South African public health and town planning legislation' (1993) 19 *Journal of Southern African Studies* 471.

required separateness between whites and non-whites generally in all areas of life. With the institution of 'grand' apartheid South Africa, much more than Rhodesia, took the discourse of 'whiteness' protectionism to unprecedented heights.<sup>193</sup> In 1954, Verwoerd, as Minister of Native Affairs in the National Party government, underscored the importance of apartheid as a technology of protecting whiteness. He described apartheid as:

comprising a whole multiplicity of phenomena. It [apartheid] compromises the political sphere; it is necessary in the social sphere; it is aimed at ... church matters; it is relevant to every sphere of life. Even within the economic sphere, it is not just a question of numbers. *What is of more importance there is whether one maintains the colour bar or not.*<sup>194</sup>

Naturalising whiteness became an organising principle for the colonality of white political power, penetrating the most intimate domains of life. The colonial state provided a sexuality template for its prized citizens partly through laws that constructed white sexual respectability. In order to regulate the sexual and reproductive economy of whites and guard against racial contamination, laws prohibiting sexual intercourse and marriage between 'races' were adopted.<sup>195</sup> The laws served as vertical 'orientation devices' to 'keep things in place' by prescribing the somatic horizons for horizontal sexualities consistent with normative whiteness.<sup>196</sup> For whites who were inclined to become 'deviant' or 'disoriented' as to become racially 'queer' by going astray and crossing the sexual colour bar, the laws were 'straightening devices' to assist with aligning white bodies with white spaces in a racial oligarchy.<sup>197</sup>

193 The use of 'grand' to describe apartheid serves to capture the scaling up of racial segregation when the National Party came to power in 1948. Ch 4 sec 4 highlighted that apartheid was introduced long before 1948. Moreover, 'grand' is not intended to imply that apartheid was a carefully worked-out master plan as apartheid grew piecemeal and was marked by ad hocism and contradictions: D Posel *The making of apartheid 1948–1961* (1991) 5; Van der Westhuizen (n 91 above) 37–38.

194 HF Verwoerd is quoted in TRH Davenport & C Saunders *South Africa: A modern history* (2000) 392 (my emphasis). On Verwoerd's place in the ideology of apartheid, see the discussion in ch 4 sec 4.3.

195 See discussion below on Southern Rhodesia and the phantom of the 'black peril' in sec 6.1 (below).

196 Ahmed (n 158 above) 158.

197 Ahmed (n 158 above) 159; Ahmed 'Orientations' (n 168 above) 562. The term 'queer' is used here not so much in its sexual form but phenomenologically to mean consciousness and intentionality whose orientation is out of alignment with the space created for it by dominant normative institutions: Ahmed 'Orientations' (n 168 above) 565.

The singularity and intensity with which colonial discourses invested the corporeality of whiteness with normative supremacy required a compliant white deportment as a way of rooting whiteness in African soil. I argue that such compliance discursively lends itself to Butler's grammar of 'performativity' and her insights of identity as 'performatively constituted'.<sup>198</sup> Butler has stopped short of transposing performativity onto race, leaving the question open to argument.<sup>199</sup> However, in the social, political and juridical settings of 'deep settler colonies' and 'break-away colonies' it is hard not to concede that whiteness performatively became an effect of colonial power which could not be dissociated from colonial regulatory norms.<sup>200</sup>

If transposed onto whiteness, performativity can be understood not so much as a singular or deliberate decision to wear the apparel of colonial whiteness, but as a 'reiterative and citational practice' which a discourse of colonial power produces.<sup>201</sup> To an extent arguing that whiteness was 'performatively constituted' implies that it was prompted by the obligatory norms of the coloniality of power which operated within a binary of race, prescribing the rules of recognition.<sup>202</sup> Furthermore, it means that non-compliance with the rules of recognition invited loss of privileges or sanction: white racial queerness disenfranchised one of whiteness.<sup>203</sup> This disenfranchisement can be understood through Butler's parlance of 'precarity'.<sup>204</sup> Whites who refused to comply with whiteness or, more significantly, openly challenged or defied whiteness risked exclusion from social and economic institutions that protected whiteness, becoming exposed to 'injury, violence and death'.<sup>205</sup> Precarity is visible in the genus of whiteness promoted by Afrikaner nationalism and its disciplinary regime.

It will be recalled from Chapter 4 that the principal imaginary of apartheid was a society in which every 'race' knew its place economically,

198 J Butler *Bodies that matter: On the discursive limits of 'sex'* (1993); J Butler *Gender trouble: Feminism and the subversion of identity* (1999) xiv-xv. *Gender trouble* was originally published in 1990; J Butler 'Performativity, precarity and sexual politics' (2009) 4 *AIBR. Revista de Antropología Iberoamericana* 1.

199 Butler *Gender trouble* (n 198 above) xvi.

200 Butler *Bodies that matter* (n 198 above) 2.

201 As above.

202 Butler 'Performativity, precarity and sexual politics' (n 198 above) 1.

203 Butler 'Performativity, precarity and sexual politics' (n 198 above) 4.

204 Butler 'Performativity, precarity and sexual politics' (n 198 above) 2.

205 As above.

politically and socially.<sup>206</sup> Apartheid's universe first and foremost was the essentialisation or reification of phenotypes so that they are rendered both a source as well as a justification for differential treatment against the backdrop of white as the biological, social, cultural and legal normative standard. Hierarchical racial differentiation was to be a way of life, a social monolith. It was a monolith whose moral parameters became increasingly difficult to question, especially among Afrikaners themselves. At its height Afrikaner nationalism grew to totalising proportions, investing apartheid with an 'authentic organicity' of closed identities built around racial differentiation.<sup>207</sup> For Afrikaner nationalism white ethnic loyalties were cut and dry: either one stayed within apartheid's racialising and racist horizons or fell outside them risking becoming a traitor to the Afrikaner cause,<sup>208</sup> a fate that was visited on the likes of Beyers Naude, a cleric, who impugned the legitimacy of apartheid from the pulpit<sup>209</sup> and Bram Fischer, a lawyer, who took a political stance against apartheid.<sup>210</sup>

For Europe, European colonisers and their descendants, Africa became a space for the performance of whiteness to the ends of racial and cultural hierarchisation, colonial domination and bifurcated citizenship. Africa and nativism became substantive effects of a colonialism that was performatively produced and compelled by the regulatory colonial speech and acts. The making of the colonial state became, as in the making of any state, a historical practice through which social difference and social stratification were invented, practised and given official imprimatur that had to be constantly reaffirmed in order to root it in Africa.<sup>211</sup>

206 D Posel 'What's in a name?' Racial categorization under apartheid and their afterlife' (2001) 47 *Transformation* 50 at 52.

207 Norval (n 114 above) 301.

208 Norval (n 114 above) 300.

209 Naude (1915–2004) was obliged to resign from a clerical position in the Dutch Reformed Church not least on account of his questioning apartheid's theological justification for white supremacy. He was ostracised by the Afrikaner community and became the subject of police harassment and house arrest for this anti-apartheid stance: R Müller 'War, religion, and white supremacy' (2004) 10 *Princeton Theological Review* 17 at 24; Van der Westhuizen (n 91 above) 52.

210 Fischer (1908–1975), who came from a socially highly-placed Afrikaner family, was imprisoned for furthering communism. Like Naude, he was ostracised by the Afrikaner community for challenging white supremacy: G Budlender 'Bram Fischer: The man and the lawyer' (1995) 8 *Consultus* 161; S Clingman *Bram Fischer: Afrikaner revolutionary* (1998); S Ellman 'To live outside the law you must be honest: Bram Fischer and the meaning of integrity' (2001) 17 *South African Journal on Human Rights* 451; D Moseneke 'The fourth Bram Fischer Memorial Lecture' (2002) 18 *South African Journal on Human Rights* 309.

211 McClintock (n 59 above) 353.

Thus colonial discourses produced the colonised just as they produced the colonisers.<sup>212</sup> Nativism produced that which it named, complete with power to authorise, discipline and punish in order to give intelligibility to the existential reality of colonial authority and domination.<sup>213</sup> As the polar opposite of nativism, whiteness became a set of stylised, repeated acts and speech to give authenticity to normative whiteness within a polity racialised by the whites themselves. Like the heteronormative matrix in Butler's edifice of performativity, racialisation of political identities instituted the production of a discrete and asymmetrical opposition between colonisers and the colonised. Whiteness, as a trope for social Darwinian, asymmetrical binarisation of humanity, required the assertion of superiority and entitlement by whites and submission to colonial power on the part of African people in order to accomplish the silencing and erasure of the political subjectivities and self-reflexivity of the colonised. Whiteness necessarily required the submission of whites to a culture of whiteness.

## 6 Nativising black men's sexuality

The othering of the sexuality of colonised men was part of the colonial encounter. Colonial imagination ascribed to black men excessive as well as dangerous sexualities.<sup>214</sup> The othering was an effect of colonial phallic domination and the mobilisation of white masculine power.<sup>215</sup> Phallic domination served not just to subjugate women, but also to validate white masculinity through subjugating black masculinities.<sup>216</sup> Labelled as 'indolent natives',<sup>217</sup> black men were simultaneously imagined as sexually promiscuous, rapacious, extraordinarily virile and with uncontrollable sexual urges.<sup>218</sup> In its Manichean form this fiction was integral to

212 Zahar (n 90 above) 24, citing Memmi (n 17 above) 56.

213 The power to authorise and punish is part of performativity: J Butler 'Critically queer' (1993) 1 *GLQ: A Journal of Lesbian and Gay Studies* 17.

214 D Lewis 'Representing African sexualities' in S Tamale (ed) *African sexualities: A reader* (2011) 199 at 203.

215 Mbembe (n 83 above) 13.

216 Mazrui (n 18 above) 2.

217 Colonists' claims about the idleness of natives have been implicated in critical commentaries as a 'discourse of idleness' to justify commodification of colonial labour in the interests of promoting colonial capitalism and the resistance to such commodification by the colonised: McClintock (n 59 above) 252-254; SH Alatas *The myth of the lazy native* (1977); Said (n 66 above) 201-203.

218 Lewis (n 214 above) 203-204; WD Jordan *White over black: American attitudes toward the Negro, 1550-1812* (1977) 7; McClintock (n 59 above) 22; Fanon *Black skin, white masks* (n 17 above) 157.

promoting the colonial project of conquest, subjugation and plunder.<sup>219</sup>

Seeing black men as sexually rapacious and the polar opposite of white sexual restraint was part of the archive of nativism developed or appropriated by colonial discourses. It provided the rationale for creating and sustaining a political vocabulary of and an emotion for not just difference between white men and black men but also aversion, thus facilitating 'aversive' racism.<sup>220</sup> The fiction created polarised difference between a racial *self* and the *other*, who is perceived as dangerous unless subjected to constant surveillance and harsh discipline.<sup>221</sup> As racism of avoidance and separation, aversive racism served to justify colonial violence. It legitimised violence aimed primarily at black men as well as the plunder of indigenous people's lands. Violence was sanitised as the pre-emptive, racial self-defence of vulnerable colonists partly to create safe spaces for white women who might fall prey to sexually unrestrained, predatory black men.

## 6.1 Southern Rhodesia and the phantom of the 'black peril'

Stereotyping black men as possessed of dangerous sexualities that were a threat to white women served the colonial project in a number of ways that coalesced around the establishment and consolidation of a racialised patriarchy in which white masculine identity was affirmed as the guarantor of white civilisation and the maintenance of racial boundaries in the colonies. In some colonies the colonial imagination about the unrestrained, libidinous, essential nature of black men was politically transformed into hysteria, creating the imperative to erect racialised state protection against the sexual threat posed to white women by black men – a phenomenon that was described officially, as well as in the press, as the 'black peril'.<sup>222</sup> This phenomenon was much more than concern about

219 On colonial imaginary and Manicheanism, see, for example, Fanon *The wretched of the earth* (n 17 above) 31-32; Zahar (n 90 above) 25-26; AR JanMohamed 'The economy of Manichean allegory: The function of racial difference in colonialist literature' (1985) 12 *Critical Inquiry* 59.

220 'Aversive' racism is one of the typologies of racism suggested by Kovel: J Kovel *White racism: A psycho history* (1984) 31-33; Young (n 102 above) 141-142. See the discussion in ch 4 sec 4.3 of this book.

221 Kovel (n 220 above) 48-50.

222 J Pape 'Black and white: The "perils of sex" in colonial Zimbabwe' (1990) 16 *Journal of Southern African Studies* 699; J McCullough *Black peril, white virtue: Sexual crime in Southern Rhodesia 1902-1935* (2000); O Phillips 'The "perils" of sex and the panics of race: The dangers of interracial sex in colonial Southern Rhodesia' in Tamale (n 214 above) 101-115; M Mushonga 'White power, white desire: Miscegenation in Southern Rhodesia, Zimbabwe' (2013) 5 *African Journal of History and Culture* 1 at 7. For a

sexual violence. Colonial Southern Rhodesia in the early part of the twentieth century provides a case study for revealing the connection between colonial power, race, white patriarchy and sexuality in the construction of the black peril.<sup>223</sup>

The black peril arose out of a range of racial fears among white males in particular.<sup>224</sup> It was built around incidents of rape of white women by black men. However, the actual incidents were isolated – underlining a manifest discrepancy between the threat to white women and the reaction.<sup>225</sup> The black peril was an imagined danger: a subliminal anxiety and a metonym for other fears. Its construction was not unconnected to the broader colonial project of imprinting colonial rule, asserting white gendered supremacy and facilitating racial capitalism.<sup>226</sup> The narratives of sexual danger and racial defilement, which were constructed and amplified by the press and polity of the colony and the metropolis, were instrumental in mobilising white racist populism against black men as archetypal forces of disruption and danger.<sup>227</sup>

It is not insignificant that in Southern Rhodesia the black peril manifested in the wake of the 1896 war of resistance against colonial rule – the first *Chimurenga* or *Umvukela Wokuqala* which, though unsuccessful, is of great political significance in the annals of resistance against colonial rule.<sup>228</sup> This was a time when the colonial state was emerging rather than fully established: white settlers were still engaged in the construction of

comparable phenomenon of the black peril in South Africa, see, for example, J Krikler 'Social neurosis and hysterical pre-cognition in South Africa: A case-study and reflections' (1995) 28 *Journal of Social History* 491; T Keegan 'Gender, degeneration and sexual danger: Imagining race and class in South Africa, ca 1912' (2001) 27 *South African Studies* 459; J Martens 'Settler homes, manhood and "houseboys": An analysis of Natal's rape scare of 1886' (2002) 28 *South African Studies* 379.

223 Initially the colony, which later became Rhodesia and now Zimbabwe, was named Southern Rhodesia by virtue of the Southern Rhodesia Order-in-Council of 1898: R Blake *A history of Rhodesia* (1977) 14 cited in SJ Ndlovu-Gatsheni 'Mapping cultural and colonial encounters, 1880s–1930s' in B Raftopoulos & AS Mlambo (eds) *Becoming Zimbabwe: A history for the colonial period to 2008* (2009) 39 at 58.

224 Pape (n 223 above); McCullough (n 222 above); Phillips (n 222 above) 102; Mushonga (n 222 above) 7–11.

225 Keegan (n 222 above) 471.

226 Pape (n 222 above) 700–701.

227 Keegan (n 222 above) 471.

228 On the *First Chimurenga*, see T Ranger *Revolt in Southern Rhodesia, 1896–7: A study in African resistance* (1967); Ndlovu-Gatsheni (n 223 above) 50–58. The *First Chimurenga* (1896–1897) was an initial attempt at resisting the establishment of white colonial rule. It was unsuccessful. More than 70 years later the *Second Chimurenga* became a full-scale war of liberation when, between 1975 and 1980, it was intensified by forces of the Zimbabwe African National Liberation Army the Zimbabwe People's Revolutionary

their political and economic position as the new ruling class. In the wake of the first significant attempt by the indigenous population to resist colonial rule, it was expedient for the colonial state to assert its authority and reassure itself that the colonial project was on a secure footing. In the decade or so following the suppression of the first *Chimurenga* the colonial state conducted periodic campaigns to suppress a restive black population as well as to render particularly black men pliable, through coercion if necessary, to provide the colonial state with labour that would not pose any threat to colonial authority and white settlers.<sup>229</sup> The black peril served to create a justification for placing an emerging black labour force under white masculine surveillance and a disciplinary regime that required not just servility but also clearly marked boundaries of social interaction when blacks come into close contact with whites.

Apart from providing labour in mines and on farms black men were needed for domestic service.<sup>230</sup> Serving white households as ‘houseboys’ meant black men spent long periods with white women – often in the absence of white males – and provided the closest contact between whites and blacks. This close association between ‘houseboys’ and their ‘madams’, in conjunction with cases of substantiated and frequently unsubstantiated rape, created the imagined phenomenon of black men with uncontrollable sexual urges violently preying on white women, thus crystallising the black peril and giving it existential reality, as the statement from WS Bazeley, a Native Commissioner, shows:

Continual association with European women is dangerous for the adult male natives. Some mistresses [meaning white women] forget that the average male native has strong sexual passions and act carelessly in his presence. It is

Army (respectively the armed wings of the Zimbabwe African National Union and the Zimbabwe African Peoples’ Union), leading to the defeat of white rule and the birth of Zimbabwe on 18 April 1980: J Mitsi et al ‘War in Rhodesia, 1965–1980’ in Raftopoulos & Mlambo (eds) (n 223 above) 141–166.

- 229 The coercive techniques were varied. Some were indirect, such as burning crops, seizing land and stock and levying taxes on the dwellings of black inhabitants – the Hut Tax – to create economic conditions compelling black inhabitants to sell their labour in order to make a livelihood: Ndlovu-Gatsheni (n 223 above) 64–65. Others were more direct, such as forced provision of labour to the mining sector: C van Onselen *Chibaro: African mine labour in Southern Rhodesia, 1900–1933* (1976); J Bonello ‘The development of early settler identity in Southern Rhodesia: 1890–1914’ (2010) 43 *International Journal of African Historical Studies* 341 at 348–351.
- 230 Pape notes that in 1904 in Southern Rhodesia there were 6 991 black domestic workers (90% of whom were male) who translated into more than one worker for every white person in the entire colony: Pape (n 222 above) 701.

undoubtedly true that in most 'Black Peril' cases, and in nearly all cases of *criminal injuriae*, the culprit is or has been, a domestic servant.<sup>231</sup>

To quell the black peril the colonial state did not stop at measures to punish rape and attempted rape, which carried a death sentence and resulted in many wrongful convictions; to calm white hysteria the Legislative Assembly adopted measures to punish consensual sex between 'races' as exemplified by the adoption of the Southern Rhodesia's Immorality Suppression Ordinance of 1903. This law was formulated on the premise of black men's uncontrollable desire for white women and the latter's vulnerability and susceptibility to such desire.<sup>232</sup> The Ordinance made it an offence punishable by a maximum of two years imprisonment for any white woman to have consensual sexual intercourse with a 'native'.<sup>233</sup> Such intercourse was legally described as 'illicit' to mark its racially ascribed deviance and otherness, regardless of mutual consent. Significantly, a stiffer punishment – a maximum of five years imprisonment – was the punishment for a black man who was party to consensual sex with a white woman.<sup>234</sup>

Following accentuated fears about the black peril, the law was further tightened in 1916 by the Immorality and Indecency Suppression Ordinance, which closed a perceived gap by netting 'any act of indecency', however, consensual, and not just sexual intercourse. The 1916 law made it an offence punishable with a maximum of a year's imprisonment for a white woman who 'by words, writing, signs or any other form of suggestion, entices, incites, solicits or importunes any native to have illicit sexual intercourse with her or to commit any act of indecency with her'.<sup>235</sup> For the 'native' who was party to any of these 'indecent' consensual acts, the punishment was more severe – a maximum of two years imprisonment in addition to corporal punishment not exceeding fifteen lashes.<sup>236</sup>

It was not just law that was appropriated to police sexual racial boundaries and discipline transgressors. Colonists also employed vigilantism and other extrajudicial means. Fear of the black peril gave rise to 'sex panics' and to the legitimacy of meting out the severest punishment to black men, including extrajudicial killings, on claims that they had

231 National Archives of Zimbabwe *Report of the Departmental Committee on Native Female Domestic Labour* File S 235/475 (1932) 43 as cited in Pape (n 222 above) 699.

232 Phillips (n 222 above) 102-105.

233 Sec 1 of the Immorality Suppression Ordinance of 1903 of Southern Rhodesia.

234 Sec 3 Immorality Suppression Ordinance (n 233 above).

235 Sec 1 of the Immorality and Indecency Suppression Ordinance of 1916 of Southern Rhodesia.

236 As above.

raped – or more often on suspicion that they had raped – white women or proposed to have intimacy with white women.<sup>237</sup> But even the purported objects of protection were not spared the excesses of colonial anxieties about the black peril. White women suspected of intimacy with black men were perceived by colonial authorities as pandering to an ‘unbalanced curiosity and hysterical wish to experience comparative sexual relationship’.<sup>238</sup> Some were publicly humiliated and ostracised as ‘dangerous’ or ‘nymphomaniacs’ and some were declared ‘insane’ or deported from the colony.<sup>239</sup> Criminalising consensual sex helped to maintain a myth of white virtue as well as assuage white patriarchal sexual anxieties about losing control over white women when they succumbed to black men, thus breaching racial boundaries and abandoning white respectability.<sup>240</sup> The black peril thus served to police not only the sexualities of ‘dangerous’ black men but also those of ‘errant’ white women. It was a gendered technology for facilitating patriarchal supervision over the sexualities of white women to ensure that they remained within limits that guaranteed white male dominance and confirmed the vulnerability of white women to danger from black men. The black peril conveniently cast white males as the defenders of white female chastity.

The phantom of the black peril in Southern Rhodesia and elsewhere was a phenomenon of sex as ‘moral panic’ which was underwritten by the state with adverse consequences for the social groups that were scapegoated.<sup>241</sup> In his historical work on the state regulation of sexuality in the West, Jeffrey Weeks develops the concept of ‘moral panic’ in sexuality conflicts.<sup>242</sup> Panic is marked by cyclical tides of trenchant societal attitudes that in reality are not about protecting people from any objective harm from sex, but are successful in becoming the ‘political moment’ of sex in ways that galvanise political action and social change to

237 Phillips (n 222 above) 103, citing GS Rubin ‘Thinking sex: Notes for a radical theory of the politics of sexuality’ in CS Vance (ed) *Pleasure and danger: Exploring female sexuality* (1984) 143-178.

238 Phillips (n 222 above) 110, quoting from a report compiled by Brundell, a white police officer of the Criminal Investigation Department (CID): JC Brundell *Black and white peril* National Archives of Zimbabwe S1227/1 (1915).

239 Phillips (n 222 above) 102-103. One form of public humiliation was being ‘tarred and feathered’. This entailed white vigilantes stripping the ‘transgressor’ naked, pouring hot tar over her body and rolling her in feathers so that the feathers stuck, parading her in public and then chasing her out of town: Phillips (n 222 above) 102-103.

240 Stoler (n 61 above) 104-106; McClintock (n 59 above) 232-257; Young (n 102 above) 136-141.

241 J Weeks *Sex, politics and society: The regulation of sexuality since 1800* (1981) 14-15.

242 As above; Rubin (n 237 above) 163.

serve politically or religiously dominant sectional interests.<sup>243</sup> Gayle Rubin explains that in the sexuality realm moral panics are phantasms directed at those who lack political power to defend themselves.<sup>244</sup> the phantasms are built on pre-existing discursive structures.<sup>245</sup> In Southern Rhodesia, colonialism, racism, white masculinity and racial capitalism were the discursive structures. The panics become 'wars' over sexuality not for the sake of sexuality itself, but as a proxy that serves a symbolic purpose.<sup>246</sup> About the symbolic nature of the wars, Rubin says:

[T]he wars are often fought at oblique angles, aimed at phony targets, conducted with misplaced passions, and are highly, intensely symbolic. Sexual activities often function as signifiers for personal and social apprehensions to which they have no intrinsic connection. During a moral panic such fears attach to some unfortunate sexual activity or population. The media become ablaze with indignation, the public behaves like a rabid mob, the police are activated, and the state enacts new laws and regulations.<sup>247</sup>

In the colonial era the black peril was a symbol for the struggle to consecrate white supremacy as well as a stalking horse for assuaging white male sexual anxieties. It was a phantasm built around a pre-existing discursive structure of hierarchical racial essences and their connections with racialised political dominance and privileges for whites, and the proletarianisation of the indigenous population. The Immorality Acts supposed the white male patriarch as the provider and protector of the white family. His own sexual conduct never came under the legislative spotlight. White masculinity was cast as the regulator of racial loins to maintain racial chastity and the purity of race. Portrayed as a danger to vulnerable white women and to the guardians of white moral continence, the black peril rationalised performative deployment of white masculine power by the social group that had monopoly over political power and state violence. Beneath the black peril was an imagined and politically contrived danger which provided an excuse for using the might of the colonial state to reinforce the legitimacy of a white, patriarchal, supremacist order in a context where lasting racial domination could not be assured. The most obvious threat to white supremacy and its racial privileges was posed by black men, as the black nationalist movements were later to show.

243 Weeks (n 241 above) 14-15.

244 Rubin (n 237 above) 163.

245 As above.

246 As above.

247 As above.

The black peril served as a trope for compulsory whiteness to construct a practice that would become 'reiterative and citational' in the socio-economic distinction between black and white and, most of all, in maintaining racial boundaries.<sup>248</sup> In the fledgling colony the white settlers were in the process of laying for themselves and future Rhodesians the foundations of an 'orientation': a 'body-at-home' invested with an epidermal schema and more specifically white Rhodesian motility.<sup>249</sup> The black peril served as one of several technologies for keeping whites 'in line' and policing white women, especially, who might become racially queer. In the Rhodesian context the appearance of social distance between whites and blacks was crucial for the survival of the colonial order:<sup>250</sup> maintaining social boundaries was essential for the making of whiteness as well as class. Becoming Rhodesian was about not only racially dominating blacks but also affecting racialised etiquette associated with 'whiteness' and middle-class respectability, which required maintaining the disciplined deportment of the 'civilised' group who did not share sexual intimacy with 'savage' groups.<sup>251</sup>

Ironically, the black peril obscured bringing to account white men for the sexual violence perpetrated on black women. The greater social menace was the 'white peril' but white men enjoyed impunity: they were the law.<sup>252</sup> In Southern Rhodesia a white male was not just a man but also master or *baas* over every 'native' male or female.<sup>253</sup> In a *baasskap* polity the sexual autonomy of black women, especially, is of little import to white males.<sup>254</sup> In white households employers, especially, were in a particularly powerful position to demand sex from black domestic workers. Rape committed by white men on black women as well as black men, on the few occasions that it attracted official attention, earned the perpetrator at most a reprimand.<sup>255</sup> The risk of conviction for raping a black person, even in the face of the clearest evidence, was non-existent. This impunity enjoyed by white males in Southern Rhodesia is explicable as an incident of the

248 Butler *Bodies that matter* (n 198 above) 2. See the discussion in sec 5.1 of this chapter.

249 Ahmed (n 158 above); Fanon *Black skin, white masks* (n 17 above) 112.

250 Phillips (note 222 above) 201.

251 B Raftopoulos & AS Mlambo 'The hard road to becoming national' in Raftopoulos & Mlambo (n 223 above) xvii-xxxiv at xxv; Ndlovu-Gatsheni (n 223 above) 39 at 64; T Burke *Lifebuoy men, Lux women* (1996) 99-104; D Kennedy *Island of white: Settler society and culture in Kenya and Southern Rhodesia, 1890-1939* (1987); Young (n 102 above) 138.

252 Pape (n 222) above 712-714.

253 On *baas*, see ch 4 sec 4.3.

254 On *baasskap* society, see ch 4 sec 4.3.

255 Pape (n 222 above) 713-714.

enabling doctrine of 'right' in colonial rationality.<sup>256</sup> It was an inherent part of *cursus solitus naturae* in the establishment of a colony, which could be extended to the right to sexually invade subject races.<sup>257</sup> As a 'category of nature', black women could be conquered and penetrated,<sup>258</sup> particularly since, as a sexually 'degenerate' class, black women had no virtue to protect.<sup>259</sup>

## 7 Black women's sexual degeneracy and colonial continuities in Caldwell et al: A performative study of African women

Colonial discourses rooted in race and bodily alterity ascribed degenerate sexuality to 'dark races' in gendered ways.<sup>260</sup> The narrative around Saartjie Baartman's public display in Britain and France in Chapter 4 sought to capture the racial and gendered nativisation of black women's sexuality. European imperialism discursively summoned both race and gender to construct primordially hypersexual black women.<sup>261</sup> The use of race and gender as a technology for debasement was interimbricated with class.<sup>262</sup> Degeneracy was crucial to the idea of progress and the self-definition of white middle-class respectability.<sup>263</sup> Degeneracy was ascribed not merely to black people but also to other 'dangerous classes' such as the working class, the Irish, Jews, prostitutes, feminists, gays, lesbians and criminals.<sup>264</sup>

In this section I seek to highlight that the construction of black women as sexually degenerate persists, outliving its European imperial and colonial moments. When representing African sexualities it is not only nineteenth-century colonial excesses that need checking, but also their

256 On the notion of 'right' in colonial rationality, see ch 3 sec 3.1.

257 On *cursus solitus naturae*, see ch 3 sec 3.1.

258 See ch 3 sec 3.

259 On black women as sexually 'degenerate', see ch 3 sec 3.

260 S Tamale 'Researching and theorising sexualities in Africa' in Tamale (n 214 above) 11 at 15; Lewis (n 214 above) 205; L Commons 'Savage sexuality: Images of the African woman in Victorian literature' (1993–94) 3 *Latitudes* 3; SL Gilman *Difference and pathology: Stereotypes of sexuality, race and madness* (1985); SL Gilman 'Black bodies, white bodies: Towards an iconography of female sexuality in late nineteenth century art, medicine and literature' (1985) 12 *Critical Inquiry* 204; Loomba (n 18 above) 128–145.

261 Ch 4 sec 3.

262 McClintock (n 59 above) 5 75–131.

263 As above; Young (n 102 above) 136–141.

264 McClintock (n 59 above) 5; Young (n 102 above) 129.

endurance and seepage into contemporary epistemologies of African sexualities. To a large degree colonial seepage is manifested in studies of the epidemiology of the African HIV/AIDS epidemic by some Western researchers. I use a widely critiqued study on representations of African sexualities in the era of HIV/AIDS conducted by John Caldwell et al to make this point.<sup>265</sup>

Caldwell et al focused on the sexual behaviour of women to explain the sexuality of Africans against a backdrop of an HIV/AIDS pandemic in sub-Saharan Africa. Though it does not mention race, its subjects are black Africans. The study yields black women who are particularly licentious, engage in transactional sex and do not derive any pleasure from sex. Ultimately, the study found that black Africans are given to inherent sexual permissiveness on a continental scale and are lacking in sexual moral standards. The study portrays an Africa where sexual behaviour does not form an important part of the moral system; there is contempt for chastity and having sex is 'simple and straightforward' and as ordinary as 'eating and drinking'.<sup>266</sup> In marriage it is not love and mutual commitment to each other that matter but lineage and reproduction.<sup>267</sup> Prior to and within marriage, the study found that sex is a highly commodified activity. Any sexual restraint on the part of Africans is explicable only by the spread of Christianity or Islam.<sup>268</sup> Female premarital and extramarital sex is dominant and acceptable since such conduct is not regarded as sinful or central to morality.<sup>269</sup> When compared with Eurasia, Caldwell et al found African sexual behavioural beliefs (or lack of them) and licentiousness to be so distinct and different as to warrant describing sub-Saharan Africa as an 'alternative civilisation'.<sup>270</sup>

The Caldwell et al study has been the subject of criticism precisely because they employed an analytical framework that produced harmful stereotypes. Diversities, variations and transformations within African sexualities are erased in favour of generalisations that obscure and distort multiplicities and complexity in sexualities.<sup>271</sup> The effect of the approach

265 J Caldwell et al 'The social context of AIDS in sub-Saharan Africa' (1989) 15 *Population and Development Review* 185.

266 Caldwell et al (n 265 above) 194-196.

267 Caldwell et al (n 265 above) 196-200.

268 Caldwell et al (n 265 above) 208-209.

269 Caldwell et al (n 265 above) 222.

270 As above.

271 Commentaries criticising Caldwell et al include; M Le Blanc et al 'The African sexual system: Comment on Caldwell et al' (1991) 17 *Population and Development Review* 497; BM Ahlberg 'Is there a distinct African sexuality? A critical response to Caldwell' (1994) 64 *Africa* 220; OMN Savage & T Tchombe 'Anthropological perspectives on

adopted by Caldwell et al is to stereotype African sexual behaviour. In their work on gender and stereotyping Rebecca Cook and Simone Cusack pose the question: Why do people stereotype?<sup>272</sup> They point out that we can stereotype for good or bad reasons. Furthermore, even when we have good or paternalistic reasons, stereotyping others can have unintended negative outcomes for the group that is stereotyped, including injury to the human dignity of members who comprise the group.

To public health policymakers wishing to combat the spread of HIV the findings by Caldwell et al, if based on good science, would be a benevolent stereotype. The stereotype can be used to inform the development and direction of preventive strategies. By creating Africans as a category of people that are sexually promiscuous and have little regard for the consequences of their sexual behaviour the findings would provide a stereotype that is vitally useful in devising a public health response through ‘maximising ease of understanding and predictability’ of the sexual behaviour of Africans.<sup>273</sup> On the other hand, if based on bad science, even if there was no intention to cause injury, the Caldwell et al findings would serve not so much to maximise ease of understanding and predictability about the sexual behaviour of Africans but to ‘assign difference’.<sup>274</sup> Irrespective of what the intentions of the researchers might have been, the effect has been to label and stigmatise Africans.

The Caldwell et al findings about the sexual behaviour and practices of particular groups of mostly women in specific African locations were interpreted by the authors in a manner that conflated a particular location with the entire country of location and ultimately the African continent. What Caldwell et al fail to show is that there are different African sexualities that are tethered to different social contexts and different subjectivities. African *sexualities* are much more than the singularly permissive, transactional heteronormative *sexuality* in which there is no right or wrong that Caldwell et al underscore as the paradigm of Africa sexuality. Arnfred puts a spotlight on the nativising effect of the study

sexual behaviour in Africa’ (1994) 5 *Annual Review of Sex Research* 50; S Heald ‘The power of sex: Reflections on the Caldwell’s “African sexuality” thesis’ (1995) 65(4) *Africa* 489; S Arnfred “‘African sexuality’/sexuality in Africa: Tales and silences’ in S Arnfred *Re-thinking sexualities in Africa* (2004) 59 at 60; Tamale ‘Researching and theorising sexualities’ (n 260 above) 17; S Nyanzi et al “‘African sex is dangerous!’ Renegotiating “ritual sex” in contemporary Masaka District, Uganda’ in Tamale (n 214 above) 599; K Kaoma ‘The unmasking of the colonial silence: Sexuality in Africa in the post-colonial context’ (2016) 155 *Journal of Theology for Southern Africa* 49.

272 Cook & Cusack (n 99 above) 13.

273 As above.

274 Cook & Cusack (n 99 above) 16-18.

when she argues that, rather than introduce something new in their findings of African sexuality, the Caldwell et al study is a 're-vitalisation' of old images of black female sexuality, especially as 'excessive, threatening and contagious'.<sup>275</sup>

Ahlberg implicates significant methodological flaws in the Caldwell et al study that in the end assure decontextualised and distorted findings.<sup>276</sup> Ahlberg points out, for example, that sources suggesting that African communities attach importance to moral restraint were dismissed by Caldwell et al as unreliable.<sup>277</sup> In their findings on the fecundity of African women the possibility that the high fertility rate among African women could be explained in terms of unmet contraceptive need rather than a culture that values high fertility does not appear to have exercised the minds of Caldwell et al.<sup>278</sup> In any event a question to ask is: Why should the Eurasian model serve as the paradigm of civilisation and morality when seeking to represent African sexualities? Ultimately, the use of the 'Eurasian model' as a control to evaluate African sexualities and reach outcomes that are singular and totalising fits neatly into Said's discourse of orientalism.

As a piece of fieldwork and ethnography about Africa the shortcomings in the Caldwell et al study highlight a deeper philosophical problem: the problem of a prior prejudiced discourse, methodology and epistemology which Mbembe implicates as a veritable impediment to the production of knowledge about Africa and Africans.<sup>279</sup> The study traded patient, in-depth research for an instant judgement about Africans, singularly failing to distinguish between cause and effect or to interrogate fairly and meticulously the subjective meanings of actions and silences.<sup>280</sup> It succeeded in reproducing Africa as a continent that is not just powerless but inherently bent on self-destruction, hence pathological and resolutely resistant to rationality.<sup>281</sup> The HIV/AIDS pandemic was explicated on a lack in Africa and Africans – the primordial or 'Dark Continent discourse' – with little attempt to interrogate whether the pandemic could be explicated on the basis of external factors such as global economic inequalities.<sup>282</sup>

275 Arnfred (n 271 above) 67.

276 Ahlberg (n 271 above).

277 Ahlberg (n 271 above) 223 226-228; Caldwell et al (n 266 above) 196. On methodological flaws, see also Kaoma (n 272 above) 53.

278 Ahlberg (n 271 above) 225.

279 Mbembe (n 83 above) 7-9.

280 As above.

281 Mbembe (n 83 above) 8.

282 Ahlberg (n 271 above) 60.

Especially in its subtext, which reduces black African social formations to a specific category of one geographic simple society whose inhabitants are given to reckless sexual abandon, the Caldwell et al study confirms Mbembe's diagnostic thesis about the negative image of Africa in the West.<sup>283</sup> The thesis is that the persistent portrayal of Africa as primordial chaos long after the primal colonial moment is not the result of 'the intrinsic difficulty of translating what is seen (as opposed to what is hidden) about Africa and African experiences into human language but, instead, the outcome of prior discourse that is not about Africa for itself but rather a subtext about something else, some other place, some other people'.<sup>284</sup> It is a Saidian *re-presence*.<sup>285</sup> Subliminally, the appeal to a Eurasian model and the lapse into dichotomies that are not validated enabled Caldwell et al not so much to engage in a careful, in-depth study about the social context of HIV/AIDS in Africa but to use Africa and the HIV/AIDS pandemic as the mediation that allows the West to hierarchically distinguish itself from Africa.<sup>286</sup> Caldwell et al constructed a particular black African sexuality and sexual behaviour which, when contrasted with the supposed choice and restraint exercised by Westerners, finds Africans functioning not as individuals but as tribes-people labouring under the albatross of predetermined, group-specific, degenerate sexual behaviour that precludes choice and reason in societies yoked to kinship.<sup>287</sup> Through its portrayal of a black African lifeworld of intractable sexual permissiveness and the authors' prescriptive discourse of moral economism and exhortation, the Caldwell et al study is a continuation of the nativist discourse long inaugurated during the colonial era.

283 Mbembe (n 83 above) 3.

284 As above.

285 Said (n 1 above) 21 as quoted in sec 2 of this chapter.

286 Mbembe (n 83 above) 3.

287 Mbembe (n 83 above) 10-11.

# 'TRANSGRESSIVE' SEXUALITIES: CONTESTING NATIVISM FROM WITHIN AND OVERCOMING STATUS SUBORDINATION

---

[T]he continent is currently replete with vibrant movements, some seeking to reinforce sexual hegemonic powers and others challenging, subverting and resisting imposed modes of identity, morality and behaviour patterns ... We speak of sexualities in the plural in recognition of the complex structures within which sexuality is constructed and in recognition of its pluralist articulations. The notion of a homogeneous, unchanging sexuality for all Africans is out of touch not only with the reality of lives, experiences, identities and relationships but also with current activism and scholarship.<sup>1</sup>

## 1 Introduction

Regardless of geographical location, the struggle to gain recognition for different sexualities ultimately is a struggle to overcome 'status subordination' of culturally and juridically stigmatised sexualities.<sup>2</sup> Sexuality is situated in a highly contested domain of cultural, religious and political life. A claim in favour of the equal recognition of non-heteronormative sexualities invites the strongest political reaction. In Foucauldian terms, such a claim threatens to upset the 'order of things':<sup>3</sup> it is perceived as defying an extant social order and disrupting power relations between social categories, especially in politically conservative communities closely tied to patriarchy. When sexuality is formulated to include a claim for diversity in sexual practices and identity, it poses an iconoclastic demand, notwithstanding the presence of agency and consent. The demand for parity in sexuality status cannot be met without first fundamentally revising the heterosexual contract: the heteronormative premise upon which sexuality historically has been framed as unquestionably natural and gendered, and which is duly reflected in

1 S Tamale 'Introduction' in S Tamale (ed) *African sexualities: A reader* (2011) 1 at 2.

2 N Fraser 'Rethinking recognition' (2000) 3 *New Left Review* 107.

3 M Foucault *The order of things: An archaeology of the human sciences* (1970).

dominant sexuality ideologies, the law and institutional arrangements, not least in contemporary African polities.<sup>4</sup> In recent years this hegemonic status has come under attack: increasingly, the heteronormative premise is being openly challenged. On a daily basis, in various parts of the continent, the heterosexual contract is indicted as exclusionary and as unrepresentative of sexual minorities. This is the situation Sylvia Tamale describes in the epigraph.<sup>5</sup> How then might we frame an inclusive approach to representing African sexualities?

In the modern state sexuality belongs, ultimately, in the realm of politics, and any attempt to develop an inclusive approach to African sexualities must reckon with the partiality of dominant political and cultural narratives on sexuality. It must contest the absence of plurality in order to lay bare the practice of political power which uses 'natural' categories to legitimise the misrecognition of non-heteronormative sexualities in the same way that political power organised around race and gender does in its rationalisation of racism and sexism. As I shall elaborate in this chapter, it is possible to develop a cultural and juridical framework with the conceptual resources to analyse heteronormative sexuality as a meta-language of the body, which, like race, can be deconstructed.<sup>6</sup> In the final analysis, achieving recognition of diverse sexualities requires us to revise the heterosexual contract so as to render it porous to a transformative approach that de-naturalises sexuality. Then we can prise open naturalised and institutionally privileged sexualities and respond to the imperatives of an inclusive hermeneutics of Africanness in the domain of sexuality.

My concern in this chapter is with constructing a conceptual framework for overcoming the status subordination of non-heterosexual sexualities. I seek to develop a hermeneutics of Africanness that is inclusive of sexualities that are excluded or marginalised by dominant narratives solely on account of their alignment with non-heteronormative sexuality.<sup>7</sup> My point of departure, when representing African sexualities,

4 I have adapted the idea of a 'heterosexual contract' from Mills: CW Mills *The racial contract* (1997); see ch 1, especially. Like its racial counterpart, the notion of a heterosexual contract is intended to be descriptive as well as normative and, above all, to capture the hegemonic epistemological status of heterosexuality not just in sexuality practices but in the broader social, political and moral life of communities.

5 See n 1 above.

6 This argument is appropriated from Higginbotham: EB Higginbotham 'African American women's history and the metalanguage of race' (1992) 17 *Signs: Journal of Women in Culture and Society* 251 at 252.

7 Unless qualified, this chapter uses 'homosexuality' generically to denote same-sex sexualities whether they are gay or lesbian.

is that what matters is not just deconstructing nativising colonial discourses and their enduring legacy. Decolonising knowledge and contesting orientalisating discourses is important, but so is contesting hegemonic discourses that essentialise African sexualities from within. To say that African peoples share a heteronormative sexuality is tenable, but only as a generalised starting point taking cognisance of typologies of existential sexualities on the continent. But to proceed without qualification, saying that African peoples subscribe to a homogeneous heterosexuality is a totalising claim. It is a claim which cannot be vindicated without first invoking a *theocratic* vision to bring everything into alignment with a heterosexual *habitus* as the natural sexual dwelling place of African peoples.<sup>8</sup> In a normative sense the effect of a *theocratic* heteronormative sexuality optic on non-aligning sexualities is a double act: the invisibilisation of non-heteronormative sexualities in the day-to-day socio-economic arrangements of the nation and, in addition, their production as deviant sexualities outside the African moral economy.

From time to time, heterosexuality, with its congruent gender binaries, is publicly proclaimed and sanctioned by political, cultural and religious authorities as the sole sexuality of African peoples. In the same breath same-sex relationships and homosexual practices, in particular, are castigated: a look at Zimbabwean official sexuality politics demonstrates such a proclamation and castigation in its fullest form.

### 1.1 Proclaiming heterosexuality and castigating homosexuality

On 1 August 1995, at the Zimbabwe International Book Fair, the country's then president, Robert Mugabe, said:

I find it extremely outrageous and repugnant to my human conscience that such immoral and repulsive organisations, like those of homosexuals who offend both against the law of nature and the morals of religious beliefs

8 I am using *habitus* in a phenomenological sense to capture, as Sara Ahmed does, not just a refusal to align with heterosexuality as a sexual orientation or sexual practice but also a refusal to align with the larger heterosexual cultural matrix – the way of life – with its 'sedimented histories' and systems: 'systems of durable, transposable dispositions': S Ahmed 'Orientations: Toward a queer phenomenology' (2006) 12 *A Journal of Gay and Lesbian Studies* 543 at 552-553. Ahmed is drawing in part on the work of Edmund Husserl and Maurice Merleau-Ponty as interpreted by Anthony Steinbock in A Steinbock *Home and beyond: Generative philosophy after Husserl* (1995) 36. In part she is also drawing on the work of Pierre Bourdieu: P Bourdieu *Outline of a theory of practice* trans R Nice (1972) 72. In ch 6 sec 5 I elaborate on the phenomenological concept of *habitus* in the construction of whiteness.

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 [Gays and Lesbians of Zimbabwe], what moral fibre shall our society ever have to deny organised drug addicts, or even those given to bestiality, the rights they might claim and allege they possess under the rubrics of individual freedom and human rights?<sup>9</sup>

Mugabe made his remarks at a public event – the official opening of an international book fair. The remarks quickly became part of larger drama which was unfolding, gradually assuming national proportions. The Gays and Lesbians of Zimbabwe (GALZ), a civil society organisation, had sought permission to exhibit literature on the constitutional and human rights of gay persons at the book fair.<sup>10</sup> Earlier in the year GALZ had applied to be registered as a non-governmental organisation (NGO). The application had been declined by then Minister of Home Affairs, Dumiso Dabengwa, on the grounds that homosexuality was ‘abnormal’ and thus not part of the country’s culture.<sup>11</sup>

Initially, the trustees of the book fair had acceded to GALZ’s request to display its literature. In the interim, the Zimbabwean government intervened, intimating in a letter that it was ‘dismayed and shocked’ by the trustees’ decision and that the president ‘strongly objects’ to the presence of GALZ at the book fair. Furthermore, it said, a public display of homosexual literature at the book fair would be tantamount to forcing the values of gays and lesbians on Zimbabwean culture.<sup>12</sup> In the end the trustees gave in. Permission was withdrawn by the trustees, albeit, ‘with great reluctance acting under severe constraint’.<sup>13</sup>

Though Mugabe’s anti-homosexual voice has been the most widely reported and is the most strident, it is not a lone voice among the continent’s political leaders.<sup>14</sup> Its caustic tone aside, Mugabe’s voice

9 Quoted in C Dunton & M Palmberg *Human rights and homosexuality in Southern Africa* (1996) 14.

10 Dunton & Palmberg (n 9 above) 13.

11 As above.

12 This was conveyed to the trustees in a letter of 24 July 1995 written by the Zimbabwe Director of Information, Bornwell Chakaodza. An extract from the letter is quoted in Dunton & Palmberg (n 9 above) 13.

13 A public statement made by the trustees of the Zimbabwe International Book Fair on 28 July 1995: Dunton & Palmberg (n 9 above) 13-14.

14 For example, during their presidency of Namibia and The Gambia, respectively, Sam Nujoma and Yahya Jammeh publicly condemned homosexuality in trenchant terms: Coalition of African Lesbians & AMSHeR (eds) *Violence based on perceived or real sexual orientation and gender identity in Africa* (2013) 6-7; Dunton & Palmberg (n 9 above) 33.

espouses a widely shared, majoritarian political and cultural voice on the continent. Religious leaders across the continent, from time to time, have lent their castigating weight, and so have their cultural counterparts.<sup>15</sup> The point is not to deny the voices of political, religious and cultural leaders or, for that matter, of the majority of African peoples, or to suppress their right to express an opinion on sexuality and what they regard as outside the bounds of morality. In all societies there are different opinions as to a morally permissible sexuality. Rather, at issue is the democratic fairness of the terms in which we express our differences, especially the regulatory power we summon and the judgemental sanctions we invoke to discipline sexual minorities.

The central issue, then, is the injustice of a dominant cultural narrative on sexuality, which is officially privileged and denies the legitimacy of benign alternative sexualities. The narrative not only disenfranchises sexual minorities of equal citizenship but also sets them up as just targets for oppression, vilification and harm. A constant refrain in the theatrics of the Zimbabwean book-fair drama is the imagined unified and pure cultural body of the nation and the duty of the state to protect this cultural integrity from attack by transgressive sexualities. Witness, for example, the remarks made in the Zimbabwean Parliament by Aeneas Chigwedere, a member of the House of Assembly, in support of Mugabe's book-fair speech:

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 far more important than any single dispensable part. When your finger starts festering and becomes a danger to the whole body you cut it off ... The homosexuals are the festering finger.<sup>16</sup>

Chigwedere's views are not merely an expression of moral disapproval of homosexuality. The views, which are packaged as defence of culture, are expressed through a somatic metaphor which serves as a trope for mobilising the nation or, at least its representatives, around bigotry. In the

15 See for example K Kaoma "‘I say, we must talk, talk, mama!’ Introducing African voices on religion, *ubuntu* and sexual diversity' (2016) 155 *Journal of Theology for Southern Africa* 16 at 20-22; P Awondo 'Religious leadership and the re-politicisation of gender and sexuality in Cameroon' (2016) 155 *Journal of Theology for Southern Africa* 105; S Tamale 'Crossing the bright line: The abuse of religion to violate sexual and reproductive health rights in Uganda' (2016) 155 *Journal of Theology for Southern Africa* 121; SM Wekesa 'Decriminalisation of homosexuality in Kenya: The prospects and the challenges' in S Namwase & A Jjuuko (eds) *Protecting the human rights of sexual minorities in contemporary Africa* (2017) 79.

16 Zimbabwe parliamentary debate, 28 September 1995, quoted in Dunton & Palmberg (n 9 above) 20.

unspoken text – the sub-text – Chigwedere situates sexuality in the cleansed body politic of the nation following independence from colonial rule.<sup>17</sup> Ultimately, he is appealing to governmentality,<sup>18</sup> making it clear that sexuality is not a private and personal issue, but belongs in the public realm. The public realm invokes the couplet of knowledge and power, implicating in the process the privilege of the state in regulating sexuality as part of the construction of normative citizenship. In his fulsome support for the nation's political leader, Chigwedere assumes the role of the nation's sexuality moral compass. He positions himself as speaking for Zimbabwe and not in his individual capacity. Significantly, he is not a lone parliamentary voice. He is echoing the voices of fellow parliamentarians who speak in unison to condemn homosexuality as a pathogen in the nation's body.<sup>19</sup>

Chigwedere belongs to the ruling party, ZANU-PF. However, on this occasion not a single parliamentarian expressed dissent. It is as if this were a call to a non-partisan patriotism which is crucial to the survival of the nation. Indeed, it is less of a debate and more of a parliamentary monologue. The monologue assuredly draws on the wellspring of patriarchal tradition and values. Unsurprisingly, Chigwedere allows no dwelling place – a *habitus* – for non-heteronormative sexualities in the body politic. Homosexuals simply are not among the nation's good citizens: with their un-Zimbabwean sexual practices and expressions, they are pathogens. Moreover, they cannot be ignored as they pose a danger to the health of the nation. The analogy with a festering, diseased finger about to sicken the body and the imperative of radical curative surgery leaves little to imagine about the kind of punitive normative response the parliamentarian has in mind.

17 Zimbabwe became an independent republic in 1980 following a war of liberation against white-minority rule: J Mitsi et al 'War in Rhodesia, 1965–1980' in B Raftopoulos & AS Mlambo (eds) *Becoming Zimbabwe: A history from the pre-colonial period to 2008* (2009) 141-166.

18 I am using 'governmentality' in its Foucauldian sense to mean using state regulatory power to control citizenry biopolitically and direct human behaviour: G Burchell et al (eds) *The Foucault effect: Studies in governmentality with two lecturers and an interview with Michel Foucault* (1991) in an effort to produce citizens who are governable according to the state's vision of the good; M Dean *Governmentality: Power and rule in modern society* (2010).

19 For example, Pamela Tungamirai, a member of the House of Assembly, in condemning homosexuality said: '[I]t is not part of our culture. It might be the culture of the Western world but not our culture here. We would like to be proud of our identity as Zimbabweans', quoted in Dunton & Palmberg (n 9 above) 19-20.

In the Zimbabwean book-fair drama, we see a historical re-enactment of sex as 'moral panic'.<sup>20</sup> The drama is reminiscent of the political dynamics which undergirded the phantom of the black peril in Southern Rhodesia, albeit now manifesting under a different political regime of black majority rather than white minority rule, and in a different sexuality domain – homosexuality rather than heterosexuality. We see, once again, the construction of a fictive 'moral panic' which has nothing to do with protecting Zimbabweans from any objective harm.<sup>21</sup> It is the construction of a 'political moment of sex' galvanising political action to serve sectional political, cultural and religious ends in the maintenance of heterosexual patriarchal dominance.<sup>22</sup> Characteristically, as Gayle Rubin underscores, the moral panic is aimed at vulnerable constituencies who lack political power.<sup>23</sup>

## 1.2 Democratising sexuality

However, I am not suggesting that Zimbabwe is exceptional in the African continent in officially condemning homosexuality. Rather, this spotlight on Zimbabwe serves to illustrate the political nature of sexuality, as well as how official politics can be appropriated to privilege heterosexuality and justify discrimination against homosexuality as well as to incite moral panic through the threat homosexuality is perceived to pose to society. When it is accompanied by an official imprimatur and is underwritten by dominant cultural, religious and legal frameworks,<sup>24</sup> the claim of a homogeneous heteronormative sexuality becomes more than simply an expression of moral difference. Its recourse is to a harsh governmentality

20 See the discussion in ch 6 sec 6.1.

21 J Weeks *Sex, politics and society: The regulation of sexuality since 1800* (1981) 14-15; GS Rubin 'Thinking sex: Notes for a radical theory of the politics of sexuality' in CS Vance (ed) *Pleasure and danger: Exploring female sexuality* (1984) 143 at 163.

22 Weeks (n 21 above) 14-15.

23 Rubin (n 21) 163.

24 The majority of African states, including Zimbabwe, regulate non-heteronormative sexualities primarily through the criminalisation of same-sex sexual practices among men. A minority of states also criminalise the same practice between women. The laws largely are a legacy of colonial jurisprudence: JO Ambani 'A triple heritage of sexuality? Regulation of sexual orientation in Africa in historical perspective' in Namwase & Jjuuko (n 15 above) 14-50. A significant minority of states – Benin, Burkina Faso, Cape Verde, Central African Republic, Chad, Republic of Congo, Côte d'Ivoire, Democratic Republic of the Congo, Djibouti, Equatorial Guinea, Gabon, Madagascar, Mali, Mozambique, Niger, Rwanda, Seychelles and South Africa – do not criminalise same-sex sexual conduct: Coalition of African Lesbians & AMSHeR (n 14 above) 4-5; A Carroll *State-sponsored homophobia. A world survey of sexual orientation laws: Criminalisation, protection and recognition* (2016) 57-93.

with a silencing and oppressive hold on 'transgressive' sexuality-identifications.

Furthermore, when culturally hegemonic heteronormative sexuality is institutionalised at the domestic level in ways that demonise transgressive sexualities, casting them as being subversive in the body politic and un-African, it is an incitement to homophobia and hate crimes. A conducive socio-political environment for 'precarity' is officially created.<sup>25</sup> Precarity leaves sexual minorities acutely vulnerable to discriminatory laws, policies and social norms and practices. In its unrestrained and more tragic form, state and culturally sanctioned demonisation of transgressive sexualities can become a tool for impunity: an instrument for legitimising violence – even killing – against members of sexual minorities by private individuals and state actors, including the police.<sup>26</sup>

In developing a framework for an inclusive, as well as a transformative, epistemology of African sexualities as a conceptual foundation for overcoming the status subordination of marginalised sexualities, I draw on a syncretic archive of scholarship whose confluence is that recognition of difference in how humanity experiences sexuality requires moving beyond the patriarchal imagination of the raw physicality of the body, the genitalia, the biological impulse and a capacity for language. Only then are we able to take cognisance of how sexuality is socially constructed in a historical time and a cultural place.<sup>27</sup> The archive acknowledges, in the first place, that culturally speaking, as Sylvia Tamale points out in the epigraph, there are 'pluralistic articulations' of sexualities rather than a single homogeneous sexuality that is peculiarly African.<sup>28</sup> It concedes that the norms and frameworks which give coherence to heterosexuality and its congruent gender binaries are but one cultural variant. However dominant, heterosexual norms and frameworks do not

25 The term 'precarity' is appropriated from Judith Butler as a means to capture the effects of a culturally and politically-induced condition in which certain populations are differentially and discriminatorily deprived of socio-economic support and ultimately exposed to injury, violence and death: J Butler 'Performativity, precarity and sexual politics' (2009) 4 *AIBR. Revista de Antropología Iberoamericana* i-xiii at ii, <http://www.aibr.org> (accessed 16 February 2015).

26 Coalition of African Lesbians & AMSHeR (n 14 above) vii. In 2014 the African Commission on Human and Peoples' Rights adopted a resolution to condemn violence against persons with transgressive sexualities and genders: Resolution 275 Protection Against Violence and other Human Rights Violations Against Persons on the Basis of their Real or Imputed Sexual Orientation or Gender Identity, adopted by the African Commission on Human and Peoples' Rights at its 55th session held in Luanda, Angola, from 28 April to 12 May 2014.

27 Rubin (n 21 above) 149.

28 Tamale 'Introduction' (n 1 above) 2.

exist unchallenged as the only articulations of sexuality and gender identities.<sup>29</sup> Rather, they are juxtaposed with diverse sexualities as well as a resistance to frameworks that countenance only certain modes of identity, morality and behaviour.<sup>30</sup>

An inclusive approach to articulating African sexualities should have dialogic exchange and, ultimately, the development of pluralistic norms as its goal. It is imperative to move away from oppressive generalisations and to accept the discursive importance of integrating a democratic space for capturing the sexualities of the peoples of Africa in their diverse social groupings as well as in their individual subjectivities. If our goal is to transform paradigms of inequality and overcome status subordination, then interrogating African sexualities requires engaging with *sexualitypoint* epistemology.<sup>31</sup> Normative reasoning and the development of just norms require dialogic exchange. Articulations of Africanness that are not substantively participatory or do not hear the voices of those excluded by the patriarchal authorities and by hegemonic discourse risk merely endorsing reactionary formalism.

I begin with some discursive clarifications.

## 2 Discursive clarifications

In this section, I deliberately steer clear of defining what sexuality is in order to remain faithful to the hermeneutics of Africanness I developed in chapter 2, which cautions against a closed normativity and finding a sexuality essence. In the main, the section clarifies my use of the term 'transgressive sexualities' and its explanatory power for the (mis)recognition of diverse sexuality identifications.

### 2.1 Transgressive sexualities: The terminological rationale

I use the term 'transgressive sexualities' more broadly to imply sexualities that do not conform to culturally hegemonic narratives of heterosexuality and, *for this reason alone*, are culturally and juridically stigmatised. Whether such sexualities are described as homosexuality, lesbianism, bisexuality,

29 As above.

30 As above.

31 I am using 'sexualitypoint' as a neologism to draw an analogy with dialogic feminist standpoint epistemology: A Brooks 'Feminist standpoint epistemology: Building knowledge and empowerment through women's lived experience' in SN Hesse-Biber & P Leavy (eds) *An invitation to feminist method* (2007) 53-82.

transsexuality, intersexuality, queer or in some other terms is not a primary or immediate consideration in this chapter, save where the epithet serves to exclude other non-heteronormative-conforming sexualities. If, as I argue, sexualities are historically and culturally constructed, it must follow that their naming is part of the same trajectory. It means that naming ultimately depends on the cultural and sub-cultural location on the continent. Indeed, transgressive sexualities may be communicated in silence and not carry a conventional name. What is important to the present discussion is not how transgressive sexualities are named at the locale; it is how to develop a normative framework for recognising the diversity of present and future non-conforming African sexuality identifications. The objective is to establish an archive of diverse sexualities that we can use to develop cultural and juridical frameworks for overcoming status subordination in ways that are informed by transformative understandings of sexuality and, ultimately, an inclusive Africanness.

## 2.2 Overcoming status subordination

To extend the reach of the hermeneutics of an inclusive Africanness in remedying inequalities arising from a culturally and legally sanctified sexual hierarchy, this chapter appropriates Nancy Fraser's critical theory of recognition.<sup>32</sup> It integrates into inclusive equality a 'status' rather than a Hegelian 'identity' recognition model of equality.<sup>33</sup> This approach is discursively strategic for achieving the recognition of sexualities that defy notions of identity as complete and established. Protecting formed identity, such as lesbian, gay, bisexual, transsexual and intersex (LGBTI) identity, is as important as protecting sexual and gendered identity that is in the process of being formed, but does not or may not fall neatly into an

32 N Fraser 'Rethinking recognition' (2000) 3 *New Left Review* 107; see also N Fraser *Justice interruptus: Critical reflections on 'postsocialist' condition* (1997) 11-39.

33 As Fraser explains, the basic premise in a Hegelian model is that identity is constructed 'dialogically', through a process of mutual recognition. Where each subject sees the other as an equal and also as separate from the other there is 'recognition' and a relation constitutive of subjectivity. However, where one is not seen as an equal by the other, such as where one is seen as an inferior, there is 'misrecognition'. With misrecognition, the effects are that the relationship of the parties to each other is distorted and the identity of the party labelled inferior is injured: Fraser 'Rethinking recognition' (n 32 above) 109; GWF Hegel *Phenomenology of spirit* (1977) 104-109.

established taxonomy.<sup>34</sup> In his critique of 'sexual orientation' and 'gender identity' as categories for advocacy in prevailing human rights discourses, Matthew Waites highlights the dangers of these two categories achieving their own power of dominance and exclusivity which can, paradoxically, come to exclude other diverse sexualities and genders not falling within the categories.<sup>35</sup>

The overriding recognition goal, therefore, is not so much the recognition of sexual identities as it is overcoming social subordination arising from sexual hierarchy-related exclusionary laws and practices.<sup>36</sup> Fraser summarises the status model of recognition in the following way:

[W]hat requires recognition is not group-specific identity but the status of individual group members as full partners in social interaction. Misrecognition, accordingly, does not mean the depreciation and deformation of group identity, but social subordination in the sense of being prevented from participating as a peer in social life. To redress this injustice still requires a politics of recognition, but in the 'status model' this is no longer reduced to a question of identity: rather, it means a politics aimed at overcoming subordination by establishing the misrecognized party as a full member of society, capable of participating on a par with the rest.<sup>37</sup>

When it is transposed to sexuality, the status-subordination approach does not claim that recognising sexual identities does not have any important emancipatory or symbolic value. Rather, it is an approach which emphasises the need for reparatory cultural and juridical responses that are cognisant of the fact that the disadvantages people suffer from sexuality misrecognition are multiple and cannot be uniformly reduced to a question of identity alone as a 'free-standing' cultural harm.<sup>38</sup> More often than not, sexuality misrecognition takes on institutionalised forms of cultural and economic devaluations that prevent a misrecognised person from participating on an equal basis with others in society. Political marginalisation and consequent material deprivation intertwine to produce conditions of inequality and subordination. In this way a status-

34 LGBTI is used in a general sense to capture transgressive sexualities and, to a point, genders, but always in a way fully cognisant that it is a useful but not an exhaustive or always representative category, as I argue in sec 2.3 (below). Including gender is necessary in a sexuality discourse, not in order to conflate the two but because sexuality implicates gender: See sec 3.3 (below).

35 M Waites 'Critique of "sexual orientation" and "gender identity" in human rights discourse: Global queer politics beyond Yogyakarta Principles' (2009) 15 *Contemporary Politics* 137.

36 Fraser 'Rethinking recognition' (n 32 above) 113.

37 As above.

38 Fraser 'Rethinking recognition' (n 32 above) 110.

subordination approach builds synergy with a social-construction theory of sexuality. It is a heuristic for focusing not only on the sexuality identity in question but also, on how it intersects with culture and broader, institutionalised systems of power and domination.<sup>39</sup>

The focus on status subordination is also a methodological tool for avoiding the reification of sexual identities and unwittingly scripting new sexuality hierarchies, new stereotypes and new stigmas when some diverse sexualities are affirmed but others are not. If one of the points of departure is that plurality requires recognising sexuality as complex and diverse, then a discourse on equality should guard against imposing a single, totalising genus of alternative sexualities or oversimplified group identities that ignore particularities and assume, for example, a conformity of interests among all LGBTI persons. Failure to see a multiplicity of identities and affiliations or to accommodate intersectionalities and even struggles within the social group seeking equality affirmation paradoxically renders equality an oppressive hegemonic blunderbuss.<sup>40</sup> Fraser warns about the easy susceptibility of the identity model to 'repressive forms of communitarianism, promoting conformism, intolerance and patriarchalism'.<sup>41</sup> To this end, it is not required, for example, that the recognition of sexualities other than heterosexuality should be contingent upon the claimant first fitting into an LGBTI sexual orientation and gender identity taxonomy.

Inclusive Africanness, therefore, should seek constantly to disrupt the discourse of sexual essentialism in order to secure a heterogeneous sexual domain of non-exhaustive benign variations. Sexuality should be understood not for its sameness, but for its relational and non-hierarchical difference and capacity to evolve and assume newer forms. Accepting this argument first requires accepting a democratic understanding of equality, which cannot be achieved without a concern for plurality in which claimants at the equality table are able to articulate different needs without being required to assimilate to a normalised paradigm, precisely because normalisation without equal participation lacks democratic legitimacy as it speaks only to hegemonic or structural power.<sup>42</sup> It side-steps the 'human condition'.<sup>43</sup>

39 S Corrêa et al *Sexuality, health and human rights* (2008) 128.

40 Fraser 'Rethinking recognition' (n 32 above) 112.

41 Fraser 'Rethinking recognition' (n 32 above) 122.

42 H Botha 'Equality, plurality and structural power' (2009) 25 *South African Journal on Human Rights* 1 at 4-5.

43 H Arendt *The human condition* (1998) originally published in 1958.

Actualising the human condition in a plural democracy, as Hannah Arendt argued, should anticipate creating room for distinctiveness, for human beings to reveal themselves in new and unexpected ways, because each human being is a 'distinct and unique being among equals'.<sup>44</sup> Gayle Rubin underscores the theoretical impossibility in developing a pluralistic sexual ethics without the concept of a porous category of 'benign sexual variation'.<sup>45</sup> The analytical objective is not to banish the existential reality of sexual identities or the legitimacy of claims for sexual identity recognition, but to erase the normative dominance of any particular identity so that it is relativised, so that it stands in an egalitarian relationship with other sexual identities in a heterogeneous sexual sphere.

A status-subordination approach opens a discursive space for analysing the processes through which the domain of sexuality is given social and cultural meaning at given historical times in given societies. It opens the door to situating sexuality in the broader systems of power as well as implicating political and cultural sites of power that serve to validate some sexualities but misrecognise others. In order not to replicate the production of master dichotomies, a status-subordination approach should be open to a conception of human rights that accepts that the substantively culturally specific content of human rights as found in conventions and discourses is always open to debate and revision at the locale with a view to enlarging human freedoms.

### 2.3 Avoiding LGBTI essentialism

As I argued in Chapter 2,<sup>46</sup> we are best served by African sexuality *identifications* as enunciations which are always in the making, rather than a laundry list of African sexual identities. In similar vein, as I argued against the logic of identity in the domain of race, so I do here, in the domain of sexuality.<sup>47</sup> A category such as LGBTI should not become a unified whole, the obverse of heterosexuality, in ways that require the assimilation of all non-heteronormative sexualities into the category. So that it, too, does not become a generative and autonomous source for the construction of sexual hierarchy among non-heterosexual sexualities, it should eschew *theocracy*.

To express reservations about the LGBTI category is not to be oblivious to the reality that non-heteronormative sexuality enunciations

44 Arendt (n 43 above) 178; see discussion in ch 8 sec 5 of this book.

45 Rubin (n 21 above) 153.

46 Ch 2 sec 4.2.2.

47 Ch 4 sec 3.1.

may acquire the materiality of sexuality identities as, indeed, LGBTI identities have done. Equally, I am not saying that sexual identities are not important for self-affirmation, civil society mobilisation or building national and international alliances and advocacy. The LGBTI taxonomy has been socially and politically effective in affirming identities, organising politically and advocating equality, and therefore it should not be abandoned. Rather, the argument is that if our goal is to overcome status subordination of diverse sexualities in all their manifestations, at a theoretical level we should not accept the LGBTI taxonomy uncritically, oblivious to the fact that it is inevitably exclusionary. To the extent that this taxonomy privileges the recognition of particular non-heterosexual sexualities and genders, it gestures towards its own normativity. Because sexuality is historically and culturally constructed, our sexuality-recognition framework should not be anchored in hermetically sealed sexuality identities. Instead, it should remain porous to a notion of sexuality identifications as being and becoming. In short, I am arguing against LGBTI essentialism.

In his critique of the Yogyakarta Principles, which use ‘sexual orientation’ and ‘gender identity’ as the associational human categories for developing a framework for the protection of the human rights of sexual minorities,<sup>48</sup> Waites draws in part on Stuart Hall’s cultural theory.<sup>49</sup> The essence of Waites’ critique is that the two categories – sexual orientation and gender identity – are useful but incomplete identity categories for constructing a more inclusive protective framework.<sup>50</sup> Hall’s contribution to the development of an inclusive framework for recognising African sexualities lies in the importance it places on not making the conferral of recognition contingent upon the establishment of a complete identity. It may be recalled that Hall does *not* treat identities as phantasms. Hall’s thesis is that however real, identities are always constructed within rather than outside discourse: they are always conditional and lodged in

48 International Commission of Jurists *Yogyakarta Principles: Principles on the application of international human rights law in relation to sexual orientation and gender identity* (2007), [www.refworld.org/docid/48244e602.html](http://www.refworld.org/docid/48244e602.html) (accessed 4 June 2017). The Principles were developed by a group of human rights experts: M O’Flaherty & J Fisher ‘Sexual orientation, gender identity and international human rights law: Contextualising the Yogyakarta Principles’ (2008) 8 *Human Rights Law Review* 207.

49 Waites (n 35 above) 147.

50 In fairness to the drafters of the Yogyakarta Principles, it should be noted that the use of ‘sexual orientation’ and ‘gender identity’ was intended to serve ‘the moment’ as a pragmatic way of constructing a broad rather than an exhaustive and, much less, exclusionary category for recognising the associational categories for human rights protection: O’Flaherty & Fisher (n 48 above) 246-248.

historical and cultural contingency.<sup>51</sup> As something discursively constructed, identity is always *in process*, contingent and never complete.<sup>52</sup> Therefore, in order to reconcile with the incomplete process of relating subjectivity to social identity, precisely for the reason that identity formation is never complete, it is preferable to base recognition on the processes of 'identification' – the 'articulation' of identity – rather than on the event of 'identity'.<sup>53</sup> Equally, it is preferable to treat identity, however real, as a 'temporary attachment' to mark the moment of 'suture', as the point at which a subject is tied to a discourse which is always in motion.<sup>54</sup>

Hall's cultural theory is instructive for constructing an epistemology of sexual diversity that is constantly evolving. It allows us to comprehend processes of sexual identification that articulate not so much an identity with a singular, completely constituted unity anchored in naturalism but, instead, the real possibility of unfinished or even fragmented, multiple identifications anchored in positionality, difference and exclusion from a naturalistic all-inclusive sameness.<sup>55</sup> Such identification may gesture towards naturalism but only as a broad anchor. The point to stress is that even the categories we choose or appropriate to contest the dominance of culturally privileged sexualities, and which offer alternatives ensconced in difference, need to be imagined in their de-totalised forms so that they remain open to inclusiveness, grounded in an approach that is always in process, cognisant of changing historical and cultural forces. Thus 'transgressive sexualities' are better understood as transgressive sexuality identifications. Like their non-transgressive counterparts, they are not fixed sexual identities but are subject to radical historicisation and transformation.

Over and above seeking to avoid contradicting Hall's cultural theory as my principal analytic framework, I use 'transgressive sexualities' to draw upon lessons learnt from feminism and critical race theory about the importance of not inappropriately conflating sexualities and genders across and within cultures. An initial conceptual error in feminist theory, as I alluded to in Chapter 1 as well as in Chapter 2, was to assume that the meaning of gender and the experience of sexism were the same for all women.<sup>56</sup> At the beginning, in its construction of 'generic woman',

51 S Hall 'Who needs "identity"?' in P du Gay, J Evans & P Redman (eds) *Identity: A reader* (2000) 15 at 17; S Hall 'Cultural identity and diaspora' in J Rutherford (ed) *Identity: Community, culture, difference* (1990) 222.

52 Hall 'Who needs "identity"?' (n 51 above) 16-17.

53 As above.

54 Hall (n 51 above 19), citing S Heath *Questions of cinema* (1981) 106.

55 Hall (n 51 above) 17-18.

56 Ch 1 sec 1 and ch 2 sec 2.

feminist theory confused the condition of one group of women with the condition of all women.<sup>57</sup> The concerns of white middle-class women were what initially implicitly preoccupied feminism, despite its claim to universality. The outcome was an abstracted discourse and ‘false universalism’ for some women.<sup>58</sup> In Adrienne Rich’s words, feminism reflected ‘white solipsism’, its tendency to ‘think, imagine and speak as if whiteness described the world’.<sup>59</sup> Thus, when using the category LGBTI to name excluded sexualities as well as to call for remedial action it is important to avoid repeating the solipsism Rich implicates.

In order to check essentialist excess in anti-discrimination discourses, critical race theory<sup>60</sup> has sought to enrich equality through taking intersectionalities seriously. It has argued that any anti-discrimination approach that is built on a single axis of subordination and disadvantage is apt to generate a patriarchy of its own through marginalising individuals and social groups who suffer from subordination and disadvantages that cannot be addressed by a tightly drawn axis.<sup>61</sup> Kimberlé Crenshaw argues that both anti-racist politics and feminist theory have exhibited essentialist orientations,<sup>62</sup> because they have been organised, respectively, around the equation of racism with what happens to the black middle class or to black men, and the equation of sexism with what happens to white women.<sup>63</sup> What is needed, by way of a remedial approach, is developing an equality and anti-discrimination theory and praxis that embrace the ‘complexities of compoundedness’.<sup>64</sup> Theory and praxis must be sufficiently responsive to ‘intersectionalities’.

Feminism and critical race studies aside, critical sexuality discourses, as I highlight in the next section, have developed their own critiques of emancipatory discourses to check essentialism. The goal has been to

57 EV Spelman *Inessential woman: The problems of exclusion in feminist thought* (1988) 2-4.

58 F Williams *Social policy: A critical introduction* (1989) 118; R Lister ‘Citizenship: Towards a feminist synthesis’ (1997) 57 *Feminist Review* 28 at 38.

59 A Rich *On lies, secrets, and silence* (1979) 147.

60 R Delgado & J Stefani *Critical race theory: An introduction* (2001).

61 K Crenshaw ‘Demarginalizing the intersection of race and sex: A black feminist critique of antidiscrimination doctrine, feminist theory and antiracist politics’ (1989) 1 *University of Chicago Legal Forum* 139; B Hooks *Feminist theory from margin to centre* (1984) 17-65; DL Rhode ‘The “woman’s point of view”’ (1988) 38 *Journal of Legal Education* 39; Spelman (n 57 above); A Rich ‘Compulsory heterosexuality and lesbian existence’ (1980) 5 *Signs: Journal of Women in Culture and Society* 631.

62 Crenshaw (n 61 above) 152; see also K Crenshaw ‘Mapping the margins: Intersectionality, identity politics and violence against women of colour’ (1991) 43 *Stanford Law Review* 1241.

63 Crenshaw (n 61 above) 152.

64 Crenshaw (n 61 above) 166.

ensure that the normativisation of sexualities and genders does not paradoxically also legitimise an institutionalisation of dominant frameworks that hinder the development of theory and praxis that recognise intersectionalities. Queer theory, especially, has been at the forefront of critiquing an essentialisation of sexual expressions and identities that is built around the normativisation of gay, lesbian and bisexual cultures.<sup>65</sup> Steven Seidman highlights that the ultimate objective of the project of queer theory is to achieve a radical plural democracy of sexualities and identities.<sup>66</sup>

Ultimately, I am cautioning against comprehending transgressive African sexualities through an approach inflexibly tied to a universalising discourse of 'sexual orientation' and 'gender identity'. In part I am taking my cue from arguments that have already been advanced by other commentators, of which Judith Butler perhaps is the most eloquent.<sup>67</sup> Butler says:

As much as it is necessary to assert political demands through recourse to identity categories, and to lay claim to the power to name oneself and determine the conditions under which that name is used, it is also impossible to sustain that kind of mastery over the trajectory of the categories within discourse. This is not an argument *against* using identity categories, but it is a reminder of the risk that attends every such use. The expectation of self-determination that self-naming arouses is paradoxically contested by the historicity of the name itself; by the history of the usages one never controlled, but that constrain the very usage that now emblemizes autonomy; by the very future efforts to deploy the term against the grain of the current ones, efforts that will exceed the control of those who seek to set the course of the terms in the present.<sup>68</sup>

The argument is that if we are thinking of developing a transformative normative framework for recognising the diversity of sexualities, then, from the outset, we need to concede that recourse to categories, including sexuality identity categories, does not signal the end of categories and their normative implication.<sup>69</sup> On the contrary, it constitutes the

65 See discussion on queer theory in sec 3.3.4 (below).

66 S Seidman 'Deconstructing queer theory or the under-theorization of the social and the ethical' in L Nicholson & S Seidman (eds) *Social postmodernism: Beyond identity politics* (1995) 116 at 118.

67 J Butler 'Critically queer' (1993) 1 *GLQ: A Journal of Lesbian and Gay Studies* 17. See also: W Morgan 'Queering international human rights law' in C Stychin & D Herman (eds) *Sexuality in the legal arena* (2000) 208–225; S Ahmed *Queer phenomenology, orientation, objects and others* (2006); Waites (n 35 above) 137.

68 Butler (n 67 above) 19 (emphasis in original).

69 Waites (n 35 above) 138.

'reconfiguration' of the heterosexual matrix which once again becomes, in a Foucauldian sense, another additional cultural grid of intelligibility for naturalising sexualities.<sup>70</sup> Like its heteronormative counterpart, such a grid once again will be tied to binaries lacking in conceptual capacity to recognise sexualities which fall outside the grid.

This is not just an argument for raising our consciousness with regard to LGBTI essentialism. It is an argument for guarding against Western cultural imperialism and homo-normativity – but in ways that recognise, rather than shut out, the existential reality of sexuality identifications, as identifications can be the outcome of inculturation and hybridisation, a transmogrification in which Africans appropriate sexuality identities whose origins lie outside their locale.<sup>71</sup> The success of LGBTI as an advocacy category in an African context depends on its capacity to include historically marginalised and excluded sexualities. As part of the construction of *sexualitypoint* epistemology, the onus is on the peoples of the continent, especially sexual minorities but also activists and scholars, to develop an archive of knowledges about transgressive sexualities. The peoples of the continent need to tell their own story, so to speak, in ways that are historically and materially conscious of African time and location.<sup>72</sup>

Thus, the LGBTI category should not mean sameness and singularity, which ignores intersecting African social cleavages of difference, including varied histories and cultures and varied disadvantages, marginalisations and imbalances of power. To claim non-hierarchical representativeness and avoid becoming a patriarchal shibboleth, the category of LGBTI should not serve to privilege only some excluded sexualities and yet

70 Waites (n 35 above) 138.

71 Here I am registering my difference with the emphasis in Joseph Massad's following argument: 'The categories gay and lesbian are not universal at all and can only be universalized by the epistemic, ethical, and political violence unleashed on the rest of the world by the very international human rights advocates whose aim is to defend the very people their intervention is creating': JA Massad *Desiring Arabs* (2007) 41. What this argument sorely misses is nuance and space for inculturation. Indeed, the gay and lesbian category is not universal and, yes, from time to time, it has been imposed, such as when it is tied to economic assistance. At the same time it is also a category that many in 'non-Western' locales, including African locales, use daily to assert their own sexuality identifications and to organise resistance against oppressive cultures and laws.

72 In many ways such an archive is already in the making, as is evidenced by publications such as Tamale's *African sexualities* (n 1 above); Coalition of African Lesbians & AMShER *Violence based on perceived or real sexual orientation and gender identity in Africa* (n 14 above); Namwase & Jjuuko *Protecting the human rights of sexual minorities in contemporary Africa* (n 15 above).

disadvantage others that equally have been historically silenced and have experienced social exclusion.<sup>73</sup> Rather, it must remain porous to the multiplicity of African voices and demographic groups, including their different classes, ethnicities, races, age cohorts, genders and non-genders so as not to miss out on a crucial dimension to existential sexuality identifications.<sup>74</sup>

## 2.4 Avoiding unproductive LGBTI anti-essentialism

In underlining the discursive necessity for anti-essentialism, I add an important caveat. On the one hand it is important to recognise the dangers of essentialism in the form of an indiscriminate trans-historical and trans-cultural discourse of sexuality; on the other, we should not throw the baby out with the bath water. Yes, it is vitally important to recognise the different histories and cultures among the social groups seeking to vindicate their claim to equality through human rights. Certainly, in seeking to overcome status subordination and to fulfil a recognition claim, in the sense intended by Fraser,<sup>75</sup> it is important not to treat all sexuality-equality claims as seeking a uniform response and to recognise that different social groups may experience different forms of inequality, marginalisation and oppression.<sup>76</sup> Totalities that elide and elude difference and heterogeneity deny individuality and specificity to the point of distorting different histories in a bid to construct a grand narrative or epistemology.<sup>77</sup> At the same time, however, as Helen Irving argues in the context of feminism, there is also the danger of adopting counter-productive anti-essentialist approaches which reject commonalities and which essentialise difference among social groups that experience similar, albeit different, degrees of disadvantage and exclusion. Irving's point is that we should not confuse 'historical cause' with effect as this deprives us of the advantage of acknowledging shared patterns of experience which are often linked to similar structural modes of oppression.<sup>78</sup>

73 Spelman (n 57 above) 162.

74 Spelman (n 57 above) 163.

75 Fraser *Justice interruptus* (n 32 above); Fraser 'Rethinking recognition' (n 32 above).

76 C Albertyn 'Substantive equality and transformation in South Africa' (2007) 23 *South African Journal on Human Rights* 253 at 255-256.

77 C West *The Cornell West reader* (1999) 279.

78 H Irving *Gender and the constitution: Equity and agency in comparative constitutional design* (2008) 35.

It would be missing the point to deny that systemic oppression is an independent and determinate reality in the lived experiences of historically marginalised sexualities as a social group.<sup>79</sup> However incomplete, political generalisations that explain power, oppression and socio-economic domination across societies, economies and polities are indispensable to understanding structural inequality and to constructing normative responses.<sup>80</sup> To reject commonality through overly essentialising differences would be to miss out on acknowledging shared patterns in the experience of socio-economic exclusion.<sup>81</sup> What should be avoided, as Cornel West cautions in critiquing criticisms of Marxism by poststructuralists, are ‘crude totalities’ so that a measure of synecdochical thinking is retained to make it possible, dialectically, to relate the parts to a greater whole.<sup>82</sup> Categories that crystallise power in a given polity – in this instance heterosexual patriarchal power – will often prove indispensable in analysing socio-economic exclusion, whether one is addressing a social group in the global North or in the global South.<sup>83</sup> Being anti-essentialist should not mean dismissing a stable category of difference and its systematic link with oppression. Rather, it should mean acknowledging differences between individuals and social groups comprising the category, being context-sensitive and, ultimately, avoiding reifying categories.

## 2.5 Remaining conscious of colonising sexuality knowledge

Sylvia Tamale cautions us against an oversimplified African sexuality discourse which uncritically relies on knowledge grounded in Western cultural assumptions but is not responsive to the concrete ways in which sexuality is experienced in African cultural spaces.<sup>84</sup> Tamale should not be understood to be advocating African separatism, or repudiating the universality of the quest for freedom from oppression, or claiming that knowledge developed in the Global North has no value for Africans. Indeed, as Tamale concedes, Western knowledge about sexuality not only has great analytical value in critiquing African systems, but is also knowledge African scholarship cannot ignore.<sup>85</sup> Tamale’s point is to

79 KT Bartlett ‘Feminist legal methods’ (1990) 103 *Harvard Law Review* 829 at 879.

80 West (n 77 above) 279.

81 Irving (n 78 above) 35.

82 West (n 77 above) 279.

83 JC Williams ‘Dissolving the sameness/difference debate: A post-modern path beyond essentialism in feminist and critical race theory’ (1991) 40 *Duke Law Journal* 296 at 322.

84 S Tamale ‘Researching and theorising sexualities in Africa’ in Tamale (n 1 above) 11-12 20.

85 Tamale (n 84 above) 26.

sound an 'essentialist' warning to African sexuality discourses, as did critiques of Western essentialist feminist discourses, so that African scholarship does not engage in unproductive mimicry.<sup>86</sup> To represent African peoples it is necessary that discourses on African sexualities aspire to develop knowledge and methods that are historically grounded and facilitate a close analysis of local contexts, not least their cultural and material dimensions.<sup>87</sup>

Chandra Mohanty argues that even progressive critical theory is not immune to fostering counterfactual abstraction. In a seminal article, 'Under Western eyes', she warns about the risks of dehistoricised transcultural appropriation of knowledges by implicating latent colonialism even in a humanist discourse and critical social theory and praxis such as feminism.<sup>88</sup> In implicating discernible colonial undercurrents in feminism, Mohanty's argument is not that feminism is a monolithic and homogeneous discourse. Much less is she claiming that feminism has the conscious goal of colonising women in the South. Mohanty's cardinal argument is that, notwithstanding feminism's emancipatory project, when its theory and praxis are transposed to the South without engaging with particularity at the locale, they constitute a hegemonic discourse. This is so to the extent that it is possible to find within feminism a 'coherence of effects' that inherently stem from feminism's assumption of the West as the epistemological, cultural and historical seat – more precisely, the 'primary referent'.<sup>89</sup>

The call to circumspection about transcultural knowledge serves to highlight the inherent dangers of cultural imperialism when culturally specific knowledge is relocated to a different cultural setting without sufficient contextualisation. In attempting to use a 'universal grammar' whose origins lie in Western modernity to understand Africa and Africans, we can end up paradoxically reinscribing a centre-periphery relationship. As a former colonial enclave, we can easily end up using dominant paradigms, including conceptual structures and fictional representations that are interimbriated with othering discourses and that deny African societies any history or Africans any political subjectivities. Even where the universal grammar is not consciously intended to achieve othering, epistemologies produced in a specific cultural and historical zone can serve as binaries which are discursively and inherently colonising. When

86 Spelman (n 57 above).

87 A Mama et al 'Editorial: Sexual cultures' (2005) 5 *Feminist Africa* 1 at 3-4.

88 CT Mohanty 'Under Western eyes: Feminist scholarship and colonial discourses' (1986) 30 *Feminist Review* 61.

89 Mohanty (n 88 above) 61-62.

transposed to another zone which does not share the same culture and history, the grammar can have the discursive effect of compelling Africans to abandon their own histories and subjectivities in order to fit into a ready-made paradigm. Indeed, given Africa's colonial heritage and its tendency to persist in dominating and re-organising African epistemologies into fundamentally European epistemologies, part of the task of African scholarship is to foster the development of knowledge that is inclusive and responsive to African needs and aspirations but without descending into parsimonious discourses of nativism that diminish rather than enhance African humanity.

In *The invention of Africa*, VY Mudimbe highlights the dangers of uncritical African dependence on a Western episteme and its effects in perpetuating colonialism.<sup>90</sup> Mudimbe underscores that colonisation was much more than 'colonists' settling in Africa and 'colonialists' dominating African physical and spiritual space and exploiting the colonial territory.<sup>91</sup> It was also about organising and transforming African spaces into fundamentally European constructs.<sup>92</sup> Collectively, these processes produced a colonising experience and an imperialistic discourse in which African cultures were marginalised and African histories 'integrated' into Western histories and epistemologies. The route to integration was anything but dialogic. Integration was in fact a discursive 'redesigning' of African cultures and histories through a homogenising and subordinating discourse of power and an economy of ideological knowledge about Africans.

Achille Mbembe echoes Mudimbe on the neo-colonial risks inherent in using a Western episteme to address Africa and respond to its contemporary social, political and economic challenges.<sup>93</sup> In *On the postcolony*, he argues that the use of 'universal grammars' in critical social theoretical discourses is a methodological question that must be addressed by any account of the social and political imagination of Africa which seeks to be intelligible and relevant to Africa and Africans.<sup>94</sup> Mbembe's methodological concern is the 'incommensurability' of using conceptual structures and representations that deny African societies any historical depth and are predicated on a template primarily designed to understand Western cultures and, more precisely, Western rationalism and modernity.

90 VY Mudimbe *The invention of Africa: Gnosis, philosophy and the order of knowledge* (1988) x.

91 Mudimbe (n 90 above) 1.

92 Mudimbe (n 90 above) 1-5.

93 JA Mbembe *On the postcolony* (2001).

94 Mbembe (n 93 above) 11.

When deconstructed, what purports to be a universal grammar might reveal a materiality of its own, including its particular history and location. Critiques of the white, middle-class and Eurocentric biases in Western feminism have made this point.

However, this is not an argument for dispensing with transcultural knowledge on the basis that it is 'Western' knowledge or for drawing a neat line between African knowledge and Western knowledge. In an age where there is cultural hybridity and alliances are constantly made across national and regional borders, Western culture, and perforce its knowledge systems, no longer are confined to a geographical enclave. Therefore, being mindful of the limits of transcultural knowledge should not mean subscribing to a reductionist and monolithic view of culture as static, unitary, geographically bound and ethnically owned. Even if an essentialist and exclusivist view of culture sat well with cultural thought at the high noon of imperialism, to insist upon it today diminishes rather than enhances our humanity. It compels us to deny our pluralities in favour of a de-historicised, decontextualised view of culture as a unique biometric or corporate identity of a nation in which individuals are so extraordinarily homogeneous as always to register the same cultural data and subjectivity.

The answer to the dangers of submitting to yet another colonising gesture therefore requires a nuanced response. The answer cannot lie in excluding epistemologies on the ground that they were first moulded in the West. What is at stake is for African sexuality praxis, research and scholarship to free themselves from the shackles of a cultural imperialism that diminishes the humanity of Africans. The task of African scholarship is not to produce a Stalinist grid that fences off Western knowledge in search of an African authenticity. Rather, it is simply the constructive task of maintaining a critical intellectual gaze on Eurocentric canons that ignore other epistemic traditions and are inherently recolonising. Western knowledges that profess to be objective and assume their utterance as universal but without ever engaging with the particularity of an African context are inherently hegemonic. They are apt to silence rather than acknowledge a different perspective.

In seeking to check the Eurocentric canon, Mbembe makes two points which serve as important caveats.<sup>95</sup> In the first place, the effort to decentre Eurocentricism should not be a case of indiscriminately treating the

95 JA Mbembe 'Decolonising knowledge and the question of the archive' <http://wiser.wits.ac.za/content/achille-mbembe-decolonizing-knowledge-and-question-archive-12388> (accessed 5 June 2017). This is a published 'spoken' text which appears without pagination.

Western archive as if it is invariably monolithic and immune to self-appraisal.<sup>96</sup> Decolonising the sexuality archive is essential but in ways that do not become a form of heuristic self-immobilisation which denies us building on existing knowledge.

Engagement with discourses that have their origins in the West requires appreciating that they rarely constitute a single archive. Where there is a history of internal critique of and dissent from the dominant archive, it would be unwarranted to paint the archive with the same brush.<sup>97</sup> The development of feminism as an archive of knowledge about women's equality and feminism's own dialogue with itself, which has expanded the feminist canon in inclusive ways, serves to underscore that Western archives need not necessarily be treated as resting on a single perspective. Indeed, it is precisely on account of the inclusive nature of the feminist archive that African feminists, while criticising a Eurocentric bias in feminism, have concomitantly deployed feminism as a critical social theory and praxis for addressing unmet equality needs in the African locale. The capacity of feminism to serve as a universal grammar has benefitted, not just from intervention by the discourse of intersectionalities but, as well, from criticisms about the absence of women from the global South in 'Western' feminism.<sup>98</sup>

The second caveat Mbembe enters is one that is rarely made. It is that to label knowledge as Western knowledge, itself, is problematic. Such knowledge should not be understood in a way that conflates it with Eurocentrism or treats 'Western' knowledge as the sole effort and property of the West.<sup>99</sup> It should not be overlooked that in many disciplines a collective and, indeed, universal effort is at play in the production of knowledge that has its origins in the West. As Mbembe argues, Africa and its diaspora have decisively contributed towards many of the archives, such that they have a claim on the archive.<sup>100</sup> To suggest otherwise would be to divest continental and diasporic Africans of any participation in modernity. Drawing on Ngũgĩ wa Thiong'o, the point Mbembe emphasises is that displacing Eurocentrism entails 'decolonising' knowledge rather than a simplistic 'de-Westernisation'.<sup>101</sup> It is a project of 'recentering' Africans so that they can 'see themselves' in the archive in

96 As above.

97 As above.

98 Mohanty (n 88 above).

99 Mbembe (n 95 above).

100 As above.

101 Mbembe (n 95 above), referring to N Thiong'o *Decolonising the mind* (1981).

relation to themselves, and other selves.<sup>102</sup>

By implication Seyla Benhabib amplifies Mbembe's second caveat in her disquisition on cultural complexity and global interdependence and the importance of formulating a global notion of justice.<sup>103</sup> In building her thesis, Benhabib marshals arguments against ethnocentric liberalism and the idea of cultural hermeticism and highlights that pure cultures with unsullied ethnic identities are imagined communities.<sup>104</sup> Historically, such communities have never existed but, instead, have been imagined by writers, historians, statesmen and ideologues to foster a teleological idealism of ethnic purity and a monism of culture in which there is pure oneness or homogeneity. Benhabib's more fundamental argument is that, in the historical period in which we find ourselves, interactions between cultures are real rather than notional. Consequently, we ought to move from a paradigm of 'ethnocentric liberalism' to an 'infinite community of conversation' and a 'community of global interdependence'.<sup>105</sup>

Of course, it would be facile to deny the deep legacy of Western culture in which African peoples have become invested. Thus, the point is not dogmatically to deny the Western origin of knowledges, much less to jettison them, but rather to highlight existential common ownership or pragmatic appropriation. Moreover, the point is not to be oblivious to the fact that the archive of modernity has come with its own exclusions and forms of domination. Rather, it is to highlight that in a global community of conversation, even taking into account the unevenness of the conversation on account of the economic disparities between North and South, we must concede that acculturation, the appropriation of knowledges and the democratic iteration of modernity take place. Thus, regardless of whether Africa or its diaspora have been directly involved in the making of the 'Western' archive, it is no longer a case of pitting 'our norms' against 'their norms': to do so would be an inaccurate reading of the intersection between knowledge systems and regional cultures today.

Above all, the autonomy of Africans to appropriate modernity, transmogrify and modify it for their own purposes, including in the realm of sexuality knowledge and praxis, should not be denied. Such a denial diminishes the vitality of the African archive through a normative self-

102 As above.

103 S Benhabib 'Cultural complexity, moral independence, and global dialogical community' in M Nussbaum & J Glover (eds) *Women, culture and development* (1995) 235-255.

104 Benhabib (n 103 above) 241, citing B Anderson *Imagined communities: Reflections on the origins and spread of nationalism* (1983).

105 Benhabib (n 103 above) 247-252.

imposed petrification that denies Africans the freedom to make and remake their epistemological worlds using knowledges available to them irrespective of the origins of the knowledges. Legitimate African concerns with oppressive Western epistemologies still leave room for recognising solidarity and, indeed, the building of new commonalities between cultures and hemispheric communities.

### 3 Deconstructing sexualities

Deconstructing sexuality is analogous to deconstructing race, gender or any other human status that historically has been accorded a calibrated group essence by dominant ideologies and discourses in ways that treat the status as a category of nature – the way it always has been. Deconstruction enables the task of unmasking and interrogating the classificatory and evaluative criteria used culturally, politically and legally to justify maintaining the sexuality dominance of one social group over another.<sup>106</sup> It means being alive to the fact that, where a body is viewed via a biological taxonomy tethered to a given essential nature, powerful gender and sexuality-prescriptive norms are produced so that any perceived sexuality difference that does not fit into the normative universal category is misrecognised because it constitutes a ‘substantial variation’ from the norm.<sup>107</sup> When dominant narratives of sexuality are deconstructed, sexuality is revealed as quintessentially political and situated in broader systems of power. Culturally privileged archives of essentialist or naturalistic hierarchical axioms of sexuality are linked to political power and cultural and religious sectional interests. The archives undergird what appears to be self-evident, socially-embedded knowledge about human sexuality which is used by domestic legal systems to legitimise regulating sexuality in ways that are hegemonic.

Until the latter half of the twentieth century, naturalistic or biological determinisms were the dominant paradigms for explaining as well as normatising sexuality.<sup>108</sup> Carole Vance notes that even a discipline such as anthropology, which is particularly suited to an uninhibited inquiry about sexual customs and mores, until relatively recently stood aside from

106 Higginbotham (n 6 above) footnote 4.

107 J Price & M Shildrick ‘The openings on the body: A critical introduction’ in J Price & M Shildrick (eds) *Feminist theory and the body: A reader* (1999) 1 at 3.

108 C Vance ‘Anthropology rediscovers sexuality: A theoretical comment’ (1991) 33 *Social Science and Medicine* 875 at 877; Corrêa et al (n 39 above) 107; D Richardson ‘Patterned fluidities: (Re)imagining the relationship between gender and sexuality’ (2007) 41 *Sociology* 457 at 459.

sexuality as a legitimate area of study.<sup>109</sup> The task of understanding sexuality largely was consigned to the biomedical sciences, psychology and sexology, which intersected with sexuality mainly from a functionalist perspective in which biological determinism is the point of departure. Richard Parker explains the historical reticence towards the study of sexuality:

For the greater part of the twentieth century, human sexuality was largely ignored as a focus for social research and reflection. Perhaps because the experience of sexuality is so intimately linked to our bodies, to our biological existence, it was relatively easy to relegate the subject matter of sex to the biomedical sciences. There it could become the focus for obscure medical tomes or arcane psychiatric practices, because it seemed to have little to do with the more crucial and immediate problems of social life. Indeed, it is really only recently, during the closing decades of the twentieth century, that this marginalisation of sexuality, its submission to biomedical gaze, has begun to give way to a more far-reaching social and political analysis.<sup>110</sup>

Today, knowledge of sexuality allows us to question a premise which treats sexuality as wholly biologically determined. An abundance of multidisciplinary and interdisciplinary scholarship in a variety of disciplines, including anthropology, feminism, history, sexology and sociology, supports an understanding of sexuality as a socio-political category, in the same way that the categories 'woman' or 'race' are understood as expressing more than biological dimensions.<sup>111</sup> Feminist deconstruction of gender has put at our disposal a particularly important conceptual resource from which to draw insight into constructing a theory and praxis of inclusive sexuality on the proviso that gender and sexuality are not conflated.<sup>112</sup> Feminist approaches reveal the fallacy of the 'naturalness' of women's subordination. Radical feminism, especially, implicates engendered inequalities as oppression in ways that inform other methodologies which seek to develop an inclusive equality framework.<sup>113</sup>

Contemporary academic discourses on sexuality bring depth and complexity to understanding sexuality and its role in a cultural and political matrix. To capture this depth and complexity two main paradigms for understanding sexuality can be contrasted. One is the historically dominant construction, which emphasises the biological nature of sexuality – an 'essentialist social construction' approach. The

109 Vance (n 108 above) 875.

110 R Parker 'Sexual rights: Concepts and action' (1997) 2 *Health and Human Rights* 31 32.

111 Vance (n 108 above) 877.

112 Sec 3.3 of this chapter addresses the relationship between sexuality and gender.

113 Vance (n 108 above) 876.

other is a construction which, though not necessarily excluding a biological dimension, sees sexuality as being ultimately socially constructed. I describe the latter as a 'transformative social construction' approach (as opposed to merely a 'social construction' approach). This description acknowledges that though both approaches are socially or culturally constructed and interplay with each other, the latter is a dynamic approach which transcends notions of biological determinism in order to situate sexuality in the broader sphere of culture and history.

### 3.1 Essentialist social construction

Positing sexuality as a biological or natural force is the most universally institutionalised and socially ingrained cultural understanding of sexuality. A positivist approach to sexuality not only informs but dominates the understanding of sexuality in the fields of medicine, psychiatry and psychology. It is the approach that continues to underpin the assumptions behind the legal regulation of sexuality globally, even among communities with radically different cultural beliefs and practices.<sup>114</sup> Even if culture is understood to shape sexual expression and customs in a given setting, in an essentialist paradigm, as Vance emphasises, the 'bedrock' of sexuality is culturally assumed to be biologically determined, universal and, ultimately, above question precisely because the paradigm is assumed to be self-evident and outside radical change.<sup>115</sup> Any 'acceptable' cultural variations in sexual practices are expected to take place within this heterosexual matrix.

Understood via biological determinism, sexuality is manifested as a powerful impulse or instinct that resides in the individual and awakens in puberty, when it takes distinctly binarised though complementary forms in males and females.<sup>116</sup> The overarching core in this description is reproduction.<sup>117</sup> Rubin describes this approach as 'sexual essentialism' to mark the idea of sexuality as an unchanging biological heteronormative force which is pre-social, outside history and without significant social determinants.<sup>118</sup>

The essentialist approach normatively expresses itself in how the relationship between gender and sexuality should be understood. Gender

114 Corrêa et al (n 39 above) 107.

115 Vance (n 108 above) 878.

116 As above.

117 As above; D Richardson 'Constructing sexual citizenship: Theorising sexual rights' (2000) 20 *Critical Social Policy* 105 at 108-109.

118 Rubin (n 21 above) 149.

and sexual binaries are understood as the logical effect of a dyadic pattern in the natural order.<sup>119</sup> Sexuality and gender are realised in a polarised and yet complementary manner so as to be normatively congruent.<sup>120</sup> Genital intercourse between male and female represents the ultimate normative consummation of sexuality. In relation to gender, biological essentialism is the source of a socio-cultural matrix which Barbara Ponse describes as a 'principle of consistency'<sup>121</sup> – a principle that gives rise to a dichotomised, universal natural order in which gender is 'pregiven and located in the gendered/sexed body'.<sup>122</sup> The naturalised order is a paradigm built upon interchangeable and yet fixed sexual and gender heteronormative dualism.

Gender identities and sexualities that do not conform to the principle of consistency and its embeddedness are acknowledged, but only as 'improper disruptions'.<sup>123</sup> The dualistic gender system privileges only notions of gender identities that are complete, unitary and coherent. There is no room for a 'third' gender or anything that is blurred or in the making or might seek to cross over, except as pathology, because gender is fixed and complete at birth. Hence in dominant medical and psychological epistemologies, gender orientation that is not aligned with the biologically sexed body is discriminatorily diagnosed as gender dysphoria for which therapy can be rendered to assist with realignment.<sup>124</sup> Another implication of the principle of consistency and its embedded heteronormativity is the assumption that sexual acts have fixed and stable universal significance across cultures in terms of identity and subjective meaning.<sup>125</sup> For example, 'heterosexuality' and its opposite 'homosexuality' are constructed as universal categories and given more or less the same meaning across differently located dominant cultures.<sup>126</sup>

Biological essentialism employs the semantics of the 'force of nature' to conceal its cultural construction. Sexual practices that are non-conforming are given the label 'unnatural' or 'against the order of

119 Richardson (n 108 above) 460.

120 As above; Richardson (n 117 above) 109.

121 B Ponse *Identities in the lesbian world. The social construction of self* (1978) 170.

122 Richardson (n 108 above) 460.

123 Ponse (n 121 above) 170; J Butler *Gender trouble: Feminism and the subversion of identity* (1999) xxii (first published in 1990).

124 H Zachary 'Gender identity "disorder"? A critique of the binary approach to gender' (2013) 15 *Ethical Human Psychology and Psychiatry* 135; HF Davis 'Sex-classification policies as transgender discrimination: An intersectional critique' (2014) 12 *American Political Science Association* 45.

125 Vance (n 108 above) 879.

126 As above.

nature'.<sup>127</sup> Biological essentialism is what historically has shaped the law's involvement in sexuality. Legal regulation of sexuality comes not just with proscriptions that are intended to protect bodily integrity and autonomy, such as laws relating to rape and the age of consent to sexual intercourse. Legal regulation also comes tethered to prescriptions about the type of sex that is permitted. These prescriptions undeniably are a crucial part of a bounded and unchanging heteronormativity. Legal proscription of 'unnatural sex' is best understood as the mechanistic formalisation of an essentialist approach to sexuality. From this perspective, as Diane Richardson highlights, law's involvement with sexuality historically has served to register not the right of individuals to exercise choice over sexual behaviour but to regulate choice within the 'natural' bounds of sexuality as recognised by the state.<sup>128</sup>

Unmistakably, the essentialist approach is a product of universalising heteronormativity.<sup>129</sup> It is a studied belief in heterosexuality as our natural human condition, our universal sexual *habitus* and, therefore, the universal governing cultural norm. Heteronormativity situates sexuality in what Butler describes as a 'heterosexual matrix' to mark its status as hegemonic and its foundation as naturalistic.<sup>130</sup> It assumes knowledge of what the body is and what it can be used for. In this naturalist matrix, the penis and the vagina are mechanistically assumed to be congruent and a natural fit, but not a penis and an anus or a vagina and a vagina.<sup>131</sup> Ultimately, it is a positivist approach which serves to ensure that the expression of sexual behaviour ultimately stays within the prescribed hydraulic bounds of heterosexual normativity, even if conducted in private and with the participants' free consent.

### 3.2 Transformative social construction

The alternative to the description of sexuality in biological determinism is an epistemology of sexuality as something culturally constructed, dynamic and historically situated. The transformative construction is not anchored in a single discipline. It is best understood as being multidisciplinary as well as interdisciplinary in its discursive interrogation of sexuality and its critique of biological essentialism. The range of disciplines involved in

127 Criminal laws, including those of African states, which criminalise homosexuality, historically have used these formulations or their equivalent to denote prohibited conduct: Ambani (n 24 above) 29-31.

128 Richardson (n 117 above) 109-110.

129 M Warner 'Fear of queer planet: Introduction' (1991) 9 *Social Text* 3.

130 J Butler *Bodies that matter: On the discursive limits of sex* (1993) xx-xiv.

131 Richardson (n 117 above) 111.

transformative sexuality constructionism is wide: it includes, as Vance notes, an assortment of social interactionism, labelling theory and deviance in sociology, social history, labour studies, women's history, Marxist history, anthropology, feminism, lesbian/gay scholarship on gender sexuality and identity, and cultural studies.<sup>132</sup> Given this extraordinary range of informing disciplines, it is important to avoid conflating them.<sup>133</sup> For the purposes of this chapter, however, what is important is to tap into the composite archive of alternative knowledge about sexuality in order to construct a transformative framework for recognising diverse sexualities in ways that question the notion of a unified, originary sexuality.

The various transformative construction approaches do for sexuality what, for example, feminism has done for 'gender' and critical race studies for 'race' by founding new epistemologies. Transformative constructionism transcends the biology of sexuality and its morphological assumptions in order to problematise sexuality and discursively locate it in historical time and in cultural and political communities, recognising in the process that sexualities are diverse and porous to change. It constitutes a rejection of an epistemology of sexuality as something homogeneous, fixed, unchangeable and bereft of a specific history, culture and politics. In doing this it does not deny a place for biology, but it relativises its determinism. Rubin captures the salience of transformative constructionism in the following statement:

The new scholarship on sexual behaviour has given sex a history and created a constructivist alternative to sexual essentialism. Underlying this body of work is an assumption that sexuality is constituted in society and history, not biologically ordained. This does not mean the biological capacities are not prerequisites for human sexuality. It does mean that human sexuality is not comprehensible in purely biological terms. Human organisms with human brains are necessary for human cultures, but no examination of the body or its parts can explain the nature and variety of human social systems ... we never encounter the body unmediated by the meanings that cultures give it.<sup>134</sup>

If the disciplines which inform transformative constructionism differ in respect of the alternative terms – for example, sexual behaviour, sexual identities, sexual communities and sexual desire – at least they agree on the existential reality of contingent and diverse sexualities. There is agreement

132 Vance (n 108 above) 876; Rubin 'Thinking sex' (n 21 above) 149; Corrêa et al (n 39 above) 109; Y Dreyer 'Sexuality and shifting paradigms – Setting the scene' (2005) 61 *HTS Theological Studies* 729.

133 Vance (n 108 above) 878.

134 Rubin (n 21 above) 149 (footnote omitted).

that sexuality, including sexual behaviour and sexual identities, is subject to sexual moulding and that sexual meanings are socially constituted.<sup>135</sup> Depending on the specific cultural setting and historical period, sexual acts that are physically identical can bear different meanings for the sexuality actors.<sup>136</sup> History and culture shape collective sexuality experiences such as sexual identities, definitions of sexuality, ideology and legal regulation.<sup>137</sup> In its historicisation of homosexuality in Western society, for example, the work of Michel Foucault was groundbreaking in deconstructing sexuality and its connection with the interstices of power. Foucault interprets the regulation of sexuality as a much more complex process that occurs not so much through the traditional sanctions that are exercised by a centralised state power but through decentralised power – biopower or self-government – and by the manner in which cultural life self-regulates, including the contradictions and resistance embedded within it.<sup>138</sup> Foucault’s discourse is addressed to Western Europe directly; nonetheless, it holds lessons beyond its Western geography in its consciousness of the specificity of culture and of historical time as moulding sexuality.

A cardinal insight to draw from transformative social constructionism is that culture and historical time provide the lexicon and taxonomies for framing sexual and affective experiences.<sup>139</sup> It follows that any recognition of sexuality as a universal human characteristic should not be used as a reason to concomitantly universalise sexual expressions and identities precisely because this suppresses diversity. A distinction should be maintained between advocating the universal recognition of diversity in sexualities (which expands human freedoms) and advocating the universalisation of a particular or a seemingly closed list of sexual diversities (which is constraining). Historical and cultural work on sexuality tells us that sexual identities such as ‘gay’, ‘lesbian’ and latterly ‘queer’ have not always existed.<sup>140</sup> Rather, they have relatively more recent historical and cultural roots, initially anchored in the West even if

135 Vance (n 108 above) 878. Corrêa et al particularly credit the work of sociologists working from a social interactionist perspective for this insight: Corrêa et al (n 39 above) 110-112. They cite the work of Simon and Gagnon, and Plummer as pioneering work in this regard: W Simon & JH Gagnon ‘Sexual scripts’ (1984) 23 *Society* 53; K Plummer *Sexual stigma* (1975).

136 Vance (n 108 above) 877.

137 Vance (n 108 above) 878.

138 M Foucault *The history of sexuality, Vol 1: An introduction* (1978) (originally published in 1976) 92-95 105-106 139-140.

139 Vance (n 108 above) 878.

140 P Drucker ‘The fracturing of LGBT identities under neoliberal capitalism’ (2011) 19 *Historical Materialism* 3.

no longer so confined. Jeffrey Weeks' work on sexuality in Britain, for example, underlines the importance of drawing a distinction between homosexual behaviour, which he considers a universal phenomenon, and homosexual identity, which he considers to be historically and culturally specific.<sup>141</sup> The making of any sexuality or gender identities, however they are described – gay, lesbian, bisexual, transgender, intersexual or, indeed, heterosexual and so on – should be considered as open to the same historical and cultural analyses that are tethered to the organisation and reorganisation of family, gender, household, class, and work in specific locales.<sup>142</sup>

Another insight drawn from transformative social constructionism, in its interrogation of biological essentialism and heterosexual normativity, is the postulate that the direction of erotic interest, whether it is classified as heterosexuality, homosexuality, bisexuality, lesbianism, transsexuality, intersexuality or any other erotic classification, is not necessarily fixed. This is because erotic and sex/gender categories organise around prevailing cultural frames. In its more radical form, transformative social constructionism maintains that there is no essential sexual desire that is biologically anchored, and that any desire is constructed in culture and the historical context in tandem with the capacities of the body.<sup>143</sup> However, for the purposes of developing an inclusive equality framework for recognising diversity in sexualities it is not necessary to prove which of the two – the middle ground or the radical form – is 'true', in the scientific sense.

Ultimately, it is not the origin of erotic desire that should matter for the purposes of cultural and juridical recognition but the acknowledgement that there are diversities in freely expressed and freely sought human erotic desires which ought not to be required to conform to a heterosexual matrix. The biological essentialism of heterosexual sexual desire no longer is the only explanation, even if it remains dominant. There are alternative explanations: some occupy the middle ground and see biology as interimbricated with history and culture; others discount biology altogether other than its capacity to inform what is physically possible, but all have the common objective of denaturalising sexuality.

141 J Weeks *Coming out: Homosexual politics in Britain from the 19th century to the present* (1977); see also J Katz *Gay American history* (1976); J d'Emilio 'Capitalism and gay identity' in H Abelove et al (eds) *The lesbian and gay studies reader* (1993) 467-476; J d'Emilio *Sexual politics, sexual communities: The making of a homosexual minority in the United States, 1940-1970* (1983).

142 Vance (n 108 above) 877.

Vance (n 108 above) 876.

143 Vance (n 108 above) 878.

### 3.3 Deconstructing the relationship between sexuality and gender: Drawing on Richardson's analytic template

The heterosexual matrix naturalises a normative relationship between sexuality and gender. On biological properties, it constructs a principle of consistency so that sexuality and gender stand or fall congruently together in a seamless, universal web without regard to history and culture. In this matrix, sexuality is not just related to but also conflated with gender arrangements, as if the concepts are interchangeable.<sup>144</sup> Gender is taken to constitute sexuality and sexuality to be expressive of gender.<sup>145</sup> Reproduction is assumed to be an important and necessary element in a sex/gender differentiation system. The outcome of the principle of consistency is not just heterosexual normativity but also patriarchal normativity. Cumulatively, these two cultural forces produce heterosexual patriarchy or hetero-patriarchy.<sup>146</sup> Hetero-patriarchy signifies the normatisation of doubleness or even tripleness in cultural hegemonic power in which sex, biologically binarised between male and female, logically connects to gender binaries which overlap teleologically rather than arbitrarily with sexuality binaries in which the masculine is dominant. This naturalised sexuality/gender nexus has been critiqued from feminist and post-structural perspectives.

Comprehension of the naturalised relationship between sexuality and gender opens up an important deconstruction site for a deeper understanding of sexuality in any discourse on sexualities, including African sexualities. Diane Richardson analyses constructionist approaches that interrogate the naturalised sexuality/gender nexus. Her analysis provides us with a valuable template guiding us through approaches which, albeit motivated by different epistemological concerns, nonetheless collectively provide a conceptual resource from which to construct a transformative equality approach that is cognisant of the sexuality/gender nexus.<sup>147</sup> Richardson's template comprises five main 'strands' or schools

144 Vance (n 108 above) 879.

145 Richardson (n 108 above) 461.

146 F Valdes 'Unpacking hetero-patriarchy: Tracing the conflation of sex, gender and sexual orientation to its origins' (1996) 8 *Yale Journal of Law and the Humanities* 161; AP Harris 'Heteropatriarchy kills: Challenging gender violence in a prison nation' (2011) 37 *Washington University Journal of Law and Policy* 13 at 22-23; GS Elder *Hostels, sexuality and the apartheid legacy: Malevolent geographies* (2003).

147 Richardson (n 108 above) 457.

of thought which illuminate the intersection between sexuality and gender.<sup>148</sup>

### 3.3.1 *Naturalist approach*

The first school of thought in Richardson's template captures biological essentialism. It is an epistemology of sexuality that – across cultures – dominates our understanding of the relationship between gender and sexuality to this day. This approach, which naturalises and normalises gender and sexual binaries and connects gender and sexuality as coherent components of a congruent polarity, has been discussed in the section on 'essentialist social construction' (above).<sup>149</sup>

### 3.3.2 *Prioritising gender over sexuality*

The second school of thought is constructionist. It is represented by feminists who, from a materialist perspective, critique the essentialist approach, arguing that gender is the main category in explicating sexuality.<sup>150</sup> The binary divide between heterosexuality and homosexuality is seen as deriving from the creation of gender categories through social stratification in patriarchal societies.<sup>151</sup> According to this perspective, gender is constitutive of sexuality and sexuality is an expression of gender. Though sexuality and gender are linked, gender is the 'central organising principle' that, in turn, informs the construction of sexual selves.<sup>152</sup>

### 3.3.3 *Gender as an effect of sexuality*

The third school of thought also is constructionist as well as feminist, but with an important difference. It regards *sexuality* and not gender as the central organising principle. It is a perspective advocated by feminists who posit that sexuality is constitutive of gender and not the reverse.<sup>153</sup> From a radical feminist perspective, heterosexuality is the sine qua non of gender. A leading exponent of this view is Catherine MacKinnon. She argues that

148 Richardson (n 108 above) 458.

149 Sec 3.1.

150 Richardson (n 108 above) 461-462.

151 As above.

152 Richardson (n 108 above) 461.

153 C Delphy 'Rethinking sex and gender' (1993) 16 *Women's Studies International* 1.

sexuality creates and institutionalises gender relationships in which there is male sexual dominance and female sexual subordination.<sup>154</sup> She says:

Feminist inquiry into women's own experience of sexuality revises prior comprehensions of sexual issues and transforms the concept of sexuality itself – its determinants and its role in society and politics. According to this revision, one 'becomes a woman' – acquires and identifies with the status of the female – not so much through physical maturation or inculcation into appropriate role behaviour as through the experience of sexuality: a complex unity of physicality, emotionality, identity, and status affirmation. Sex as gender and sex as sexuality are thus defined in terms of each other, but it is sexuality that determines gender, not the other way around ... Sexuality, then, is a form of power. Gender, as socially constructed, embodies it, not the reverse. Women and men are divided by gender, made into the sexes as we know them, by the social requirements of heterosexuality, which institutionalizes male sexual dominance and female sexual submission.<sup>155</sup>

### 3.3.4 *Sex and gender as separate, non-deterministic, historically and culturally situated systems*

Richardson's fourth school of thought is actually an overview of the discourse of poststructuralism. Unlike the other schools of thought, this discourse breaks the link between sexuality and gender. Gayle Rubin is credited as a trailblazer in the conceptual separation of sexuality from gender so that ultimately they are understood as being distinct categories.<sup>156</sup> Rubin does not deny that gender theory and its conceptual tools for detecting and analysing gender-based hierarchies offer explanatory power in relation to sexuality, but she maintains that sex and gender are not interchangeable.<sup>157</sup> Her approach has been developed in part as a critique of feminism. She is not questioning feminism's proven capacity to theorise gender, but rather its capacity adequately to theorise sexuality using the canon of gender.

Rubin's concern is that in theorising sexuality, feminism has not been sufficiently inclusive and, moreover, has constructed a sexual system that mimics a patriarchal sexual hierarchy through 'sexual demonology' and

154 CA MacKinnon 'Feminism, Marxism, method and the state: An agenda for theory' (1982) 7 *Signs: Journal of Women in Culture and Society* 515; see also C Ingraham 'The heterosexual imaginary: Feminist sociology and theories of gender' (1994) 12 *Sociological Theory* 203.

155 MacKinnon (n 154 above) 531 533 (footnotes omitted).

156 Rubin (n 21 above). See also B Martin 'Sexualities without gender and other queer utopia' (1994) 24 *Diacritics* 104.

157 Rubin (n 21 above) 170.

'recreating a very conservative sexual morality'.<sup>158</sup> She does not deny the overlap between gender and sexuality, not least because the 'sex/gender system transforms biological sexuality into products of human activity',<sup>159</sup> and that 'the development of the sexual system has taken place in the context of gender relations'.<sup>160</sup> Rather, her argument is that merging the two suggests that sexuality is reducible to sexual intercourse. She argues that gender and erotic desire are not one and the same and, as the issue becomes more about sexuality and less about gender, feminist analyses become misleading and even irrelevant.<sup>161</sup>

### Queer theory

The discourse to delink the relationship between sexuality and gender has been taken a step further by theorists working within deconstructionist paradigms associated with what Teresa De Lauretis first described in 1991 as 'queer theory'.<sup>162</sup> On the one hand, queer theory emerged as a new academic discipline representing a new critical and radical rethinking of Western gay and lesbian cultures and politics. On the other, it is not so much that its theoretical underpinnings are new, but that its concerted effort is to develop a grammar for not merely decentring but, more radically, for displacing a metaphysics of both sex and gender. In this sense it is important not to lose sight of the fact that the theoretical strands of queer theory are found both in feminist theory and in the deconstructive work and post-structural schools of thought associated with leading French philosophers, especially the psychoanalytical discourse of Lacan, Derrida's grammatology and Foucault's history as discourse.<sup>163</sup>

158 Rubin (n 21 above) 166.

159 G Rubin 'The traffic in women: Notes on the "political economy" of sex' in R Reiter (ed) *Towards an anthropology of women* (1975) 157 at 159.

160 Rubin (n 21 above) 170.

161 As above.

162 A Jagose 'Queer theory' (1996) *Australian Humanities Review*, <http://www.australianhumanitiesreview.org/archive/Issue-Dec-1996/jagose.html> (accessed 24 December 2014); T de Lauretis 'Queer theory: Lesbian and gay sexualities' (1991) 3 *Differences: A Journal of Feminist Cultural Studies* iii.

163 LM Alcoff *Visible identities: Race, gender, and the self* (2006). In respect of the French philosophers' psychoanalytic and deconstructive discourses, the following works can be cited as examples only: on psychoanalysis, J Lacan *Ecrits* trans B Fink (2006), originally published in French in 1966; on deconstruction and history as discourse, see, respectively, J Derrida *Of grammatology*, trans GC Spivak (1976), originally published in 1967; M Foucault *History of sexuality, Vol 2*, trans R Hurley (1990).

Partly on account of its fairly wide theoretical base, queer theory is not a single idea but is a transposition of disparate theoretical strands of post-structural thinking to the metaphysics of sex and gender.<sup>164</sup> Linda Alcoff summarises the core of post-structuralist thinking that informs queer theory.<sup>165</sup> A major post-structuralist premise is that there is no biological determinism or a deterministic human and cultural history, as such. In this sense, sex and gender are nominal – mere fictional constructs. They are not real for the reason that they are totally imprinted by history and culture.<sup>166</sup> Therefore, there is a potentiality for a ‘free play’ of sexual and gender diversity and expression without the encumbrance of a deterministic sex or gender identity, whether formulated by the patriarchy or by feminism.<sup>167</sup> Ultimately, queer theory can be understood as a discourse not merely critiquing the essentialism of sexual acts and sexual identities that are built around the normativisation of *any* sexual culture, but also unseating the metaphysics of sex and gender. In this sense, it is a heuristic that seeks to do what feminist anti-essentialist approaches did for Western feminism when they critiqued inherent reductionist and universalising tendencies within feminist approaches in order to reveal the ‘manyness’ of women.<sup>168</sup>

Steven Seidman captures much of the theoretical orientations of queer theory by explicating the politics behind the theory.<sup>169</sup> The politics underpinning queer theory are a politics of difference and pluralism which aims to construct a political community that accepts the imperative of the equality and uniqueness of any sexuality. Queer theory signifies a departure from advocating equality for stigmatised sexualities through identity-based theory, and a move towards foregrounding the politics theorising sexual diversity and its non-hierarchical recognition in a plural democracy. Seidman describes queer theory as both theory and praxis, which seeks to mobilise against all normative hierarchies whether they are straight, belong to the mainstream, or are lesbian and gay.<sup>170</sup> The aim is to problematise *all* identity-based approaches and not just heterosexuality. Ultimately, queer theory seeks to achieve a radical plural democracy in which there is no hierarchical recognition of any sexuality or gender.

164 Works associated with queer theory include E Sedgwick *Epistemology of the closet* (1990); Butler (n 123 above); D Halperin *Saint Foucault: Towards a gay hagiography* (1995); J Halberstam *In a queer time and place: Transgender bodies and subcultural lives* (2005).

165 Alcoff (n 163 above) 140.

166 Alcoff (n 163 above) 140, citing M Foucault ‘Nietzsche, genealogy, history’ in P Rabinow (ed) *The Foucault reader* (1984) 83.

167 Alcoff (n 163 above) 142.

168 Spelman (n 57 above).

169 Seidman (n 66 above) 116 118.

170 Seidman (n 66 above) 118.

By moving away from all sexual identities, whether described as heterosexual, homosexual, gay or lesbian, the politics of queer theory concomitantly abandons a linguistic and discursive archive that implicitly privileges heterosexuality as the norm, thus keeping alive sexuality as a binary and master framework for constructing the sexual self. This abandonment deconstructs a power and knowledge system that continues to define bodies according to fixed sexualities even when, say, homosexuality is socially and juridically recognised. The goal is a radical transformation of the epistemology of sexuality in order to displace all binaries and hierarchies so that there are no sexual majorities and minorities.

Halberstam's transgender discourse provides an illustration of how it is possible to see normative hierarchies in all sexualities, including lesbian and gay sexualities.<sup>171</sup> The discourse argues for an understanding of sexuality that breaks with the binarised heterosexual/homosexual matrix, highlighting that understanding sexuality only through terms such as lesbian, gay, straight, male or female is not sufficient. This is so because such understanding limits us to homo/heterosexual binaries that do not cover the vast field of sexual experience, behaviour and self-understanding. For Halberstam, the physical body is a costume that can be altered outside the framework of binaries such that masculinity, for example, should not be understood as ordained in genetic men but, instead, constructed.<sup>172</sup> Therefore, it is better to think about identities as potential, rather than fixed, and to think about sex, gender and sexuality as something that we construct and which potentially is changing so as to leave room for the yet unnamed.<sup>173</sup> The implication of Halberstam's argument is that, on a continuing basis, we need to discover a new language, exploring new vocabularies which describe, name, and accommodate sexualities and genders that are different and do not fit into normativised frameworks, even those of constructionist approaches.<sup>174</sup>

Butler's constructionist theoretical approach, which first appeared in her groundbreaking work, *Gender trouble*, not only sought to frame gender and sexuality outside the normativised binaries but, equally significantly,

171 J Halberstam 'F2M: The making of female masculinity' in L Doan (ed) *The lesbian postmodern* (1994) 210-228.

172 As above.

173 As above.

174 As above.

also found a linguistic frame – gender performance – with which to denaturalise and delink sex and gender categories.<sup>175</sup> Butler’s work is a critique of feminist approaches that restrict the meaning of gender to masculinity and femininity.<sup>176</sup> For Butler, identity and desire are not situated in a bodily essence or reality, but in sustained social ‘performance’ in speech and acts.<sup>177</sup> According to Butler ‘there is no gender identity behind the expression of gender’,<sup>178</sup> because gender identity is ‘performatively’ constituted by the very expression of gender.<sup>179</sup> Thus, it is discursive practices and, more specifically, cultural interpellation that produce gender, including gender hierarchies that are built around masculinity and femininity, and not gender or sexuality itself. When the practices are repeated and constantly produced, the gendered and sexed body is culturally produced and reproduced.<sup>180</sup>

Butler has been at the forefront in critiquing feminist foundational constructions of gender. She highlights feminism’s failure to resolve the circularity in its cardinal premise that gender is the cultural interpretation of sex (the biological category) and its ascription of a linguistically constrained meaning to the concept ‘construction’, which produces a limited understanding of gender.<sup>181</sup> In this connection Butler asks whether the feminist premise that gender is culturally constructed is not a form of inscribing on anatomically differentiated bodies a social determinism in ways that foreclose the possibility of agency and transformation, rendering them passive recipients of inevitable cultural fiat.<sup>182</sup> If that is so, she says it makes better conceptual sense to understand gender in the same way as biological destiny is posited.<sup>183</sup> Indeed, Butler argues that if gender construction implies social determinism, then sex cannot qualify as a pre-discursive anatomical facticity. Rather, we should treat sex as if it been gender from the outset.<sup>184</sup> Butler’s arguments ultimately question the assumptions of the two-gender system in feminism and feminism’s deterministic understandings of patriarchy.

175 Butler (n 123 above). Butler’s other works include *The psychic power of life: Theories in subjection* (1977); *Bodies that matter* (n 130 above).

176 Butler (n 123 above) vii-viii.

177 Butler (n 123 above) 180.

178 Butler (n 123 above) 33.

179 Butler (n 123 above) 33.

180 Butler (n 123 above) xiv-xv.

181 Butler (n 123 above) 11.

182 As above.

183 As above.

184 Butler (n 123 above) 12.

The essential premise in Butler's theoretical approach, unlike that espoused in traditional feminist approaches, including MacKinnon's radical feminism,<sup>185</sup> is that we do not begin with gender or sexuality, but with performance which, in turn, constitutes gender and sexuality. The implication of Butler's approach is to destabilise the coherence that is given to gender and sexuality. It is an approach that frees the body from any particular gender or sexuality so that potentially it is open to multiple permutations and transformations of genders and sexualities. At the same time, the body is not totally free because it remains anchored in a society and a culture in which there is a compulsion to perform gender in a certain direction. In a cultural context where heterosexuality is 'compulsory', gender performance that is not compliant is punished.<sup>186</sup> In a Foucauldian sense, the body remains subject to the influence or discipline of the prevailing socially and culturally produced regulatory norms, including naming, categorisation and normative grids of intelligibility.<sup>187</sup>

It can be asked whether queer theory has any relevance for an epistemology of African sexualities, especially given the origins of the queer canon in the West. The answer is resoundingly positive. It would be a mistake to regard queer theory as irrelevant to African scholars, as Marc Epprecht claims for example.<sup>188</sup> Rather, it is a crucial theoretical archive for framing sexualities in settings where the LGBTI taxonomy and its normative identities may distort local grammars of sexualities, such as in African settings where transgressive sexualities historically remain hidden and not openly lived and articulated. Queer theory coheres with Fraser's status-subordination approach with its accent on overcoming inequality rather than vindicating Hegelian identity.<sup>189</sup> Furthermore, by implication, queer theory coheres with a hermeneutics of Africanness which I advocate in this book as a hermeneutics in which *all* identities are better understood as identifications that are contingent and open to radical historicisation.

Whatever the cultural and geographical location, queer theory is an important conceptual resource for thinking more seriously about intersectionalities, as well as more flexibly about the diversity of sexualities and genders in different cultural settings, so as to achieve inclusive equality. It is a useful resource for constructing an equality framework that is porous to plural gender and sexual subjectivities in a way that shuns

185 MacKinnon 'Feminism, Marxism, method and the state' (n 154 above).

186 Butler (n 123 above) 177-178.

187 Corrêa et al (n 39 above) 123-126.

188 M Epprecht 'Foreword' in M Steyn & M van Zyl (eds) *The prize and the price: Shaping sexualities in South Africa* (2009) vi.

189 See sec 2.2 above.

gender and sexual master-dichotomies and recognises that the link between gender and sexuality is not determinate or uni-directional.<sup>190</sup> Rather, depending on the concrete setting, including the cultural, sub-cultural and social settings, it can be complex, fluid and unstable so as to admit a fragmentation of sexualities and gender identities that are outside the conceptual LGBTI framework. Queer theory requires that we are not wedded to the heterosexual/homosexual binary as a master framework for building knowledge about sexual selves and their social and cultural institutions.<sup>191</sup> Instead, it invites us to treat LGBTI as no more than a broad compass or broad grid of intelligibility, and certainly not a determinate one, for guiding us in our thinking about a human rights framework that can accommodate a marginalised or even excluded plurality of sexualities and gender identities, and can imagine sexualities without binarised genders.

Thus, queer theory relativises the LGBTI framework so that we use it to mobilise the rights claims of persons with diverse sexualities aware of not only its strategic value but also its epistemic and emancipatory limits. The LGBTI framework is built on a foundation of gender and sexuality as natural categories.<sup>192</sup> Even if transgressive, the framework, as argued earlier, is a 'reconfiguration' rather than the eradication of the heterosexual matrix through which a heteronormative gaze recognises bodies, genders and sexual desires.<sup>193</sup> In critiquing the term 'sexual orientation' Carl Stychin makes the point that seeking remedial recognition of a category that has been invested with social and historical meaning, but has been misrecognised, is an important social goal.<sup>194</sup> However, to do so does not dispense with the more general problem of the limits of categorical thinking, especially its exclusionary tendencies.<sup>195</sup> In using the category, we should concomitantly maintain a level of 'provisionality' in its use so that it does not become exclusionary in its own right.<sup>196</sup>

The transformative way forward, therefore, is to avoid over-determining LGBTI as a grid of intelligibility, including its own gender binaries. In seeking to 'normalise' historically excluded sexualities and genders, queer theory alerts us to the danger of creating new systems of normative dominance and hierarchy.<sup>197</sup> Therefore, the LGBTI category

190 Richardson (n 108 above) 464.

191 Seidman (n 66 above) 126.

192 Butler (n 123 above) 154-155.

193 Butler (n 123 above) 194.

194 C Stychin *Law's desire: Sexuality and the limits of justice* (1995) 155.

195 As above.

196 As above.

197 Seidman (n 66 above) 128.

should not be applied in a way that elevates it to a master framework that comes with rigid psychological and social boundaries for determining inclusion criteria that ultimately, and paradoxically, serve to suppress or erase individual subjectivities and group formations that are not compliant.<sup>198</sup> When new rights-holders are admitted into the pantheon of sexual rights but others are left out through the use of over-determined criteria, we produce 'strangers'.<sup>199</sup> Writing from a human rights perspective, Sonia Corrêa et al implore us to avoid the trap of well-intentioned advocacy and human rights reforms that achieve a measure of success but inevitably result in incomplete, albeit expanded, 'sexual citizenship' as only those groups cohering with the human rights law paradigm are admitted to citizenship. Drawing on the work of Butler and other philosophers, Corrêa et al beckon us towards a human rights theory and praxis that are inclusive rather than exclusionary, and discursive rather than linear.<sup>200</sup> They urge us to think about human rights as a transformative rather than a linear or incremental project and, in the final analysis, as a discursive process that is constantly made and remade by social groups as part of their ongoing political struggle.

### **Limits of queer theory**

At the same time, its insurgent insights aside, queer theory, as with any other critical knowledge system, is not above reproach. There are aspects of queer theory and post-structuralism in general, which paradoxically seem over-deterministic and even implausibly totalising.<sup>201</sup> It is as if poststructuralists implicate one genus of determinism – nature or biology – and supplant it with another – culture and history – to the point of obscuring biology, gender and consciousness altogether. Alcoff makes this point by way of criticising the theoretical excess of poststructuralism.<sup>202</sup> Doubtless, when interpellated, knowledge and power constitute a coercive structure. Knowledge and power function as constraining forces that tie the individual to an identity. But the question is: how totalising is the coercive structure? Are corporeality and intentionality completely erased by their imprint? Is the coercive power of interpellated knowledge and power so total that it denies the subject agency? These are hard questions. Responding to the last two questions in the affirmative serves implausibly to reduce sex and gender to nominalism and to remove the place of agency

198 Seidman (n 66 above) 126-128.

199 Corrêa et al (n 39 above) 161.

200 As above.

201 Alcoff (n 163 above) 140.

202 As above.

from what is suggested by the experience of the intersection between raced subjects and coercive knowledge/power systems.<sup>203</sup>

In responding to the question as to whether the power of discourse renders sex and gender categories nominal, we can begin by the observation that even where there is a sustained and systemic effort to interpellate knowledge and power, the effort to oppress rarely is ever completely successful. More often than not, oppression is incomplete so as ironically to leave, albeit by default rather than by design, interstices for the emergence of insurgent power.<sup>204</sup> The emergence of feminism tells us women have subjectivities and are participants in the making of their identities and are not merely at the receiving end of discrepant power in patriarchal discourses. The histories of resistance against racial oppression and colonial rule reveal a rich archive of persons who are oppressed but who historicise the knowledge and power systems loaded against them as much as they themselves are historicised. Thus, the passive submission of oppressed subjects to power is one possible response but is not the only one. Depending on the specific circumstances and historical moment, there is also a place for positionality and human agency: a space for the oppressed as a participant in the historical moment, as someone who becomes conscious of oppressive circumstances and may negotiate, or compromise, or ultimately, resist.<sup>205</sup>

Identities, including sexual and gender identities, are real, as Stuart Hall maintains.<sup>206</sup> Sexual and gender identities can be disrupted but are not as free-floating as poststructuralism suggests.<sup>207</sup> Lynne Segal appropriates Hall, in part, to make these points in her critical appraisal of Butler's position on gender as performative.<sup>208</sup> In a counter-argument to gender identity as inscribed in heterosexual discourse through cultural reiteration but without any secure attribution of identity or bodily markings, Segal underscores the existential grounding of identities in the material organisation of our lives.<sup>209</sup> Whether our sexual or gender identities are freely chosen or thrust upon us, she reminds us that the identities are real and not phantasms. Drawing on Hall, she says that the

203 Alcoff (n 163 above) 140, citing JM Valadez *Deliberative democracy, political legitimacy and self-determination in multicultural societies* (2001); M Omi & W Howard *Racial formation in the United States: From the 1960s to the 1980s* (1986).

204 J Comaroff & J Comaroff *Of revelation, colonialism and consciousness in South Africa Vol 1* (1991).

205 Alcoff (n 163 above) 144-149.

206 See ch 2.

207 L Segal 'After Judith Butler: Identities: Who needs them?' (2008) 25 *Subjectivity* 381.

208 Segal (n 207 above) 382-385.

209 Segal (n 207 above) 385.

more we try to disrupt them the more paradoxically we confirm the existence of what is being disrupted.<sup>210</sup> In short, Segal is saying that our biology and our sexed embodiment are real in a pivotal sense and that normative culture cannot erase them. We cannot, through semiotic analysis alone, escape that biology conditions cultural life even if the question always is to what extent.

### 3.3.5 *Sexuality and gender elision*

In Richardson's fifth school of thought sexuality and gender are so closely connected that they cannot be extricated from each other.<sup>211</sup> This last category resembles the essentialist approach (the first school of thought) but only in terms of its expression and not in its supposed origins. The constructionist framework used by Tamsin Wilton is associated with the insight that gender and sexuality are 'inextricably woven' such that the two categories are conflated with the erotic and non-erotic aspects of gender and are a part of the same social architecture.<sup>212</sup> Wilton uses the term 'heteropolarity' to capture the polarity that saturates gender and sexuality not as something natural, but as socially constructed.<sup>213</sup> An important insight in Wilton's analytical framework is that heteropolarity explains not only heterosexual relationships but also, more significantly, same-sex in relationships which gender identities are constructed around masculine and feminine binaries.

## 4 Way forward

Sexuality is not something free-standing, outside of culture. In the final analysis the project of deconstructing sexuality concomitantly is a project in deconstructing the broader culture, wherever it is located. Martin Chanock highlights the importance of recognising that, just as colonialism has been historically orientalising, so the emergence from colonial rule has witnessed political elites in 'postcolonial' states deploy cultural power using the West as an occidentalising rhetorical counter.<sup>214</sup> As part of a

210 Segal (n 207 above) 385, citing B Johnson & E Otto 'A conversation with Stuart Hall: On the use and status of the term 'post-colonial' (1999) 7(1) *Journal of the International Institute*, available at <http://hdl.handle.net/2027/spo.4750978.0007.107> (accessed 8 June 2017).

211 Robinson (n 108 above) 464.

212 T Wilton 'Which one's the man? The heterosexualisation of lesbian sex' in D Richardson (ed) *Theorising heterosexuality: Telling it straight* (1996) 125.

213 Wilton (n 212 above) 138.

214 M Chanock 'Human rights and cultural branding: Who speaks and how?' in A An-Na'im *Cultural transformation and human rights in Africa* (2002) 38 at 44-45.

political project to construct and assert a powerful ideology of nationalism and nation-building, sexualities that lie outside the dominant cultural frameworks are vulnerable to being cast as belonging to the West, as un-African and lacking in indigenous authenticity and legitimacy.<sup>215</sup> In this occidentalising process, culture is used to build a state-sanctioned politically correct discourse. It is used to exclude from state protection social groups whose sexualities are outside the domain of majoritarian and hegemonic culture. Once consigned to the domain of transgressive culture, the consequent oppression and suffering are sanitised so that they are not politically recognised as a juridical wrong but, instead, as just deserts.

Part of the work in clearing the African sexuality underbrush, therefore, requires highlighting the dangers of an uncritical acceptance of hegemonic discourses about African sexualities that assume an African cultural essence, as doing so has self-fulfilling outcomes which are apt to legitimise the status quo in many African states, keeping human rights beyond the domestic reach of excluded and marginalised sexualities. The question of who/what is African requires conceding at the outset that in a continent made up of diverse civilisations, histories, cultures, religions, ethnicities and so on, Africanness cannot claim ontological stability. Rather, the concept of Africanness is a contested concept that lends itself to varied uses depending on the context and intention of the actor(s), including 'manipulation and collective passion'.<sup>216</sup> The concept of African sexualities is no different.

Culture is neither monolithic nor static. In polities that recognise pluralism, the claim of a monolithic African sexuality based on religion faces a similar challenge in its efforts to maintain an untenable singular axiom on a continent where social groups and individuals share different theistic and non-theistic beliefs. Ethnographic accounts of contemporary sexual lives, experiences, identities and relationships among Africans clearly refute this monolithic axiom and, instead, attest to a heterogeneous sphere of sexualities that lie outside the dominant social and/or legal orders.<sup>217</sup> Political activism, research and emerging scholarship on the African continent lend their weight, not just to providing contrary evidence but also to challenging hegemonic constructions of sexuality and advocating alternative constructions.

215 B Ndjio 'Sexuality and nationalist ideologies in post-colonial Cameroon' in S Wieringa & HF Sivori (eds) *The sexual history of the global south: Sexual politics in Africa, Asia and Latin America* (2013) 120-144.

216 EW Said *Orientalism* (1979) xvii.

217 Tamale (n 1 above).

In advocating the recognition of diverse sexualities, I am mindful of the fact that sexuality claims are vulnerable to misconceptions and distortions, especially by their opponents. There is a need to reassure all stakeholders that the parlance of sexuality-freedom is not a Trojan horse for condoning conduct that harms others. From the outset it is important to clear away this underbrush of potential misconception so as to clarify what is at stake. The claim has never been that sexual claims are human rights *sui generis* that come with an entitlement to unqualified respect, protection or fulfilment regardless of their adverse impact on the rights of others. The duty to respect the rights of others and to refrain from conduct that harms others is a core value and a point of departure in discourses that frame sexuality as a fundamental right.<sup>218</sup> Thus we are not clamouring for an antinomian licence or anarchic exceptionalism.<sup>219</sup> Rather, it is a struggle for cultural recognition against the backdrop of a legally sanctified cultural system that disciplines, oppresses and even persecutes certain disfavoured and stigmatised sexualities merely because they defy heteronormativity.<sup>220</sup> It is a political and juridical demand for the enjoyment of equal citizenship in respect of sexualities that are at the receiving end of a misrecognition which has cultural roots.

African sexualities are as complex and as diverse as their counterparts elsewhere. Admittedly, the language and many of the analytical frameworks that are used in contemporary discourses on sexuality were first assembled in the West. At the same time, as suggested at the beginning of this chapter, the language and the frameworks are a relevant and necessary part of the discourse. What is important is that we are able to fathom their use as well as their limitations in African settings. From this perspective, Carole Vance's widely cited statement that 'the hallmark of sexuality is its complexity: its multiple meanings, sensations and connections' has equal resonance in examining African sexualities.<sup>221</sup> Vance's statement is instructive partly because it alerts us to the importance of bringing nuance to any discourse on sexuality. Avoiding over-generalisations and essentialism is an important concern in mapping African sexualities. At the same time, there is a need to avoid unproductive anti-essentialism so that we can tap into productive transcultural knowledge and experience.

218 AM Miller *Sexuality and human rights* (2009) 44.

219 Miller *Sexuality and human rights* 44; CG Ngwena 'Sexuality rights as human rights in Southern Africa with particular reference to South Africa' (2002) 17 *SA Public Law* 1 at 2.

220 Fraser *Justice interruptus* (n 32 above) 18-23.

221 C Vance 'Pleasure and danger: Towards a politics of sexuality' in Vance (ed) *Pleasure and danger: Exploring female sexuality* (n 21 above) 3.

Sexuality claims should not be subject to limitations more onerous than other rights simply in order to require conformity to a single, state-ordained heteronormative standard. More pertinently, respect, protection and the fulfilment of sexuality should not be denied merely on account of a politically, culturally and legally privileged sexual moral value system that, ideologically, serves the same political and cultural interests as racism, ethnocentrism, religious chauvinism and other 'isms'.<sup>222</sup> The equal citizenship claim is that in a liberal society that professes a commitment to pluralism there ought to be recognition of a democratic and pluralistic sexual ethics that recognises benign variations of sexual cultures rather than pursues conformity to a sanctified hierarchical system of sexual values.<sup>223</sup> When diverse sexualities are oppressed through state regulatory standards that stigmatise – or worse – criminalise sexual value systems or behaviours that are different from the privileged standard, the outcome is a sexuality hierarchy:<sup>224</sup> the apartheidisation of sexuality and the institutionalisation of the status subordination of othered social groups. The struggle for the recognition of transgressive sexualities is a struggle for a pluralistic domain of sexuality ethics that is inclusive, overcoming status subordination and sexuality hierarchisation.

222 Rubin (n 21 above) 152.

223 Rubin (n 21 above) 153.

224 Rubin (n 21 above) 152-155.

[T]he fact of pluralism – is not a mere historical condition that will soon pass away; it is, I believe, a permanent feature of the public culture of modern democracies. Under the political and social conditions secured by the basic rights and liberties historically associated with these regimes, the diversity of views will persist and may increase. A public and workable agreement on a single general and comprehensive conception could be maintained only by the oppressive use of state power. Since we are concerned with securing the stability of a constitutional regime, and wish to achieve free and willing agreement on a political conception of justice that establishes at least the constitutional essentials, we must find another basis of agreement than that of a general and comprehensive doctrine. And so, as this alternative basis, we look for a political conception of justice that might be supported by an overlapping consensus.<sup>1</sup>

## **1 Introduction**

Difference around sexuality identifications is with us to stay. It is part of the ever-unfolding, multiple proliferations of Africanness that cannot be wished away by African political communities; instead, it is a permanent feature of the human condition. At the same time, as part of the process of embedding a culture of acceptance of difference in our polities, it is essential to develop an archive for understanding the ethics of the politics of sexuality difference. It would be naïve, say, for defenders of historically stigmatised and criminalised sexualities to assume that once such sexualities have acquired recognition under global or regional regimes of human rights it will be sufficient to convince national authorities of the merits of their case or lead to a social consensus. Developing an African archive around how, in a political sense, we ought to manage ‘dissensus’

1 J Rawls ‘The idea of an overlapping consensus’ (1987) 7 *Oxford Journal of Legal Studies* 1 at 4-5 (footnotes omitted).

in sexuality identifications is a necessary part of taking seriously the importance of deepening our political understanding of the ordinariness of difference in all its manifestations in Africanness: it is an adjunct to the construction of a hermeneutics of Africanness that addresses status subordination in all its manifestations.

Those who resist and contest the claims of sexual minorities should not be asked to abandon their own personal moral convictions or, much less, be required to concede that their convictions are irrational or wrong. Instead, they should become participants in a dialogue about the place of difference in a plural polity. This need is even greater in the face of strong communitarian or majoritarian contestation of the claims of a sexual minority. A goal of a discourse on inclusive Africanness should be to persuade dominant discourses of their cardinal political duty to mutually respect differences through a theory and a praxis that acknowledge and respect the place of pluralism in a liberal polity. By a liberal polity I broadly mean a political and constitutional commitment to governance in which all citizens share an equal political space or, at least, ought to do so.

Carl Stychin notes that political resistance to cosmopolitan claims about same-sex sexuality frequently is grounded in communitarian claims constructed around the self-determination of a nation.<sup>2</sup> Citing, as a case in point, resistance to homosexuality by Zimbabwean national authorities using communitarian claims constructed around difference, cultural authenticity and resistance against colonialism and imperialism, he underscores that the language of human rights can be a double-edged sword.<sup>3</sup> Stychin's observation that national authorities can resist same-sex claims using communitarian claims explains the political as well as juridical vulnerabilities of sexual minority rights to contestation by political, cultural or religious authorities with privileged access to state power. When premised upon the self-determination of a nation, the language of universal rights can be used by those resisting the same rights as well as those seeking the protection of those rights, such that we find ourselves at an impasse.<sup>4</sup> It is important, therefore, that we invest time in developing a political discourse on the ethics of overcoming such an impasse. The discourse should be understood as part of articulating an African self in which we accept that plurality and 'dissensus' in sexuality identifications are an integral component of the property of African humanity and a socially shared structure of Africanness.

2 CF Stychin 'Same-sex sexualities and the globalization of human rights discourse' (2004) 49 *McGill Law Journal* 951.

3 Stychin (n 2 above) 956.

4 Stychin (n 2 above) 957.

In this chapter my aim is to develop a grammar for mediating the contestation of sexuality identifications through promoting an understanding of the politics and ethics of pluralism. The ideas are expressed, not as an attempt to win over African polities to new and alien values but rather, as an amplification of existing values. In the last part of the chapter, I stress that as a consequence of their constitutions African polities already are disciples of the politics of pluralism,<sup>5</sup> even if frequently they do not live up to the creed. Nonetheless, they have formally committed themselves to political pluralism as part of the shift to constitutionalised liberalism on the continent, and away from one-party state polities.

My point of departure, therefore, is that in political communities committed to liberalism, differences are an ordinary part of our political lives. Even if we should agree on minimum ground rules as to how we should be governed as part of sharing a common political space, it is not necessary or even desirable that we should also reach agreement on all moral issues, including conceptions of our sexual selves. However, we need a theory and praxis for mediating difference in sexuality. I begin building my arguments through appropriating two derivative liberal political concepts – the notion of an ‘overlapping consensus’ as advocated by John Rawls<sup>6</sup> and the concept of ‘dissensus’ as advocated by Nicholas Rescher.<sup>7</sup> In the latter half of the chapter I extend the arguments around managing ‘dissensus’ to include political equality in a democracy. I draw on discourses that address difference, situating the concept in equal citizenship and democracy. In this connection, Iris Young’s argument with respect to recognising difference in a heterogeneous public sphere<sup>8</sup> and Hannah Arendt’s concept of citizenship in a plural political community are my main resources.<sup>9</sup>

Integrating into our understanding of fundamental rights – whether human rights or constitutional rights – Rawls’ idea of an overlapping consensus and Rescher’s principles for managing ‘dissensus’ creates

5 See discussion in sec 6 below.

6 J Rawls (n 1 above); J Rawls *Political liberalism* (2005) 131-172.

7 N Rescher *Pluralism: Against the demand for consensus* (1993).

8 IM Young *Justice and the politics of difference* (1990), especially ch 4 on ‘The ideal of impartiality and the civic public’.

9 In drawing on Arendt, I have relied mostly on an interpretation of Arendt’s vast body of work by Maurizio Passerin d’Entreves: MP d’Entreves *The political philosophy of Hannah Arendt* (1994) 139-166. D’Entreves’s interpretation draws from the span of Arendt’s work, including *The human condition* (1958); *Origins of totalitarianism* (1962) originally published in 1951; *Between past and future* (1961); *On revolution* (1963); *Men in dark times* (1968); and *Crises of the republic* (1972).

discursive pathways for achieving non-hierarchical inclusiveness and symmetrical relations of cooperation in sexuality identifications in a liberal polity. Ultimately, I argue that managing ‘dissensus’ in a liberal polity requires linking democracy with a vision of dialogic equality. It requires imagining an inclusive citizenship underpinned by a type of participatory democracy in which respect for pluralism and the eradication of relationships of dominance and subordination in social groups are foundational ethics.

Young’s seminal work, *Justice and the politics of difference*, and in particular, her robust critique of the ‘ideal of impartiality and the civic public’<sup>10</sup> provide the chapter with a template for participatory democracy that supports the construction of a diverse public sexuality realm for different social groups. Arendt’s concept of citizenship and its focus on the public sphere as a political space in which citizenship can flourish through recovering a common shared world and creating inclusive spaces for individuals to reveal their identities in conditions of reciprocity and solidarity, is a conceptual resource for imagining a sexual citizenship that protects not so much diversity among social groups as the right of every human being to make unexpected beginnings, even in the sphere of sexual identification. In appropriating Arendt’s thought the emphasis is on understanding plurality not only as something that registers equality among citizens and social groups, but also the uniqueness of every human being who has lived in the past, lives now and will live in the future.<sup>11</sup>

## 2 Rawls’ overlapping consensus

Overcoming the impasse around rights underpinned by moral and political controversy calls for thinking in terms of a conceptual methodology which mediates between competing rights and interests, and which resolves the competition in a framework that has a predictable approach for procedurally and substantively determining ‘which self, which group, and which rights to protect’ under conditions of fairness.<sup>12</sup> Any plausible methodology should emphasise promoting pluralism and diversity, which entails not merely envisioning a more egalitarian relationship between citizens so as to recognise their differences, but also finding ways to build on areas where there is agreement: areas that can be described as an

10 Young (n 8 above) ch 4.

11 Arendt *The human condition* (n 9 above) 8 176.

12 Stychin (n 2 above) 957.

'overlapping consensus'.<sup>13</sup> If it is to promote human freedoms, any regime of rights in a liberal polity should seek to protect overlapping consensus at the same time as it protects diversity. In order to promote diversity it should avoid becoming a consensus-seeking monolith that normatively requires oppressive and gratuitous homogeneity or uniformity. Rather, it should be pluralist, without assuming homogeneity or consensus in a situation in which moral doctrines or religious views differ. Support for these propositions derives from John Rawls' idea of the imperative of respecting pluralism within a liberal democratic polity in which 'dissensus' is a permanent feature of public culture.

Rawls posed a philosophical question: he asked how it is possible that there can be a stable and just society in which citizens are 'free and equal' and yet are deeply divided by conflicting, or even 'incommensurable', comprehensive religious, philosophical and moral doctrines.<sup>14</sup> Rawls answered his question by positing the idea of an 'overlapping consensus' as a derivative principle of justice that holds a diverse political community together. Rawls conceived the idea of an overlapping consensus as a supplement or adjunct to a principle of justice he had developed in his seminal work – *Theory of justice*.<sup>15</sup> He argued that social unity and cooperation in a liberal society do not depend on a convergence of selves or of group interests but rather on securing an 'overlapping consensus' in relation to a reasonable conception of justice.<sup>16</sup> It depends, in part, on allowing 'diversity' in general and comprehensive doctrines in particular. Above all, it lies in recognising a type of pluralism that allows incommensurable conceptions of the good to co-exist or even flourish.<sup>17</sup> Pluralism is not something that can be wished away in a society that has made a commitment to liberalism; on the contrary, pluralism is a permanent and defining feature of democracy.<sup>18</sup> Otherwise, to insist on reaching and maintaining consensus on a general and comprehensive doctrine requires the use of state power in ways that are oppressive and status subordinating to the point of detracting from the foundational ethos of a liberal polity.

A starting point for appropriating Rawls' concept with respect to contestation in the domain of sexuality is that in mediating conflicting

13 Rawls 'The idea of an overlapping consensus' (n 1 above); Rawls *Political liberalism* (n 6 above) 131-172.

14 Rawls *Political liberalism* (n 6 above) 133.

15 J Rawls *Theory of justice* (1971). In sec 4 (below) I discuss Rawls' theory of justice in the context of others' critique of the theory.

16 Rawls 'The idea of an overlapping consensus' (n 1 above) 1.

17 Rawls 'The idea on an overlapping consensus' (n 1 above) 4.

18 As above.

sexuality-identification claims there ought to be equality. This necessity is precisely because an overlapping consensus articulates fair terms of social cooperation between citizens and is not partial to one viewpoint. Equality serves to assure that in a constitutional democracy a public or political conception of justice should be as independent as possible from comprehensive religious, metaphysical or epistemological doctrines that are outside what is implied in the political conception. We ought to start from the premise of a fair system of social cooperation between citizens who are free and equal, are assumed to lead a good life and are entitled to protection by the design and implementation of the basic institutions of society, including its legal system. A liberal political dispensation assumes that there are many conflicting conceptions of the good with none better than the other and each compatible with the full rationality of human persons.<sup>19</sup> Equality assumes that where there is a plurality of reasonable and comprehensive doctrines, about which citizens differ uncompromisingly, it is politically unreasonable to use the sanction of state power to enforce one view or punish those who disagree with a state-privileged view.<sup>20</sup>

Rawls does not assume that it will always be possible to achieve an overlapping consensus on every political matter or that the features of an overlapping consensus cannot be contested.<sup>21</sup> Rather, his main thesis is that a liberal polity is established in no other way than through the development of a political conception of justice that subscribes to pluralism and protects basic rights, including the right to equality.<sup>22</sup> A liberal community should have a political capacity and be under an ethical duty to remove from the political agenda issues that are divisive (such as issues which surround serious moral uncertainty and contention), as well as to create norms and institutions that make it possible for citizens to cooperate on the basis of mutual respect.

### 3 Rescher's dissensus management approach

In his book, *Pluralism*, Rescher takes the thesis of an overlapping consensus forward by focusing on a philosophy of mediating conflict in relation to comprehensive religious, metaphysical or epistemological doctrines.<sup>23</sup> He underlines the futility of seeking to achieve consensus on comprehensive

19 Rawls *Political liberalism* (n 6 above) 135.

20 Rawls *Political liberalism* (n 6 above) 138-139; Rawls 'The idea of an overlapping consensus' (n 1 above) 4.

21 Rawls 'The idea of an overlapping consensus' (n 1 above) 8.

22 Rawls 'The idea of an overlapping consensus' (n 1 above) 17.

23 Rescher (n 7 above).

doctrines as a desideratum.<sup>24</sup> Rescher questions a social or political assumption that seeking consensus is something that should always be desired and actualised, arguing that it is more productive to recognise ‘dissensus’ as a permanent feature of public life.<sup>25</sup> Over and above advancing a defence of pluralism which, in itself, augurs well for the ethic of recognising an expansive sexuality domain, the persuasiveness of Rescher’s arguments in favour of a discourse on sexuality identifications lies in providing a pragmatic framework for an egalitarian praxis of ‘dissensus’ that appeals to substantive equality. Rescher’s discourse on pluralism does not allow room for legitimising a hierarchical sphere of pluralism. Mutual reciprocity and a rejection of ‘dogmatic uniformitarianism’ are precisely the pluralistic values a ‘dissensus’-recognising praxis seeks to affirm.<sup>26</sup>

Rescher’s thesis on pluralism is built around giving ‘dissensus’ centre stage in cognitive and social theory within a framework that rejects indifferent relativism.<sup>27</sup> Giving concrete expression to pluralism requires mutual respect based on egalitarianism. His argument is not that there is no social value at all in trying to reach agreement on comprehensive doctrines but that it is more productive to accept the reality that there is no ‘utopia’ or ‘perfect social order’ and that social harmony cannot be predicated on first achieving consensus.<sup>28</sup> In matters of opinion, consensus generally is unattainable, whether at the global, local, community or familial level, or between individuals. Therefore, liberal polities should invest more effort in creating political and social institutions and attendant regulatory principles for enabling people to live peacefully and productively despite the presence of ‘ineliminable’ disagreements.<sup>29</sup>

A concomitant strand in Rescher’s defence of pluralism is that in order to prevent populist tyranny, we should be careful not to equate even consensus reached by majority opinion as ‘intrinsically rational’ or a privileged viewpoint – much less ‘truth’ – as this only serves to deny the reality and presence of disagreement and cognitive ‘dissensus’ in human society.<sup>30</sup> In building his thesis for a pluralist-seeking and ‘dissensus’-promoting social order, Rescher has developed an attendant regulatory or ‘dissensus’ management approach for allowing us to come to terms with a

24 Rescher (n 7 above) 2.

25 Rescher (n 7 above) 1.

26 Rescher (n 7 above) 2.

27 As above.

28 Rescher (n 7 above) 4.

29 M Marsonet ‘Pragmatism and political pluralism’ (2009) 1 *European Journal of Pragmatism and American Philosophy* 1.

30 As above.

social order that can function effectively even in the presence of difference. His 'dissensus' management approach is built on respect for the quadruple values: legitimate diversity, restrained dissonance, acquiescence in difference and respect for autonomy. It is an approach which can be appropriated by political and juridical methodologies for addressing areas underpinned by deep moral and religious divisions, such as sexuality identifications are.

Respect for diversity stems from the existential reality that different individuals or, indeed, different social groups experience social situations differently. This reality alone makes it unexceptional or even rational that individuals or social groups should come to differ in cognitive, evaluative and practical matters.<sup>31</sup> Respect for restrained dissonance, acquiescence in difference and autonomy are corollaries of legitimate diversity. Once we concede the inevitability of legitimate diversity, it becomes essential not merely to depart from the imperative of a social order so organised around consilience as to require conformity, but also to find peaceful, productive and practical ways of managing diversity among opposing or heterogeneous sexual selves. Restrained dissonance allows us to manage differences between individuals and social groups in ways that seek to maintain social cohesion (the overlapping consensus) and avoid recourse to destructive interaction or conflict.

Acquiescence in a Rescherian sense is not submission or supplication but a praxis of restrained dissonance. It is a praxis which gives concrete expression to a preference for a heterogeneous public sphere over consilience.<sup>32</sup> Acquiescence is a principle of mutual reasonable accommodation which allows individuals and social groups to simultaneously differ and cooperate because it is mutually beneficial for the establishment and sustenance of a fair political community. It is important to bear in mind that acquiescence is more than merely being tolerant in a benevolent sense, as this may merely serve to control and subordinate that which is stigmatised.<sup>33</sup> Acquiescence is a 'live and let live' principle of mutual egalitarian respect.<sup>34</sup> Respect for autonomy is a *sine qua non* in recognising legitimate diversity. Allowing an individual his or her own choices is a way of recognising not just diverse moralities but also

31 Rescher (n 7 above) 6.

32 Rescher (n 7 above) 2.

33 AM Miller 'Sexual but not reproductive: Exploring the junction and disjunction of sexual and reproductive rights' (2000) 4 *Health and Human Rights* 69 at 92; W Morgan & K Walker 'Tolerance and homosex: A policy of control and containment' (1995) 20 *Melbourne University Law Review* 202 at 206.

34 Marsonet (n 29 above) 7.

moral agency – the subjective self – and a way of seeing others as entitled to their views without necessarily agreeing with them. As Rescher highlights, to respect others means to regard them as bearers of rights not because it is a benevolent thing to do, but because it is a requisite for mutual co-existence under conditions of equality in diversity.<sup>35</sup> He says:

Morality unquestionably calls for seeing others as entitled to their views – their disagreement from ours notwithstanding ... To respect others is to regard them as the bearers of appropriate rights and entitlements and is – as such – a requisite for benign coexistence. But due respect does not require agreement. On the contrary, it requires a recognition of others as autonomous agents entitled to go their own way irrespective of our approval or disapproval, agreement or disagreement. And to respect another is to more than merely *tolerate* them; it is to see them as units of worth and bearers of rights.<sup>36</sup>

To gloss what Rescher is saying, we should not confuse or conflate Rescher's 'restrained dissonance' with the notion of more or less keeping silent as in Bruce Ackerman's 'conversational restraint'.<sup>37</sup> Despite having the laudable goals of ensuring that diversity is not eclipsed by one difference trumping another or requiring different parties to assume a transcendental perspective, Ackerman's conversational restraint seems to suggest that we push certain issues out of the public sphere as a pragmatic way out.<sup>38</sup> Seyla Benhabib argues there is democratic value in ensuring that we keep airing our different conceptions of good in the public sphere;<sup>39</sup> in that way we sustain the opportunity of democratic deliberation and the possibility of convincing those whose conception of the good differs from ours.<sup>40</sup> Benhabib's concern is with ensuring that we do not impoverish the public sphere through privatising public issues and pre-empting democratic deliberation.

Institutionalising conversational restraint carries the risk of serving as a strategic tool for concealing violence and impunity. Dora King argues that it risks implicitly promoting the 'public secret' as a social institution,

35 Rescher (n 7 above) 18.

36 Rescher (n 7 above) 18.

37 B Ackerman *Social justice in the liberal state* (1980) 11; B Ackerman 'Why dialogue?' (1989) 86 *Journal of Philosophy* 5 at 16-17.

38 S Benhabib *Situating the self: Gender, community and postmodernism in contemporary ethics* (1992) 96-99.

39 As above.

40 As above.

with its implications for legitimising homophobia, precarity and impunity.<sup>41</sup> In her essay on the poetics of mourning the brutal killing of Sierra Leonean lesbian human rights activist Fanny Ann Eddy, King draws on Michael Taussig's 'public secret' as a conceptual resource for explicating how taboos around despised sexualities protect dominant cultures from defacement.<sup>42</sup> She underscores that the tacit prohibition of speech serves as a technology of knowledge and power for the state and social institutions in maintaining the status subordination of despised sexuality identifications by requiring silence on what is known.<sup>43</sup>

In Taussig's work, a public secret constitutes 'knowing what not to know'.<sup>44</sup> It manifests when a given society institutionalises a cultural praxis of what is 'generally known but cannot be articulated'.<sup>45</sup> It is performative in that it is a reiterative and citational practice prompted by the obligatory norms of societal power which produce subjects who 'know what not to know'.<sup>46</sup> In the sexuality realm a public secret serves to protect and sustain what is normative in speech and the representation of sexualities. It accords space to dominant sexualities whilst requiring silence on stigmatised sexualities. King argues:

This tacit prohibition on speech that lies at the heart of social life and its institutions maintains a wide range of relationships between the powerful and the powerless, and also within the family and other social contexts. Each citizen must actively submit to its dynamic in everyday relationships since attempts to opt out may court various levels of danger ... Knowing what not to know, and not saying what not to say protect social taboos from defacement. It is a public performance.<sup>47</sup>

It should be highlighted that Rescher's 'restrained dissonance' is not moral apathy either. Rescher is careful to explain that where the interests of a third party would be harmed, moral concern for third parties requires limiting respect for other people's opinions.<sup>48</sup> Restraint dissonance should not be (mis)understood as promoting ethical self-sufficiency, where

41 D King 'The secrecy and poetics of witness: Mourning Fanny Ann Eddy' (2016) 155 *Journal of Theology for Southern Africa* 30 at 40-42.

42 King (n 41 above) 40, citing MM Taussig *Defacement: Public secrecy and the labour of the negative* (1999).

43 King (n 41 above) 40.

44 Taussig (n 42 above) 2.

45 Taussig (n 42 above) 4-5.

46 J Butler *Bodies that matter: On the discursive limits of 'sex'* (1993) 2; KJ Surin 'The sovereign individual and Michael Taussig's politics of defacement' (2001) 2 *Nepantla: Views from the South* 205 at 206.

47 King (n 41 above) 40.

48 Rescher (n 7 above) 19.

autonomy and pluralism become a right to satisfy one's desires independently of the desires of others. Normative self-sufficiency or egoism, Martha Nussbaum points out, renders the very idea of a political community unsustainable.<sup>49</sup> Building a community requires mutual cooperation and respect for the interests and desires of others. What restrained dissonance implies is that when constructing and sustaining a political community the demands of a collectivity should not be made the basic goal of politics.<sup>50</sup> Rather, the basic goal should be the ethic of recognising the freedom and uniqueness of each person.

Equally, to give expression to dissonance is not the same as remaining morally neutral or giving legitimacy to regimes of exception that *may* manifest in what Nancy Fraser calls 'subaltern counterpublics' in her discourse on recognition in a pluralist polity.<sup>51</sup> She notes that marginalised groups may find advantage in establishing alternative social spaces – 'subaltern counterpublics' – in which they can formulate oppositional interpretations of their marginalised identities, interests and needs. Subaltern counterpublics emerge as a response to exclusion from dominant publics. But, in serving as important sites for inventing and circulating counter-discourses, they concomitantly run the risk of succumbing to separatism, anti-democratism and anti-egalitarianism, thus marginalising and excluding others.<sup>52</sup> Fraser's point is not that subaltern counterpublics are unnecessary or intrinsically nefarious but that they should not constitute self-perpetuating 'enclaves' that operate using a participatory rule that detracts from inclusion and participatory parity.<sup>53</sup> In a stratified society with embedded structural inequality, counterpublics can serve as secure places for temporary withdrawal in order to regroup and train for advocacy in the wider public sphere.<sup>54</sup> However, in the long term, they should be part of a 'wider public' so that they are not insulated from the ground rule of parity in democratic participation where there is openness and no single voice is greater than another.<sup>55</sup>

49 MC Nussbaum *Sex and social justice* (1999) 59-62.

50 Nussbaum (n 49 above) 62.

51 N Fraser *Justice interruptus: Critical reflections on 'postsocialist' condition* (1997) 81-82.

52 As above.

53 Fraser (n 51 above) 82.

54 As above.

55 As above.

## 4 Young's critique of the ideal of impartiality and the civic public

Young's discourse on the politics of difference is a conceptual resource for thinking about the domain of sexuality as a microcosm of a heterogeneous public sphere.<sup>56</sup> In this sphere differences between sexuality identifications can be ethically mediated through normative reasoning as such reasoning is necessarily dialogic.<sup>57</sup> Dialogism implies a plurality of voices interacting with one another, each with its own unique but equal valence. At the same time, as the previous section underlined, rights cannot be held independently of the rights of others. Giving normative self-sufficiency to some and subordinating others, as did the apartheid state in South Africa, is to consign the others to zones of non-being. In a heterogeneous public sphere there is no dominant or subordinate voice precisely because the political goal is to level out asymmetrical power relations. If left undisturbed, asymmetrical power relations create a conducive environment for 'false universalism'.<sup>58</sup> No single voice can speak for all subjectivities. In this sense, Young's heterogeneous sphere captures the philosophy of the politics of 'nothing about us without us'.<sup>59</sup>

Young implicates a sexuality public sphere in which heteronormativity is both dominant and hegemonic as false universalism. Her counterpoint to the ideal of impartiality is participatory democracy as a way of linking democracy with lived equality.<sup>60</sup> Participatory democracy is a device for ensuring that moral and political norms are directly tested by participants who come to the discussion forum with their different needs, interests and perspectives.<sup>61</sup> A unified heteronormative sexuality public sphere that excludes and silences transgressive sexualities would be the antithesis of participatory democracy and renders dialogue pointless.<sup>62</sup> To level the playing field, participation must be porous to procedural as well as substantive equality so that representation is meaningful and not tokenistic.<sup>63</sup>

56 Young (n 8 above).

57 Young (n 8 above) 116.

58 Young (n 8 above) 115-117. I briefly discussed 'false universalism' in ch 2 sec 2.

59 See ch 2 sec 2.

60 Young (n 8 above) 60.

61 IM Young 'Asymmetrical reciprocity: On moral respect, wonder and enlarged thought' (1997) 3 *Constellations* 340 at 351.

62 Young (n 8 above) 183.

63 Young (n 8 above) 184.

Young should not be understood to be arguing for a heterogeneous public sphere as a haven for normative anarchy and unresolvable group conflict. She is careful to draw a distinction that serves to guard against legitimising normative self-sufficiency. She draws a distinction between, on the one hand, ‘interest-group pluralism’ in which each interest group promotes its own agenda at the exclusion of the interests of other groups and without the need to justify its decision (a non-dialogic praxis) and, on the other, a heterogeneous public where participants deliberate and come to a decision based on principles of justice and can be called upon to justify their claim (a dialogic praxis).<sup>64</sup> A dialogic praxis is necessary for realising participatory democracy.

In arguing for a heterogeneous public sphere, Young must be understood as necessarily parting company with the theory of justice that Rawls articulates in his *Theory of justice*.<sup>65</sup> In this seminal work Rawls constructs the ‘original position’ as a procedural requirement and a starting point for ensuring that the principles of justice chosen are indeed just. Parties in the original position have equal rights in choosing just principles. Furthermore, they command equal knowledge. Rawls constructs the ‘veil of ignorance’ to equalise their knowledge. The rationale for equalising procedural rights and knowledge is to create conditions that ‘represent equality between human beings as moral persons and as creatures having a conception of their good and capable of a sense of justice’.<sup>66</sup> Rawls’ ultimate point is that persons in the original position will choose two principles – the liberty principle (comprises basic civil liberties) and the difference principle (centres on equality as the cardinal goal) – as their foundational principles for a just political order that is consonant with the maximal promotion of conceptions of own good.<sup>67</sup>

The veil of ignorance is a critical component of Rawls’ methodology. It is a distinct counterpoint to Young’s requirement that dialogism entails an engagement in which subjectivity is not erased. In Rawls’ theory parties behind the veil of ignorance must leave their particularities behind so that they can be placed in a position – the original position – where they are able to decide rationally about their own welfare without knowing their own position (such as social class, material wealth and natural endowments), but knowing enough about the general facts of society. The rationale for

64 Young (n 8 above) 190.

65 Rawls *Theory of justice* (n 15 above). Note that here I am not referring to Rawls’s idea of an ‘overlapping consensus’, which I discussed earlier, and which is an adjunct to his theory of justice.

66 Rawls *Theory of justice* (n 15 above) 19.

67 Rawls *Theory of justice* (n 15 above) 60-65 75-83.

the veil, according to Rawls, 'is to nullify the specific contingencies which put men at odds and tempt them to exploit social and natural circumstances to their advantage'.<sup>68</sup> The supposition in Rawls' theoretical calculation for arriving at just principles of justice is that the original position and the veil of ignorance compel rational parties to design a society in which every individual is treated with dignity and is offered equal opportunity precisely because the chances of each party's finding themselves in a position of relative privilege or relative disadvantage are equal.

Young's objection to Rawls' theory of justice is that it universalises an arbitrary rational agent as the person who is omniscient and chooses for all.<sup>69</sup> Though Rawls' original position<sup>70</sup> and its adjunct, the veil of ignorance,<sup>71</sup> hold some attraction for Young, in the sense that, to a point, they accommodate a plurality of selves, in the end she sees them as monological in character. This is primarily because in the quest to render the original position impartial any differences among individuals in the original position are erased or invisibilised. Young says:

The veil of ignorance removes any differentiating characteristics among individuals, and thus ensures that all will reason from identical assumptions and the same universal point of view. The requirement that participants in the original position be mutually disinterested precludes any of the participants from listening to others' expression of their desires and interests and being influenced by them.<sup>72</sup>

Young's rejection of Rawls' 'original position' contrasts with her receptiveness, albeit qualified, to Jürgen Habermas' 'communicative ethics' in moral reasoning.<sup>73</sup> The attraction of Habermas' communicative

68 Rawls *Theory of justice* (n 15 above) 136.

69 Young (n 8 above) 101-102; S Darwall *Impartial reason* (1983) 231.

70 Rawls *Theory of justice* (n 15 above) 17-22 118-122 142-150.

71 Rawls *Theory of justice* (n 15 above) 136-142.

72 Young (n 8 above) 101. See also Matsuda's feminist argument that the abstractness in Rawls' methodology constructs a vision of socio-economic life without reference to the concrete realities of life and alternative conceptions of the nature of humankind. Matsuda is fundamentally opposed to abstraction because of its inherent capacity to exclude the experiences of marginalised groups. She says that the methodology used by Rawls is 'the first step down the road of androcentric ignorance': MJ Matsuda 'Liberal jurisprudence and abstracted visions of human nature: A feminist critique of Rawls' theory of justice' (1986) 16 *New Mexico Law Review* 613 at 617-619. In support of Matsuda's argument we can add a host of other forms of Rawlsian ignorance, such as non-heteronormative sexuality.

73 Young (n 8 above) 101; J Habermas *The theory of communicative competence Vol 1: Reason and rationalization of society* (1983); J Habermas *The theory of communicative competence Vol 2: Lifeworld and system* (1987). I say 'qualified' because, in the end, Young argues

ethics is that it is dialogic and is predicated on a plurality rather than homogeneity of subjects.<sup>74</sup> Dominance and hegemony are averted by interactions under conditions of equal power. The essence of Habermas' communicative ethics as an ethics of justice is that it is aimed at maximal citizenship through discursive interaction as an indispensable part of a democratic political practice. Its vision is that of citizens who are citizens because they deliberate their interests openly, free of domination and oppression, and with reciprocity and mutual tolerance of difference.<sup>75</sup> To ensure just outcomes, such deliberations ought necessarily to involve the participation of all those affected by the decision. In this way Habermas' communicative ethics is a conceptual resource for imagining a universe where substantive pluralism gives rise to participatory parity and where social inequality and domination and exclusionary practices, including in the realm of sexual identifications, are not given legitimacy.

The lack of recognition of a plurality of subjects who engage in dialogue renders Rawls' original position one of impossible impartiality or even false impartiality. In the sexuality realm it is apt to reproduce a heteronormative sphere. Young is at pains to underscore that differences in subjectivities cannot be reduced to a unity if the goal is dialogic engagement. Differences in sexual identifications, for example, are precisely that: irreducible or irreversible differences.<sup>76</sup> These differences cannot be mediated by a method which seeks to universalise sexuality so as to produce a sexuality that coheres with our individual selves. In putting the emphasis on irreducibility and irreversibility to maximally realise subjectivity in participatory democracy, Young is evincing an important philosophical departure, not just from Rawls' theory of justice in respect of which her position is poles apart, but also from Seyla Benhabib's principle

that Habermas relies on a counterfactual that is built into an 'impartial starting point' so as to get to the end point – the universal position. Young argues that this detracts from the notion of starting with a clean slate and allowing the subjects to reconstruct normative reason without an *a priori* conception of moral reasoning. It effectively amounts to appealing to a homogeneous public or at least it vacillates between a homogeneous public (which is tantamount to unacceptable universalism as it may ignore the needs of a particular group) and a heterogeneous public which Young has argued for: Young (n 8 above) 7 106-107. For Young, therefore, it is not enough that, as Rawls posits, persons in the original position and under the veil of ignorance know, for example, about the general facts about human society, understand political affairs and principles of economic theory, and know the basis of social organisation and the laws of human psychology: Rawls *Theory of justice* (n 15 above) 137. Ultimately, Young is opposed to the tendency to universalise which is inherent in Rawls's theory.

74 Young (n 8 above) 106.

75 Young (n 8 above) 33-34; A Heller *Beyond justice* (1987) 240-241.

76 Young (n 61 above) 348.

of symmetrical reciprocity with whose doctrinal egalitarian thrust Young is otherwise in agreement.<sup>77</sup>

Young's argument in disagreeing with those to whom she philosophically is very close, such as Benhabib, is that the Hegelian relation between self and other should be understood as specifically asymmetrical and irreversible if it is to yield mutual reciprocity in recognition.<sup>78</sup> She maintains that there is an infinity of possibilities in the dialectical process of the self in relation to the other which renders it impossible for the self to suspend its own position.<sup>79</sup> If we accept Young's argument, one of its implications for the hermeneutics of African sexualities is the necessity for an approach that has the conceptual capacity to account maximally for the range of existential sexualities. It also means that in the theory and praxis of identifications there can be neither fungibility between sexuality subjectivities nor mutual substitution as different sexual identifications cannot stand in the place of one another.<sup>80</sup> Thus, dialogism in the heterogeneous sexuality sphere should be understood as being aimed at securing asymmetrical rather than symmetrical reciprocity between different selves so that each self engages in a dialogue for mutual recognition but without leaving behind its concrete self, complete with its multiple needs, interests, perspectives, histories and temporality. For Young, reciprocity means equal respect and acknowledgement of asymmetry – how different the other is – so that the outcome is a meeting across the distances of time and space.<sup>81</sup>

Drawing on the phenomenological discourse of Emmanuel Levinas and the feminist discourse of Luce Irigaray, and more particularly, their maximal notions of subjectivity, Young cautions against a theory and praxis of dialogue that is driven by an impulse to abstract and reduce communication to a common measure or comparability.<sup>82</sup> The argument is not so much that we can dispense with comparisons when attempting to theorise justice and its relationship to equality; rather, it is that any comparison should not seek to disembodiment particular subjectivities through

77 Young explains her doctrinal differences with Benhabib in Young (n 61 above) especially 341-343 346-355. Young specifically responds to Benhabib's argument for symmetrical reciprocity in Benhabib (n 38 above).

Young (n 61 above) 348-349.

78 Young (n 61 above) 348.

79 Young (n 61 above) 348-349.

80 Young (n 61 above) 346.

81 Young (n 61 above) 351.

82 Young (n 61 above) 351, citing E Levinas *Otherwise than being or beyond essence* (1981) and other works interpreting Levinas; L Irigaray *Speculum of the other woman* trans GC Gill (1974).

treating subjectivities as fungible.<sup>83</sup> If our goal is mutual reciprocity in recognition, Young argues, then any comparison should treat subjectivity in a Hegelian sense as irreducible and irreversible. A plausible account of a heterogeneous sphere of sexual identifications and mutual recognition should include the recognition of identifications that speak in ‘different and incommensurate registers’.<sup>84</sup>

Through her thoughts on a methodology for mediating opposing identifications, Young (implicitly) is urging us to build into our African archive the ethics of mutual recognition, which takes into account different temporalities and the inexhaustibility of histories.<sup>85</sup> Histories are the accounts we tell and *retell*. Though there are never finished or permanent accounts but rather, unfinished accounts told in the ‘interval’, they can be told differently in different contexts.<sup>86</sup> Here we see a convergence between Young’s theory of the politics of difference and Stuart Hall’s cultural theory of identification. Young’s approach to understanding the conjunctural nature of subjectivities and their attendant histories comports in striking ways with the hermeneutics of Africanness I am advancing.<sup>87</sup> Young and Hall converge in resisting making concessions to power and privilege built around unities of closure and solipsism. Implicitly, they both speak equally against the legitimacy of a single African voice. Implicitly, both require a dialogue in which African subjectivities and identifications are affirmed in their multiplicity.

## 5 Arendt’s concept of citizenship in a plural political community

Arendt’s seminal body of work and, most importantly, her thinking about the place of pluralism has relevance for how we conceive sexual citizenship and accommodate ‘dissensus’ in African liberal polities. Arendt’s deep conviction that human beings are plural beings and that each is capable of new and unexpected beginnings ontologically is rooted in natality.<sup>88</sup> In his essay on interpreting Arendt’s concept of citizenship, D’Entreves highlights that the ‘public realm’ is the cardinal sphere in which a

83 Young (n 61 above) 351.

84 Here I am transposing Young’s argument to sexualities: ‘Asymmetrical reciprocity’ (n 61 above) drawing on Irigaray (n 82 above).

85 Young (n 61 above) 352.

86 As above. The ‘interval’ here is a Derridean interval: J Derrida *Positions* (1981); S Hall ‘Who needs “identity”?’ in J Evans & P Redman (eds) *Identity: A reader* (2000) 15-30 at 15-17. See discussion in ch 2 sec 4 of this book.

87 I laid the foundation for the hermeneutics in ch 2.

88 Arendt *The human condition* (n 9 above) 177-178 247.

democratic political community is realised to give form to pluralism in the Arendtian imagination of inclusive citizenship.<sup>89</sup> What is crucial to Arendt's concept of citizenship is not merely that none of us is excluded from a democratic political community precisely because the recognition of one's rights depends, in the first place, on being counted in, but also that we are all allowed to differ without suffering the consequence of losing membership of a political community.

It is not so much the abstract articulation of one's fundamental rights in a constitution or a human rights treaty that is foundational for equal citizenship, but inclusion in membership of a political community.<sup>90</sup> It is this membership which speaks to the recognition of political equality and, in turn, determines the 'right to have rights'.<sup>91</sup> What is also crucial to Arendt and, ultimately, definitive of the public realm and its connection with equal citizenship, is how the public realm addresses 'dissensus' in ways that are porous to recognising radical difference.

Arendt's public realm is agonistic. 'Dissensus' is addressed through pluralism to which Arendt ascribes a foundational status in a political community, highlighting that it has more than a fleeting presence. Plurality is not just a *conditio sine qua non* but also a *conditio per quam* of all political life.<sup>92</sup> Arendt's public realm is a political space for revealing, contesting and resolving differences democratically, and without presuppositions about the attainment of an undifferentiated communitarian common good. Arendt was at pains to emphasise that what sustains democratic political action and the construction of a durable democratic political community is not the attainment of a *volk*, or an ethnic or religious universe but rather, an agreement or consensus to share a public space and to construct institutions and practices commensurate with this goal.<sup>93</sup> Thus, it is not shared values in the sense of shared beliefs that sustain a democratic political community but shared political institutions and a political language. This public realm is as much a 'space of appearance' as it is a 'world we hold in common'.<sup>94</sup> It is these two dimensions that give recognition to pluralism and allow equal citizenship to be realised without consigning those that are different to a zone of political non-beings.

89 D'Entreves (n 9 above).

90 D'Entreves (n 9 above) 145.

91 Arendt *Origins of totalitarianism* (n 9 above) 296-297; D'Entreves (n 9 above) 145.

92 Arendt *The human condition* (n 9 above) 7.

93 D'Entreves (n 9 above) 145.

94 Arendt *The human condition* (n 9 above) 50-52.

Arendt's space of appearance is of particular relevance to the recognition of sexuality identifications because it protects the overlapping consensus at the same time as it protects the recognition of difference. To use Arendt's terms, it is a space that retrieves the 'world we hold in common' by protecting the 'world which lies between us', thus protecting what is common among members of the political community as much as protecting their differences.<sup>95</sup> Metaphorically, the Arendtian world which lies between us is a 'table' around which we gather to unite in a common enterprise but without sitting on top of each other so that, concomitantly, we retain our separation from each other.<sup>96</sup> Difference is *distinctiveness*, a unique attribute of what it is to be human, not *alterity*.<sup>97</sup> Therefore the achievement of unanimous agreement and the elision of differences is not the aim or desideratum of the democratic political encounter; rather, it is the shaping of individual views, their transformation and enlargement through political argumentation and collective deliberation.<sup>98</sup>

In *The human condition*, Arendt says that 'plurality is the condition of human action because we are all the same, that is, human, in such a way that nobody is ever the same as anyone else who ever lived, lives, or will live'.<sup>99</sup> The space of appearance is where members of a political community can reveal themselves in speech and action, especially in their political subjectivities, in conditions that engender relations of reciprocity and solidarity. This space is absolutely crucial to the attainment of plurality. Without inclusive equality, mutuality and solidarity neither the concrete identifications of others nor their public autonomy can be realised. Without autonomy, there is no parity in participation but instead marginalisation, exclusion and alienation.

The concept of a political community and citizenship espoused by Arendt is ultimately an insurgent against totalitarianism of whatever genus, and its alienating effect. Unlike totalitarianism, Arendt's 'world which lies between us' is a table with a spatial topology designed to ensure that we are *not* compressed increasingly together by totalitarian regimes until we are formed into one.<sup>100</sup> Arendtian insights can become a basis for understanding as well as remedying the shortcomings of citizenship and perforce the recognition of identifications in both the colonial era and the era after independence in ways that speak to African sexuality-citizenship.

95 As above.

96 Arendt *The human condition* (n 9 above) 52; D'Entrevés (n 9 above) 147.

97 Arendt *The human condition* (n 9 above) 176.

98 D'Entrevés (n 9 above) 152.

99 Arendt *The human condition* (n 9 above) 8.

100 Benhabib (n 38 above) 92-93.

Her public realm admits of a plurality in a manner that allows individuals a moral and psychic space to imagine and re-imagine their identifications in ways open to radical difference.<sup>101</sup>

Arendt's concept of citizenship is a conceptual resource for imagining the African public realm as a realm where we can recover a 'common lost world' and thus overcome any of our sexuality identifications that were subordinated by existential cultural and political institutions and are subjected to governmentality. At the moment of establishing the colonial state, there was no human relation between the colonisers and the colonised but a relation between human (colonisers) and things (colonised). Manifestly, there was no community of essence between the colonisers and the colonised.<sup>102</sup> The colonial state, which had a monopoly on violence, repudiated the ethic of sharing a common world. It was a regime of exception which disenfranchised black inhabitants on the basis that they were a category of persons outside the realm of self and the other – a zone of subjective non-being.<sup>103</sup> At the beginning it utterly refused to recognise the embodiment of the colonised person, his or her language, works and life of being as products of human activity and, as such, manifestations of human consciousness, that is, subjectivity.<sup>104</sup> Once subjectivity was denied, the gateway to circumventing the doctrine of the Enlightenment and to departing with equanimity from democratic principles was prised open. Colonial statecraft inscribed the juridical status of black inhabitants as 'natives': subject peoples but not citizens.<sup>105</sup> In an Arendtian sense, the colonised were divested of the 'right to have rights'. They could be inhabitants of the only geographical space they called home but not members of a political community.

Thus, to those at the receiving end of colonial rule, the colonial state was a totalitarian political space which rendered the majority of its inhabitants virtual strangers in their own home. Viewed from the perspective of a totalitarian past, the moment of African independence can be understood as the opportunity to retrieve an Arendtian lost world and to restore a political community complete with the public realm. In practice, however, the rhetorical commitment to the restoration of a

101 H Botha 'Equality, plurality and structural power' (2009) 25 *South African Journal on Human Rights* 1 at 5.

102 JA Mbembe *On the postcolony* (2001) 27.

103 Mbembe (n 102 above) 25-35.

104 JA Mbembe 'African modes of self-writing' (2002) 14 *Public Culture* 239 at 246.

105 M Mamdani *Citizen and subject: Contemporary Africa and the legacy of late colonialism* (1996); M Mamdani 'The social basis of constitutionalism in Africa' (1990) 28 *Journal of Modern African Studies* 359 at 372-373; M Mamdani *Define and rule: Native as political identity* (2012). See, generally, the discussion in ch 3 sec 3.1 of this book.

political community that subscribes to democracy and pluralism has not gone hand in hand with creating the requisite institutions, much less the requisite political language, jurisprudence and praxis – the political culture. The sexuality sphere is a sphere in which most African states practise a totalitarianism which denies transgressive sexualities their public autonomy and thus manifestly fails to protect a ‘world which lies between us’.

## 6 Finding an overlapping consensus and asymmetrical reciprocity in African political and constitutional frameworks

Despite a chequered history in constitutionalism, an African formal purchase in democratic liberalism, which is generally tethered to human rights values has emerged in two main historical phases in modern times.<sup>106</sup> For the majority of African states the first phase took place mainly in the 1960s as part of a colonial bequest to newly independent African states by erstwhile colonial powers. As transitional constitutional instruments, African states adopted ready-made constitutions that both marked their juridical status as independent countries and inscribed democratic governance, including the protection of civil and political rights contained in a Bill of Rights.<sup>107</sup> However, in both form and substance this was a short-lived phase. With few exceptions it was followed by the widespread abrogation of constitutionalism and formal renunciations of democratic governance through the emergence of military dictatorships and one-party states.<sup>108</sup> Though the 1970s and 1980s witnessed change and a return to formal democracies in some isolated

106 The typology of only *two* historical phases here is intended to explain the existence of an overlapping consensus in the African region, rather than to engage in deeper historical analysis. Historical developments are always open to different understandings and categorisations. Crawford Young, for example, identifies three phases – three waves of democratisation in the African region, the first being the regimes created by the independence constitutions, the second being mostly the late 1970s before the adoption of the African Charter when, as prime examples, Ghana and Nigeria returned to the fold of civilian government following periods of military rule, and the third being the 1990s as a fall-out from the Cold War: C Young ‘Africa: An interim balance sheet’ (1996) 7 *Journal of Democracy* 53; F Viljoen *International human rights law in Africa* (2012) 159.

107 Again this a generalisation, as there are exceptions. For example, South Africa, which was already an independent republic before the transition to democratic rule in 1994, does not fit into this picture.

108 Viljoen (n 106 above) 159.

instances,<sup>109</sup> the more significant transition did not take place until the 1990s.

The 1990s can be described as marking the advent of the second phase of democratisation, which continues to this day. Even if civil society agitation for democracy played a significant role on the domestic front, the more important historical development, which initially spurred a regional transition towards a renewed commitment to democratic governance, was the end of the Cold War.<sup>110</sup> The second phase has witnessed the demise of one-party states, the introduction of domestic constitutional reforms and the adoption of redrafted constitutions with liberal-oriented Bills of Rights that seek to renew the commitment to democracy and to reinforce the respect, protection and fulfillment of human rights, including the rights to equality and freedom of conscience. Basic civil and political rights espoused, for example, by the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights and which speak to the influence of Western liberal theory are enshrined in African constitutions. Some constitutions have gone further, including socio-economic rights as part of embracing more diverse political philosophies, but without abandoning the core liberal philosophy. In the end the remaining question is not whether African polities have a purchase in democratic liberalism that speaks to an overlapping consensus but rather, to what extent they practise it. An-Na'im has observed that the fundamental framework for a liberal democracy can generally be found in every African constitution, even if repressive governments pay lip service to it or find numerous ways to circumvent it.<sup>111</sup>

As part of our understanding of the reach of the second phase and its relevance in providing formal evidence of an overlapping consensus that speaks to liberalism and pluralism in political doctrines, it is important also to take into account the transition towards liberal democracy at the level of regional frameworks and institutions. The most significant regional political development in this regard is the transition in the African region from the Organisation of African Unity to the establishment of the African Union in 2000 by the Constitutive Act of the African Union.<sup>112</sup> In its preamble, the Constitutive Act speaks not only to African solidarity and the achievement of political and economic union, it also speaks to a determination to 'promote and protect human and peoples' rights,

109 The return to civilian rule following military rule in Ghana and Nigeria serve as the main examples of the isolated instances: Viljoen (n 106 above) 159.

110 Viljoen (n 106 above) 161; R Murray *Human rights in Africa* (2003) 25-33 73-115.

111 AA An-Na'im (ed) *Human rights under African Constitutions* (2003) 17-18.

112 Constitutive Act of the African Union of 2000.

consolidate democratic institutions and culture and to ensure democratic principles and institutions of good governance and the rule of law'.<sup>113</sup> Under the Constitutive Act the principles of promoting and protecting democratic institutions and participation are rendered a constituent part of the substantive objectives and foundational principles of the African Union.<sup>114</sup>

My point in this final part of the chapter is to underscore the constitutional and historical inadequacy of majoritarian resistance to the recognition of non-heteronormative sexualities based on the argument that such sexualities are a Western cultural imposition and a form of imperialism.<sup>115</sup> The formal juridical inscription of liberalism in self-made African constitutions alone, even without adding to the picture the formal commitment to human rights values under global and African regional systems, permits us to counter-resist partly by pointing to a Rawlsian overlapping consensus implicit in the Bills of Rights of African constitutions. If taken seriously, the African Bills of Rights necessarily invite the imperatives of mutually respecting legitimate diversity, of restrained dissonance, of acquiescence in difference and respect for autonomy in the realm of sexuality. A refusal to recognise diversity means that some Africans are consigned to the zone of non-beings solely on the basis that their sexualities are non-heteronormative compliant.

What is sorely lacking in cultural relativist discourses opposed to recognising sexual minorities is a discussion about the 'world we hold in common' in an Arendtian sense. We are asked to accept that the African public realm has no space of appearance for the exercise of public autonomy. There is no discussion about whether pluralism and participatory democracy, which give African citizenry equal voice, are part of modern African polities. Seemingly, partaking of social reflexivity, which allows members of a political and cultural community to critique and challenge normative cultural practices, beyond being merely compliant adherents, is something foreclosed to African peoples.<sup>116</sup>

113 Preamble to the Constitutive Act.

114 Arts 3(g) & (h) and art 4(m) of the Constitutive Act.

115 See O Nnamuchi 'Towards a new human rights paradigm: Integrating hitherto neglected traditional values into the corpus of human rights' (2014) 14 *Chicago-Kent Journal of International and Comparative Law* 26 at 58-66; JAM Cobbah 'African values and the human rights debate: An African perspective' (1987) 9 *Human Rights Quarterly* 309.

116 S Benhabib 'Cultural complexity, moral interdependence, and global dialogical community' in M Nussbaum & J Glover (eds) *Women, culture and development* (1995) 235-255 at 238-241.

A particular difficulty with nationalistic and Afro-radical discourses that subscribe to thick communitarianism is that they go far beyond merely asserting an African self so as to depoliticise Africanness.<sup>117</sup> In order to counter Western cultural hegemony and invest communitarian claims with indigenous autochthony and authenticity, culture is reified. It is given an age-old essence that speaks for all. Once culture is naturalised and essentialised, the ground is set for depoliticising the domain of sexuality. Anything outside heteronormative sexuality becomes unacceptably subversive and is rendered outside constitutional protection. The door is left open for African polities to be presented without the political accoutrements bestowed by modernity, such as modern constitutions which clearly embrace pluralism. African *cultures* are presented by national authorities as a self-standing, single, national and continental cultural self that is pre-social, hermetically sealed, unchanging and uniquely homogeneous. The possibility is never articulated that such a cultural self could be drawn from knowledge built on hierarchies of power and privilege tethered to socio-political and cultural institutions that deny equality to some social groups.<sup>118</sup>

From a historical perspective, majoritarian claims about a unified African culture and sexuality miss the point that virtually all African constitutions and their Bills of Rights are not the outcome of an evolutionary progress to chart abiding consensus and continuity.<sup>119</sup> They are, rather, an outcome of conflict in the past: they register discontinuity rather than continuity. If liberalism in Western Europe was forged in the crucible of the political struggles between secularism and religion, African liberalism is the outcome of the struggles against polities (initially the colonial state and, latterly, one-party states) that denied the subjectivities of African peoples, consigning them to a zone of non-being. Given this backdrop, accepting essentialised notions of African culture as the only permissible part of the African public realm not only constitutes unconstitutional political instrumentalism, but also, dehistoricisation.

117 I elaborated on this argument in ch 7.

118 L Alcoff 'Democracy and rationality: A dialogue with Hilary Putnam' in Nussbaum & Glover (n 116 above) 225-234 at 225-226.

119 Here my arguments benefit from Chanock's insights in a critique of cultural essentialism: M Chanock 'Human rights and cultural branding: Who speaks and how' in AA An-Na'im (ed) *Cultural transformation and human rights in Africa* (2002) 38-67 at 38-40.

EPILOGUE: THEORISING  
AFRICANNESS

To be sure, there is no African identity that could be designated by a single term or that could be named by a single word or subsumed under a single category. African identity does not exist as a substance. It is constituted in varying forms, through a series of practices of the self. Neither the forms of this identity nor its idioms are always self-identical. Rather, these forms and idioms are mobile, reversible and unstable. Given this element of play, they cannot be reduced to a purely biological order based on blood, race, or geography. Nor can they be reduced to custom to the extent that the latter's meaning is itself constantly shifting.<sup>1</sup>

*What is Africanness* contributes to the ongoing dialogue concerning an African identity which is at the intersection between race, culture and sexualities. Africanness presents itself in the form of a lifelong conversation without an end precisely because of the ever-evolving, unfinished, unfolding multiplicities of conjunctural African identifications at play in the grand drama of life: a life lived by Africans by being part of the continent and part of the universe. For these reasons it seems appropriate to end with an epilogue rather than a conclusion: a pause in a dialogue and not its end.

In chapter 1, I posed, as the main topic of the dialogue, the question: Who/what is African? From the outset the aim has not been to answer the question categorically, but to treat it as a discourse question. The discussion in the subsequent chapters sought to speak to the discourse question through interrogating over-determinations or reductionisms of Africanness, which I call *nativism*. The lengthy interrogation of nativism from without was because it is a necessary foundation – the *sine qua non* – for understanding nativism from within. Ultimately, my goal is to develop a discourse capable of addressing the ethics of how Africans name

1 JA Mbembe 'African modes of self-writing' (2002) 14 *Public Culture* 239 at 272 (footnote omitted).

themselves today and how they might do so in the future without succumbing to nativism.

In this final part my intention is not to summarise the arguments delineating my approach to a discursive inquiry about Africanness, but to add a few thoughts on self-naming that might serve as a self-interrogation of what I hope this book adds to the African archive. I briefly reflect on what I see as the gap in knowledge the book fills and what it adds, by way of its theoretical foundation, to thinking about African identity. Theory, especially critical social theory, is indispensable in suggesting responses which are an alternative to nativism. Critical social theory is a tool for interpreting and explaining societal arrangements, including naming practices, so that we do not regard them as pre-social or divinely ordained – as ‘all things bright and beautiful’.<sup>2</sup> Theory puts at our disposal a resource for self-reflection and a means to interrogate narratives of social identity in order to uncover how they treat everyone and whether in privileging some, they subordinate others.

In theorising identity we need to reflect on our expectations. At a minimum we should be able to deliver a plausible account of social identity. But what constitutes plausibility? Linda Alcoff addresses this question: she argues, if it is to be plausible, an account of social identity must be able to account for historical fluidity as well as differences within identities, at the same time as it accounts for the powerful, persistent salience of identities as self-descriptions and predictors of how one is treated.<sup>3</sup> If we accept Alcoff’s argument, my point is that dominant narratives of African social identities in the post-colonial era have done sufficiently well at accounting for the powerful and persistent salience of African identity as raced identity, but manifestly less well in accounting for historical fluidity, differences and agency within African identity.

Much has been written by Africans about the generality of the African subject – its shared ‘public identity’.<sup>4</sup> However, very little has been written about the African subject and its experience of radical uncertainty – its ‘lived subjectivity’, specificity, complexity and, above all, its plurality

2 The parenthesised phrase borrows from ‘All things bright and beautiful’, an Anglican hymn written in 1848 by Cecil Frances Alexander. The parts that speak to my point say: ‘All things bright and beautiful, All creatures great and small, All things wise and wonderful, The Lord God made them all. The rich man in his castle, The poor man at his gate, God made them, high or lowly, And order’d their estate.’ Of course, the hymn is a celebration of God’s creative power but I read the sanctioning of status subordination as legitimising the natural order of things.

3 LM Alcoff *Visible identities: Race, gender, and the self* (2006) 87-88.

4 Alcoff (n 3 above) 93-94.

which defies convergence towards a single trajectory.<sup>5</sup> Moreover, little has been written about the commensurability of mutual recognition between different social identities. This book is about developing theory and method for closing this gap. It advances a theory of African social or cultural identity in ways that concomitantly account for rather than erase or gloss over historical agency and fluidity, multiplicities of cultural repertoires and the commensurability of differences within African identifications. Ultimately, it seeks to develop a theoretical archive of self-naming that enlarges the human freedoms of Africans.

Theory and method that account for historical fluidity and difference within African identity are where there is a conspicuous gap in contemporary articulations of African identity by Africans. More than any other writer, Achille Mbembe is in the vanguard of articulating this theoretical gap, especially its aetiology. He has implicated, as the main pathology, valorised and ahistorical, autochthonous, identitarian determinations of Africanness in the aftermath of slavery, colonialism and apartheid in ways that purport to be exhaustive and yet exclude other histories and provincialise Africanness.<sup>6</sup> In an insightful essay, 'African modes of self-writing', Mbembe explicates the limits of dehistoricised or essentialised accounts of African identity, underlining that attempts to define African identity as a neat and tidy category outside of history are apt to fail.<sup>7</sup> Perspicaciously, he cautions us against expending yet more intellectual energy in non-productive, repetitive efforts to define African identity in ways that are imprisoned by race, geography and dehistoricised abstractions of the African past.

Without the benefit of a theory to articulate Africanness, we are left only with uncritical dogma and its studied repetition. Dogma is incapable of constructing an inclusive, changing and unexpected Africanness, as it is restricted to the recitation, over and over, of an 'authentic', 'pre-constituted self' which is moulded from an emancipatory foundational alterity whose locus lies in an 'originary negation' of slavery, colonialism and apartheid and is not open to unfolding and proliferating subjectivities.<sup>8</sup> Africanness, as pre-constituted social identity, relies unduly on an archive of negating the excess of colonial and Eurocentric canons of Africanness

5 As above; JA Mbembe 'On the power of the false' (2002) 14 *Public Culture* 629 at 631; SJ Ndlovu-Gatsheni *Coloniality of power in postcolonial Africa: Myths of decolonisation* (2013) 101.

6 Mbembe (n 1 above).

7 Mbembe (n 1 above) 271.

8 JA Mbembe (n 5 above) 635; SB Diagne 'Keeping Africanity open' (2002) 14 *Public Culture* 621-622; Ndlovu-Gatsheni (n 5 above) 99.

as lack. Paradoxically, it employs its own biopower to counter spoiled Africanness and to supplant it with its own 'obverse denominative' excess, as Ato Quayson puts it.<sup>9</sup> Pre-constituted Africanness refuses to reckon with the worldliness of contemporary Africans – their actual being in the world. The social identity it delivers is an inversely nativised identity which is burdened with the metaphysics of difference.<sup>10</sup> Nativism from without is distortive of African identity – but so is nativism from within.

Nativism from within distorts African identity when it refuses to recognise difference and to accommodate dissonance. Its dualism produces an Africanness which reposes in a Cartesian subject in ways that exclude multiple ancestries of identifications and shifting identities, as well as contingency and positionality. It seals identity and lacks the conceptual resources to account for the place of liminality, for in-between identifications – Homi Bhabha's Third Space.<sup>11</sup> It refuses to engage with questions about the newness of Africa. Ultimately, nativism from within finds refuge in an unassailable ontology of Africanness in which race as biology is immanent and identity is a monumentalised abstraction, complete with a lack of exit points or reflexivity: in other words, a quintessential hegemonic identity.

A monumentalised identity has its virtues and is not always harmful. Indeed, it is precisely the identity African peoples used as a strategic and productive resource for mobilising solidarity in the fight against colonial subjugation. However, identity as a monument no longer serves us: it denies our subjectivities and forecloses our futures. In the era of restoring community after the colonial moment, monumentalised identity has become vulnerable to chauvinism, authoritarianism and outright exclusionary tendencies. This is especially so when it is at the service of anti-colonial nationalism, but at a time when the territory is independent and no longer a colony.

Anti-colonial nationalistic adumbrations to reclaim, rename and re-inhabit the land come with margins of excess as well as political opportunism in the search for an authentic national identity.<sup>12</sup> The adumbrations are prone to indulge in *ressentiment*, rather than to be

9 A Quayson 'Obverse denominations: Africa?' (2002) 14 *Public Culture* 585 at 586.

10 Mbembe (n 1 above) 240.

11 HK Bhabha *The location of culture* (1994); F Kalua 'Homi Bhabha's Third Space and African identity' (2009) 21 *Journal of African Cultural Studies* 23.

12 EW Said *Culture and imperialism* (1993) 273.

seriously engaged in transformative efforts to substantively affirm human freedoms following the catastrophe of dehumanising colonial rule.<sup>13</sup> Used opportunistically by ruling elites in the postcolonial era, the adumbrations facilitate pathologies of power. They have a tendency to seek refuge, as Edward Said observes, in demagogic assertions of a native past and a celebratory native identity which expediently is freed from worldly time.<sup>14</sup>

When a non-reflexive and regimented identity is appropriated by the state and its agents as part of reductive nationalistic articulations, the ground is laid for mobilising binary oppositions.<sup>15</sup> African peoples are dislodged from history and quarantined from existential global affiliations.<sup>16</sup> What emerges is an implausible account of African identity – an ontological and mythological Africanness – complete with essences which are amenable to moving from national identity to separatist normative corporate African identity in ways that leave little room for a heterogeneous human community or for affirming human liberation.<sup>17</sup> Instead of an African self that is preoccupied with shedding the servitude and spoiled identity of Caliban, Said argues, it is better for Caliban to see his own history of subjugation as far from unique but as one that is shared by others.<sup>18</sup> In this way Caliban has a better prospect of understanding the complexity of *his* own social and historical situation.<sup>19</sup>

When an ontological Africanness is imposed on us we are ushered into not only the zone of Fanonian petrification where African identity is frozen and closed to renewal, and where the ruling elites of the postcolonial era are beyond reproach.<sup>20</sup> We are also ushered into Bulterian precarity where identity is accompanied by the institutionalisation of chauvinism, authoritarianism and technologies for the governmentality and disciplining of transgressive African identifications.<sup>21</sup> Nativist articulations of African identity require us to accept, without demur, a *theocratic* epistemology of African identity as our enduring identitarian lodestar which assuredly shepherds us towards a domain of primordial

13 Said (n 12 above) 276; Mbembe (n 1 above) 257-258; Diagne (n 8 above) 622.

14 Said (n 12 above) 275-277.

15 Said (n 12 above) xv.

16 As above.

17 Said (n 12 above) 49; Mbembe (n 5 above) 629.

18 Said (n 12 above) 258. I have preserved the masculine for Caliban for reasons of fidelity to the Shakespearean text and not to exclude female Calibans.

19 Said (n 12 above) 258.

20 F Fanon *The wretched of the earth* (1967) 87; D Ficek 'Reflections on Fanon and petrification' in N Gibson (ed) *Living Fanon* (2011) 75-84.

21 J Butler 'Performativity, precarity and sexual politics' (2009) 4 *AIBR. Revista de Antropología Iberoamericana* 1.

totality and celestial purity.<sup>22</sup> African culture is cast as impermeable. African identity is normalised and imagined not as dynamic but as exceptionally unique in its naturalism and propensity towards sameness and unity, immobility, irreversibility and epidermal permanence. This singularity, reductionism and lack of movement in the imagination of African identity lie behind Mbembe's lament.

*What is Africanness* goes beyond problematising African identity. However incompletely, it addresses an existential gap in theory for explicating African social identity. It does not do so through offering a dogma of Africanness or a Stalinist grid of characteristics or typologies that should be met before one is eligible to claim Africanness.<sup>23</sup> Instead, building on the cultural work of Stuart Hall, it develops an interpretive method – a hermeneutics – for locating and deciphering African identifications in ways that are historically conscious and conjunctural, and look not just to the past but equally to the present and the future so that African identity remains invested with motility and the capacity to mutate radically and to make new and unexpected beginnings.

Hall's identifications are unfinished attachments which are steeped in temporality and entangled with the subjective play of desire and uncertainty.<sup>24</sup> They add to the African archive an epistemology of identity that is a conceptual resource for anticipating newness, managing dissonance and recognising our overlapping consensus. An implicit starting point in Hall's identifications is that plurality is the condition of human action. Such plurality is manifest in Arendt's 'space of appearance' where members of a political community reveal their subjectivities in relations of egalitarian reciprocity and solidarity.<sup>25</sup>

In developing a hermeneutics of Africanness, this book takes up some of the challenges thrown down by Mbembe concerning the importance of

22 On a theocratic vision, see ch 1.

23 See Ali Mazrui's tripartite typology for ascertaining who is African: A Mazrui 'Preface: Comparative Africanity: Blood, soil and ancestry' in J Adibe *Who is an African? Identity, citizenship and the making of an Africa-nation* (2009) xi-xv, discussed in Ndlovu-Gatsheni (n 5 above) 115-117.

24 Here I am drawing in part on Mbembe's repeated emphasis on temporality as the main missing piece in discourses about Africa: JW Shipley, J Comaroff & A Mbembe 'Africa in theory: A conversation between Jean Comaroff and Achille Mbembe' (2010) 83 *Anthropological Quarterly* 653 at 658.

25 See the discussion in ch 8 sec 5.

Africa developing a discourse and, necessarily, a theory *about Africa* for itself.<sup>26</sup> The hermeneutics of Africanness should be understood as asking Africans, not to renounce authenticity but rather, to reimagine it by moving away from a thick and dominant notion of African identity as archaeology so as to accommodate radical uncertainty and a plural universe. Put differently, *What is Africanness* requires reading the authenticity of African identity against the grain in ways that capture not just a *backward movement* in which the past informs the present and the future but, more importantly, a *forward movement* so that it is the present and the future which constantly and continuously reveal our subjectivities.<sup>27</sup>

The hermeneutics of Africanness developed in this book serves as a theoretical roadmap for decoding African identity in an African sense as well as a global one after the epochal events of slavery, colonialism and apartheid but without succumbing to the allure of treating these historical events as deterministic. The hermeneutics acknowledges our *kronos* but ultimately emphasises our *kairos* – our lived time.<sup>28</sup> This temporal distinction is crucial if we are to affirm as authentic, the continuous unfolding of new African identifications and new African ethnicities.<sup>29</sup> The distinction is also necessary, however, so that we acknowledge, as Mbembe reminds us, that time is always on the move and that certain aspects of our African past have been radically transformed.<sup>30</sup> Recovering African dignity should not be conflated with recovering traditions and custom.<sup>31</sup> Rather, it is recovery of the Arendtian ‘world we hold in common’ in ways that recapture the human condition and that are not enamoured of a Cartesian logic of identity which denies heterogeneity and lays waste to human life.<sup>32</sup> Our ethical responsibility to Africanness is not to deny agency but instead to keep the door open for social reflexivity and ever-transforming Africanness.

26 JA Mbembe *On the postcolony* (2001) 3.

27 Diagne (n 8 above) 622.

28 S Benhabib *Situating the self* (1992) 1; T Ranger ‘The invention of tradition in colonial Africa’ in E Hobsbawm & T Ranger (eds) *The invention of tradition* (1983) 211 at 247-252.

29 Diagne (n 8 above) 621; S Hall ‘New ethnicities’ in D Morley & K Chen (eds) *Stuart Hall: Critical dialogue in cultural studies* (1996) 442-451.

30 Mbembe (n 26 above) ch 1; Benhabib (n 28 above) 1.

31 Benhabib (n 28 above) 1.

32 On the ‘world we have in common’, see the discussion in ch 8 sec 5.

# BIBLIOGRAPHY

## Books and chapters in books

- Abelove, H, Barale, MA & Halperin, DM (eds) *The lesbian and gay studies reader* (Routledge 1993)
- Ackerman, B *Social justice in the liberal state* (Yale University Press 1980)
- Adhikari, M (ed) *Burdened by race: Coloured identities in Southern Africa* (Juta 2009)
- Adhikari, M *The anatomy of a South African genocide: The extermination of the Cape San peoples* (University of Cape Town Press 2010)
- Adibe, J *Who is an African? Identity, citizenship and the making of an Africa nation* (Adonis & Abbey 2009)
- Adorno, TW *Negative dialectics* (Seabury Press 1973)
- Ahmed, S *Queer phenomenology, orientation, objects and others* (Duke University Press 2006)
- Akrong, AA 'African traditional religion and Christianity: Continuities and discontinuities' in Lauer, H & Anyidoho, K (eds) *Reclaiming the human sciences and humanities through African perspectives* (Sub-Saharan Publishers 2012) 307-320
- Alatas, SH *The myth of the lazy native* (F Cass 1977)
- Alcoff, LM 'Democracy and rationality: A dialogue with Hilary Putnam' in Nussbaum, M & Glover, J (eds) *Women, culture and development: A study of human capabilities* (Oxford University Press 1995) 225-234
- Alcoff, LM and Mendieta, E 'Introduction' in Alcoff, LM & Mendieta, E (eds) *Thinking from the underside of history: Enrique Dussel's philosophy of liberation* (Rowman and Littlefield 2000) 1-26
- Alcoff, LM & Mendieta, E (eds) *Thinking from the underside of history: Enrique Dussel's philosophy of liberation* (Rowman and Littlefield 2000)
- Alcoff, LM 'Power/knowledges in the colonial unconscious: A dialogue between Dussel and Foucault' in Alcoff, LM & Mendieta, E (eds) *Thinking from the underside of history: Enrique Dussel's philosophy of liberation* (Rowman and Littlefield 2000) 249-267
- Alcoff, LM *Visible identities: Race, gender and the self* (Oxford University Press 2006)
- Alexander, CF 'All things bright and beautiful', an Anglican hymn written in 1848 produced in Alexander, CF *Hymns for little children* (H Hooker 1850)
- Althusser, L *Lenin and philosophy and other essays* (Polity Press 1971)
- Ambani, JO 'A triple heritage of sexuality? Regulation of sexual orientation in Africa in historical perspective' in Namwase, S & Jjuuko, A (eds) *Protecting the human rights of sexual minorities in contemporary Africa* (Pretoria University Law Press 2017) 4-50
- Anderson, B *Imagined communities: Reflections on the origins and spread of nationalism* (Verso 1983)
- An-Na'im, AA (ed) *Cultural transformation and human rights in Africa* (Zed Books 2002)
- An-Na'im, AA *Human rights under African constitutions* (University of Pennsylvania Press 2003)
- Appiah, KA *In my father's house: Africa in philosophy of culture* (Oxford University Press 1992)

- Arendt, H *Between past and future* (Viking Press 1961)
- Arendt, H *Crises of the republic* (Harcourt Brace Jovanovich 1972)
- Arendt, H *Human condition* (University of Chicago Press 1998) (originally published in 1958)
- Arendt, H *Men in dark times* (Viking Press 1968)
- Arendt, H *On revolution* (Viking Press 1963)
- Arendt, H *Origins of totalitarianism* (Harcourt, Brace & Co 1962) (originally published in 1951)
- Arnfred, S "'African sexuality"/Sexuality in Africa: Tales and silences' in Arnfred, S *Re-thinking sexualities in Africa* (The Nordic Africa Institute 2004) 59-76
- Asad, T (ed) *Anthropology and the colonial encounter* (Ithaca Press 1973)
- Balibar, E *Masses, classes, ideas* (Routledge 1994)
- Barker, F et al (eds) *The politics of theory: Proceedings of the Essex Sociology of Literature Conference* (University of Essex 1982)
- Barlow, T 'Introduction' in Barlow, T (ed) *Formations of colonial modernity in East Asia* (Duke University Press 1997) 1-20
- Benhabib, S 'Cultural complexity, moral independence, and global dialogical community' in Nussbaum, M & Glover, J (eds) *Women, culture and development: A study of human capabilities* (Oxford University Press 1995) 235-255
- Benhabib, S *Situating the self: Gender, community and postmodernism in contemporary ethics* (Polity 1992)
- Bhabha, HK 'Culture's in-between' in Hall, S & Du Gay, P (eds) *Questions of cultural identity* (Sage 1996) 53-60
- Bhabha, HK *Location of culture* (Routledge 1994)
- Biko, S *I write what I like* (Penguin Books 1978)
- Blake, R *A history of Rhodesia* (Eyre Methuen 1977)
- Blyden, EW 'Africa and Africans' *Proceedings on the occasion of a banquet for Edward W Blyden by West Africans in London August 15, 1903* (CM Phillips 1903)
- Blyden, EW 'The Negro in ancient history' (McGill & Witherow 1869)
- Blyden, EW *African life and customs* (CM Phillips 1908)
- Blyden, EW *Christianity, Islam and the Negro race* (WB Whittingham and Company 1888), reprinted Edinburgh University Press (1967)
- Blyden, EW *Liberia: Past, present and future* (McGill & Witherow 1867)
- Blyden, EW *Liberia's offering* (JA Gray 1862)
- Blyden, EW *Vindication of the Negro race: Being a brief examination of arguments in favour of African inferiority* (G Killian 1857)
- Bosch, DJ 'The roots of Afrikaner civic religion' in Hofmeyr, JW & Vorster, WS (eds) *New faces of Africa: Essays in honour of Ben Marais* (UNISA 1984) 14-35
- Bourdieu, P *Outline of a theory of practice* trans Nice, R (Cambridge University Press (1972)
- Copeland, MS *Enfleshing freedom: Body, race and being* (Fortress Press 2010)
- Brelsford, V *Primitive philosophy* (John Bale 1935)
- Brendon, P *Decline and fall of the British Empire* (Princeton University Press 2010)
- Brooks, A 'Feminist standpoint epistemology: Building knowledge and empowerment through women's lived experience' in Hesse-Biber, SN & Leavy, P (eds) *An invitation to feminist method* (Sage Publications 2007) 53-82
- Brotz, H (ed) *African-American social and political thought, 1850-1920* (Routledge 1992)

- Browne, H *La Pharmacie Intérieure* (The Convent Dispensary), a painting, (1859)
- Browne, H *Les Soeurs de Charité* (The Sisters of Charity), a painting, (1859)
- Brundell, JC *Black and white peril* (National Archives of Zimbabwe S1227/1 1915)
- Bujo, B *The foundations of an African ethic: Beyond the universal claims of Western morality* (Crossroads Publishers 2011)
- Burchell, G, Gordon, C & Miller, P (eds) *The Foucault effect: Studies in governmentality with two lecturers and an interview with Michel Foucault* (University of Chicago Press 1991)
- Burke, T *Lifebuoy men, Lux women* (Duke University Press 1996)
- Butler, J *Bodies that matter: On the discursive limits of sex* (Routledge 1993)
- Butler, J *Gender trouble: Feminism and the subversion of identity* (Routledge 1999) (originally published in 1990)
- Butler, J *The psychic power of life: Theories in subjection* (Norton 1977)
- Cagnolo, C *The Agikuyu: Their customs, traditions and folklore* (Mission Printing School 1930)
- Carroll, A *State-sponsored homophobia. A world survey of sexual orientation laws: Criminalization, protection and recognition* (ILGA 2016)
- Césaire, A *Discourse on colonialism* (Monthly Review Press 1950)
- Chakrabarty, D 'Politics unlimited: The global Adivasi and debates about the political' in Karlson, BT & Subba, TB (eds) *Indigeneity in India* (Routledge 2006) 235-245
- Chanock, M 'Human rights and cultural branding: Who speaks and how' in An-Na'im, AA (ed) *Cultural transformation and human rights in Africa* (Zed Books 2002) 38-67
- Chanock, M *The making of South African legal culture 1902-1936* (Cambridge University Press 2001)
- Charlton, JL *Nothing about us without us: Disability oppression and empowerment* (University of California Press 1998)
- Clingman, S *Bram Fischer: Afrikaner revolutionary* (University of Massachusetts Press 1998)
- Coalition of African Lesbians & AMSHeR (eds) *Violence based on perceived or real sexual orientation and gender identity in Africa* (Pretoria University Law Press 2013)
- Comaroff, J & Comaroff, J *Of revelation, colonialism and consciousness in South Africa Vol 1* (University of Chicago Press 1991)
- Comaroff, J & Comaroff, JL (eds) *Theory from the South: How Euro-America is evolving toward Africa* (Paradigm 2014)
- Cook, RJ & Cusack, S *Gender stereotyping: Transnational legal perspectives* (University of Pennsylvania Press 2010)
- Copeland, MS *Enfleshing freedom: Body, race and being* (Fortress Press 2010)
- Corrêa, S, Petchesky, R & Parker, R *Sexuality, health and human Rights* (Routledge 2008)
- Crais, C & Scully, P *Sara Baartman and the Hottentot Venus* Princeton University Press 2009)
- Crummel, A 'Relations and duties of free coloured men in America and Africa' (1860) in Brotz, H (ed) *African-American social and political thought, 1850-1920* (Routledge 1992) 171-190
- Cuvier, G 'Extrait d'observations faites sur le cadaver d'une femme connue à Londres sous le nom de Vénus Hottentote' in Cuvier, G, Joubert, P-Ch & Passard, FL *Discours sur les révolutions du globe* (Passard 1864) 211-222

- Cuvier, G *Recherches sur les ossements fossils* (Deterville 1812)
- Cuvier, G, Joubert, P-Ch & Passard, FL *Discours sur les révolutions du globe* (Passard 1864)
- D'Emilio, J 'Capitalism and gay identity' in Abelove, H, Barale, MA & Halperin, DM (eds) *The lesbian and gay studies reader* (Routledge 1993) 467-476
- D'Emilio, J *Sexual politics, sexual communities: The making of a homosexual minority in the United States, 1940-1970* (University of Chicago Press 1983)
- D'Entrevues, MP *The political philosophy of Hannah Arendt* (Routledge 1994)
- Darwall, S *Impartial reason* (Cornell University Press 1983)
- Davenport, TRH & Saunders, C *South Africa: A modern history* (Palgrave Macmillan 2000)
- De Beauvoir, S *The second sex* translated and edited by Parshley, HM (Pan Books 1988) (originally published in 1959)
- De Sousa Santos, B *Epistemologies of the South: Justice against epistemicide* (Paradigm 2014)
- Dean, M *Governmentality: Power and rule in modern society* (SAGE 2010)
- Delany, M *The condition, elevation, emigration, and destiny of coloured people of the United States* (1852) (reprinted Arno 1968)
- Delgado, R & Stefani, J *Critical race theory: An introduction* (New York University Press 2001)
- Derrida, J *Of grammatology* trans GC Spivak (John Hopkins University Press 1976)
- Derrida, J *Positions* (University of Chicago Press 1981)
- Dictionnaire des sciences médicales* (Dictionary of medical sciences) (Panckoucke 1819)
- Diop, CA *The cultural unity of black Africa* (Présence Africaine 1962)
- Doan, L (ed) *The lesbian postmodern* (Columbia University Press 1994)
- Drew Smith, R, Ackah, W, Reddie, AG & Tshaka, RS (eds) *Contesting post-racialism: Conflicted churches in the United States and South Africa* (University Press of Mississippi 2015)
- Du Bois, WEB 'The conservation of races' (1897) in Foner, PS (ed) *WEB du Bois speaks: Speeches and addresses 1890-1919* (Pathfinder Press 1970) 73-85
- Du Bois, WEB *The souls of black folk* (AC McClurg & Co 1903)
- Du Pre, RH *The rape of the 'coloured' people* (Southern History Association 1992)
- Du Toit, A 'The construction of Afrikaner chosenness' in Hutchison, WR & Lehmann, H (eds) *Many are chosen: Divine election and Western nationalism* (Fortress Press 1994) 115-139
- Dubow, S *Racial segregation and the origins of apartheid in South Africa 1919-1936* (Macmillan 1989)
- Dubow, S *Scientific racism in modern South Africa* (Cambridge University Press 1995)
- Dunton, C & Palmberg, M *Human rights and homosexuality in Southern Africa* (Nordiska Afrikainstitutet 1996)
- Dussel, E *The invention of the Americas: Eclipse of the 'Other' and the myth of modernity* trans MD Barber (Continuum 1995)
- Ebousi-Boulaga, F *Christianisme sans fétiche. Révélation et domination* (1981) trans RR Barr as *Christianity without fetishes: Revelation and domination* (1984)
- Ebrahim, H *The soul of a nation: Constitution-making in South Africa* (Cambridge University Press 1998)
- Elder, GS *Hostels, sexuality and the apartheid legacy: Malevolent geographies* (Ohio University Press 2003)

- Elliot, G (Mary Ann Evans) *Daniel Deronda* (Van Drueten 1876)
- Epprecht, M 'Foreword' in Steyn, M & Van Zyl, M (eds) *The prize and the price: Shaping sexualities in South Africa* (HSRC Press 2009)
- Evans, J & Redman, P (eds) *Identity: A reader* (Sage and the Open University 2000)
- Fanon, F *Black skin, white masks* (Grove Press 1967)
- Fanon, F *The wretched of the earth* (Grove Press 1967)
- Faris, JC 'Pax Britannica and the Sudan: SF Nadel' in Asad, T (ed) *Anthropology and the colonial encounter* (Ithaca Press 1973) 153-170
- Fausto-Sterling, A 'Gender, race, and the nation: The comparative anatomy of Hottentot women in Europe, 1815-1817' in Terry, J & Urla, J (eds) *Deviant bodies: Critical perspectives on difference in science and popular culture* (Indiana University Press 1995) 19-48
- Ficek, D 'Reflections on Fanon and pretrification' in Gibson, N (ed) *Living Fanon* (Palgrave 2011) 75-84
- First, F, Steele, J & Gurney, C *The South African connection: Western investment in apartheid* (Penguin Books 1973)
- Fischer, E *Die Rehobother Bastards und das bastardierungsproblem beim menschen* (translated as *The Rehoboth bastards and the bastardisation problem in man*) (Gustav Fischer 1913)
- Foner, PS (ed) *WEB du Bois speaks: Speeches and addresses 1890-1919* (Pathfinder Press 1970)
- Foner, PS (ed) *WEB du Bois speaks: Speeches and addresses 1920-1963* (Pathfinder Press 1971)
- Foucault, M *Discipline and punish: The birth of a prison* trans Sheridan Smith, AM (Pantheon 1977)
- Foucault, M *History of sexuality, Vol 2* trans Hurley, R (Vintage Books 1990)
- Foucault, M 'Nietzsche, genealogy, history' in Rabinow, P (ed) *The Foucault reader* (Pantheon Books 1984) 76-100
- Foucault, M *Power (The essential works of Foucault 1954-1984)* Faubian, J (ed) (New Press 1994)
- Foucault, M *The archaeology of knowledge* trans Sheridan Smith, AM (Pantheon 1972)
- Foucault, M *The history of sexuality, Vol 1: An introduction* (Random House 1978) (originally published in 1976)
- Foucault, M *The order of things: An archaeology of human sciences* (Vintage Books 1994) (originally published in 1966)
- Fraser, N *Justice interruptus: Critical reflections on the post-socialist condition* (Routledge 1997)
- Fredman, S *Discrimination law* (Oxford University Press 2002)
- Freud, S 'Fetishism' (1927) in Freud, S *On sexuality* (Penguin Books 1977) 345-358
- Freud, S *On sexuality* (Penguin Books 1977)
- Frobenius, L *Schicksalskunde im sinne des kulturwerdens* (translated as *Destiny of civilisations*) (R Voigtländer 1938) (first published in 1932)
- Gates, HL *The signifying monkey: A theory of African-American literary criticism* (Oxford University Press 1989)
- George, SK 'Earth's the limit: The sense of finiteness among the Hill Tribes of Northeast India' in Meinhold, R (ed) *Environmental values: Emerging from cultures and regions of the ASEAN Region* (Guna Chakra Research Centre 2015) 91-122
- Gibson, N (ed) *Living Fanon* (Palgrave 2011)

- Gikandi, S 'Foreword: On Afropolitanism' in Wawrzinek, J & Makoka JKS (eds) *Negotiating Afropolitanism: Essays on borders and spaces in contemporary African literature and folklore* (Rodopi 2010) 9-11
- Gilman, SL *Difference and pathology: Stereotypes of sexuality, race and madness* (Cornell University Press 1985)
- Gilroy, P *The black Atlantic: Modernity and double consciousness* (Harvard University Press 1993)
- Goffman, E *Stigma: Notes on the management of a spoiled identity* (Penguin 1963)
- Goldberg, DT *Racist cultures: Philosophy and politics of meaning* (Basil Blackwell 1993)
- Goldblatt, D *South Africa: The structure of things then* (Oxford University Press 1998)
- Goldin, I *Making race: The politics and economics of coloured identity in South Africa* (Maskew Miller Longman 1987)
- Goldsworthy, A *The Punic Wars* (Cassell 2000)
- Gordon-Chipembere, N 'Introduction: Claiming Sarah Baartman, a legacy to grasp' in Gordon-Chipembere, N (ed) *Representation and black womanhood: The legacy of Sarah Baartman* (Palgrave Mcmillan 2007) 1-16
- Gordon-Chipembere, N (ed) *Representation and black womanhood: The legacy of Sarah Baartman* (Palgrave Mcmillan 2007)
- Gossett, TF *Race: The history of an idea in America* (Schocken Books 1965)
- Gould, SJ *The mismeasure of man* (Norton 1981)
- Gramsci, A *The prison notebooks: Selections* (Lawrence & Wishart 1971)
- Gutmann, A (ed) *Multiculturalism. Examining the politics of recognition* (Princeton University Press 1992)
- Gyekye, K *African cultural values: An introduction* (Sankofa Publishing Company 1996)
- Gyekye, K *Tradition and modernity: Philosophical reflections on the African experience* (Oxford University Press 1997)
- Habermas, J *The theory of communicative competence Vol 2: Lifeworld and system* (Beacon 1987)
- Habermas, J *The theory of communicative competence Vol 1: Reason and rationalization of society* (Beacon Press 1984)
- Halberstam, J 'F2M: The making of female masculinity' in Doan, L (ed) *The lesbian postmodern* (Columbia University Press 1994) 210-228
- Halberstam, J *In a queer time and place: Transgender bodies and subcultural lives* (New York University Press 2005)
- Hall, S & Evans, J (eds) *Visual culture: The reader* (Sage 1999)
- Hall, S 'Cultural identity and diaspora' in Rutherford, J (ed) *Identity: Community, culture, difference* (Lawrence & Wishart 1990) 222-237
- Hall, S 'New ethnicities' in Morley, D & Chen, K (eds) *Stuart Hall: Critical dialogue in cultural studies* (Oxford University Press 1996) 442-451
- Hall, S 'The spectacle of the "Other" in Hall, S, Evans, J & Nixon, S (eds) *Representation* (Sage 2013) 215-287
- Hall, S 'The work of representation' in Hall, S, Evans, J & Nixon, S (eds) *Representation* (Sage 2013) 1-59
- Hall S 'When was "the Post-Colonial"? Thinking at the limit' in Chambers, I & Curtis, L (eds) *The post-colonial question: Common skies, divided horizons* (Routledge 1996) 242-260
- Hall, S 'Who needs "identity"?' in Evans, J & Redman, P (eds) *Identity: A reader* (Sage and the Open University 2000) 15-30

- Hall, S 'Old and new identities, old and new ethnicities' in King, AD (ed) *Culture, globalization, and the world-system: Contemporary conditions for the representation of identity* (University of Minnesota Press 1997) 41-68
- Hall, S, Evans, J & Nixon, S (eds) *Representation* (Sage 2013)
- Hallen, B *A short history of African philosophy* (Indiana University Press 2002)
- Halperin, D *Saint Foucault: Towards a gay hagiography* (Oxford University Press 1995)
- Hamerton-Kelly, R 'Biblical justification of apartheid in Afrikaner civil religion' in Keulman, K *Critical moments in religious history* (Mercer University Press 1993) 161-172
- Hammond, D & Jablow, A *The myth of Africa* (Library of Science 1977)
- Harris, L (ed) *Philosophy born of struggle: Anthology of Afro-American philosophy from 1917* (Kendall/Hunt 1983) 283-287
- Heath, S *Questions of cinema* (Macmillan 1981)
- Hegel, GWF *Elements of the philosophy of right* trans Nisbet, HB (Cambridge University Press 1991) (originally published in 1920)
- Hegel, GWF *Phenomenology of spirit* (1807) trans Miller, AV with analysis of the text and foreword by Finlay, JN (Clarendon Press 1977)
- Hegel, GWF *The philosophy of history* trans Sibree, J (Dover Publications 1956)
- Heller, A *Beyond justice* (Basil Blackwell 1987)
- Hesse-Biber, SN & Leavy, P (eds) *An invitation to feminist method* (Sage 2007)
- Hobsbawm, E & Ranger, T (eds) *The invention of tradition* (Cambridge University Press 1983)
- Hofmeyr, JW & Vorster, WS (eds) *New faces of Africa: Essays in honour of Ben Marais* (UNISA 1984) 14-35
- Hofmeyr, JW, Lombard, CJS & Maritz, PJ (eds) *1948 plus 50 years. Theology, apartheid and church: Past, present and future* (Institute for Missiological and Ecumenical Research 2001)
- Holmes, R *African queen* (Random House 2007)
- Hooks, B *Feminist theory from margin to centre* (Southend Press 1984)
- Horsman, R *Race and manifest destiny: The origins of American racial Anglo-Saxonism* (Harvard University Press 1981)
- Howe, S *Empire: A very short introduction* (Oxford University Press 2002)
- Husserl, E *Ideas pertaining to a pure phenomenology and to a phenomenological philosophy* trans Rojcewicz, R & Schuwer, A (Kluwer 1989)
- Hutchison, WR & Lehmann, H (eds) *Many are chosen: Divine election and Western nationalism* (Fortress Press 1994)
- Irigaray, L *Speculum of the other woman* trans Gill, GC (Cornell University Press 1974)
- Irving, H *Gender and the constitution: Equity and agency in comparative constitutional design* (Cambridge University Press 2008)
- Jackson, M *Essays in existential anthropology* (Chicago University Press 2013)
- Jansen, JD *Knowledge in the blood* (Stanford University Press 2009)
- Jennings, WJ *The Christian imagination: Theology and the origins of race* (Yale University Press 2010)
- Jordan, WD *White over black: American attitudes toward the Negro, 1550-1812* (Norton 1977)
- Kaplan, A & Pease, DE (eds) *Cultures of United States imperialism* (Duke University Press 1993)

- Karlson, BT & Subba, TB (eds) *Indigeneity in India* (Routledge 2006)
- Katz, EN *A trade union aristocracy: A history of white workers in the Transvaal and the general strike of 1913* (African Studies Institute, University of the Witwatersrand 1976)
- Katz, JN *Gay American history* (Crowell 1976)
- Kennedy, D *Island of white: Settler society and culture in Kenya and Southern Rhodesia, 1890-1939* (Duke University Press 1987)
- Keulman, K *Critical moments in religious history* (Mercer University Press 1993)
- Khaldūn, I *The Muqaddimah: An introduction to history* trans Rosenthal, F (Princeton University Press 2005)
- Kiernan, B 'From Irish famine to Congo reform: Nineteenth century roots of international human rights law' in Provost, R & Akhavan, P (eds) *Confronting genocide* (Springer Science & Business Media 2011) 13-43
- King, AD (ed) *Culture, globalization, and the world-system: Contemporary conditions for the representation of identity* (University of Minnesota Press 1997)
- Kipling, R 'White man's burden, a poem' (1899) in *Rudyard Kipling's verse: Definitive edition* (Doubleday 1929)
- Kovel, J *White racism: A psychohistory* (Columbia University Press 1984)
- Lacan, J *Ecrits* trans Fink, B (WW Norton & Co 2006) (originally published in 1966)
- Laclau, E *New reflections on the revolution of our time* (Verso 1990)
- Lange, L 'Burnt offerings to rationality: A feminist reading of the construction of indigenous peoples in Dussel's theory of modernity' in Alcoff, LM & Mendieta, E (eds) *Thinking from the underside of history: Enrique Dussel's philosophy of liberation* (Rowman and Littlefield 2000) 135-147
- Leclerc, G *Anthropologie et colonialisme* (translated as *Anthropology and colonialism*) (Fayard 1973)
- Levinas, E *Otherwise than being or beyond essence* (Martinus Nijhoff 1981)
- Lévy-Bruhl, L *La mentalité primitive* (translated as *The primitive mentality*) (Alcan 1922)
- Lévy-Bruhl, L *Les fonctions mentales dans les sociétés inférieures* (translated as *The mental functions in lower societies*) (Alcan 1910)
- Lewis, B *Islam and the West* (Oxford University Press 1993)
- Lewis, B *Race and slavery in the Middle East: An historical inquiry* (Oxford University Press 1990)
- Lewis, D 'Representing African sexualities' in Tamale, S (ed) *African sexualities: A reader* (Pambazuka 2011) 199-216
- Lewis, G *Between the wire and the wall: A history of South African 'coloured' politics* (David Philip 1987)
- Lewis, R *Gendering orientalism: Race, femininity and representation* (Routledge 1996)
- Linton, S *Claiming disability: Knowledge and identity* (New York University Press 1998)
- Locke, J *Two treaties of government* Laslett, P (ed) (Cambridge University Press 1988) (originally published in 1689)
- Lockman, Z *Contending visions of the Middle East: The history and politics of orientalism* (Cambridge University Press 2004)
- Lonergan, B 'Metaphysics as horizon' in Crowe, FE & Doran, RM (eds) *Collected works of Bernard Lonergan* (Toronto University Press 1998) 188-204
- Loomba, A *Colonialism/Postcolonialism* (Routledge 2005)

- Louw, PE *The rise, fall and legacy of apartheid* (Praeger 2004)
- Lowe, L *Critical terrains: French and British Orientalisms* (Cornell University Press 1991)
- Lynch, HR (ed) *Black spokesman: Selected published writings of Edward Wilmot Blyden* (Frank Cass 1971)
- Lynch, HR (ed) *Selected letters of Edward Wilmot Blyden* (KTO Press 1978)
- Lynch, HR *Edward Wilmot Blyden: Pan-Negro patriot 1832-1912* (Oxford University Press 1967)
- Lyons, CH *To wash an Aethiop white: British ideas about black educability 1530-1960* (Columbia University Press 1975)
- MacDonald, M *Why race matters in South Africa* (University of KwaZulu-Natal Press 2006)
- Mafeje, A *The theory and ethnography of African social formations* (CODESRIA 1991)
- Magubane, BM *The political economy of race and class in South Africa* (Monthly Review Press 1979)
- Mamdani, M *Citizen and subject: Contemporary Africa and the legacy of late colonialism* (Princeton University Press 1996)
- Mamdani, M *Define and rule: Native and political identity* (Harvard University Press 2013)
- Mamdani, M *When victims become killers: Colonialism, nativism, and the genocide in Rwanda* (Princeton University Press 2001)
- Mandela, N *Long walk to freedom* (MacDonald Purnell 1994)
- Masolo, DA *African philosophy in search of identity* (Indiana University Press; Edinburgh University Press 1994)
- Massad, JA *Desiring Arabs* (University of Chicago Press 2007)
- Mazrui, A 'Preface: Comparative Africanity: Blood, soil and ancestry' in Adibe, J *Who is an African? Identity, citizenship and the making of an Africa-nation* (Adonis & Abbey 2009) xi-xv
- Mbembe, A *On the postcolony* (University of California Press 2001)
- Mbembe, JA 'Afropolitanism' in Simon, N & Duran, L (eds) *Africa remix: Contemporary art of a continent* (Johannesburg Art Gallery 2007) 26-30
- Mbembe, JA *Sortir de la grande nuit. Essai sur l'Afrique décolonisée* (translated as *We must get out of the great night: Essay on decolonised Africa*) (La Découverte 2010)
- McClintock, A *Imperial leather: Race, gender and sexuality in the colonial context* (Routledge 1995)
- McCullough, J *Black peril, white virtue: Sexual crime in Southern Rhodesia 1902-1935* (Indiana University Press 2000)
- Meinhold, R (ed) *Environmental values: Emerging from cultures and regions of the ASEAN Region* (Guna Chakra Research Centre 2015) 91-122
- Melman, B *Women's Orients: English women and the Middle East, 1718-1918. Sexuality, religion and work* (Macmillan 1992)
- Memmi, A *The colonizer and the colonized* (Beacon Press 1967)
- Mercer, K 'Reading racial fetishism: The photographs of Robert Mapplethorpe' in Hall, S & Evans, J (eds) *Visual culture: The reader* (Sage 1999) 435-447
- Mercer, K *Welcome to the jungle: New positions in black cultural studies* (Routledge 1986)
- Merleau-Ponty, M *The phenomenology of perception* trans Smith, C (Routledge 2002)
- Michaels, WB 'Slavery and the new historicism' in Flanzbaum, H (ed) *The Americanization of the Holocaust* (John Hopkins University Press 1999) 181-197

- Mignolo, W *The darker side of the Renaissance: Literacy, territoriality, and colonization* (University of Michigan Press 1995)
- Miles, R & Brown, M *Racism* (Routledge 2003)
- Miller, AM *Sexuality and human rights* (International Council on Human Rights Policy 2009)
- Mills, CW *The racial contract* (Cornell University Press 1997)
- Mills, S *Discourse* (Routledge 1997)
- Mitsi, J, Nyakudya, M & Barnes, T 'War in Rhodesia, 1965-1980' in Raftopoulos, B & Mlambo, AS (eds) *Becoming Zimbabwe: A history from the pre-colonial period to 2008* (Weaver Press 2009) 141-166
- Mlambo AS 'Becoming Zimbabwe or becoming Zimbabwean' (2013) 48(1) *African Spectrum* 49-70
- Morgan, W 'Queering international human rights law' in Stychin, C & Herman, D (eds) *Sexuality in the legal arena* (Athlone Press 2000) 208-225
- Morley, D & Chen, K (eds) *Stuart Hall: Critical dialogue in cultural studies* (Routledge 1996)
- Morton, SG *Crania Aegyptiaca* (John Penington 1844)
- Morton, SG *Crania Americana* (J Dobson 1839)
- Moses, AM (ed) *Genocide and settler society: Frontier violence and stolen indigenous children in Australian history* (Berghahn Books 2004)
- Mudimbe, VY *The idea of Africa* (Indiana University Press 1994)
- Mudimbe, VY *The invention of Africa: Gnosis, philosophy and the order of knowledge* (Indiana University Press 1988)
- Murdoch, I *The nice and the good* (Penguin Books 1969)
- Murray, R *Human rights in Africa* (Cambridge University Press 2003)
- Muzondidya, J 'Race, ethnicity and the politics of positioning: The making of coloured identity in colonial Zimbabwe' in Adhikari, M (ed) *Burdened by race: Coloured identities in Southern Africa* (Juta 2009) 156-184
- Mveng, E 'Third World theology – What theology? What Third World? Evaluation by an African Delegate' in Fabella, V & Torres, S (eds) *Irruption of the Third World: Challenge to theology* (Orbis Books 1983) 220
- Namwase, S & Jjuuko, A (eds) *Protecting the human rights of sexual minorities in contemporary Africa* (Pretoria University Law Press 2017)
- Ndebele, N *Rediscovery of the ordinary* (COSAW 1991)
- Ndjio, B 'Sexuality and nationalist ideologies in post-colonial Cameroon' in Wieringa, S & Sivori, HF *The sexuality history of the global south: Sexual politics in Africa, Asia and Latin America* (Zed Books 2013) 120-144
- Ndlovu-Gatsheni, SJ 'Mapping cultural and colonial encounters, 1880s-1930s' in Raftopoulos, B & Mlambo, A (eds) *Becoming Zimbabwe: A history from the pre-colonial period to 2008* (Weaver Press 2009) 39-74
- Ndlovu-Gatsheni, SJ *Coloniality of power in postcolonial Africa and the myths of decolonization* (CODESRIA 2013)
- Ndung'u, N 'Towards the recovery of African identity' in Getui, MN & Obeng, EA (eds) *Theology of reconstruction: Exploratory essays* (Acton 2003) 258-265
- Newcomb, ST *Pagans in the promised land: Decoding the doctrine Christian discovery* (Fulcrum Books 2008)
- Newman, S *From Bakunin to Lacan: Anti-authoritarianism and the dislocation of power* (Lexington Books 2001)

- Nicholson, L & Seidman, S (eds) *Social postmodernism: Beyond identity politics* (Cambridge University Press 1995)
- Niezen, R *The origins of indigenism: Human and the politics of identity* (University of California Press 2003)
- Nkabinde, NZ *Black bull, ancestors and me: My life as a lesbian sangoma* (Media Johannesburg 2009)
- Norval, AJ *Deconstructing apartheid discourse* (Verso 1996)
- Nussbaum, M & Glover, J (eds) *Women, culture and development* (Oxford University Press 1995)
- Nussbaum, MC *Sex and social justice* (Oxford University Press 1999)
- Nyanzi, S, Nassimbwa, J, Kayizzi, V & Kabanda, S “‘African sex is dangerous!’ Renegotiating “ritual sex” in contemporary Masaka District, Uganda” in Tamale, S (ed) *African sexualities: A reader* (Pambazuka 2011) 559-578
- Oliver, K *Womanising Nietzsche: Philosophy’s relation to the ‘feminine’* (Routledge 2016)
- Olusoga, D & Erichsen, CW *The Kaiser’s Holocaust: Germany’s forgotten genocide* (Faber & Faber 2010)
- Omi, M & Winant, H *Racial formation in the United States: From the 1960s to the 1980s* (Routledge 1986)
- Omi, M & Winant, H *Racial formation in the United States from the 1960s to the 1990s* (Routledge 1994)
- Oonk, G, *Global Indian diasporas: Exploring trajectories of migration and theory* (Amsterdam University Press 2007)
- Ormond, R *The apartheid handbook: A guide to South Africa’s everyday racial policies* (Penguin Books 1986)
- Pandian, P *Anthropology and the Western tradition: Towards an authentic anthropology* (Waveland Press 1985)
- Pateman, C *The sexual contract* (Polity Press 1988)
- Pharos Afrikaans-Engels English-Afrikaans Woordeboek / Dictionary* (Pharos 2005)
- Phillips, O “The “perils” of sex and the panics of race: The dangers of interracial sex in colonial Southern Rhodesia” in Tamale, S (ed) *African sexualities: A reader* (Pambazuka 2011) 101-115
- Plummer, K *Sexual stigma* (Routledge & Keegan Paul 1975)
- Poliakov, L *The Aryan myth: A history of racist ideas in Europe* (Basic Books 1974)
- Ponse, B *Identities in the lesbian world. The social construction of self* (Greenwood Press 1978)
- Popkin, RH ‘The philosophical basis of modern racism’ in Walton, C & Anton, JP (eds) *Philosophy and the civilizing arts* (Ohio University Press 1996) 126-165
- Porter, D ‘Orientalism and its problems’ in Barker, F and others (eds) *The politics of theory: Proceedings of the Essex Sociology of Literature Conference* (University of Essex 1982) 179-193
- Posel, D *The making of apartheid 1948-1961* (Oxford University Press 1991)
- Price, J & Shildrick, M ‘The openings on the body: A critical introduction’ in Price, J & Shildrick, M (eds) *Feminist theory and the body: A reader* (Routledge 1999) 1-14
- Price, J & Shildrick, M (eds) *Feminist theory and the body: A reader* (Routledge 1999)
- Pritchard, EE *Theories of primitive religion* (Oxford University Press 1980)
- Provost, R & Akhavan, P (eds) *Confronting genocide* (Springer Science & Business Media 2011)

- Raftopoulos, B & Mlambo, AS (eds) *Becoming Zimbabwe: A history from the pre-colonial period to 2008* (Weaver Press 2009)
- Raftopoulos, B & Mlambo, AS 'The hard road to becoming national' in Raftopoulos, B & Mlambo, AS (eds) *Becoming Zimbabwe: A history for the colonial period to 2008* (Weaver Press 2009) xvii-xxxiv
- Ranger, T 'The invention of tradition in colonial Africa' in Hobsbawm, E & Ranger, T (eds) *The invention of tradition* (Cambridge University Press 1983) 211-262
- Ranger, T *Revolt in Southern Rhodesia, 1896-7: A study in African resistance* (Heinemann 1967)
- Rawls, J *Political liberalism* (Columbia University Press 2005)
- Rawls, J *Theory of justice* (Harvard University Press 1971)
- Reed, A *Race, politics and culture: Critical essays on the radicalism of the 1960s* (Greenwood Press 1986)
- Reiter, R (ed) *Towards an anthropology of women* (Monthly Review 1975)
- Rescher, N *Pluralism: Against the demand for consensus* (Clarendon Press 1993)
- Rich, A *On lies, secrets, and silence* (Norton 1979)
- Richardson, D (ed) *Theorising heterosexuality: Telling it straight* (Pen University Press 1996) 125-142
- Richardson, P *Chinese mine labour in the Transvaal* (Macmillan Press 1982)
- Ricoeur, P *History and truth* trans Kelbley, CA (Northwestern University Press 1965) (originally published in 1955)
- Riley, D 'Am I that name?' *Feminism and the category of 'women' in history* (Macmillan 1988)
- Rossouw, GJ 'Essentials of apartheid' in Hofmeyr, JW, Lombard, CJS & Maritz, PJ (eds) *1948 plus 50 years. Theology, apartheid and church: Past, present and future* (Institute for Missiological and Ecumenical Research 2001) 88-104
- Rubin, G 'The traffic in women: Notes on the "political economy" of sex' in Reiter, R (ed) *Towards an anthropology of women* (Monthly Review 1975) 157-210
- Rubin, GS 'Thinking sex: Notes for a radical theory of the politics of dexterity' in Vance, CS (ed) *Pleasure and danger: Exploring female sexuality* (Routledge & Kegan Paul 1984) 143-178
- Ruiters, M 'Collaboration, assimilation and contestation: Emerging constructions of coloured identity in post-apartheid South Africa' in Adhikari, M (ed) *Burdened by race: Coloured identities in Southern Africa* (Juta 2009) 104-133
- Rutherford, J (ed) *Identity: Community, culture, difference* (Lawrence & Wishart 1990)
- Said, EW *Culture and imperialism* (Vintage Books 1993)
- Said, EW *Orientalism* (Pantheon 1979) (originally published in 1978)
- Sartre, J-P 'Materialism and revolution' (1946) in Sartre, J-P *Literary and philosophical essays* trans Michelson, A (Braziller 1968)
- Sartre, J-P *Literary and philosophical essays* trans Michelson, A (Braziller 1968)
- Schutz, A & Luckmann, T *The structure of the lifeworld* trans Zaner, RM & Tristram, H (Heinemann Scott JW 1974)
- Sedgwick, E *Epistemology of the closet* (University of California Press 1990)
- Seidman, S 'Deconstructing queer theory or the under-theorization of the social and the ethical' in Nicholson, L & Seidman, S (eds) *Social postmodernism: Beyond identity politics* (Cambridge University Press 1995) 116-141
- Senghor, LS 'Foreword to EW Blyden' in Lynch, HR (ed) *Selected letters of Edward Wilmot Blyden* (KTO Press 1978) xv-xxii

- Senghor, LS 'Negritude: A humanism of the twentieth century' in Williams, P & Chrisman, L (eds) *Colonial discourse and postcolonial theory* (Columbia University Press 1994) 27-35
- Senghor, LS 'Prière aux masques' (translated as *Prayer to masks*) in *Oeuvre poétique (Poetical works)* (Editions du Seuil 1990)
- Senghor, LS *Anthologie de la nouvelle poésie nègre et malgache* (translated as *Anthology of the new Negro and Malagasy poetry*) (Presses Universitaires de France 1948)
- Sharpley-Whiting, TD *Black Venus: Sexualized savages, primal fears, and primitive narratives in French* (Duke University Press 1999)
- Shutte, A *Ubuntu: An ethic for new South Africa* (Cluster Publications 2001)
- Slaughter, TF 'Epidermalizing the world: A basic mode of being black' in Harris, L (ed) *Philosophy born of struggle: Anthology of Afro-American philosophy from 1917* (Kendall/Hunt 1983) 283-287
- Smith, ID *Bitter harvest: The great betrayal and the dreadful aftermath* (Blake 1997)
- Soyinka, W *Myth, literature and the African world* (Cambridge University Press 1976)
- Sparks, A *Tomorrow is another country: The inside story of South Africa's negotiated revolution* (University of Chicago Press 1996)
- Spelman, EV *Inessential woman: Problems of exclusion in feminist thought* (Beacon Press 1988)
- Stannard, D *American Holocaust: The conquest of the New World* (Oxford University Press 1992)
- Steinbock, A *Home and beyond: Generative philosophy after Husserl* (Northwestern University Press 1995)
- Stepan, N *The idea of race in science: Great Britain 1800-1960* (Archon 1982)
- Steyn, M & Van Zyl, M (eds) *The prize and the price: Shaping sexualities in South Africa* (HSRC Press 2009)
- Stinton, DB *Jesus of Africa: Voices of contemporary African Christology* (Orbis Books 2004)
- Stoler, AN *Carnal knowledge and imperial power: Race and the intimate colonial rule* (University of California Press 2002)
- Stoler, AN *Race and the education of desire: Foucault's history of sexuality and the colonial order of things* (Duke University Press 1995)
- Stychin, C & Herman, D (eds) *Sexuality in the legal arena* (Athlone Press 2000)
- Stychin, C *Law's desire: Sexuality and the limits of justice* (Routledge 1995)
- Tamale, S (ed) *African sexualities: A reader* (Pambazuka 2011)
- Tamale, S 'Introduction' in Tamale, S (ed) *African sexualities: A reader* (Pambazuka 2011) 1-7
- Tamale, S 'Researching and theorising sexualities in Africa' in Tamale, S (ed) *African sexualities: A reader* (Pambazuka 2011) 11-36
- Taussig, MM *Defacement: Public secrecy and the labour of the negative* (Stanford University Press 1999)
- Taylor, C 'Multiculturalism and the "politics of recognition"' in Gutmann, A (ed) *Multiculturalism. Examining the politics of recognition* (Princeton University Press 1992) 25-73
- Terreblanche, S *A history of inequality in South Africa 1652-2002* (University of Natal Press 2002)
- Terry, J & Urla, J (eds) *Deviant bodies: Critical perspectives on difference in science and popular culture* (Indiana University Press 1995)
- Thiong'o, N *Decolonising the mind* (James Currey 1981)

- Thompson, L *The political mythology of apartheid* (Yale University Press 1985)
- Thompson, LM *A history of South Africa* (Jonathan Ball 2006)
- Udoh, EB *Guest Christology: An interpretive view of the Christological problem in Africa* (Peter Lang 1988)
- Valadez, JM *Deliberative democracy, political legitimacy and self-determination in multicultural societies* (Westview 2001)
- Van den Berghe, PL *South Africa: A study in conflict* (University of California Press 1979)
- Van der Westhuizen, C *White power and the rise and the fall of the National Party* (Zebra Press 2007)
- Van Onselen, C *Chibaro: African mine labour in Southern Rhodesia, 1900-1933* (Pluto Press 1976)
- Van Wyngaard, C 'White theology amidst white rhetoric on violence' in Drew Smith, R, Ackah, W, Reddie, AG & Tshaka, RS (eds) *Contesting post-racialism: Conflicted churches in the United States and South Africa* (University Press of Mississippi 2015) 96-108
- Vance, C 'Pleasure and danger: Towards a politics of sexuality' in Vance, C (ed) *Pleasure and danger: Exploring female sexuality* (Routledge & Kegan Paul 1984) 1-27
- Vance, C (ed) *Pleasure and danger: Exploring female sexuality* (Routledge & Kegan Paul 1984)
- Viljoen, F *International human rights law in Africa* (Oxford University Press 2012)
- Wai, DM *The African-Arab conflict in Sudan* (African Publishing 1981)
- Walton, C & Anton, JP (eds) *Philosophy and the civilizing arts* (Ohio University Press 1996)
- Warren, K 'Appeals for (mis)recognition: Theorizing the diaspora' in Kaplan, A & Pease, DE (eds) *Cultures of United States imperialism* (Duke University Press 1993) 392-406
- Wawrzinek, J & Makoka, JKS (eds) *Negotiating Afropolitanism: Essays on borders and spaces in contemporary African literature and folklore* (Rodopi 2010)
- Weeks, J *Coming out: Homosexual politics in Britain from the 19th century to the present* (Quartet 1977)
- Weeks, J *Sex, politics and society: The regulation of sexuality since 1800* (Longman 1981)
- Wekesa, SM 'Decriminalisation of homosexuality in Kenya: The prospects and the challenges' in Namwase, S & Jjuuko, A (eds) *Protecting the human rights of sexual minorities in contemporary Africa* (Pretoria University Law Press 2017) 79-108
- West, C *The Cornel West reader* (Basic Civitas Books 1999)
- Wieringa, S & Sivori, HF (eds) *The sexual history of the global south: Sexual politics in Africa, Asia and Latin America* (Zed Books 2013)
- Williams, F *Social policy: A critical introduction* (Cambridge: Polity Press 1989)
- Williams, P & Chrisman, L (eds) *Colonial discourse and postcolonial theory* (Columbia University Press 1994)
- Wilton, T 'Which one's the man? The heterosexualisation of lesbian sex' in Richardson, D (ed) *Theorising heterosexuality: Telling it straight* (Pen University Press 1996) 125-142
- Yegenoglu, M *Colonial fantasies: Towards a feminist reading of orientalism* (Cambridge University Press 1998)
- Young, IM *Justice and the politics of difference* (Princeton University Press 1990)
- Zahar, R *Frantz Fanon: Colonialism and alienation* trans Feuser, WF (Monthly Review Press 1974)

Zeleza, PT 'The invention of African identities and languages: The discursive and developmental implications' in Arasanyin, OF & Pemberton, MA (eds) *Selected proceedings of the 36th Annual Conference on African linguistics* (Cascadilla Proceedings Project 2006) 14-26

## Articles

Abrahams, Y 'The great long national insult: Science, sexuality and the Khoisan in the 18th and early 19th century' (1997) 32 *Agenda: Empowering Women for Gender Equity* 32-48

Ackerman, B 'Why dialogue?' (1989) 86 *Journal of Philosophy* 5-22

Adesina, JO 'Archie Mafeje and the pursuit of endogeny: Against alterity and extroversion' (2008) 33 *Africa Development* 133-152

Adhikari, M 'Hope, fear, shame, frustration: Continuity and change in the expression of coloured identity in white supremacist South Africa, 1910-1994' (2006) 32 *Journal of Southern African Studies* 467-487

Ahlberg, BM 'Is there a distinct African sexuality? A critical response to Caldwell' (1994) 64 *Africa* 220-242

Ahmad, A 'Between orientalism and historicism: Anthropological knowledge of India' (1991) 7 *Studies in History* 135-163

Ahmed, S 'A phenomenology of whiteness' (2007) 8 *Feminist Theory* 149-168

Ahmed, S 'Orientations: Towards a queer phenomenology' (2006) 12 *CGQ: A Journal of Lesbian and Gay Studies* 543-574

Al-Azm, SL '*Orientalism* and orientalism in reverse' (1981) 8 *Khamsin* 5-26

Albertyn, C 'Substantive equality and transformation in South Africa' (2007) 23 *South African Journal on Human Rights* 253-276

Alexander, L 'What makes wrongful discrimination wrong? Biases, preferences, stereotypes, and proxies' (1992) 141 *University of Pennsylvania Law Review* 149-219

Allen, RC 'Where narrative fails' (1993) 21 *Journal of Religious Ethics* 27-67

Appiah, SK 'The quest of African identity' (2003) 32 *Exchange* 54-65

Apter, A 'Africa, empire and anthropology: A philological exploration of anthropology's heart of darkness' (1999) 28 *Annual Review of Anthropology* 577-598

Apter, A 'Review of VY Mudimbe *The invention of Africa: Gnosis, philosophy, and the order of knowledge*' (1991) 21 *Journal of Religion in Africa* 172-174

Awondo, P 'Religious leadership and the re-politicisation of gender and sexuality in Cameroon' (2016) 155 *Journal of Theology for Southern Africa* 105-120

Balakrishnan, S 'Pan-African legacies, Afropolitan futures: A conversation with Achille Mbembe' (2016) 120 *Transition* 28-37

Bartlett, KT 'Feminist legal methods' (1990) 103 *Harvard Law review* 829-888

Barton, J 'The hermeneutics of identity in African philosophical discourse as a framework for understanding ethnicity in post-genocide Rwanda' (2013) 15 *Philosophia Africana* 1-34

Benhabib, S 'The "claims" of culture properly interpreted: Response to Nikolas Kompridis' (2006) 34 *Political Theory* 383-388

Bhabha, H 'The beginnings of their own enunciations: Stuart Hall and the work of culture' (2015) 42 *Critical Inquiry* 1-30

Bhabha, HK 'Commitment of theory' (1988) 5 *New Formations* 5-23

- Bhabha, HK 'Signs taken for wonders: Questions of ambivalence and authority under a tree outside Delhi 1817' (1985) 12 *Critical Inquiry* 144-161
- Bhabha, HK 'The other question ...' (1983) 24 *Screen* 18-36
- Binnion, G 'Human rights: A feminist perspective' (1995) 17 *Human Rights Quarterly* 509-526
- Botha, H 'Equality, plurality and structural power' (2009) 25 *South African Journal on Human Rights* 1-37
- Brantlinger, B 'Victorians and Africans: The genealogy of the myth of the Dark Continent' (1985) 12 *Critical Inquiry* 166-203
- Brelsford, V 'Philosophy of the savage' (1938) 15 *Nada* 62-65
- Budlender, G 'Bram Fischer: The man and the lawyer' (1995) 8 *Consultus* 161-162
- Burton, A 'Reviews of *Gendering orientalism: Race, femininity and representation* by R Lewis and *Colonial fantasies: Towards a feminist reading of orientalism* by M Yegenoglu' (1999) 25 *SIGNS: Journal of Women in Culture and Society* 243- 246
- Burton, JW 'Representing Africa: Colonial anthropology revisited' (1992) 27 *Journal of Asian and African Studies* 181-201
- Butler, J 'Critically queer' (1993) 1 *GLQ: A Journal of Lesbian and Gay Studies* 17-32
- Butler, J 'Performativity, precarity and sexual politics' (2009) 4 *AIBR. Revista de Antropología Iberoamericana* 1-13
- Butler, J 'Sex and gender in Simone de Beauvoir's *Second Sex*' (1986) 72 *Yale French Studies* 35-49
- Caldwell, J, Caldwell, P & Quiggin, P 'The social context of AIDS in sub-Saharan Africa' (1989) 15 *Population and Development Review* 185-234
- Canovan, M 'Politics as culture: Hannah Arendt and the public realm' (1985) 6 *History of political thought* 617-642
- Carastathis, A 'Identity categories as potential coalitions' (2013) 38 *Signs: Journal of Women in Culture and Society* 941-965
- Chandler, ND 'The economy of desedimentation: WEB du Bois and the discourses of the Negro' (1996) 19 *Callaloo* 78-93
- Cho, S, Crenshaw, KW & McCall, L 'Toward a field on intersectionality studies: Theory, applications and praxis' (2013) 34 *Signs: Journal of Women in Culture and Society* 785-810
- Cobbah, JAM 'African values and the human rights debate: An African perspective' (1987) 9 *Human Rights Quarterly* 309-331
- Comaroff, J 'Images of the empire, contexts of conscience: Models of colonial domination in South Africa' (1989) 16 *American Ethnologist* 661-685
- Commons, I 'Savage sexuality: Images of the African woman in Victorian literature' (1993-94) 3 *Latitudes* 3
- Correia, JA 'Vocables philosophiques et religieux de peuples Ibo' (translated as 'Philosophical and religious peoples word marks Ibo') (1925) 1 *Bibliotheca Ethnologica Linguistica Africa* 104-113
- Crenshaw, K 'Mapping the margins: Intersectionality, identity politics and violence against women of colour' (1991) 43 *Stanford Law Review* 1241-1299
- Crenshaw, KW 'Demarginalizing the intersection of race and sex: A black feminist critique of antidiscrimination doctrine, feminist theory and antiracist politics' (1989) 140 *University of Chicago Legal Forum* 139-167
- Crenshaw, KW 'Mapping the margins: intersectionality, identity politics and violence against women of colour' (1991) 43 *Stanford Law Review* 1241-1299
- Crenshaw, KW 'Race, reform and retrenchment: Transformation and legitimation in antidiscrimination law' (1988) 101 *Harvard Law Review* 1331-1387

- Davies, B & Harré, R 'Positioning: The discursive production of selves' (1990) 20 *Journal of the Theory of Social Behaviour* 43-63
- Davis, HF 'Sex-classification policies as transgender discrimination: An intersectional critique' (2014) 12 *American Political Science Association* 45-60
- De Lauretis, T 'Queer theory: Lesbian and gay sexualities' (1991) 3 *Differences: A Journal of Feminist Cultural Studies* iii-xviii
- De Prada-Samper, JM 'The forgotten killing fields: "San" genocide and Louis Anthing's mission to Bushmanland, 1862-1863' (2012) 57 *Historia* 172-187
- Delphy, C 'Rethinking sex and gender' (1993) 16 *Women's Studies International* 1-9
- Derrida, J 'Racism's last word' (1985) 12 *Critical Inquiry* 290-299
- Diagne, SB 'Keeping Africanity open' (2002) 14 *Public Culture* 621-623
- Dreyer, Y 'Sexuality and shifting paradigms – Setting the scene' (2005) 61 *HTS Theological Studies* 729-751
- Drucker, P 'The fracturing of LGBT identities under neoliberal capitalism' (2011) 19 *Historical Materialism* 3-32
- Du Plessis, M & Peté, S 'Kafka's African nightmare – Bureaucracy and law in pre- and post-apartheid South Africa' (2006) 31 *Journal for Juridical Science* 39-60
- Ekeke, EC 'African traditional religion: A philosophical and conceptual analysis' (2011) 22 *Lumina* 1-18
- Ellman, S 'To live outside the law you must be honest: Bram Fischer and the meaning of integrity' (2001) 17 *South African Journal on Human Rights* 451-476
- Erasmus, Z 'Creolisation, colonial citizenship(s) and degeneracy: A critique of selected histories of Sierra Leone and South Africa' (2011) 59 *Current Sociology* 635-654
- Erasmus, Z 'Throwing the genes: A renewed biological imaginary of "race"' (2013) 60 *Theoria* 38-53
- Eze, C 'Rethinking African culture and identity: The Afropolitan model' (2014) 26 *Journal of African Cultural Studies* 234-247
- Fasslet, R "'I'm not Afropolitan – I'm of the continent": A conversation with Yewande Omotoso' (2015) 50 *Journal of Commonwealth Literature* 231-246
- Fick, ML 'Intelligence test results of poor white, native (Zulu), coloured and Indian school children and the educational and social implications' (1929) 26 *South African Journal of Science* 904-920
- Fraser, N 'Rethinking recognition' (2000) 3 *New Left Review* 107-120
- Garland-Thomson, R 'Integrating disability, transforming feminist theory' (2002) 14 *National Women's Studies Association Journal* 1-32
- Gehrmann, S 'Cosmopolitanism with African roots. Afropolitanism's ambivalent mobilities' (2016) 28 *Journal of African Cultural Studies* 61-72
- Gergen, KJ 'The social constructionist movement in modern psychology' (1985) 40 *American Psychologist* 266-275
- Gilman, SL 'Black bodies, white bodies: Towards an iconography of female sexuality in late nineteenth century art, medicine and literature' (1985) 12 *Critical Inquiry* 204-242
- Ginsburg, RB & Flagg, B 'Some reflections on the feminist legal thought of the 1970s' (1989) 1 *University of Chicago Legal Forum* 9-21
- Gordon, LR 'African philosophy's search for identity: Existential considerations of a recent effort' (1997) 5 *CLR James Journal* 98-117
- Greenberg, JH 'The doctrine of discovery as a doctrine of domination' (2016) 10 *Journal for the Study of Religion, Nature and Culture* 236-244

- Grosz, E 'Derrida and feminism: A remembrance' (2005) 16 *Journal of Feminist Cultural Studies* 88-94
- Halliday, F "'Orientalism" and its critics' (1993) 20 *British Journal of Middle Eastern Studies* 145-163
- Harris, AP 'Heteropatriarchy kills: Challenging gender violence in a prison nation' (2011) 37 *Washington University Journal of Law and Policy* 13-65
- Hartman, SV 'The time of slavery' (2002) 101 *South Atlantic Quarterly* 757-777
- Heald, S 'The power of sex: Reflections on the Caldwell's "African sexuality" thesis' (1995) 65 *Africa* 489-505
- Herzfeld, M 'The absent presence: Discourses of crypto-colonialism' (2002) 101 *The South Atlantic Quarterly* 898-926
- Higginbotham, EB 'African-American women's history and the metalanguage of race' (1992) 17 *Signs: Journal of Women in Culture and Society* 251-274
- Holden, P 'Reinscribing orientalism: Gendering modernity in colonial Malaya' (2001) 29 *Asian Journal of Social Science* 205-218
- Honneth, A 'Integrity and disrespect: Principles of conception of morality based on the theory of recognition' (1992) 20 *Political Theory* 187-201
- Hountondji, P 'Que peut la philosophie?' (1981) 119 *Présence Africaine* 47-71. An English translation of the article is published as 'What can philosophy do' (1987) 1 *Quest: Philosophical Discussions* (now *Quest: An African Journal of Philosophy*) 2-28
- Ikemoto, LC 'Traces of the master narrative in the story of African American/Korean American conflict: How we constructed "Los Angeles"' (1993) 66 *Southern California Law Review* 1581-1598
- Ingraham, C 'The heterosexual imaginary: Feminist sociology and theories of gender' (1994) 12 *Sociological Theory* 203-219
- JanMohamed, AR 'The economy of Manichean allegory: The function of racial difference in colonialist literature' (1985) 12 *Critical Inquiry* 59-87
- Jules-Rosette, B 'Speaking about hidden times: The anthropology of VY Mudimbe' (1991) 14 *Callaloo* 944-960
- Kalua, F 'Homi Bhabha's Third Space and African identity' (2009) 21 *Journal of African Cultural Studies* 23-32
- Kaoma, K 'The unmasking of the colonial silence: Sexuality in Africa in the post-colonial context' (2016) 155 *Journal of Theology for Southern Africa* 49-69
- Kaoma, K "'I say, we must talk, talk, mama!'" Introducing African voices on religion, *ubuntu* and sexual diversity' (2016) 155 *Journal of Theology for Southern Africa* 16-27
- Karst, K 'Foreword: Equal citizenship under the Fourteenth Amendment' (1977) 91 *Harvard Law Review* 1-68
- Karst, K 'Why equality matters' (1983) 17 *Georgia Law Review* 245-289
- Keegan, T 'Gender, degeneration and sexual danger: Imagining race and class in South Africa, ca1912' (2001) 27 *South African Studies* 459-478
- King, D 'The secrecy and poetics of witness: Mourning Fanny Ann Eddy' (2016) 155 *Journal of Theology for Southern Africa* 30-48
- Knudson, J 'The influence of the German concepts of *volksgeist* and *zeitgeist* on the thought and jurisprudence of Oliver Wendell Holmes' (2002) 11 *Journal of Transnational Law and Policy* 407-420
- Krikkler, J 'Social neurosis and hysterical pre-cognition in South Africa: A case-study and reflections' (1995) 28 *Journal of Social History* 491-520

- Kutner, L 'Legal philosophers: Savigny: German lawgiver' (1972) 55 *Marquette Law Review* 280-295
- Lawrence, CR 'Foreword. Race, multiculturalism, and the jurisprudence of transformation' (1995) 47 *Stanford Law Review* 819-847
- Le Blanc, MN, Meintel, D & Piché, V 'The African sexual system: Comment on Caldwell et al' (1991) 17 *Population and Development Review* 497-505
- Levy, A 'Review of *Gendering orientalism: Race, femininity and representation* by R Lewis' (1999) 63 *Feminist Review* 117-119
- Lister, R 'Citizenship: Towards a feminist synthesis' (1997) 57 *Feminist Review* 28-48
- Little, DP 'The three Arab critiques of Orientalism' (1979) 69 *Muslim World* 110-131
- MacGaffey, W 'African ideology and belief: A survey' (1981) 24 *African Studies Review* 227-274
- MacKinnon, CA 'Feminism, Marxism, method and the state: An agenda for theory' (1982) 7 *Signs: Journal of Women in Culture and Society* 515-544
- Mafeje, A 'Africinity: A combative ontology' (2000) CODESRIA 2 *Bulletin* 66-71
- Mafeje, A 'The problem of anthropology in historical perspective: An inquiry into the growth of the social sciences' (1976) 10 *Canadian Journal of African Studies* 307-333
- Magubane, Z 'Which bodies matter? Feminism, poststructuralism, race and the curious theoretical odyssey of the "Hottentot Venus"' (2001) 15 *Gender and Society* 816-834
- Mama, A, Pereira, C & Manuh, T 'Editorial: Sexual cultures' (2005) 5 *Feminist Africa* 1-8
- Mamdani, M 'The social basis of constitutionalism in Africa' (1990) 28 *Journal of Modern African Studies* 359-374
- Marshall, T 'Reflections on the bicentennial of the United States Constitution' (1987) 101 *Harvard Law Review* 1-5
- Marsonet, M 'Pragmatism and political pluralism' (2009) 1 *European Journal of Pragmatism and American Philosophy* 1-8
- Martens, J 'Citizenship, "civilization" and the creation of South Africa's Immorality Act, 1927' (2007) 59 *South African Historical Journal* 223-241
- Martens, J 'Settler homes, manhood and "houseboys": An analysis of Natal's rape scare of 1886' (2002) 28 *South African Studies* 379-400
- Martin, B 'Sexualities without gender and other queer utopia' (1994) 24 *Diacritics* 104-121
- Masolo, DA 'An archaeology of African knowledge: A discussion of VY Mudimbe' (1991) 14 *Callaloo* 998-1011
- Massad, J 'The intellectual life of Edward Said' (2004) 33 *Journal of Palestine Studies* 7-22
- Matsuda, MJ 'Liberal jurisprudence and abstracted visions of human nature: A feminist critique of Rawls' Theory of Justice' (1986) 16 *New Mexico Law Review* 613-630
- Mazrui, AA 'The re-invention of Africa: Edward Said, VY Mudimbe and beyond' (2005) 36 *Research in African Literatures* 68-82
- Mbembe, JA 'African modes of self-writing' (2002) 14 *Public Culture* 239-273
- Mbembe, JA 'On the power of the false' (2002) 14 *Public Culture* 629-641
- McClintock, A 'The angel of progress: Pitfalls of the term "post-colonialism"' (1992) 31/32 *Social Text* 84-98

- Mehta, U 'Liberal strategies of exclusion' (1990) 18 *Politics and Society* 427-454
- Michaels, WB "'You who never was there": Slavery and the new historicism, deconstruction and the Holocaust' (1996) 4 *Narrative* 1-16
- Mignolo, W 'The enduring enchantment (or the epistemic privilege of modernity and where to go from here' (2002) 101 *South Atlantic Quarterly* 927-954
- Miller, AM 'Sexual but not reproductive: Exploring the junction and disjunction of sexual and reproductive rights' (2000) 4 *Health and Human Rights* 68-109
- Minow, M 'Beyond universality' (1989) 17 *University of Chicago Legal Forum* 115-138
- Mlambo, AS 'Becoming Zimbabwe or becoming Zimbabwean' (2013) 48 *African Spectrum* 49-70
- Mohanty, CT 'Under Western eyes: Feminist scholarship and colonial discourses' (1986) 30 *Feminist Review* 61-88
- Morgan, W & Walker, K 'Tolerance and homosex: A policy of control and containment' (1995) 20 *Melbourne University Law Review* 202-217
- Moseneke, D 'The Fourth Bram Fischer Memorial Lecture' (2002) 18 *South African Journal on Human Rights* 309-319
- Moses, AD 'Conceptual blockages and definitional dilemmas in the "racial century": Genocides of indigenous peoples and the holocaust' (2002) 36 *Patterns of Prejudice* 7-36
- Müller, R 'War, religion, and white supremacy' (2004) 10 *Princeton Theological Review* 17-27
- Mushonga, M 'White power, white desire: Miscegenation in Southern Rhodesia, Zimbabwe' (2013) 5 *African Journal of History and Culture* 1-12
- Nathan, R "'African redemption": Black nationalism, and end of empire in Africa' (2001) 30 *Exchange* 125-144
- Ngaruka, KV 'Historical distortion and human degradation: The "tribe" as Eurocentric mentality than African mentality' (2007) 5 *Human Architecture: Journal of the Sociology of Self-Knowledge* 137-151
- Ngwenya, CG 'Sexuality rights as human rights in Southern Africa with particular reference to South Africa' (2002) 17 *SA Public Law* 1-21
- Nnamuchi, O 'Towards a new human rights paradigm: Integrating hitherto neglected traditional values into the corpus of human rights' (2014) 14 *Chicago-Kent Journal of International and Comparative Law* 26-85
- Nyanzi, S 'Dismantling reified African culture through localised homosexualities in Uganda' (2013) 15 *Culture, Health and Sexuality: An International Journal for Research, Intervention and Care* 952-967
- O'Flaherty, M & Fisher, J 'Sexual orientation, gender identity and international human rights law: Contextualising the Yogyakarta Principles' (2008) 8 *Human Rights Law Review* 207-248
- Pape, J 'Black and white: The "perils of sex" in colonial Zimbabwe' (1990) 16 *Journal of Southern African Studies* 699-720
- Parker, R 'Sexual rights: Concepts and action' (1997) 2 *Health and Human Rights* 31-37
- Parnell, S 'Creating racial privilege: The origins of South African public health and town planning legislation' (1993) 19 *Journal of Southern African Studies* 471-488
- Paul, A 'The ironies of history: An interview with Stuart Hall' (2005) 4 *IDEAZ* 30-58
- Pawliková-Vilhanová, V 'The African personality and the self in the philosophy of Edward W Blyden, 1832-1912' (1998) 7 *Asian and African Studies* 162-175

- Pendas, DO "The magical scent of the savage": Colonial violence, the crisis of civilisation, and the origins of the legalist paradigm of war' (2007) 30 *Boston College International and Comparative Law Review* 29-53
- Petrus, T & Isaacs-Martin, W 'The multiple meanings of coloured identity in South Africa' (2012) 42 *Africa Insight* 87-102
- Pillay, K 'Perpetual foreigners: Indian identity in South Africa (1948-1994)' (2017) 10 *Diaspora Studies* 45-63
- Pillay, K 'South African families of Indian descent: Transmission of racial identity' (2015) 46 *Journal of Comparative Family Studies* 121-135
- Pillay, P "'The coolies here": Exploring the construction of the Indian "race" in South Africa' (2017) 34 *Journal of Global South Studies* 22-49
- Posel, D 'What's in a name? Racial categorisations under apartheid and their afterlife' (2001) 47 *Transformation* 50-74
- Quayson, A 'Obverse denominations: Africa?' (2002) 14 *Public Culture* 585-588
- Quijano, A 'Coloniality of power, Eurocentrism, and Latin America' (2000) 1 *Nepantla: Views from South* 533-580
- Qureshi, S 'Displaying Sara Baartman, the Hottentot Venus' (2004) 42 *History of Science* 233-257
- Ratele, K 'Sexuality as constitutive of whiteness' (2009) 17 *Journal of Feminist and Gender Research* 158-174
- Rawls, J 'The idea of an overlapping consensus' (1987) 7 *Oxford Journal of Legal Studies* 1-25
- Reed, A 'Du Bois's "double consciousness": Race and gender in progressive era American thought' (1992) 6 *Studies in American Political Development* 93-139
- Rhode, DL 'The "woman's" point of view' (1988) 38 *Journal of Legal Education* 39-46
- Rich, A 'Compulsory heterosexuality and lesbian existence' (1980) 5 *Signs: Journal of Women in Culture and Society* 631-660
- Rich, A 'Compulsory heterosexuality and lesbian existence' (2003) 15 *Journal of Women's History* 11-48
- Rich, P 'Race, science and the legitimation of white supremacy in South Africa 1902-1940' (1990) 23 *International Journal of African Historical Studies* 665-685
- Richardson, D 'Constructing sexual citizenship: Theorising sexual rights' (2000) 20 *Critical Social Policy* 105-135
- Richardson, D 'Patterned fluidities: (Re)imagining the relationship between gender and sexuality' (2007) 41 *Sociology* 457-474
- Saman, M 'Senghor's other Europe' (2012) 1 *Savannah Review* 23-49
- Savage, OMN & Tchombe, T 'Anthropological perspectives on sexual behaviour in Africa' (1994) 5 *Annual Review of Sex Research* 50-72
- Scales, AC 'The emergence of feminist jurisprudence: An essay' (1986) 95 *Yale Law Journal* 1373-1403
- Scott, R 'The dark continent: Africa as female body in Haggard's adventure fiction' (1989) 32 *Feminist Review* 69-89
- Segal, L 'After Judith Butler: Identities: Who needs them?' (2008) *Subjectivity* 381-394
- Shipley, JW, Comaroff, J & Mbembe, A 'Africa in theory: A conversation between Jean Comaroff and Achille Mbembe' (2010) 83 *Anthropological Quarterly* 653-678
- Shohat, E 'Notes on the "post-colonial"' (1993) 31/32 *Social Text* 99-113
- Simon, W & Gagnon, JH 'Sexual scripts' (1984) 23 *Society* 53-60

- Smith, KK 'What is Africa to me? Wilderness in black thought, 1860-1930' (2005) 27 *Environmental Ethics* 279-297
- Stasiulis, DK 'Pluralist and Marxist perspectives on racial discrimination in South Africa' (1980) 31 *British Journal of Sociology* 463-490
- Stott, S 'The Dark Continent: Africa as female boy in Haggard's adventure fiction' (1989) 32 *Feminist Review* 69-89
- Stychin, CF 'Same-sex sexualities and the globalisation of human rights discourse' (2004) 49 *McGill Law Journal* 951-968
- Surin, 'KJ 'The sovereign individual and Michael Taussigs' politics of defacement' (2001) 2 *Nepantla: Views from the South* 205-219
- Sweet, JH 'The Iberian roots of American racist thought' (1997) 54 *William and Mary Quarterly* 143-166
- Sylvain, R 'Bushmen, boers and baasskap: Patriarchy and paternalism on Afrikaner farms in Omaheke Region, Namibia' (2001) 27 *Journal of Southern African Studies* 717-737
- Tamale, S 'Crossing the bright line: The abuse of religion to violate sexual and reproductive health rights in Uganda' (2016) 155 *Journal of Theology for Southern Africa* 121-136
- Tamale, S 'Exploring the contours of African sexualities: Religion, law and power' (2014) 14 *African Human Rights Law Journal* 150-177
- Teo, H 'Orientalism: An overview' (2013) 54 *Australian Humanities Review* 1-20
- Tomaselli, K 'Myth media and apartheid' (1987) 34 *Media Development* 18-20
- Tuck, E & Yang, KW 'Decolonization is not a metaphor' (2012) 1 *Decolonization: Indigeneity, Education and Society* 1-40
- Valdes, F 'Unpacking hetero-patriarchy: Tracing the conflation of sex, gender and sexual orientation to its origins' (1996) 8 *Yale Journal of Law and the Humanities* 161-211
- Vance, C 'Anthropology rediscovers sexuality: A theoretical comment' (1991) 33 *Social Science and Medicine* 875-884
- Waites, M 'Critique of "sexual orientation" and "gender identity" in human rights discourse: Global queer politics beyond Yogyakarta Principles' (2009) 15 *Contemporary Politics* 137-156
- Warner, M 'Fear of queer planet: Introduction' (1991) 9 *Social Text* 3-17
- Williams, JC 'Dissolving the sameness/difference debate: A post-modern path beyond essentialism in feminist and critical race theory' (1991) 40 *Duke Law Journal* 296-323
- Winant, H 'The dark matter: Race and racism in the 21st century' (2015) 41 *Critical Sociology* 313-324
- Wiss, R 'Lipreading: Remembering Saartjie Baartman' (1994) 1 & 2 *Australian Journal of Anthropology* 11-40
- Wolfe, P 'Settler colonialism and the elimination of the native' (2006) 8 *Journal of Genocide Research* 387-409
- Wright, HK 'Editorial: Notes on the (im)possibility of articulating continental African identity' (2002) 16 *Critical Arts* 1
- Wright, HK 'Stuart Hall's relevance for the study of African blackness' (2016) 19 *International Journal of Cultural Studies* 85-99
- Wynter, S 'Unsettling the coloniality of being/power/truth/freedom: Towards the human after Man, its overrepresentation – An argument' (2003) 3 *The Centennial Review* 257-337
- Young, C 'Africa: An interim balance sheet' (1996) 7 *Journal of Democracy* 53-68

- Young, IM 'Asymmetrical reciprocity: On moral respect, wonder and enlarged thought' (1997) 3 *Constellations* 340-363
- Zachary, H 'Gender identity "disorder"?: A critique of the binary approach to gender' (2013) 15 *Ethical Human Psychology and Psychiatry* 135-138
- Zvarevashe, IM 'Shona (Bantu) traditional religion' (1980) 22 *African Ecclesial Review* 294-303

## **Legislation**

- Immorality and Indecency Suppression Ordinance of 1916 (Southern Rhodesia)
- Immorality Suppression Ordinance of 1903 (Southern Rhodesia)
- Mines and Works Act 12 of 1911 (South Africa)
- Native Lands Act 27 of 1913 (South Africa)
- Population Registration Act 30 of 1950 (South Africa)
- Proclamation 46 of 1949 (South Africa)
- Promotion of Black Self-Government Act 46 of 1959 (South Africa)
- Separate Representation of Voters Amendment Act 30 of 1956 (South Africa)
- Southern Rhodesia Order-in-Council of 1898 (Southern Rhodesia)
- Urban Areas Act 21 of 1923 (South Africa)
- Wages Act 27 of 1925 (South Africa)

## **Case**

- Johnson v M'Intosh* 21 US (8 Wheat) 543 (1823) (United States)

## **International law instruments**

- African Commission on Human and Peoples Rights *Resolution on Protection against Violence and Other Human Rights Violations against Persons on the Basis of their Real or Imputed Sexual Orientation or Gender Identity* adopted by African Commission on Human and Peoples' Rights at its 55th ordinary session held in Luanda, Angola, from 28 April to 12 May 2014
- Constitutive Act of the African Union of 2000
- Convention on the Prevention and Punishment of the Crime of Genocide, adopted 9 December 1948, 78 UNTS 276, entered into force 12 January 1951
- Organisation of African Unity OAU Doc AHG/Res 16(1) (1964) reprinted in (1964) 3 ILM 1116

## **Internet sources**

- 'Botha uses court to defend apartheid' *World* 23 January 1998, <http://news.bbc.co.uk/2/hi/49942.stm> (accessed 17 October 2016)
- 'Prime Minister, in a televised interview on the 4th of March 1961, Hendrik Verwoerd defines apartheid', <https://www.youtube.com/watch?v=vPCIn9czoy5> (accessed 17 October 2016)
- 'Saartjie Baartman born', [http://www.aaregistry.org/historic\\_events/view/saartjie-baartman-born](http://www.aaregistry.org/historic_events/view/saartjie-baartman-born) (accessed 10 October 2016)

- Bowler, D & Vincent, L 'Contested constructions of colouredness in the Kuli Roberts saga' (2011), [https://groups.google.com/forum/#!topic/politics\\_seminar/RBt\\_AUqa5bE](https://groups.google.com/forum/#!topic/politics_seminar/RBt_AUqa5bE) (accessed 27 May 2018)
- Dabiri, E 'Why I am not an Afropolitan' (2014), <http://africasacountry.com/2014/01/why-im-not-an-afropolitan/> (accessed 1 January 2017)
- International Commission of Jurists *Yogyakarta Principles: Principles on the application of international human rights law in relation to sexual orientation and gender identity* (2007), [www.refworld.org/docid/48244e602.html](http://www.refworld.org/docid/48244e602.html) (accessed 4 June 2017)
- Jagose, A 'Queer theory' (1996) *Australian Humanities Review*, <http://www.australianhumanitiesreview.org/archive/Issue-Dec-1996/jagose.html> (accessed 24 December 2014)
- Johnson, B & Otto, E 'A conversation with Stuart Hall: On the use and status of the term "post-colonial"' (1999) 7(1) *Journal of the International Institute*, <http://hdl.handle.net/2027/spo.4750978.0007.107> (accessed 8 June 2017)
- Mamdani, M 'South Sudan: Rethinking citizenship, sovereignty and self-determination' 4 May 2011, <http://www.pambazuka.org/governance/south-sudan-rethinking-citizenship-sovereignty-and-self-determination> (accessed 12 October 2016)
- Mbeki, T 'I am an African', [http://www.soweto.co.za/html/i\\_jamafrican.htm](http://www.soweto.co.za/html/i_jamafrican.htm) (accessed 2 February 2018)
- Mbembe, JA 'Decolonising knowledge and the question of the archive' <http://wiser.wits.ac.za/content/achille-mbembe-decolonizing-knowledge-and-question-archive-12388> (accessed 5 June 2017)
- Mekonnen, A 'Jesus of Africa: Voices of contemporary African Christology'. A review of DB Stinton *Jesus of Africa: Voices of contemporary African Christology* (2004), <http://www.denverseminary.edu/article/jesus-of-africa-voices-of-contemporary-african-christology> (accessed 30 November 2015)
- Nicholas, V Pope of the Roman Catholic Church, *Romanus Pontifex*, papal bull released on 8 January 1454, <http://www.doctrineofdiscovery.org/pontifex.htm> (accessed 8 November 2016)
- Nyanzi, S 'Knowledge is requisite power: Making a case for queer African scholarship' (2015) 126-135, [https://hivos.org/sites/default/files/15\\_knowledge\\_is\\_requisite\\_power\\_by\\_stella\\_nyanzi.pdf](https://hivos.org/sites/default/files/15_knowledge_is_requisite_power_by_stella_nyanzi.pdf) (accessed 2 May 2017)
- Salami, M 'Can Africans have multiple subcultures? A response to "Exorcising Afropolitanism"' (2013), <http://www.msafropolitan.com/2013/04/can-africans-have-multiple-subcultures-a-response-to-exorcising-afropolitanism.html> (accessed 1 January 2017)
- Selasi, T 'Bye-Bye Barbar' *Lip Magazine* 3 March 2005, <http://thelip.robertsharp.co.uk/?p=76> (accessed 1 January 2017)
- Taylor, E 'The impact of *The invention of Africa* and *In my father's house on African studies*' (2005) unpublished, [www.oocities.org/edgartaylor3/4-Mudimbe\\_Appiah.doc](http://www.oocities.org/edgartaylor3/4-Mudimbe_Appiah.doc) (accessed 30 November 2015)

# INDEX

## A

- accoutrement, 40  
affirmative subjectivities, 9  
African, 4-10, 12-17, 19, 22-29, 31-37, 39-41, 43-52, 55, 57-73, 77-79, 81-82, 85-87, 89, 94-97, 99, 101-109, 112, 114-117, 119-123, 125-148, 150-152, 154, 156-157, 163-164, 166-168, 170, 172, 176-177, 180, 182-187, 192-201, 203-206, 208-210, 213-222, 226, 230, 237, 242-243, 245-247, 260-261, 263-275  
African identities, 5, 7, 13, 22, 24-25, 34, 44, 46, 116-117, 120, 137, 141-142, 145-146  
African nationalism, 8, 122, 127  
African sexualities, 12, 14-16, 22-24, 36, 43, 45, 151-152, 156-157, 176, 184, 192-195, 197-199, 204-205, 210, 213-214, 217, 230, 237, 242-243, 260  
African values, 15, 267  
Africanness, 2-5, 7-11, 13-15, 17-19, 21, 23-27, 29, 31-37, 39-40, 44-45, 59, 61, 67, 69, 73, 112-121, 123, 125, 127-129, 131-133, 135-139, 141-150, 198, 205-206, 208, 237, 242, 245-246, 261, 268-275  
afro-radicalism, 8  
afrocentricism, 8  
afropolitanism, 140-145  
alterity, 14, 40-41, 45, 47, 49, 51, 61, 63, 66, 71-72, 77-78, 94, 115-116, 121, 138-139, 164, 166-167, 192, 263, 271  
anachronism, 29  
anti-essentialism, 2, 20-21, 215, 243  
apartheid, 7, 31, 34, 77-78, 81, 86, 90-91, 94-115, 119, 122, 128, 131, 138, 147, 168-169, 178, 180-183, 230, 256, 271, 275  
Appiah KA, 20, 24-25, 29, 36, 49, 51, 61, 79, 105, 121-124, 126  
Arendt Hannah, 16, 112, 208-209, 247-248, 261-264, 274

## B

- baasskap, 109, 172, 191  
becoming, 9-10, 25-27, 36, 42, 53, 103, 120, 146, 148, 177, 182-183, 186, 189, 191, 202, 210, 214, 249  
Bhabha H, 10, 19-20, 36, 39, 42, 52, 57, 68-69, 84, 92-93, 117-118, 133, 136, 161-163, 272  
Biko S, 109  
binary, 5, 63, 71, 89, 118, 160-161, 174, 182, 225, 231, 235, 238, 273  
black peril, 181, 185-191, 203  
blackness, 7-8, 10, 51, 80, 92-93, 99, 107, 110, 129-130, 132, 134-135, 147

## C

- Caldwell, 192-196  
cartesian, 8, 10, 19-20, 25, 31, 61, 89, 91, 117, 120-121, 129, 132, 141, 164, 272, 275

- citizenship, 10, 12, 14, 16, 21-23, 75, 78, 80, 82, 97, 99, 101, 104, 106-107, 112-114, 120, 125, 139, 147, 167-168, 170-173, 175, 178-179, 183, 201-202, 212, 224, 239, 243-244, 247-248, 259, 261-264, 274  
 classificatory system, 6-7, 51, 89-91  
 collective identity, 11-12, 27, 29, 145  
 colonial discourse, 82, 93-94, 132, 138, 172  
 colonial whiteness, 15, 173-176, 178-179, 182  
 colonialism, 6-8, 15, 25, 58-59, 62, 68, 70-71, 78, 91, 94, 96, 103, 106, 111, 113, 122, 127-128, 131-133, 139, 142, 152, 154, 159-162, 164-165, 168, 171-173, 177-179, 183, 190, 217-218, 240-241, 246, 264, 271, 275  
 Coloured, 81, 97, 99-102, 105-108, 112, 135  
 communitarian, 16, 27, 113, 246, 262, 268  
 compulsory whiteness, 178-179, 191  
 conjunctural identifications, 10  
 consensus, 10, 16, 113, 177, 245, 247-252, 257, 262-263, 265-268, 274  
 constitutionalism, 57, 170, 264-265  
 constructionist, 42, 230-231, 235, 241  
 counter-discourse, 3-4, 20  
 critical theory, 206, 217  
 critique of essentialism, 20  
 cultural identity, 6, 13-14, 18-19, 25-29, 33-34, 36, 39-41, 43-44, 51, 63, 67-68, 141, 150, 168, 211, 271  
 cultural ontology, 8  
 culture, 6-7, 9-14, 18-22, 29-30, 33, 35-37, 41-43, 46, 49, 52-53, 61, 63-64, 68-69, 71, 79, 85, 87-89, 91-92, 95, 99, 114, 121-122, 124, 128-133, 138, 145, 148, 150, 153, 155, 157, 160-161, 163-164, 167-168, 172, 179, 184-185, 191, 195, 198, 200-202, 208, 211-212, 218-219, 221, 224, 227-230, 232, 234, 237, 239, 241-242, 245, 249, 264-265, 267-269, 271-272, 274

## D

- deconstruction, 14, 20, 28, 42-43, 89, 116-117, 222-223, 230, 233  
 deconstructionist, 19, 118, 124, 233  
 degeneracy, 52, 84, 107, 124, 192  
 democracy, 11, 16, 22, 39, 42, 168, 171, 209, 213, 234, 240, 247-250, 256-257, 259, 265-268  
 democratic polity, 16, 249  
 deontological, 23  
 dialogic, 9, 22, 69, 74, 162, 205, 218, 248, 256-257, 259  
 dialogism, 22, 256-257, 260  
 dialogue, 42, 74, 114, 141, 164, 166, 220, 246, 253, 256, 259-261, 268-269, 275  
 discourse, 2-4, 8, 13, 15, 17, 19-21, 32, 35, 38, 45, 49, 54, 56, 60-61, 63-67, 77, 81-83, 87-88, 91, 93-94, 100, 102, 107-108, 120, 124-125, 128, 132, 134-139, 141, 143, 150, 152-163, 166, 168, 172, 179-182, 184, 195-196, 205, 207-208, 210-213, 215-218, 220, 228, 230, 232-235, 240, 242-243, 246, 251, 255-256, 260, 269, 275  
 discourse of hegemony, 154  
 discursive intersectionalities, 21  
 disidentification, 3, 14

dissensus, 16, 245-252, 261-262  
diversity, 2, 12, 15, 22, 34, 38, 142, 145-148, 150, 164, 197, 201, 206, 211, 213,  
228-229, 234, 237, 245, 248-249, 252-253, 267

## **E**

emancipation, 130  
emancipatory discourses, 6-7, 117, 212  
epidermal identity, 6  
episteme, 6, 49, 62, 67-69, 88, 218  
epistemology of identity, 45, 274  
equal citizenship, 82, 139, 201, 243-244, 247, 262  
equality, 7-10, 13, 15-16, 18-22, 24, 28, 35, 40, 42-43, 69-70, 74, 90-91, 106, 112,  
124-126, 128-129, 134-135, 148, 150, 165, 170-172, 206, 208, 210, 212, 215, 220,  
223, 229-230, 234, 237, 247-248, 250-251, 253, 256-257, 260, 262-264, 266, 268  
essentialism, 2, 20-21, 46, 74, 208-210, 212, 214-216, 224-227, 229, 231, 234, 243,  
268  
ethnicity, 19, 43, 67, 107-108, 142, 167-168  
existential, 8, 14, 22, 29, 37, 46, 50, 69, 104, 118, 137, 139, 158, 184, 187, 199, 209,  
214-215, 221, 227, 240, 252, 260, 264, 273-274

## **F**

false universalism, 21, 142, 212, 256  
feminism, 2, 20, 35, 37, 59, 72, 89, 117, 182, 211-212, 215, 217, 219-220, 223, 225,  
227, 232, 234, 236-237, 240  
Foucault M, 2-3, 13, 41, 58, 70, 88-89, 153, 158-159, 161, 166-168, 173, 197, 202,  
228, 233-234  
foundational identity, 7  
Fraser N, 11-12, 22, 29-30, 172, 197, 206-208, 215, 237, 243, 255

## **G**

gender, 7, 16, 21, 33, 35, 37, 52, 59, 76, 85-86, 89, 94-95, 104, 117, 124, 137, 149,  
157, 159-160, 165-166, 179-180, 182, 186, 192, 194, 198-201, 204-205, 207-208,  
210-211, 213-215, 222-225, 227, 229-241, 253, 270  
gender performance, 236-237  
generic Africanness, 5  
Governmentality, 14, 167, 202-203, 264, 273

## **H**

Hall S, 4, 9-10, 13-14, 18-20, 25-36, 38-45, 60, 67-68, 87, 92, 94, 108, 115, 117-120,  
125, 132, 138, 141-143, 145-146, 149-150, 210-211, 240-241, 261, 274-275  
hegemony, 12-13, 38, 74, 92, 152-154, 160, 163, 259, 268  
heterosexuality, 12-13, 15-16, 21-22, 38, 179, 198-199, 203-205, 208-209, 212,  
225-226, 229, 231-232, 234-235, 237, 241  
heuristic, 20, 43, 118, 208, 220, 234  
HIV/AIDS, 193, 195-196  
homogenising, 1-2, 24, 45, 67, 141, 218  
homophobia, 203-204, 254

homosexuality, 198-203, 205, 225-226, 228-229, 231, 235, 246  
 human identity, 5  
 hybridity, 27, 33, 69, 141, 160-163, 219  
 hypostatisation of culture, 12

## I

identification, 25, 30-32, 34-36, 39, 41, 117-120, 122, 145, 176, 211, 248, 250, 261  
 identitarian, 3, 6, 8-10, 13, 19, 23, 25, 43, 60, 121, 141, 148, 271, 273  
 identitarian approaches, 19  
 identity, 3-15, 18-21, 23, 25-46, 48, 50-52, 54, 57, 59-61, 63-64, 67-68, 73, 76-77, 79, 81, 84, 87-93, 97, 101-102, 104-108, 112, 115-116, 118-122, 125, 127, 129-133, 136-150, 152, 163, 166-169, 174-176, 178-179, 182, 185, 187, 197, 200, 202, 204-214, 219, 225, 227, 229, 232, 234, 236-237, 239-240, 261, 264, 269-275  
 identity formation, 27, 119, 211  
 identity politics, 11-12, 21, 212-213  
 ideologues, 10, 31, 80, 113, 116, 121, 221  
 inclusive equality, 9-10, 13, 15, 18-20, 24, 42, 69-70, 74, 206, 223, 229, 237, 263  
 Indian, 34, 81, 102-105, 112, 144, 148  
 intelligibility, 6, 14, 90, 138, 155, 165, 184, 214, 237-238  
 intersectionalities, 20-21, 35, 208, 212-213, 220, 237  
 iteration, 21, 29, 146, 148, 164, 221

## L

LGBTI, 206-210, 212, 214-215, 237-238  
 logic of identity, 4-7, 76, 89-91, 209, 275

## M

Mbeki T, 114-115  
 Mbembe JA, 7-9, 29, 32-33, 49-50, 56-57, 60, 62-63, 87, 89, 131, 133, 138, 140, 143-145, 150, 164-165, 169, 184, 195-196, 218-221, 264, 269, 271-275  
 misrecognition, 12, 44, 105, 172, 198, 206-207, 243  
 Mudimbe VY, 24, 26, 35-36, 41, 44-45, 47-49, 52, 55, 61-75, 116, 126-129, 131-132, 135, 138, 154, 164, 218

## N

nativism, 2-5, 8-10, 13-15, 37, 103, 107-108, 136, 140, 152-153, 155-157, 159, 161, 163-167, 169, 171-173, 175, 177, 179, 181, 183-185, 187, 189, 191, 193, 195, 218, 269-270, 272  
 naturalist, 226, 231  
 normative, 2, 6, 8, 10-11, 21-24, 29, 32, 35-36, 39-40, 51, 53, 57, 61-62, 74, 77, 80, 83, 88, 91-93, 117, 128, 131, 133, 141, 166, 173, 176, 179, 181-184, 198-199, 202, 205-206, 209, 213, 216, 221-222, 225, 230, 234-235, 237-238, 241, 254-257, 259, 267, 273

## O

occidentalising, 9, 241-242  
 ontology, 1, 7-8, 17, 55, 71, 114, 131, 137, 272

orientalism, 15, 24, 44, 112, 151-161, 163-164, 172-173, 195, 242  
orientation, 5, 28, 87, 131, 142, 175-179, 181, 191, 199-200, 203-204, 207-208, 210, 213-214, 225, 230, 238  
originary, 6-7, 9, 25-27, 31, 62, 78, 118-119, 131-133, 145, 162, 227, 271  
othering, 24, 44, 89, 94, 160, 166, 184, 217  
otherness, 49, 51, 55, 61-62, 76-77, 79, 81, 83-85, 87, 89, 91, 93, 95, 97, 99, 101, 103, 105, 107, 109, 111, 113, 115, 165, 188

## **P**

palimpsestic, 27  
Pan-Africanism, 8, 27, 36, 127  
participatory democracy, 11, 16, 22, 39, 248, 256-257, 259, 267  
paternalism, 40, 109  
patriarchy, 20, 37, 109, 132, 185-186, 197, 212, 230, 234, 236  
performance, 83, 129, 174, 183, 236-237, 254  
performativity, 182, 184, 204, 273  
phenomenological, 5, 174-177, 199, 260  
phenotype, 7, 78, 101-102, 104, 110-111, 123, 135, 174, 176, 179  
plenitudinous, 27, 37  
plethoraphobic, 2  
pluralism, 16, 234, 242, 244-251, 255, 257, 259, 261-262, 265-268  
polity, 14, 16, 29, 33, 77, 103-104, 124-125, 133, 151, 177, 184, 186, 191, 216, 246, 248-250, 255  
post-structuralism, 161, 239  
postcolonial studies, 154  
problematization of identity, 11, 19  
prototype, 6, 93

## **Q**

queer theory, 213, 233-235, 237-239

## **R**

race, 5-7, 12-14, 21-22, 27, 33-35, 43, 45, 50-52, 54, 64, 76-79, 81-85, 87-89, 92-95, 97, 99-119, 121-131, 133-139, 141-147, 149-150, 157, 160-161, 165, 168, 173, 178-180, 182, 185-186, 190, 192-193, 198, 209, 211-212, 216, 222-223, 227, 233, 269-272  
racial caste, 6, 78, 90, 95, 99-101  
racism, 8, 77, 79-81, 91, 94, 99, 110-111, 113, 124-126, 128-129, 132-134, 156, 185, 190, 198, 212, 244  
Rawls J, 16, 245, 247-250, 257-259  
re-presentation, 3  
regulation of sexualities, 178  
Rescher N, 16, 247, 250-254  
Rhodesia, 53-55, 58, 78, 106, 175, 177, 179-181, 185-191, 202-203  
Richardson, 148, 222, 224-226, 230-232, 238, 241

**S**

- Said E, 15, 24, 36, 44, 46-47, 79, 82, 94, 97-98, 111-113, 127, 131, 133-134, 150-161, 163-164, 166-167, 169, 172-173, 180, 184, 195-196, 199-200, 202, 242, 272-273
- self-reflexivity, 8, 184
- settler, 58, 78, 126, 144, 168, 175, 179, 182, 186-187, 191
- sexual citizenship, 12, 14, 224, 239, 248, 261
- sexualities, 12-16, 18, 22-24, 36-38, 40, 43, 45, 151-152, 156-157, 174, 176, 178-181, 184-185, 189, 192-195, 197-199, 201-217, 219, 221-223, 225, 227-235, 237-239, 241-246, 254, 256, 260-261, 265, 267, 269
- sexuality and gender, 205, 223, 225, 230-233, 241
- social construction, 94-95, 105, 123, 137, 142, 148, 223-226, 231
- South Africa, 26, 53, 78, 80-81, 95-102, 104-114, 144, 147-148, 161, 168, 175, 179-181, 186, 203, 215, 237, 240, 243, 256, 265
- status subordination, 8-11, 15, 22-23, 27, 33, 37, 43, 51, 151, 163, 170, 197-198, 204-206, 208, 210, 215, 244, 246, 254, 270
- stereotypes, 6, 31, 84, 93, 130, 139, 146, 151-152, 192-193, 208
- subjective, 5, 21, 38, 157, 195, 225, 253, 264, 274
- subjectivity, 19, 21, 34-35, 38, 132, 139, 166-167, 206, 211, 219, 240, 257, 259-261, 264, 270
- subordinated existentialities, 24
- subordination, 8-11, 15, 18, 21-23, 27, 33, 35, 37, 43, 45, 51, 80, 85, 109, 111, 151, 157, 162-163, 170, 197-198, 204-210, 212, 215, 223, 232, 237, 244, 246, 248, 254, 270

**T**

- Tamale S, 22-24, 152, 184-185, 192, 194, 197-198, 201, 204, 214, 216, 242
- taxonomies, 46, 61, 148, 228
- teleologies, 8
- telos, 2, 5, 87-88
- theocratic, 4-6, 70, 72, 88, 199, 273-274
- transcendent, 8, 26-27, 108, 142
- transcendental, 7, 17, 30, 141-142, 253
- transcendental ontology, 17
- transformation, 18, 27, 32, 34, 46, 49-50, 60, 62, 81, 100, 107, 130, 143, 146, 161-162, 178, 183, 211, 215, 235-236, 241, 263, 268
- transformative, 8, 15, 19-20, 25-26, 35, 44, 64, 67, 108, 115, 144-145, 198, 204, 206, 213, 224, 226-230, 238-239, 273
- transgressive sexualities, 201, 204-207, 211, 214, 237, 244, 256, 265
- tribe, 167-169, 172-173
- typologising, 15

**U**

- ubuntu, 26, 201
- universalism, 21, 54, 142, 212, 256, 259
- universality, 5, 20, 164, 212, 216

**V**

Volksgeist, 26

**W**

Weltanschauung, 45, 67, 132

**Y**

Yogyakarta Principles, 207, 210

Young I, 2, 4-7, 16, 20-22, 54, 69, 74-76, 79, 83-85, 88-92, 105, 110, 138, 148-149, 166, 171, 185, 189, 191-192, 247-248, 256-261, 265

**Z**

Zimbabwe, 53-54, 78, 106-107, 177, 185-189, 199-203