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Since 2004, the Journal has published research papers, which are relevant to gender, religion, and theology in Africa. The editorial committee considers for publication submissions of a scholarly standard from any of the social science and theological disciplines or related fields of inquiry, which provide useful perspectives at the intersections of gender, religion, and theology in Africa. Particular areas of interest include the gendered analysis of religion; theology and the study of religion; innovations in contextual theological education; theological and ethical reflection on social transformation; the significance of new religious movements and African-initiated forms of religion; the role of women in religion and society; interfaith dialogue; peace-making and reconciliation; normative and non-normative sexualities; and queer politics.

The *African Journal of Gender and Religion* seeks to promote dialogue and response, not only within the academic community in Africa and beyond, but also with faith practitioners working “on the ground” to build a more just society in the region. These may include religious leaders, clergy, other religious officials, professionals, and laity across broad social spectrums who seek to read their faith against the critical issues confronting society today.

Written submissions to the *African Journal of Gender and Religion* may take the form of researched scholarly articles or essays. Book reviews, brief responses to articles, conference reports, and summaries of research projects are also welcome. Articles submitted for the section called “praxis” must show evidence of how sound theoretical reflections are brought to bear on practical action. Within the section on “praxis” we will publish essays that are not considered “mainstream academic” but nonetheless point to theories of gender justice in action. Submissions are evaluated through an editorial committee screening process. Further, the articles are also sent for peer review to a minimum of two competent scholars working in a similar field of interest. Prospective contributors of scholarly articles should send a typed copy of their article via e-mail to the submissions editor at submissions@ajgr.org. All submissions must

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E-ISSN: 2707-2991

<i>Article</i>	<i>Pages</i>
Saumya Uma Lesser than equal? A feminist analysis of Hindu family law in India	1-28
Gibson Ncube “This is improper and irreligious”: navigation of queer sexuality, religion, and practice in Marwan Hamed’s film <i>Imarat Yá cubyan</i> and Abdellah Taïa’s novel <i>Une Mélancolie Arabe</i>	29-48
Sarina de Jager, Jackie Botes, Thandanani Savhasa, Ina Smit Women’s Leadership Role in the Apostolic Faith Mission Church of South Africa	49-67
Roundtable Discussion on Epistemes, Methods and (Inter)textualities in Sacred Queer Stories	68
Stella Nyanzi Balancing an Unequal Partnership for Studying Ugandan Queer Refugees’ Appropriation of Bible Stories	69-78
Megan Robertson Contesting and Curating the Queer African Archive with Sacred Queer Stories	79-88
Sebyala Raymond Brian and Fredrick Hudson Sacred Queer Stories: Personal reflections from community-activist researchers	89-93

Adriaan van Klinken & Johanna Stiebert

Hermeneutics of Life and Death, Liberation and Mourning:
Response to a Roundtable about Sacred Queer Stories

94-101



Lesser than equal? A feminist analysis of Hindu family law in India

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SHORT BIO

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ABSTRACT

In India, Hindu family law is often touted as a progressive and gender-just law that ought to be emulated and extended to minority religious communities through a common civil code. Against this backdrop, the present article examines the question of whether Hindu family law in India adequately protects women’s rights and, if law reform is required, what should be the factors guiding it. The article further analyses the status of women within Hindu family law in India from the time of the country’s independence and the law reform measures that have led to advancement in women’s equality rights in recent decades as well as discriminatory provisions that continue to persist through a historical, legal and feminist lens. It argues that further reforms to Hindu family law must be undertaken to realize women’s equality rights, albeit within the larger framework of constitutional norms and international human rights standards, rather than an interpretation/re-interpretation of Hindu religious texts based on dubious claims of a “glorious past.” This includes recognition of trans* and queer relationships within the folds of Hindu law. Moreover, the article argues in favor of applying feminist discourses on formal and substantive equality to the Uniform Civil Code debate to ensure plural family laws are gender-just.

KEYWORDS

Hindu law, India, women’s rights, gender discrimination, patriarchy

Introduction

India is a country with multiple family or personal status laws. The law governing rights within marriage, upon divorce, and for issues arising from a marital relationship, including succession and inheritance of property, are different for each religious community. Secular laws that govern matrimonial rights (The Special Marriage Act, 1954) and property rights within the family (Indian Succession Act, 1925) coexist with specific family laws for each religious community. In the contemporary context, the term ‘Hindu law’ connotes a range of statutory legislations such as The Hindu Marriage Act of 1955, The Hindu Maintenance and Adoption Act of 1956, The Hindu Succession Act of 1956, and The Hindu Minority and Guardianship Act of 1956. These are drawn from Hindu religious texts and combined with customary practices and a large body of jurisprudence created through legislations and judgments over the past two centuries.

Since Hindu law is applicable to a vast population in India to govern family relationships, rights, and responsibilities, the issue of the status of women in Hindu legal thought becomes pertinent. The central question that this article seeks to address is whether Hindu family law in India adequately protects women's rights and, if not, what more is required. This is undertaken through a feminist, legal, and historical analysis of modern sources of Hindu law. The first part of this article critically analyses the socio-legal status of women in Hindu law in the post-independence period and the contemporary era. The second maps the recent initiatives for law reform that have been proposed and undertaken thus far. Finally, the article presents a roadmap for the future.

1. Hindu Family Law in India: 1947-2000

1.1 Hindu Code Bill & the Discourse on Hindu Women's Equality Rights

The independence of India from British colonial rule was coupled with its partition from Pakistan on religious grounds. After independence, the Hindu Law Committee, spearheaded by the initiative of Dr. B. R. Ambedkar, presented the Hindu Code Bill in the legislature on 11 April 1947.¹ The Bill sought to codify family law applicable to Hindus and "modernize" it by eliminating discriminatory provisions and practices. However, the introduction, as Parashar notes, happened in the context of the "partition of the country into Pakistan and India and the ensuing disturbances" wherein "religious identities of the respective communities were heightened".² Communities that were unhappy with the creation of Pakistan viewed the introduction of this Bill as interfering with their religious identity. The task of reimagining the Hindu law was made even more difficult as various diverging positions existed within the Indian National Congress party itself. For instance, at one stage, Dr. Rajendra Prasad, the erstwhile President of India, declared that he would refuse Presidential Assent to such a Bill.³ In his letter to Pandit Jawaharlal Nehru, the erstwhile Prime Minister of India, he wrote, "new concepts and new ideas which are not only foreign to Hindu law but may cause disruption in every family".⁴

¹ Archana Parashar, *Women and Family Law Reform in India*, (New Delhi: Sage Publications, 1992), 80.

² Parashar, *Women and Family Law Reform in India*, 80.

³ Christophe Jaffrelot, "Nehru And The Hindu Code Bill", *Outlook*, August 8, 2003.

⁴ Valmiki Choudhary, *Dr. Rajendra Prasad: Correspondence and Select Documents*, (New Delhi: Allied Publishers, 1987), 266.

Within this process, the discussions and the eventual conclusion on the question of equal access to property for women is the most revealing. The Select Committee of the Constituent Assembly, with Dr. B. R. Ambedkar as the Law Minister, was the first to suggest that both should be on “par with regard to the quantum of their share of inheritance”.⁵ It observed that “there is no reason why a female heir generally should be treated differently from a male heir”.⁶ However, while members debated various provisions of Hindu Law, the progressive aspects of the Bill were met with vehement opposition.⁷ For instance, Baba Baijnath Bajoria argued that, “[the] Hindu women being nurtured by society to fulfil the role of ideal wives and mothers, were not in a suitable position to manage property”.⁸ Ganpat Rai stated, “I object to the granting of an absolute estate to women” since “their character will suffer, if they are given an absolute estate”.⁹ These statements, and particularly the numerous references to the woman’s “role” whereby the woman was expected to fulfil the ideal of wives and mothers, indicate the anxiety of conservatives in according women equal right to property.

Eventually the Bill was divided into four statutes and passed by the Indian Parliament: The Hindu Marriage Act (1955), The Hindu Adoption and Maintenance Act (1956), The Hindu Succession Act (1956), and The Hindu Minority and Guardianship Act (1956). Despite the proclaimed commitment to gender equality, the legislations carry remnants of patriarchy, some of which are discussed below.

1.2 Age of Marriage and Agency in Marriage

Section 5(iii) of the Hindu Marriage Act enacted in 1955 prescribes the valid age of marriage to be eighteen and twenty-one for women and men, respectively. However, the non-fulfilment of the said condition does not make the marriage either void (invalid) or voidable (valid unless the validity is challenged by a party to the marriage). Contravention of the same is punishable by imprisonment of two years, a fine of one lakh Indian Rupees

⁵ Parashar, *Women and Family Law Reform in India*, 124.

⁶ Parashar, *Women and Family Law Reform in India*, 124.

⁷ Parashar, *Women and Family Law Reform in India*, 124.

⁸ Chitra Sinha, “Images of Motherhood: The Hindu Code Bill Discourse”, *Economic and Political Weekly*, 42 (2007), 49-57.

⁹ Sinha, *Images of Motherhood*, 49. See also Government of India, *Oral Evidence Tendered to the Hindu Law Committee*, (Madras: Government of India, 1945), 194.

(INR1,00,000), or both, under section 18 of the Act. The validity of child marriages has been maintained, with the primary intention of protecting young girls whose only security in such a situation lies within the framework of marriage itself and the nullification of which may lead to disastrous social consequences.

In contrast, as per the Prohibition of Child Marriage Act (PCMA) of 2006, a criminal law, under-aged marriage would remain valid but voidable. If the minor party to the marriage choose to remain in the marriage, the marriage would remain valid. However, the legislation also provides for the minor party to repudiate the marriage (to have the marriage nullified) up to two years after reaching majority. This provision of repudiation of marriage that recognizes the agency of the minor party (usually the girl) upon reaching majority, is conspicuously absent in the Hindu Marriage Act.

In those cases where under-aged girls elope with boys, either due to a difference in caste or religion (and, hence, opposed by the families), the girl's family typically turns to criminal law to file charges of kidnapping, abduction, rape, and other such offences against the boy to "restore" custody of the girl onto themselves.¹⁰

The caste system in India is hierarchical in nature, with no scope for upward mobility. Although the Hindu Marriage Act does not prohibit inter-caste or inter-class marriages, due to the rigidity of the caste system within the Hindu community, with its notions of superiority and inferiority, purity, and pollution, the reality is that inter-caste marriages are often unacceptable to the families, resulting in honour crimes.¹¹ In the words of Dr. B. R. Ambedkar, the foremost leader of the anti-caste movement in India, the blame for the caste system, with its rigidity and dehumanization, lies with Hindu religious texts that advocate for it and not with the followers of the religion.¹²

¹⁰ For more details, see Uma Chakravarti, "From Fathers to Husbands: Of Love, Death and Marriage in North India", in *Honour: Crimes, Paradigms and Violence Against Women*, eds. Lynn Welchman and Sarah Hossain (London: Zed Books, 2005), 309.

¹¹ This is discussed in detail in Ilangovan Rajasekaran, "In the Name of Honour", *Frontline*, March 13, 2020; see also Aniruddha Mahajan, "In the Name of Honour: Comprehending Honour Killings in India", *Critical Edge*, September 26, 2020.

¹² B. R. Ambedkar, *Dr. Ambedkar Writing and Speeches*, Vol. 1, Part 2, (Education Department, Govt. of Maharashtra, 1992), 37-124

1.3 Restitution of Conjugal Rights

Restitution of conjugal rights is an archaic legal remedy under English law in which an unwilling wife could be forced by the might of the state to cohabit with her husband due to his right to marital conjugality and consortium. This remedy came to be imposed upon Hindu women by British colonialists through the *Rukhmabai* judgment when traditional Hindu law had no such provision.¹³ Ironically, when Hindu law was codified in 1955, the remedy found its way into the statute and remains in force to date even though the British abolished the remedy in 1970.¹⁴

The Hindu Marriage Act of 1955 carries an explicit provision (section 9) that allows either party in the marriage to apply for the remedy.¹⁵ Although couched in gender neutral terms, the ramifications of this remedy are disparate for husbands and wives. The Andhra Pradesh High Court observed this and opined that, in the woman's case, should the remedy be granted to her husband it would lead the to court sanction "humiliating sexual molestation" that could potentially result in a "pregnancy that is foisted on her by the state and against her will".¹⁶ On this ground, the High Court found that the law violates the right to privacy and the dignity guaranteed by the Indian Constitution.

However, this progressive judgment that recognized the bodily integrity and sexual autonomy of women in Hindu marriages was overruled by the Supreme Court which held that the intention of the legal remedy is to bring

¹³ *Dadaji Bhikaji vs. Rukhmabai* (1885) ILR 9 Bom 529. For a detailed discussion, see Sudhir Chandra, "Rukhmabai: Debate Over Woman's Right to her Person", *Economic & Political Weekly*, (1996): 2937-2947.

¹⁴ The remedy of restitution of conjugal rights was repealed by S. 20 of The Matrimonial Proceedings and Property Act, 1970 in the United Kingdom.

¹⁵ S. 9 of the Hindu Marriage Act, 1955 states as follows: When either the husband or the wife has, without reasonable excuse, withdrawn from the society of the other, the aggrieved party may apply, by petition to the District Court, for restitution of conjugal rights and the Court, on being satisfied of the truth of the statements made in such petition and that there is no legal ground why the application should not be granted, may decree restitution of conjugal rights accordingly.

¹⁶ *T. Sareetha vs. T. Venkata Subbaiah AIR 1986 AP 356*, para 29

about cohabitation between estranged parties so that they can live together.¹⁷

1.4 Guardianship

The Hindu Minority and Guardianship Act (1956) governs the rights and responsibilities of guardians for Hindus in India. It was the first and only attempt at codifying the law to keep pace with changing social needs. However, patriarchal beliefs underlie the provisions in the 1956 Act. Section 6(a) provides that the natural guardian for a “boy or an unmarried girl” would be that father “and after him, the mother”, implying that it is only after the lifetime of the father that the mother can claim to be the natural guardian to the child. In *Gita Hariharan v Reserve Bank of India*, this provision was challenged on the grounds of violating articles 14 and 15 of the Indian Constitution, which guarantees women equality rights.¹⁸

However, the Supreme Court of India did not strike down this provision as unconstitutional but, instead, opined that the word “after” must be read as “in the absence of” and clarified that in the absence of the father’s physical or mental ability during his lifetime (and not necessarily only after his death) the mother can become the natural guardian of her child under Hindu law. While the court’s interpretation has broadened the grounds for mothers’ right to guardianship of their wards, the court fell short of discharging its constitutional mandate to ensure women’s equal rights by failing to treat mothers on equal footing as fathers to be considered natural guardians.

1.5 Succession and Inheritance

Succession and inheritance rights of Hindus are addressed through the Hindu Succession Act (1956). While trying to understand the various hurdles that have been placed upon access to equal rights for woman, it is not surprising that the earliest legislative attempts to rectify this historical injustice were centered around what benefits a man can accrue and were not framed as part of the “woman’s question”.¹⁹ As scholars suggest, the case for advocating for women rights was provided in cases where “men would no longer devise extralegal methods of supporting their wives and

¹⁷ *Saroj Rani vs. Sudarshan Kumar Chadha* AIR 1984 SC 1562

¹⁸ *Ms. Githa Hariharan & Anr vs Reserve Bank of India & Anr.* (1999) 2 SCC 228.

¹⁹ Mytheli Sreenivas, “Conjugality and Capital: Gender, Families, and Property under Colonial Law in India”, *The Journal of Asian Studies*, 63, (2004), 937-960.

daughters” as currently ‘men had to make these through the investment of large sums in female ornaments’ that resulted in a decrease in the potential advancements of the economy.²⁰

While the frames of such inquiry started changing in the decades prior to 1947, the concessions obtained were, nevertheless, severely limited. For instance, the changes sought under the Hindu Women's Rights to Property Act (1937) were restricted to widows who could claim the property of their deceased husbands if he died intestate. The concept of the Hindu joint family was broader and included male and female members of the family. The property owned by such a family, referred to as the coparcenary property, could only be held by male members of the joint family. Female members were only allowed the rights of maintenance, residence in the property, and marriage expenses, where relevant. This unequal legal system that existed in pre-independence India continued in the post-independent enactment of Hindu law, the Hindu Succession Act, s to assuage the sentiments of traditionalists who neither wanted to abolish the unequal system of Hindu coparcenary nor wished to extend equal inheritance rights to Hindu women. However, daughters, widows, and mothers were included as legal heirs in intestate succession of the separate property of a Hindu man.

As Malavika Rajkotia opines, even this change could be seen as a “consolation prize” for women, as the “fathers began excluding daughters from inheritance by using the device of a will to say that daughters were ‘settled’ and had generally received ‘dowry’ and thus needed nothing more”.²¹ In the Law Commission of India, this unfettered right is a “weapon in the hands of a man” to deprive female members, especially daughters and widows, of property rights.²²

The subsequent reform of Hindu law has taken place through a combination of legislative amendments and judgments of the higher judiciary. The state

²⁰ A statement of Collector of Tirunelveli district, as quoted in Mytheli Sreenivas, *Wives, Widows and Concubines: The Conjugal Family Ideal in Colonial India* (Bloomington: Indiana University Press, 2008), 57.

²¹ Malavika Rajkotia, *Intimacy Undone: Marriage, Divorce and Family Law in India*, (New Delhi: Speaking Tiger Books, 2017), 148.

²² The Law Commission of India, 174th report, *Property Rights of Women: Proposed Reforms under the Hindu Law*, (Ministry of Home Affairs: Government of India, 2000), para 2.12.

of Kerala abolished its joint family system through the Kerala Joint Hindu Family System (Abolition) Act of 1975. The state amendments by Andhra Pradesh (1986), Tamil Nadu (1989), Maharashtra (1994), and Karnataka (1994) were followed by a central amendment to the Hindu Succession Act in 2005 that allowed for daughter's right to coparcenary property. This is discussed further in 2.1 below.

2. Recent Initiatives in Hindu Law Reform (2000 Onwards)

The recent initiatives in law reform have mainly been proposed by the Law Commission of India, an official and statutory body entrusted with a mandate of undertaking law research, reviewing existing laws and making recommendations for law reform. Since 2000, at least four reports by the Commission have recommended reforms to aspects of Hindu law, often by soliciting feedback and suggestions from members of the civil society.²³ Some relevant aspects are discussed below.

2.1 Daughter's Inheritance Rights in Ancestral Property - 174th Law Commission Report (2000)

The 174th Law Commission report focused on pervasive gender discrimination (against women) in provisions of the Hindu Succession Act of 1956. The report addressed the discrimination in section 6, which deals with the daughter's inheritance rights to ancestral property. The report observed that, "the patrilineal assumptions of a dominant male ideology are clearly reflected in the laws governing a Hindu female who dies intestate. The law in her case is markedly different from those governing Hindu males" and subsequently, "legislation that on the face of it discriminates between a male and a female must be made gender neutral".²⁴ The report led to amendments to the Hindu Succession Act in 2005 that accorded daughters with equal rights to coparcenary property.

The 2005 amendment extends the coparcenary right to property to daughters from birth with the same rights and liabilities as that of a son,

²³ The Law Commission of India's 174th report (2000), 204th report (2008), 207th report (2008) and 208th report (2008), 217th report (2009), 252nd report (2015), 257th report (2015) address aspects of Hindu law reform. The reports are available at www.lawcommissionofindia.nic.in (last accessed 8 March 2021).

²⁴ The Law Commission of India, 174th report, *Property Rights of Women*, para 2.5.

thereby, removing the disability that daughters faced. In March 2013, the Supreme Court held that the 2005 amendment is also applicable also to daughters born before the Hindu Succession Act (1956) came into force.²⁵

Arguably, after the 2005 amendment, the socio-economic position of women has changed. For instance, one study that was undertaken in five states highlights that the reform has positively impacted women's education, their labor force participation, and their daughter's education.²⁶ Another study also claims that the 2005 Amendment led to greater access "to women-owned physical and human capital assets, and that it has enhanced the probability of daughters inheriting land".²⁷ However, any such reform remains hollow until a substantial reworking of the gender-biased framework is undertaken.

It is pertinent to note that while the uncodified Hindu law extended coparcenary rights to all male members of the Hindu Joint Family within three generations of the last holder of property, the 2005 amendment extended this right only to the daughters as opposed to all women (such as mothers and widows) in the family. To that extent, the discrimination persists for all categories of women within the Hindu Joint Family, excluding daughters. However, Hindu men and women have an unfettered right to will away their property to anyone, including their sons, thereby, denying inheritance to their daughters.²⁸

2.2 Scheme of Succession for Hindu Female Intestate - 207th Law Commission Report (2008)

In this report, the Law Commission revisited the scheme of intestate succession for Hindu women and recommended equal right to parents' heirs and husband's heirs to inherit a female intestate's self-acquired property in the absence of her husband, children, and children of predeceased children.

²⁵ *Danamma Suman Surpur & Another vs. Amar & Others* AIR 2018 SC 721.

²⁶ Rahul Sapkal, "From Mother to Daughter: Do Equal Inheritance Property Laws Reform Improve Female Labour Supply, Educational Attainments in India?", *Asian Journal of Law and Economics*, Vol. 8(1), (December 2014), 1-36.

²⁷ Klaus Deininger, Aparajita Goyal and Hari Nagarajan, "Inheritance Law Reform and Women's Access to Capital: Evidence from India's Hindu Succession Act" *The World Bank: Policy Research Working Paper No. 5338* (2010).

²⁸ Provided for in section 30 of the Hindu Succession Act, 1956.

It concludes that, while the natal family might be in proximity, “her relations with her husband’s family are not separated and uprooted in entirety”. The recommendation was influenced by the consideration that “the social ethos and the mores of our patriarchal system demand that the existing system should not be totally reversed”. Traditionally, Hindu religious and cultural practices treat a married woman as only a member of the marital family. Hence, in the general scheme of inheritance for a Hindu female intestate, her husband’s heirs are considered higher priority than her own parents and siblings. This is not the case for male intestates. In this report, the Law Commission did not comment on this anomaly and blatantly discriminatory provision, leading to its continued presence in the statute.²⁹

Three provisions that blatantly discriminate against women continue to plague the Hindu Succession Act. First, the Act creates two schemes of succession for male and female intestates. For female intestates, the scheme is further bifurcated by the source of the female intestate’s property (whether inherited from parents or husband/father-in-law) and the presence or absence of children. Where the property was inherited from the woman’s parents, it would revert to her father’s heirs (even if she had inherited it from her mother). Property inherited from her husband or father-in-law would revert to her husband’s heirs. These criteria are not specified for male intestates, indicating that the legislators perceived women as temporary and transitory possessors of property and, hence, did not recognize their absolute ownership in law. Second, agnates are preferred over cognates, even if the agnates are more remote than cognates.³⁰ This violates the fundamental rule of proximity of relation as the basis for inheritance rights. Third, while full blood relations are preferred over half-blood relations, relationships by uterine blood are completely ignored.³¹

²⁹ Damle, Devendra et al, “Gender discrimination in devolution of property under Hindu Succession Act, 1956”, National Institute of Public Finance and Policy (NIPFP) Working Paper Series, No. 305, May 25, 2020, 22-23.

³⁰ Agnates are those claimants to the property who are related to the intestate by blood or adoption, wholly through male lineage, defined in S. 3(1)(a) of the Hindu Succession Act, 1956. Cognates are persons who are related to the intestate by blood or adoption, not wholly through the male line, defined in S. 3(1)(c) of the Hindu Succession Act, 1956.

³¹ Section 3(e) of the Hindu Succession Act defines a relationship by ‘full blood’ as one when they have descended by a common male ancestor by the same wife, ‘half blood’ when they have descended from a common male ancestor with different wives, and

2.3 Reforms in the Law of Guardianship – 257th Law Commission Report (2015)

The discriminatory provision in section 6 of the Hindu Minority and Guardianship Act (1956) has been discussed above in 1.4. In the 257th report, the Law Commission recommended that section 6(a) of the latter Act be struck down and substituted by a provision that does not explicitly place the father in a superior position.³² It states that the “superiority of one parent over the other should be removed, and that both the mother and the father should be regarded, simultaneously, as the natural guardians of a minor”.³³ The report’s recommendations are in tandem with social justice considerations. However, the recommendation is yet to be legislated. In 2016, the Delhi High Court affirmed that the Regional Passport Office should not insist on the name of the father as the natural guardian in cases of single women applying for their children.³⁴ In 2019, a public interest litigation (class action suit) was filed in the Supreme Court of India, challenging the constitutionality of section 6 of the Hindu Minority and Guardianship Act.³⁵ The petition remains pending in court at the time of writing this article.

2.4 Consultation Paper on Family Law Reforms (2018)

The Government of India referred a study to the Law Commission that examined issues arising from the Uniform Civil Code in 2016. The Uniform Civil Code (UCC) asserts that one family law is applicable to all religious communities. The Indian Constitution, through Article 44, provides for the state to endeavor to enact a UCC. Given the religious, cultural, and social diversities prevalent in India, recent trends towards a Hindu majoritarian rule and the consequential insecurities among minority religious communities, the issue of the UCC is a highly contentious one. While opposing the call for a UCC, feminist academic, Nivedita Menon, observed that “talk of [UCC] has

‘uterine blood’ as one where two persons are related as descendants of their mother, through different husbands.

³² The Law Commission of India, 257th Report, *Reforms in Guardianship and Custody Laws in India*, New Delhi: Ministry of Home Affairs, Government of India, 2015.

³³ The Law Commission of India, 257th Report, para 6.3.

³⁴ *Shalu Nigam & Another vs. Regional Passport Office & Another* 2016 SCC OnLine Del 3023

³⁵ *Sakshi Bhattacharya vs. Union of India* WP (Civil) No. 1290 of 2019.

nothing to do with gender justice. It has entirely to do with a nationalist Hindu agenda and is right up there with the beef ban and the temple in Ayodhya".³⁶

Various judgments from the higher judiciary directed the parliament to enact a UCC.³⁷ Despite this, the Law Commission's paper recognized that the UCC is "neither necessary nor desirable at this stage", especially since "most countries are now moving towards recognition of difference", a process which can be undertaken without abolition of difference itself.³⁸ Instead, it sought to suggest reforms in family laws that apply to each religious community to make family laws gender-just and egalitarian.

The paper emphasized the need for deleting the matrimonial remedy of the [Restitution of Conjugal Rights] from the Hindu Marriage Act as it was an obsolete remedy.³⁹ On the issue of guardianship, the paper recommended an amendment to section 6 of the Hindu Minority and Guardianship Act to make both father and mother natural guardians on equal footing.⁴⁰ In the context of rights to a Hindu coparcenary property, the paper suggested the abolition of rights to the property by birth.⁴¹

2.5 Initiative to Increase the Age of Marriage for Girls

In 2020, a move by the central government of India to increase the legally marriable age of girls from 18 years to 21 years added further complication to the legal landscape. While the initiative claims to empower women, activists working at the ground level on adolescents' concerns fear that the age increase 21 years would mean that girls would be unable to exercise their agency until the age of 21 and parents would force their daughters to marry a person of their choice (and caste).⁴² Organizations that studied data

³⁶ Nivedita Menon, "It isn't about women", *The Hindu*, 15 July 2016.

³⁷ See for example, *Mohd. Ahmed Khan vs. Shah Bano Begum* AIR 1985 SC 945; *Jordan Diengdeh vs. S.S. Chopra* AIR 1985 SC 935 and *Sarla Mudgal vs. Union of India* AIR 1995 SC 1531.

³⁸ The Law Commission of India, *Consultation Paper on Reform of Family Law*. New Delhi: Ministry of Home Affairs: Government of India, 2018, para 2.35.

³⁹ The Law Commission of India, *Consultation Paper*, para 2.62.

⁴⁰ The Law Commission of India, *Consultation Paper*, para 3.31.

⁴¹ The Law Commission of India, *Consultation Paper*, para 5.26.

⁴² Jagriti Chandra, "Should the Age of Marriage for Women be Raised to 21?", *The Hindu*, 4 September 2020. Madhu Mehra, 'Empowering Women or Curbing Rights?', *Economic and Political Review*, Vol. 57, Issue No. 2, January 8, 2022, 8.

related to the Prohibition of Child Marriages Act overwhelmingly found that the law was used by parents as a tool for control to stop their daughters from eloping and as a tool to punish the boys they chose as their husbands.⁴³

The Supreme Court of India and the High Courts have, time and time again, delivered judgments against honor crimes and reiterated that the right to choose a partner is a fundamental right of all persons, including women, though the gap between law and reality remains large.⁴⁴

2.6 Recognition of Sexual Orientation and Gender Identities in Hindu Family Law

Sexual intercourse between persons of the same sex, even if between consenting adults in private spaces, was criminalized under section 377 of the Indian Penal Code (IPC). In September 2018, the Supreme Court of India struck down the provision as unconstitutional as it violated the constitutionally-guaranteed fundamental rights of bodily integrity, sexual autonomy, liberty, and privacy of the concerned persons.⁴⁵ Subsequent to the decriminalization, queer communities have demanded the legal recognition of same sex marriages within the framework of Hindu law as well as the secular Special Marriage Act. Meanwhile, a judgment from the Madras High Court legally recognized the marriage of a trans-person and a cis-person within the framework of Hindu Marriage Act by interpreting the term “bride” in section 5 of the Act to include transwomen.⁴⁶ The judgement states that term “bride” should not only include cis-women but also anyone who identifies themselves as a woman.⁴⁷ In its reasoning, the court drew upon right to marry a person of one’s own choice, affirmed as a fundamental right by the Supreme Court of India.⁴⁸

⁴³ Ibid.

⁴⁴ *Lata Singh vs. State of U.P.* (2006) 5 SCC 475; *Arumugam Servai vs. State of Tamil Nadu* (2011) 6 SCC 405.

⁴⁵ *Navtej Singh Johar vs. Union of India* (2018) 10 SCC 1

⁴⁶ *Arun Kumar vs. Inspector General of Registration* 2019, Madurai Bench of Madras High Court in W.P. (MD) NO. 4125 OF 2019 AND W.M.P. (MD) NO. 3220 OF 2019, judgment delivered on April 22, 2019.

⁴⁷ *Arun Kumar*.

⁴⁸ *Shafin Jahan vs. Asokan K.M.* AIR 2018 SC 357

Notably, scholars such as Ruth Vanita and Saleem Kidwai, in their work on same sex love in India, demonstrate that the Hindu religion has historically celebrated diverse forms of sexual orientation and gender identities.⁴⁹ Indeed, it was British colonial rule that not only introduced section 377 of the IPC but also the hetero-normative, patriarchal form of marriage and a narrow, Victorian perspective on sexual orientations and gender identities.

In recent years, two petitions were filed in the Delhi High Court for a legal recognition of same-sex marriages within the framework of the Hindu Marriage Act, the Special Marriage Act, and the Foreign Marriage Act. The Solicitor General of India, representing the central government with a Hindu majoritarian ideology, reportedly stated in court that a marriage between same-sex couples was “not permissible” in India as it is not recognized by “our laws, legal system, society and our values’.⁵⁰ The statement juxtaposes and contrasts Indian (read Hindu) culture on same-sex marriages. At the time of writing this article, the petitions for legalizing same-sex marriage, including under Hindu law, remain pending in the Delhi High Court. However, a similar remedy sought by a lesbian couple from the Allahabad High Court was rejected in April 2022.⁵¹ At present, it is clear that the queer community is driving the litigations for family law reform following the *Navtej Johar* judgment and its aftermath have challenged and complicated our understanding and the law’s treatment of heterosexual intimacies.

In April 2022, Supriya Sule, a parliamentarian of the National Congress Party, introduced a private member’s bill to legalize same-sex marriages and provide the same rights to LGBTQIA+ couples as that of heterosexual couples.⁵² Interestingly, the bill seeks amendments to the secular law (Special Marriage Act) and not the Hindu law. In August 2022, the Supreme Court expanded the traditional definition of family and reportedly observed that the family,

⁴⁹ Ruth Vanita and Saleem Kidwai (ed.), *Same Sex Love in India: Readings from Literature and History*, (Gurugram: Penguin Random House India, 2008) (revised edition).

⁵⁰ India Today Web Desk, “Not our values: Centre opposes plea in HC for recognition of same-sex marriages,” India Today, September 14, 2020.

⁵¹ The Wire Staff, ‘HC Rejects Lesbian Couple’s Plea for Recognition of Marriage, UP Govt Cites ‘Hindu Culture’,’ *The Wire*, April 15, 2022

⁵² Alka Dhupkar, Why this MP Wants to Legalise Same Sex Marriage in India, *The Times of India*, April 19, 2022.

may take the form of domestic, unmarried partnerships or queer relationships ... such atypical manifestations of the family unit are equally deserving not only of protection under law but also of the benefits available under social welfare legislation.⁵³

Though this is an *obiter dicta* (opinion of the court) and, hence, not binding for future judgements, it is, nevertheless, significant in indicating the potential of the Indian judiciary to recognize new forms of family that include relationships beyond a heterosexual model.

The queer community in India is a historically oppressed community that has been denied a legitimate demand of equal legal recognition of and rights within marriage equal to others. However, advancing the institution of marriage as an embodiment of love, companionship, and sexual desire excludes unmarried, non-monogamous, non-binary, and gender fluid persons.⁵⁴ Madhavi Menon argues that while marriage is presented across the political spectrum as the flagbearer of sexual equality, marriage also brings along institutionalized sexual inequality.⁵⁵ This is more so the case in Hindu law that has patriarchal and gender discriminatory provisions entrenched in it, as discussed above.

2.7 Testing Family Laws Against the Yardstick of Constitutional Principles

The post-colonial era witnessed the euphoria of Indian independence in 1947 and the creation of the Constitution that was adopted in 1950. However, the relationship between the State and religion remained ambiguous. Articles 25 and 26 of the Indian Constitution guarantees freedom of religion, on one hand, while Articles 14–16 that guarantees gender equality, non-discrimination, and equal opportunity to women were firmly embedded as fundamental rights, enforceable against the Indian state. The existence of multiple family laws was justified through an extension of

⁵³ *Deepika Singh vs. Central Administrative Tribunal* 2022 LiveLaw (SC) 718

⁵⁴ For details, see Madhavi Menon, *The Case Against Marriage*, 7 November 2020, <https://www.article-14.com/post/the-case-against-marriage>

⁵⁵ Menon, *The Case Against Marriage*.

the freedom of religion.⁵⁶ These family laws, including Hindu law, contained and continue to contain provisions that discriminate against women.

However, for decades, courts were reluctant to measure family laws by the yardstick of the constitutionally guaranteed fundamental rights and strike down gender discriminatory provisions as unconstitutional. This was through a perverse logic that family laws did not amount to “law” under Article 13 of the Indian Constitution and, hence, fundamental rights (including women’s equal rights) did not apply to them.⁵⁷ Indeed, judgments in the 1980s compared the introduction of constitutional law into the home to introducing a bull into a china shop, claiming it was most inappropriate as it would destroy the institutions of marriage and family.⁵⁸ However, other judgments stated that no personal law can be held above the Constitution of India and, as such, discriminatory provisions in matrimonial statutes could be voided if violative of constitutional provisions.⁵⁹

Recent jurisprudence indicates the courts’ willingness to apply constitutional principles to, at least some, aspects of Hindu law.⁶⁰ In 2008, the Madras High Court passed a landmark judgment that a female claimant for the position of a priest in a Hindu temple in Madurai district, state of Tamil Nadu, could not be prevented from performing temple rituals. Traditionally, only men could be appointed priests to Hindu temples. The court invoked Article 15 of the Indian Constitution (the prohibition of discrimination on the grounds of sex) and also Article 51A (enshrining a fundamental duty of every citizen to renounce practices derogatory to the dignity of women).⁶¹ In 2016, the Delhi High Court pronounced a path-breaking judgment maintaining that women can be a *karta* (a manager and administrator of the coparcenary

⁵⁶ D.K. Srivastava, “Personal Laws and Religious Freedom”, *Journal of the Indian Law Institute* 18:4 (1976) 551-586.

⁵⁷ For details, see judgment of Bombay High Court in *State of Bombay vs. Narasu Appa, Mali* AIR 1952 Bom 84; See also Mihir Desai, “Flip Flop on Personal Laws”, *Combat Law* 3: 4, (November-December 2004).

⁵⁸ *Harvinder Kaur vs. Harmander Singh Choudhary* AIR 1984 Del 356.

⁵⁹ *Mary Roy vs. The State of Kerala* AIR 1986 SC 1011: 1986 SCR (1) 371

⁶⁰ For example, *Mrs. Githa Hariharan vs. Reserve Bank of India* (1999) 2 SCC 228

⁶¹ *Pinniyakkal vs. District Collector & Others*, judgment delivered by Justice K.Chandru of the Madras High Court (Madurai Bench) on 1 September 2008 in W.P. (MD) No. 9704 of 2007 and M.P. (MD) Nos. 1 of 2007 and 1 of 2008.

property) of a Hindu Joint Family on the basis of Articles 14 and 15 that provide constitutional protection in cases of discrimination against women.⁶² In 2020, the Supreme Court clarified and reiterated equal rights to women in Hindu property law.⁶³ These judgments have drawn upon constitutional guarantees of fundamental rights, such as right to life, to equality, and non-discrimination to promote gender justice in various aspects of Hindu law.

In light of a 2017 Supreme Court judgment upholding privacy as a fundamental right,⁶⁴ a fresh challenge to the constitutionality of the provision of restitution of conjugal rights was made, which is currently pending before the Supreme Court of India.⁶⁵ The Indian government has reportedly countered the submission of the petitioners by stating that there is a "legitimate state interest" in ensuring the continuation of marriage and the provision has a "reasonable nexus with the objective of binding individuals to their marital commitments".⁶⁶ In recent times, the matrimonial remedy has been criticized by feminist scholarship, using the yardsticks of the Indian constitution and human rights.⁶⁷

2.8 Relevance of International Human Rights Standards

Among all the international human rights treaties that India ratified and is bound by, the UN Convention on Elimination of Discrimination Against Women (CEDAW), ratified by India in 1993, is of particular relevance to the reform of the Hindu law.⁶⁸ CEDAW has accurately identified marriage and family as sites of discrimination against women. It mandates state parties to

⁶² *Mrs. Sujata Sharma vs. Manu Gupta* (2016) 226 DLT 647.

⁶³ *Vineeta Sharma vs. Rakesh Sharma & Others* (2020) SCC Online 641.

⁶⁴ *K Puttaswamy vs. Union of India* (2017) 10 SCC 1.

⁶⁵ *Ojaswa Pathak & Others vs. Union of India & Others* WP (civil) 250/2019 filed before the Supreme Court of India.

⁶⁶ Utkarsh Anand, "Conjugal rights make sure couples cohabit or divorce: Centre tells SC", *Hindustan Times*, September 6, 2022.

⁶⁷ See for instance, Kanika Sharma, 'Withholding Consent to Conjugal Relations Within Child Marriages in Colonial India: Rukhmabai's Fight' (February 2020) 38(1) *Law and History Review* 151–175; Gautam Bhatia, *The Transformative Constitution: A Radical Biography in Nine Acts* (Gurugram: Harper Collins India, 2019), 216-250; Saumya Uma, 'Wedlock or Wed-Lockup? A Case for Abolishing Restitution of Conjugal Rights in India,' *International Journal of Law, Policy and The Family*, Vol. 35, Issue 1, 2021, 1-23.

⁶⁸ United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), adopted on 18 December 1979, entered into force on 3 September 1981, 1249 UNTS 13.

the convention (including India) to prohibit and eliminate discrimination in matters pertaining to marriage and family and emphasizes equal rights and the responsibilities of the parties to the marriage within the matrimonial relationship and upon its dissolution.⁶⁹ The CEDAW committee's observations and recommendations are based on alternative NGO reports on the CEDAW that have consistently noted that the Indian state was duty-bound to address discriminatory family laws for Hindus and highlighted the discriminatory aspects of Hindu family law and its ramifications for women.⁷⁰

At the time of ratification, India made a declaration that it would abide by Articles 5(a) and 16(1) that mandates that the state eliminates gender stereotypes and ensures equality within marriage respectively "in conformity with its policy of non-interference in the personal affairs of any community without its initiative and consent".⁷¹ This declaration was made in 1993. Many changes have occurred in the past twenty-seven years and the "policy of non-interference" holds little relevance given the legislative reforms that have been initiated. Hence, it is time for the Indian government to heed the repeated calls of the CEDAW committee to withdraw the declaration as it obstructs effective implementation of the CEDAW in its true spirit.⁷² Complementing the CEDAW framework, the UN Special Rapporteur on Freedom of Religion or Belief has observed that the freedom of religion or belief and women's right to equality and non-discrimination are mutually reinforcing rights and that the former should not be used to perpetuate discrimination against women.⁷³

⁶⁹ See above, Article 16.

⁷⁰ See for instance, The National Alliance of Women, *Alternative NGO Report on CEDAW: Initial Submission to the CEDAW Committee*, January 2000, https://pldindia.org/wp-content/uploads/2013/06/First-NGO_Alt_rep.pdf, 59-63; see also The National Alliance of Women, 4th and 5th NGO Alternative Report on CEDAW, July 2014, <http://www.kalpanakannabiran.com/pdf/CEDAW-BOOK2014.pdf>, 115-126

⁷¹ For more details, see International Women's Rights Action Watch Asia Pacific, "The Validity of Reservations and Declarations to CEDAW: The Indian Experience", *IWRAW Asia Pacific: IWRAW Asia Pacific Occasional Paper Series No. 5* (2005), 12.

⁷² See for example CEDAW Committee's Concluding Observations on India, A/55/38 (2000) – paras 44 and 60; see also CEDAW/C/IND/CO/3 (2007) para 11.

⁷³ Report on Freedom of Religion or Belief and Gender Equality, A/HRC/43/48 (February 27, 2020).

3. The Roadmap for the Future

This article has examined the status of women in Hindu law through historical, socio-legal, and feminist perspectives. The first part of the article discussed various aspects of Hindu law that exist in independent India (1947 onwards) where, despite a constitutional guarantee of women's equality rights, the denial of the agency and autonomy of Hindu women within marriage and matrimonial relation was unmistakable. The second part investigated various law reform initiatives that have been undertaken or recommended from 2000 onwards, both through legislative amendments and landmark judgments, and the persistence of discriminatory provisions against women in Hindu law. Law reform on these issues form the potential agenda in the roadmap for the future. Additionally, matrimonial property is an issue that must be addressed in a substantial manner, keeping the overall framework of gender justice in place. Marriage must also be recognized as an equal economic partnership and women's contributions to the marriage, marital home, family, and the household economy must be acknowledged through the concept of matrimonial property as argued by some family law scholars.⁷⁴

It is undeniable that through the centuries, Hindu law has undergone transformations to meet the changing socio-economic and political needs and to eliminate aspects that discriminate against women. It has been a field of dynamic and robust contestations between the personal autonomy and agency of women, on one hand, and casteist, communal, and patriarchal authorities asserting their freedom of religion, on the other. The reforms were not offered on a platter by the benevolent Indian State to Hindu women. Rather, the All India Women's Conference and women members of the Constituent Assembly, such as Renuka Ray, worked hard to prohibit discriminatory marriage and inheritance laws in the newly independent India.⁷⁵ Concerted efforts were made by individuals and women's rights groups through memorandums, depositions, and advocacy before equal

⁷⁴ See for instance, Vijender Kumar. "Matrimonial Property Law In India: Need Of The Hour". *Journal of the Indian Law Institute*, 57(4), 500–523.

⁷⁵ Discussed in Archana Parashar, *Women and Family Law Reform in India*,133; for a detailed discussion on role of women's movements in Hindu law reform, see also Jana Matson Everett, *Women and Social Change in India* (New Delhi: Heritage Publishers, 1979) 141-89.

coparcenary rights to daughters in Hindu law could be achieved.⁷⁶ However, the project of gender-just reforms in Hindu law is an ongoing one. The retention of gender discriminatory provisions in Hindu law cannot be justified or ignored on the grounds of the freedom of religion or the preservation of the institutions of marriage and family as the state's legitimate interests. Hindu law, as it exists today, carries with it the remnants of sources from religious texts. Indeed, very little of religion remains in Hindu law today, as it has been shaped by customs, legislations, and judicial interpretations synthesized with British colonial law (such as monogamy and the restitution of conjugal rights). Moreover, that does not make it divine, infallible, or cast in stone. Given the history of discrimination against women in Hindu law, as illustrated in this article, it is important to delink religion and the state in Hindu family law.⁷⁷

The proposal of a Uniform Civil Code (UCC) that will be a common family law applicable to all religious communities theoretically presents a potential opportunity to eliminate gender discriminatory aspects in Hindu law. However, feminists in India have long opined that the clamor for the UCC, arising from a Hindu nationalist government, is not about women or gender justice but rather a tool to 'discipline' Muslims.⁷⁸ Majoritarianism and its adverse impact on all religious minorities has been discussed elsewhere.⁷⁹ If the UCC were to be modelled on Hindu law, as is being feared, it is likely to carry with it discriminatory gender provisions. This will undermine feminist efforts at making the law gender-just. Feminist scholars have argued in favor of legal pluralism and argued against the UCC.⁸⁰ In 2018, the Law

⁷⁶ For details, see Bina Agarwal, "Landmark Step to Gender Equality", *The Hindu*, September 25, 2005.

⁷⁷ This aspect is discussed in detail in Indira Jaising, "Besides Gender Justice, Triple Talaq Case Was Also About Separating Religion and State in Family Law", *The Wire*, August 24, 2017.

⁷⁸ Nivedita Menon, "It Isn't About Women", *The Hindu*, July 15, 2016.

⁷⁹ Kalpana Kannabiran, *Tools of Justice: Non-Discrimination and the Indian Constitution* (New Delhi: Routledge, 2012) 272-304; see also Kalpana Kannabiran, 'India' in Mahnaz Afkhami, Yakın Ertürk, and Ann Elizabeth Mayer (eds.), *Feminist Advocacy, Family Law, and Violence against Women: International Perspectives* (New York: Routledge, 2019) 51-70.

⁸⁰ See for instance Flavia Agnes, "Diverse Personal Laws, Gender Justice and Controversy Over the Uniform Civil Code," in **Melvil Pereira**, Bitopi Dutta & Binita Kakati (eds.), *Legal Pluralism and Indian Democracy: Tribal Conflict Resolution Systems in Northeast India*. New Delhi: Routledge, 2019, 44-66.

Commission of India, a government body that was entrusted with the responsibility of suggesting family law reforms for all communities, studied all family laws and found that the UCC is not desirable in the current context. It urged that, first, there should be an attempt by the Legislature at guaranteeing equality between men and women *within* each religious community in conformity with the constitutional guarantee of fundamental rights, rather than equality *between* various religious communities.⁸¹ This is a clear statement in support of legal pluralism. From 2018 to 2023, no attempts have been made by the Legislature in this regard, indicating that its intent is suspect. The Law Commission's recommendation would help achieve true gender-just family laws (in plural) for Hindu women as well as women from other religious communities and for those who are governed by an optional secular law. After all, sameness of laws through one uniform family law for all communities would only bring about formal equality. Since men and women within marriage are not in an equal position, the yardstick of formal equality will not be useful to women. In fact, treating un-equals as equals will be detrimental for women. Instead, substantive equality would warrant a recognition of the context of women's specific disadvantage within their socio-religious context and make amends through the law for the historic discrimination. An application of feminist discourses on formal and substantive equality is imperative in the context of the UCC debate.⁸²

Ultimately, all family laws aim to ensure the security of family relationships and the security of the rights of parties within the institutions of marriage and family (including children and elderly dependents), even upon the dissolution of marriage. As long as women do not face *de jure* or *de facto* discrimination within the family laws and the institutions of marriage and family are not given superior importance over and above rights of women who live in the same, such family laws, even if in plurality, could gain legitimacy.

⁸¹ Law Commission of India, Consultation Paper on Reform of Family Law, New Delhi: Ministry of Law and Justice, Government of India, 2018. <https://archive.pib.gov.in/documents/riink/2018/aug/p201883101.pdf>

⁸² For a detailed discussion, see Flavia Agnes, Examining Family Laws from the Prism of Feminist Jurisprudence, 1 December 2021, <https://www.impriindia.com/insights/examining-family-laws-prism-of-feminist-jurisprudence/>

In contemporary India, even judges holding constitutional posts hail the *Manusmriti*, a Hindu religious text steeped in patriarchy and casteism, as a torchbearer for women's rights.⁸³ Given this context, the risk of erosion or dilution of women's rights in Hindu family law is imminent. Constitutional guarantee of fundamental rights and international human rights standards that India is mandated to adhere to ought to be the guiding principles to mold, transform, and shape Hindu law in the near future, rather than an (re)interpretation of Hindu religious texts based on dubious claims of a "glorious past".⁸⁴ The landmark judgments of Indian courts and the recommendations of the Law Commission of India in recent years discussed in this article have sought to address and arrest the remnants of the patriarchy that exist in provisions of Hindu law. This trend holds a beacon of hope that women's equality in Hindu law will not remain a distant dream but a radical and potential reality.

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⁸³ Express Web Desk, 'Scriptures like Manusmriti give respectable position to Indian women: Delhi HC Judge', *The Indian Express*, August 11, 2022.

⁸⁴ Vikas Pathak, "The Quest For Our Glorious Past Is How The Right-Wing Woos The People", *Outlook*, October 8, 2021. See also Madhav Nayar, "The 'Glorious' History of Hindutva and its Hypocrisies", *Livewire*, August 13, 2019.

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“This is Improper and Irreligious”: Navigation of Queer Sexuality, Religion, and Practice in Marwan Hamed’s Film *Imarat Yácubeyan* and Abdellah Taïa’s Novel *Une Mélancolie Arabe*

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SHORT BIO

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ABSTRACT

This article examines the negotiation of queer sexuality in Arab-Muslim societies of North Africa. Through close analysis and reading of the film *Imarat Yácubeyan* by Marwan Hamed (Egypt) and the novel *Une Mélancolie Arabe* by Abdellah Taïa (Morocco), this article examines how media makes it possible to understand how Muslims in North Africa negotiate their sexuality, religion, and practice against backgrounds in which queerness exists in silence and marginality. The selected film and novel demonstrate that Islam is, in fact, a sensuous and queer religion. Designating Islam as queer gestures towards the possibility of imagining non-normative sexualities exiting within and being compatible with the religion. In their different iterations of the intersection of queerness and the practice of Islam, *Imarat Yácubeyan* and *Une Mélancolie Arabe* open new spaces for understanding Islam and, specifically, what it means to be queer, Arab, and Muslim within the sociocultural context of North African countries.

KEYWORDS

Islam, North Africa, queer, religion, sexuality

Introduction

Whenever the intersection of religion and sexuality is evoked, especially in Africa, it is often in relation to Christianity. There is a robust body of scholarship that focuses on the role of Christianity in fashioning queer lived experiences in Africa¹, how Christian mores have impacted present-day unaccommodating and homophobic laws², and how Christianity has been

¹ See Cheryl Stobie, “The Devil Slapped on the Genitals: Religion and Spirituality in Queer South Africans’ Lives.” *Journal of Literary Studies* 30, no. 1 (2014): 1-19; Megan Robertson, “Queering Scholarship on Christianity and Queer Sexuality: Reviewing Nuances and New Directions.” *African Journal of Gender and Religion* 23, no. 2 (2017): 1-20.

² See Chris Greenough, *Queer Theologies: The Basics*. (London: Routledge, 2019).

used to fan homophobia on the continent.³ This inordinate focus on Christianity has unwittingly marginalized other religions. In this article, I contribute to on-going discussions that decenter Christianity and consider other religions, especially in how they enable or foil queer lived experiences on the African continent.

If there is a solid body of scholarship that has focused on the intersection of Christianity and queerness,⁴ Islam has certainly been othered in queer studies.⁵ (The Western foundations of queer studies and its "collusions with (Western) modalities of secularism"⁶ can explain this othering of Islam from the broad field of queer studies and the more specialized field of queer African studies. According to Khan, Western sexual exceptionalism has ensured that the West is framed as "exceptionally tolerant to homosexuality". The rest of the world, the "West's Other" locates "homophobia outside of liberal modernity". In this orientalist othering, Islam has been depicted as traditionalist, if not extremist and terrorist. Islam is thus framed as antagonistic to the liberal values represented by the West. One of my objectives in this article is to demonstrate that Islam is not the backward

³ See Adriaan Van Klinken, and Ezra Chitando. "Introduction: Public Religion, Homophobia and the Politics of Homosexuality in Africa." in *Public Religion and the Politics of Homosexuality in Africa*, eds. Adriaan van Klinken and Ezra Chitando. (London: Routledge, 2016), 1-16; Adriaan Van Klinken, *Kenyan, Christian, Queer: Religion, LGBT Activism, and Arts of Resistance in Africa*. (Pennsylvania: Pennsylvania State University Press, 2019).

⁴ As I use the terms queer and queerness in this article, I am aware that these are terms that are invested in Western modes of thinking and that, in many instances, cannot be applied to understand non-Western ways of being. This is, of course, an argument that has been raised by many scholars. Massad (2007) contends through what he terms the "gay international" that Western modes of thought have been imposed on non-Western contexts. Van Klinken (2019, 8) has warned against what he refers to as "traveling theories", referring to "theories developed in the so-called global North, informed by Western epistemologies and traditions of thought, that are being introduced and applied to contexts in the so-called global South". Despite these issues raised against the use of nomenclature informed by Western nomenclature, I use the term "queer" to speak to gender and sexual identities that contest heteronormative ideas of what and how gender and sexuality should be practiced and performed.

⁵ Gibson Ncube, and Adriaan Van Klinken, "Abdellah Taïa and an Emergent Queer African Islamic Discourse: Texts, Visibility and Intimate Archives." *African Studies* (in-press).

⁶ Abeera Khan, "Queer Secularity." *lambda Nordica* 25, no. 1 (2020): 133-139.

other. Rather, I illustrate that Muslim societies practice tolerance towards non-conforming sexualities.

This article examines the negotiation of queerness within predominantly Arab-Muslim societies of North Africa. I use a film and a novel as entry points to understanding what it means to be queer, Arab, and Muslim within the specific sociocultural space of North Africa. Although the selected film and novel are works of fiction, they nevertheless offer fascinating representations of the lived experiences that play out in the Arab-Muslim societies of Egypt and Morocco. Literary texts and films play a central role in rendering queerness not only visible but also public. Works of fiction have been pivotal in articulating the movement from the tolerance of private queerness to the current situation in which queerness is visible in the public sphere. As queerness has become increasingly visible, it has been enmeshed in other contemporary issues, such as radical Islam, Islamophobia, human rights, as well as the politics of neo-colonialism.⁷ Despite the similar work that novels and films undertake in making queer sexualities and identities visible, I argue that films have a far greater potential of making queer bodies visible and legible. Despite these differences between novels and films, I ground my close readings of these media within existing scholarly work in religious studies and sociology. My intention is to demonstrate that the representations offered by the selected film and novel articulate lived realities in the countries of Egypt and Morocco.

Although it was previously argued that Abrahamic religions are not compatible with non-normative sexualities⁸, recent scholarship has shown that non-normative sexualities and Abrahamic religions are far from incompatible, both historically and today.⁹ The film *Imarat Yácubeyan* (The Yacoubian Building) and the novel *Une Mélancolie Arabe* (An Arab Melancholia) demonstrate that there is, in fact, a general tolerance of non-normative sexual and gender identities even within communities of Muslim

⁷ See Momin Rahman, "Contemporary Same-Sex Muslim Sexualities: Identities and Issues." in *Handbook of Contemporary Islam and Muslim Lives*, eds. Ronald Lukens-Bull and Mark Woodward. (Cham: Springer, 2018), 1-21.

⁸ See Easterman, Daniel. "The erection is Eternal. (Muslims and Sex)." *New Stateman & Society* 239, no. 6 (1993): 26-29.

⁹ See Pikria Meladze, and Jac Brown, "Religion, sexuality, and internalized homonegativity: Confronting cognitive dissonance in the Abrahamic religions." *Journal of religion and health* 54, no. 5 (2015): 1950-62.

faith. Among the different stories that *Imarat Yácutyban* recounts, it focuses on the lives of two men: Hatem Rasheed, an effeminate man who owns a French-language newspaper in Cairo and Abd Raboo, an impoverished police officer who has a sexual relationship with Hatem for money. *Une Mélancolie Arabe* tells the story of the challenges of growing up gay in an unaccommodating town in Morocco. In my reading of *Imarat Yácutyban* and *Une Mélancolie Arabe*, I show that the body is central in how queerness is negotiated and how Islam in the two North African countries is challenged. Overall, I make two interventions in this article. First, I investigate the ways in which media (films and novels) represent the intersection between queerness and Islam. Second, I explore, through my analysis of the selected film and novel, the ambivalence and negotiation of queerness and religion that demonstrates how everyday Muslims in North Africa navigate their understanding of sexuality, faith, and practice, opening new spaces for understanding Islam.

The intersection of Islam and queer in North Africa

AbuKhalil explains the methodological hazards that go hand in hand with a study of Islam:

The tendency to speak about Islam is fraught with methodological hazards. First, the religion does not apply uniformly or universally to all Muslims and in all areas of the world. That Islam constitutes a closed, inflexible doctrine, or that all world Muslims form some monolithic bloc, is no more accepted by the academic community despite the efforts of stubborn orientalists who never give up on their attempt to revive the crudest version of classical orientalism.¹⁰

As I undertake this study of Islam in North Africa, I am fully aware of these dangers and risks. I am particularly cognizant that North Africa offers a sociocultural space for the practice of Islam. Even within North Africa, the practice of Islam is evidently heterogenous.¹¹ In Egypt, most Muslims

¹⁰ As'ad AbuKhalil, "Gender Boundaries and Sexual Categories in the Arab World." *Feminist Issues* 15, no. 1/2 (1997): 91-104.

¹¹ See Gibson Ncube, *La Sexualité Queer au Maghreb à travers la Littérature*. (Paris: L'Harmattan, 2018).

adhere to Sunni Islam. Modern day Egypt, postures as a secular state. This has had a significant impact on the public practice of Islam in the country.¹² In contrast, Sufism is the dominant form of Islam practiced in Morocco. One of the most important characteristics of the Sufi expression of Islam is the concept of “baraka”. According to Cornell, “baraka” has different meanings, including “a spiritual force”, “sacred virtue”, and also “luck”.¹³ Moreover, saints play a central role in the Moroccan expression of Sufism. In fact, the expression of Islam in Morocco is infused with mysticism in such a way that believers have direct communication with God without the need of an intermediary. Gaudio argues that the “flexible notions of morality” that are enabled by Sufism have engendered “the relative tolerance” of non-normative sexualities.¹⁴

Nevertheless, it is worth acknowledging that this part of the African continent practices Islam in tandem with colonial penal codes that draw principally on largely Christian morals. Historically, as argued by Kugle,¹⁵ Arab-Muslim societies were generally tolerant of non-normative sexualities. Christian mores, in contrast, were not as tolerant and set out to limit and restrain local sexual practices. This confluence of Islam and Christianity has produced a complex sociocultural milieu in which non-normative sexualities exist and are tolerated, yet simultaneously marginalized. Despite this complex situation, Islam generally has a more permitting position to human sexuality compared to other monotheistic religions.¹⁶ For Easterman, Christian traditions have always been uneasy with human sexuality and have repeatedly emphasized the dichotomy between the carnal and the spiritual.¹⁷ Easterman argues that in Christianity and Judaism, sexuality has often been removed from the religious realm by framing it as antithetical to spirituality. Islam, contrarily, is a realm of sensuality and, what Thompson

¹² Fauzi Najjar, “The Debate on Islam and Secularism in Egypt.” *Arab Studies Quarterly* 18, no. 2 (1996): 1-21.

¹³ Vincent Cornell, *Realm of the Saint: Power and Authority in Moroccan Sufism*. (Austin: University of Texas Press, 1998), 25.

¹⁴ Rudolf Gaudio, *Allah Made Us: Sexual Outlaws in an Islamic African City*. (Oxford: Blackwell, 2009), 124.

¹⁵ Scott Siraj al-Haqq Kugle, *Homosexuality in Islam: Critical Reflection on Gay, Lesbian, and Transgender Muslims*. (Oxford: Oneworld Publications, 2010).

¹⁶ Jean-Pierre Digard, “La Sexualité en Islam.” *L’Homme* 16, no. 4 (1976): 157-59.

¹⁷ Daniel Easterman, “The Erection Is Eternal Muslims and Sex.” *New Statesman & Society* 239, no. 6 (1993): 26-9.

terms, "intercorporeality" and "affective solidarity".¹⁸ Within Islam, the sacred and the sensual seem to be inextricably linked.¹⁹ Speaking on the place of sex and sexuality in Abrahamic religions, AbuKhalil clarifies that Christianity, in particular, has preached a particular sense of puritanical morality and strict ethical code while scorning Islam for its permissiveness regarding human sex and sexuality.²⁰

Although Islam appears to be more permissive in as far as human sexuality is concerned, discussions of sexuality remain shrouded in silence, particularly for queer sexualities. According to Serhane, such silence speaks to how Arab-Muslim societies try to give the impression that queer sexualities do not exist.²¹ It is as if the silence forces queer sexualities to become invisible and, thus, non-existent. Muslims have a complex relationship with queer sexualities. For example, Kligerman shows that in Arab-Muslim societies, queerness is not necessarily an identity marker, as is the case in Western world. According to Kligerman, a married man can engage in sexual intercourse with another man if he is able to keep up appearances and present himself as a respectable husband and father.²² Wockner concurs and explains that what is most important in these societies is the notion of family.²³ In other words, queer sexuality is generally accepted, or at least tolerated, especially male queer sexuality. This suggests that if a married man fulfils his familial duties and conjugal obligations, he can do as he pleases. It is, however, imperative that a man who engages in sex with another man does so surreptitiously.

It should also be pointed out that although there is a general tolerance of non-normative sexualities in Muslim societies, public queerness was and

¹⁸ Katrina Daly Thompson, "Making Space for Embodied Diverse Bodies, and Multiple Gender in Nonconformist Friday Prayers: A Queer Feminist Ethnography of Progressive Muslims' Performative Intercorporeality in North American Congregations." *American Anthropology*, 122, no. 4 (2020): 876-890.

¹⁹ Abdelwahab Bouhdiba, *La Sexualité en Islam*. (Paris: Presses Universitaires de France, 1979).

²⁰ AbuKhalil, "Gender Boundaries and Sexual Categories in the Arab World", 99.

²¹ Abdelhak Serhane, *L'Amour Circoncis*. (Casablanca: Éditions Eddif, 1995).

²² Nicole Kligerman, "Homosexuality in Islam: A Difficult Paradox." *Macalester Islam Journal* 2, no. 3 (2007): 50-64.

²³ Rex Wockner, "Homosexuality in the Arab and Moslem World." in *Coming Out*, ed. Stephan Likosky (New York: Pantheon, 1992), 103-16.

remains intolerable. Public expression of a queer identity is seen as destabilizing the sanctity and the values of the heteronormative family.

The incompatibility of Islam and queer embodiment in *Imarat Yá cubyan*

The main characters in *Imarat Yá cubyan* approach their sexuality in diametrically opposed ways. Hatem Rasheed, because of his class and level of education seems to be more confident in his queer sexual identity. The first time Hatem meets Abd Rabbo, the two are on the streets. It is at night and Hatem is taking a walk. He sees Abd and asks him if he knows where a particular road is found. It becomes obvious that Hatem asked for directions as a pretext to speak to Abd. As they continue speaking, Hatem asks the young police officer what his name is and invites him to walk with him. The way the camera focuses on his face and the happiness it exhibits, makes it clear that Hatem is attracted to Abd though this attraction is never verbalized. However, their bodies appear to express and perform this attraction. For example, in several instances, Hatem touches Abd's hands and shoulders. These ephemeral touches and stolen glances express intimacy even if no words are spoken to describe it. Hatem then offers Abd some money and tells him that he likes to make people happy. This is a very ambiguous statement and Ncube clarifies in his analysis of this film that "this ambiguous language serves to suggest Hatem's queerness without him having to verbally state that he is interested in men".²⁴ Up to this point, though it is that Hatem is interested in and attracted to men, Abd is presented as a virile young man who does not present any hints of queerness.

The next time that the two meet, we see them in a bar. Although it is not evident to Abd that this is a gay bar, the camera's horizontal panoramic movement shows that only men are in this space. As they drink, Hatem uses the ambiguous language that he employed in the previous scene. Again, he tells Abd that he wants to make him happy and tells him that "after you have another drink, you will find out you want to do delicious things, the most delicious things in life". Abd quickly realizes that the "delicious things" that Hatem is referring to is in fact sexual intercourse. Abd tries to deflect the attention on himself by saying that he is unable to experience "delicious

²⁴ Gibson Ncube, *Queer Bodies in African Films*. (Makhanda: NISC, 2022), 49.

things" at that moment because his wife is in the rural areas. To this statement, Hatem retorts, "must you do it with your wife? Most women aren't that nice". Abd is obviously stunned by these words. Oblivious to Abd's discomfort, Hatem slips his hand under the table and begins to touch and stroke Abd's crotch. Abd reacts by kicking the table and leaving the bar. Once they are outside, Abd is quick to declare that what Hatem has done goes against Islam: "This is improper and irreligious! Heaven and earth shake because of it!" Abd is a devout Muslim and, for him, queer eroticism goes against the religious precepts that dictate his behavior.

Despite Abd's initial shock and disgust, as the plot unfolds, he willingly engages in sexual intercourse with Hatem, stating that he needs the money he gets from Hatem to take care of his family. In one scene, after the two have been intimate, Hatem finds Abd crying and claiming that he is afraid of God's punishment. Hatem asks why he fears punishment as if he has done something wrong. To this, Abd responds:

I heard a sheikh talking about the punishment of Lot's people. We're shaking the throne of heaven and earth; we're causing an earthquake. Everything I do with you is wrong! Liquor day and night, sex... I even quit praying!

In the two instances above where Abd talks about heaven and earth shaking as well as causing an earthquake, he appears to be indirectly referencing Sūrah az-Zalzalah (the ninety-ninth chapter of the Quran) that talks about the judgement day. The Sūrah states:

¹ When the earth is shaken with its final earthquake

² And the earth discharges its burdens

³ And man says, "What is wrong with it?"

⁴ That Day, it will report its news

⁵ Because you Lord has commanded it

⁶ That Day, people will proceed in separate groups to be shown the consequences of their deeds

⁷ So whoever does an atom's weight of good will see it

⁸ And whoever does an atom's weight of evil will see it.

This Sūrah states that on the final day every person will see and be judged for all their earthly deeds. Abd is terrified of the prospect of being judged for

having sex with Hatem. Notably, Abd appears more scared of this final judgement rather than the sexual act itself. In this evocation of the final judgement, Abd focuses on the vengeful side of God. Hatem is aware of this and, in response to Abd's impassioned pleas shaking heaven and earth, tries to evoke God's merciful side by asking: "what is wrong if a man loves another man? God is very generous and merciful". Hatem further states:

Our Lord is big and He has true mercy, nothing to do with what the ignorant sheikhs in your village say. . . I'm sure that our lord will forgive us because we don't do anyone any harm. We just love one another.

Hatem suggests that there is nothing wrong with them having sex because they are causing no harm to anyone. This exchange between the men highlights two opposing viewpoints. First, Abd's belief that queer sexuality is in no way compatible with Islam. where engaging in same-sex relations is wrong and, therefore, punishable on the day of judgment. This thinking is based on the two Sūrahs in the Quran that refer to Lot's people and to intercourse between people of the same sex. As argued by Kugle, the Quran itself does not forbid non-normative sexuality.²⁵ It is rather secondary texts such as the hadith that are used to interpret the Sūrah in such a way. Hendrick explains in this regard that the hadith contains numerous contradictions and discrepancies and concludes that "it is no surprise that hate crimes against homosexuals, including the justification for their execution, stems largely from the *hadith*".²⁶ Abd's reason focuses on a strict adherence to the letter and spirit of the Quran. To be a good Muslim, he must not engage in activities that go against the injunctions of the Quran. Second, Hatem's evocation of the idea of God's generosity and mercy attempts to find what Wafer terms a "theological accommodation"²⁷ of queerness. This search for "theological accommodation" of queerness rests on the notion of God being charitable and benevolent. For Hatem, being a

²⁵ Kugle, *Homosexuality in Islam: Critical Reflection on Gay, Lesbian, and Transgender Muslims*, 99.

²⁶ Muhsin Hendricks, "Islamic Texts: A Source for Acceptance of Queer Individuals into Mainstream Muslim Society." *The Equal Rights Review* 5 (2010), 33.

²⁷ Jim Wafer, "Muhammad and male homosexuality." In *Islamic Homosexualities: Culture, History, and Literature*, eds. Will Roscoe and Stephen O. Murray. (New York: NYU Press, 1997), 87-96.

good Muslim means more than blindly following what is said in the Quran. Being a good Muslim involves acknowledging the mercifulness of God. In Hatem's thinking, God's mercy means that even if he engages in sexual activities that are considered sinful, he will find forgiveness from God. This insistence on the mercy of God is Hatem's attempt at "reinterpreting doctrine and emphasizing aspects of Islam that promote inclusion, peace, tolerance, and justice".²⁸ This is, of course, diametrically opposed to Abd's vision in which queerness and Islam are not harmonious. For Abd, he cannot be both at the same time, which is why he stops praying when he begins his relationship with Hatem. For Abd, it is unimaginable to pray and be good Muslim while simultaneously having sex with another man.

The opposing views of Abd and Hatem on the intersection of queerness and Islam highlight two qualities of God: God the compassionate and God the wrathful. On the one hand, Abd, due to his fear of punishment, focuses on the wrath of God. On the other hand, Hatem concentrates on God's quality as compassionate and merciful.

Despite their different perspectives on what it means to be queer (or at least to engage in queer sex) and be Muslim, both men must deal with deep-seated shame, guilt, and fear of divine punishment, however, they do so differently. For example, Hatem is seen in numerous scenes to excessively wash his body. It is as if, through this disproportionate cleansing of the body, he is attempting to purge himself of the shame he feels when he has sex with men. For Abd, the shame originates from a sense of emasculation from engaging in sexual activity with a man. To assert his masculinity, he is violent towards his wife. In one scene, he forces himself on her and rapes her.

The relationship between Hatem and Abd ends when the latter's son dies. Abd views this to be divine punishment and retribution for having had sex with a man and, thereby, defiled not just the sacredness of his body but also the sanctity of his marriage and ultimately the holiness of Islam. Through its focus on Hatem and Abd's relationship, *Imarat Yácubean* illustrates how queer sexuality is negotiated in a Muslim context. While Abd embodies the

²⁸ Omar Minwalla, BR Simon Rosser, Jamie Feldman, and Christine Varga. "Identity Experience among Progressive Gay Muslims in North America: A Qualitative Study within Al-Fatiha." *Culture, Health & Sexuality* 7, no. 2 (2005): 113-128.

kinds of internal contradictions that queer Muslims face and must negotiate, Hatem highlights the endeavors by queer Muslim to question Islam a way that allows for religious accommodation and tolerance of non-normative sexualities. Such accommodation is found through the acknowledgement of God as being benevolent and merciful and seeing beyond the notion of God being simply vengeful.

Islam as queer and corporeal in Abdellah Taïa's *Une Mélancolie Arabe*

Abdellah Taïa's *Une Mélancolie Arabe* (2008) is a semi-autobiographical novel which traces the life of the protagonist-narrator, Abdellah. Abdellah grows up in a very religious family and community. At a very early age, he realizes that he is attracted to men. This awareness begins with an almost incestuous attraction to his older brother. The novel traces how the protagonist struggles to harmonize his sexuality and his religious convictions and his desire to be a good Muslim. To examine this struggle, I consider two pivotal scenes in the novel. The first depicts a time when a group of boys want to rape Abdellah. The second sees Abdellah living in Paris after having left Morocco. A relationship that he has with a Moroccan man leads him to question Islam.

In the town Abdellah grew up, effeminate boys were often targeted by older boys who were sexually frustrated. Because of the strict separation of boys and girls to safeguard the virginity of girls, effeminate boys were abused by older boys. *Une Mélancolie Arabe* describes such a scene where Abdellah is chased by five older boys and is cornered in a derelict building. This group of boys includes Chouaïb, a boy Abdellah had developed feelings for. Once in this building, the five boys strip naked with the intention of taking turns to rape Abdellah. At that moment, they hear the voice of the muezzin's call to prayer. All the boys can do is to stand, confused and cover their penises:

Il était visiblement un bon musulman. Il craignait Dieu. Respectait le prophète Mohamed. Il n'allait pas tout mélanger quand même. Le sexe et Dieu ? Ce n'était pas possible. Chaque chose en son temps. Dieu, malgré le peu de clarté qui régnait dans la pièce, nous

*regardait. Cinq garçons nus, leur sexe dur et mou, entre les mains. Et un sixième, nu et ambigu, qu'on s'apprêtait à sacrifier.*²⁹

[He was obviously a good Muslim. He feared God. He respected the prophet Mohamed. He wasn't going to mix it up though. Sex and God? That was not possible. Everything in its own time. God, despite the lack of light in the room, was watching us. Five naked boys, their hard and wet penises in their hands. And a sixth, naked and ambiguous, who was about to be sacrificed].³⁰

Chouaïb and the other boys do not go ahead with their plan to rape Abdellah because they did not want to mix sex and God. Like Abd in *Imarat Yácubebyan*, the boys felt that it was improper to have sex with Abdellah at a moment they were expected to be praying. For these boys, God and queer sex (consensual or not) could not occupy the same space and time. If queer sex was to take place, it could not do so in the palpable presence of God during the time of prayer. Abdellah, in this moment, shared similar sentiments as Chouaïb and the other boys. He believed in being a good Muslim and feared what his queerness would do:

*J'étais un bon musulman moi aussi. Je me sentais sincèrement comme tel à l'époque. J'avais peur de Dieu, de l'enfer, de la souffrance dans la tombe. Des mauvais anges. J'aimais le Prophète, son histoire et ses légendes. Avec ma mère, j'aimais aussi les saints et leur mausolée.*³¹

[I was a good Muslim too. I sincerely felt like one at that time. I was afraid of God, of hell, of suffering in the grave. The evil angels. I loved the Prophet, his story, and his legends. With my mother, I also loved the saints and their mausoleums].

Like Abd in *Imarat Yácubebyan*, Abdellah is convinced that his queerness is incompatible with his religious beliefs. He could not be a good Muslim and be queer: "*je ne mélangeais pas Dieu et le sexe. Le pur et l'impur. J'aimais les deux. Séparément*"³² (I did not mix God and sex. The pure and the

²⁹ Abdellah Taïa, *Une Mélancolie Arabe*. (Paris: Seuil, 2008), 27.

³⁰ This and other translations in this article are my own.

³¹ Abdellah Taïa, *Une Mélancolie Arabe*, 27.

³² Abdellah Taïa, *Une Mélancolie Arabe*, 27.

impure. I loved both. Separately). It is notable how Abdellah frames God against queer sex. God represented purity where, in contrast, queer sex and queerness represented impurity. Although he loved God and cherished his sexual identity, he felt that he could not do both simultaneously. He could not concurrently be queer and be a good Muslim. Given the difficulty of harmonizing the opposing demands of his religion and his sexuality, Abdellah decides to abandon God so that he can fully embrace his sexual identity: "*Plus rien ne serait comme avant. Dieu n'existait plus, j'en avais l'intime conviction à ce moment-là. J'étais maudit. Maudit. Maudit*"³³ [Nothing would ever be the same again. God no longer existed, I was intimately convinced of it at that moment. I was cursed. Cursed. Cursed].

When Abdellah moves to France, his sexuality is not an issue. Although he was far from his home country of Morocco, he, nevertheless, felt the need to have some sort of communion with God: "*j'avais besoin de parler à quelqu'un, de me confier, me confesser, trouver une oreille charitable*"³⁴ [I needed to speak to someone, to confide in someone, to confess to someone, to find a charitable ear]. In France, Abdellah falls in love with a Moroccan man called Slimane and the two have a relationship. Interestingly, his lover had also been a devout Muslim before this relationship. However, once in a relationship with Abdellah, he attempts to move away from the formal practice of Islam:

*Tu aimais aller à la mosquée de temps en temps. Tu disais que tu aimais la gymnastique de la prière, être au milieu des inconnus en prière, dans la parole simple et directe avec Dieu. Dès qu'on s'est rencontrés, tu as arrêté de le faire. Tu n'osais plus. Notre lien était sacrilège aux yeux de l'islam. Tu n'arrivais pas à te débarrasser de ce sentiment. Je n'ai pas essayé de te faire changer d'avis. Moi-même je vivais dans cette contradiction. Moi-même j'avais besoin de croire. Je voulais croire.*³⁵

[You liked to go to the mosque from time to time. You said that you liked the gymnastics of prayer, being in the middle of strangers in prayer, in the simple and direct word with God. As soon as we met,

³³ Abdellah Taïa, *Une Mélancolie Arabe*, 97.

³⁴ Abdellah Taïa, *Une Mélancolie Arabe*, 65.

³⁵ Abdellah Taïa, *Une Mélancolie Arabe*, 133.

you stopped doing it. You didn't dare. Our relationship was blasphemous in the eyes of Islam. You couldn't get rid of that feeling. I didn't try to change your mind. I myself was living in that contradiction. I myself needed to believe. I wanted to believe.]

Abdellah and Slimane are not able to practice their faith and simultaneously be queer and, consequently, decide to detach themselves from Islam. But deciding to detach themselves from the religion that they have been born to and they have practiced almost all their lives is not an easy task. Because of their need to practice some form religion or spirituality, the two decide to rethink their religious beliefs. They do this by practicing Islam within the space of Christian churches. Within the secular world of France, the churches are abandoned and seem to serve no purpose:

*On a fini par trouver une solution. Je t'ai emmené à l'église Saint-Bernard et on a regardé les autres prier. Les églises, ce n'était pas pour nous à l'origine, cela ne représentait rien dans notre mémoire spirituelle. Rien ne nous attachait à elles et, pourtant, nous y sommes retournés plusieurs fois et nous avons fini par y découvrir une nouvelle spiritualité. Nous l'avons inventée ensemble, cette religion, cette foi, cette chapelle, ce coin sombre et lumineux, ce temps en dehors du temps.*³⁶

[Eventually, we found a solution. I took you to St. Bernard's Church and we watched the others pray. Churches were not for us at first, they represented nothing in our spiritual memory. Nothing attached us to them, and yet we went back several times and ended up discovering a new spirituality there. We invented it together, this religion, this faith, this chapel, this dark and luminous corner, this time outside of time.]

It is interesting that Abdellah and Slimane find solace in practicing their faith within the Christian churches. Within this space, Abdellah states that they were able to forge "*une religion sensuelle, sexuelle*"³⁷ [a religion that was at once sensuous and sexual]. Abdellah touches on the concept of "spiritual memory" that refers to the socio-religious conditioning that inscribes images

³⁶ Abdellah Taïa, *Une Mélancolie Arabe*, 134.

³⁷ Abdellah Taïa, *Une Mélancolie Arabe*, 99.

in the individual's psyche that are felt throughout their existence. For Abdellah, the image of the Christian church does not figure into his spiritual memory. The new form of religion that Abdellah and Slimane forge mixes elements of Islam and Christianity. In the emptiness of the Parisian churches, they find a space of spiritual comfort. It is within the confines of this excluded and dark space that the two lovers dare "*se redéfinir, dire tout, révéler tout et écrire tout. Même l'amour interdit. L'écrire avec un nouveau nom. Un nom digne. Un poème*"³⁸ [to redefine themselves, to say everything, to reveal everything and to write everything. Even forbidden love. To write it with a new name. A worthy name. A poem]. Within the churches of Paris, Abdellah and Slimane can give a new name to their lives. They can embrace their sexual identities and also practice their faith.

However, although Abdellah and Slimane forge a new form of religion that allows them to celebrate their love for each other, while they have sex that they both revert to the Islamic dogma they have been brought up with, which considers queerness as immoral. Their pseudo-religion cannot erase the guilt they feel about their sexuality: "*le sexe, dans ce cadre, était à chaque fois comme la première fois, une transgression, une rencontre au ciel*"³⁹ [sex, in this context, was each time like the first time, a transgression, a meeting in heaven]. To his great despair, Abdellah concludes that sex forces them to go back to their life before adopting their pseudo-religion, one of dismay: "*cela a duré un quart d'heure. Quinze minutes pour me salir, reprendre la vie d'avant toi, me reperdre, seul. Un seul moment insignifiant de sexe pour commettre un péché et sortir de notre religion, tourner le dos au Christ et à ses églises*"⁴⁰ [it only took fifteen minutes. Fifteen minutes to feel dirty, to go back to the life before you, to lose myself again, alone. One insignificant moment of sex to commit a sin and to detach ourselves from our religion, turn my back on Christ and his churches]. Their new form of religiosity is unable to overcome the belief that queerness is a sin.

Une Mélancolie Arabe shows that it is possible to reconsider Islam. Through a nuanced dialogue with Christianity, the characters in the novel construct a spirituality that escapes the narrow conceptualizations of the intersection of

³⁸ Abdellah Taïa, *Une Mélancolie Arabe*, 110.

³⁹ Abdellah Taïa, *Une Mélancolie Arabe*, 133.

⁴⁰ Abdellah Taïa, *Une Mélancolie Arabe*, 137.

sex and spirituality offered by formal religions such as Islam and Christianity. The novel illustrates how Islam can be less rigid, allowing for an experience queerness that is free of guilt and shame. Indeed, by reading the Catholic churches as a form of religious enactment, it represents a type of expansion and reconsideration of the boundaries of Islam. This reconsideration of the boundaries of Islam marks a queering of the religion that highlights the possibility of queerness finding a place Islam.

Conclusion

When read alongside each other, *Imarat Yácbuyan* and *Une Mélancolie Arabe* carve innovative paths to considering the intersection between Islam and queer sexuality, demonstrating how Muslims negotiate religion and its practice. The film and novel highlight the difficulties faced by queer Muslims in navigating the complexities involved in assuming a queer identity beyond the private space. They challenge monolithic interpretations of the Quran that are intertwined with cultural practices that make it difficult to be queer and Muslim.

In questioning Islam, the film and novel gesture towards innovative ways of forging new ways of practicing the Muslim faith, allowing for ways in which queerness is experienced without feelings of guilt or the fear of punishment come judgement day. Abdellah Taïa's novel, *Une Mélancolie Arabe*, illustrates how the protagonists can practice their faith outside the strictures of Islam by forging faith communities within the space of unused Christian cathedrals. This, itself, is an interesting examination of how Islam is practiced within and in relation to Christianity.

Both the novel and film clearly reveal that while it might be difficult to harmonize practicing Islam and being queer, it is possible to imagine new ways of understanding and practicing religion. Beyond the guilt, shame, and fear that undercut the negotiation of queerness within Muslim faith communities, the film and novel highlight how Islam is an expansive religion that has the capacity to allow queer individuals to assume their gender and sexual identities while simultaneously fulfilling the need to have a spiritual experience. The film and novel illustrate that, although there is a general tolerance of queerness that is practiced in private, public queerness remains intolerable because of the difficult questions that such visibility engenders.

Visible queerness has the potential to disturb the cohesion of society and especially the heteropatriarchal conceptualization of the family.

"This is Improper and Irreligious": Navigation of Queer Sexuality, Religion, and Practice in Marwan Hamed's film *Imarat Yácubean* and Abdellah Taïa's Novel *Une Mélancolie Arabe*

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Women's Leadership Role in the Apostolic Faith Mission Church of South Africa

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SHORT BIO

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ABSTRACT

Women's advancement into executive leadership in the Apostolic Faith Mission (AFM) church in South Africa (SA) has not been able to keep pace with women's movement into the workforce. As part of a resolution passed at the AFM of SA's National Leadership Forum (NLF) meeting, a task team was appointed in March 2020 to determine what prevents women from being elected to leadership positions in the church. This team consisted of three women ordained as pastors in the church. A questionnaire was distributed by the team to women in the AFM assemblies in nine provinces of SA asking why women were not advancing in leadership in the church and what could be done to change the phenomenon. A sample of 89 participants responded to both closed and open-ended questions. The open-ended questions were analysed using interpretative phenomenological analysis. The findings illustrated that a change in perceptions and bias toward women in leadership is needed. Women require support from church leadership, training, mentorship, and intentional changes to policy and practice. Finally, women require representation on all levels of leadership in the church.

KEYWORDS

Women leadership; Apostolic Faith Mission of South Africa; Negofeminism; African feminism; Pentecostal church

Introduction

Despite some women's significant advances into higher ranks of church leadership across the globe, research overwhelmingly confirms the continued existence of the glass ceiling in church leadership for women. Recent progress has been made in certain denominations such as the Church of England, which has turned to 'unconscious bias training', to appoint more female bishops over the next decade. Moreover, the Catholic Church appointed the first woman to the Synod of Bishops in 2021. Still, women's transformation in church leadership has been painfully slow.

Across various sectors of society, women are finding ways to break through the glass ceiling. Massive strides have been made both internationally and in South Africa (SA), affording women the opportunity to rise to leadership positions. The fact that the church is lagging in this respect is prompting women to feel disenfranchised and underrepresented. As McKnight¹ puts it, "It seems a sad commentary on the church and on its understanding of the Holy Spirit that official leadership and ministry are allowed to come from only one half of the community of faith". This leads to Landman's² question: "What is women's space in the church, and what can or should it be?". In Africa, trailblazers such as Bishop Purity Malinga of the Methodist Church of southern Africa and the late Professor Plaatjies Van Huffel from the Uniting Reformed Church in Southern Africa have demonstrated women's leadership potential in the church. Historically, the Pentecostal church has been more open to female participation and leadership. Miller³ states that the Pentecostal belief was that experiences of the Spirit were "empowering and legitimating",⁴ and, importantly, that these experiences were open to all, leading to high levels of female participation in Pentecostal churches. Nel⁴ claims that,

¹ Scott McKnight, "Biblical Scholars and Women in Ministry" *Jesus Creed*, Jan 11, 2016, <https://www.christianitytoday.com/scot-mcknight/2020/february/biblical-criticism-and-women-in-ministry.html>

² Christina Landman, "Safe spaces for women in the church: The case of Dullstroom-Emnotweni." *Studia Historiae Ecclesiasticae* 39 (2013): 171-185

³ Elizabeth Miller, "Women in Australian Pentecostalism: Leadership, Submission, and Feminism in Hillsong Church." *Journal for the Academic Study of Religion* 29, no. 1 (2016).

⁴ Marius Nel, "Structural Violence against Women in the Pentecostal Movement: Proposals for a South African Deconstruction Strategy." *Studia Historiae Ecclesiasticae* 45, no. 2 (2019): 1-14.

in early Pentecostalism, race and gender did not count in terms of ministry because the deciding factor was the gifts of the Spirit. Women featured strongly in the democratic worship service, and they were also recognised as evangelists or preachers and efficient in praying for the sick or possessed.

This was also the case in the early Apostolic Faith Mission (AFM) church.

The AFM of SA was established in 1908 as an evangelical Pentecostal church. However, women's role in church leadership positions changed when the AFM church amended its hermeneutical perspective, leading to the demise of its inclusive ethos. Unfortunately, this earlier departure has not yet fully recovered and the growth of women's participation in both ministry and church leadership has been painfully slow. Weber offers an explanation for the diminishing rates of female leadership in Pentecostal churches in the theory of "routinisation of charisma".⁵ This theory holds that in the early development of religious institutions, the labor of all members is needed and women, therefore, have a broader scope for leadership, especially if authority is situated in the personal "charisma" of the individual. However, as organizations grow and develop, they become more formalized and structured. Consequently, "priestly" figures are favored over "prophetic" ones that, in the case of these churches, are overwhelmingly men. These more formalized and rigid structures subject women to a "theology of submission"³ based on biblical scripture that requires women to submit to the authority of men and men to submit to the authority of the church. The gender disparity in the AFM church leadership was less apparent in the earlier years of the church due to positions being less prominent and formal. However, as structures within the church became formalized, the gender disparity consequently became more evident.

Kgatlé⁶ highlights the lack of female leadership at various levels of the AFM of SA, citing that this issue seems to be present at the local assembly, regional, and national office bearers levels. He states that misrepresentation of leadership in the AFM of SA is evident, whereby most of the 300 ordained female pastors in the church are in supporting roles of assistant pastors or

⁵ Max Weber, *The sociology of religion*. (Boston: Beacon Press, 1993).

⁶ Mookgo S. Kgatlé "Gender dimensions in Pentecostal leadership: The Apostolic Faith Mission of South Africa as a case study." *Verbum et Ecclesia* 40, no. 1 (2019): 1-7.

branch pastors, with many women taking up secular jobs to support their ministry as they are not being called by assemblies as presiding pastors. Many ordained female pastors support their husbands in the role of pastors' wives. Indeed, female pastors are often limited to youth and women's ministries, leading Sunday school, or taking administrative roles in the church.

Nevertheless, strides had been made on a regional level with the appointment of Dr. Ina Smit in 2021 as the first democratically elected regional chair of the Central Gauteng Region and the second woman in the history of the AFM to serve on the National Leadership Forum (NLF). On an international level, Pastor Thandanani Savhasa was elected as the AFM International Youth president in 2022. Despite these encouraging recent developments, however, the overall lack of women in church leadership is still a pertinent crisis.

Background to the study

Today, more than 300 women are recognized by the AFM as ordained pastors (in a church with a total of 1498 pastors).⁷ In practice, however, only 38 women serve in assemblies and only serve as presiding pastors in exceptional cases. The reason for these women not serving in presiding positions includes a reluctance from the church assemblies to call on women to be presiding pastors, relegating them instead to children, youth, and women's ministry or administrative duties. Indeed, the perception of assembly members is that women should not be in presiding positions. This situation emphasizes the perpetuation of historical, cultural, and hermeneutical reasons for women's non-acceptance in leadership roles.

Initially, women were allowed to lead assemblies, but after various discussions, it was decided that they were not to serve the sacraments. In 1971, questions were again asked about the theological basis of women in ministry. A committee was appointed to investigate the matter. The executive council then decided to acknowledge women's callings, but required training specifically designed for them. Six years later, in 1977, a regulation was approved that women would serve and be recognized in the

⁷ "Pastoral Letter: Second Quarter 2018." AFM of SA, accessed September 13, 2022. <http://afm.ags.org/category/publications>

ministry in the same manner as part-time pastors. Various discussions led to a decision in the later part of 1980 that defined the requirements for women to be in ministry. Sister Eldad Bosch and Kottie Beukes were two of the first women allowed to enter the ministry as part of the new regulations. Additionally, Sister L. Schoombie was approved to be a full-time worker and lecturer at Central Bible College and operated under the supervision of the Missions Department. The church was informed that these women were available for ministry.⁸

The AFM of SA has been ordaining women as pastors since 1991. However, for the past 29 years, female pastors have faced challenges that are not common to their male counterparts. In March 2020, as part of a resolution passed at the AFM of SA's NLF, a task team was appointed to determine what prevents women from being elected to leadership positions in the church. This team consisted of three women ordained as pastors in the church. The mandate originated from concerns communicated to the church's leadership during a meeting in May 2012 with female pastors who mentioned a lack of equity with their male counterparts in terms of salaries, serving of the Lord's Communion, and administering Water Baptism, undertaken through a Call system illustrating the assembly's governing body's reluctance to call on women as presiding pastors. Theological issues were also raised such as the exposition of scripture like 1 Tim 2:12-15, and constitutional challenges where female pastors felt discriminated against when it comes to their employment agreement (e.g., maternity leave).

The task team endeavored to better understand women's experiences in the church by distributing a questionnaire to women in all congregations of the AFM of SA. This questionnaire recorded participants' biographical information and asked pertaining to women's experiences of leadership in the AFM. Participants were also asked what they thought needed to change, whether they believed women had equal opportunities, and why they thought there was a lack of female representation on a regional and national level.

⁸ Isak Burger, and Marius Nel. *The fire falls in Africa: a history of the Apostolic Faith Mission in South Africa: a centennial edition 1908-2008*. (Vereeniging: Christian Art Publishers, 2008).

Theoretical framework

This study was approached through the lens of African feminist theory. African feminist thought challenges and rejects prevailing narratives that homogenize and oversimplify the experiences of African women, men, and children, in favor of an approach that is attentive to the nuances of specific contexts, cultures, and peoples. African feminist theory places a strong emphasis on the power and agency of African women who draw on their cultural and experiential backgrounds to develop knowledge that is contextually relevant and can contribute to the development of strong relationships, foster personal and community healing, and engender positive change within larger socio-cultural contexts.⁹ African feminist theory emerged in the late 20th century as a response to the intersection of patriarchy, colonialism, and racism in African societies. As scholars such as Oyèrónké Oyèwùmí¹⁰ and Chikwenye Okonjo Ogunyemi¹¹ have argued, the category of "woman" in African societies is not a static or universally applicable concept but is shaped by a complex interplay of cultural, political, and economic forces. African feminist theory seeks to challenge essentialist and Eurocentric assumptions about gender and sexuality and foreground the experiences and perspectives of African women. As a result of the presence of diverse viewpoints within the realm of African feminism, several scholars advocate for the use of the plural form 'African feminisms' when referring to the theory.¹²

Arndt contends that African feminism seeks to challenge and dismantle the current structure of female subjugation to enhance the status of women.

⁹ Bagele Chilisa and Gabo Ntseane, "Resisting dominant discourses: Implications of indigenous, African feminist theory and methods for gender and education research." *Gender and Education* 22, no. 6 (2010): 617-632.

¹⁰ Oyèrónké Oyèwùmí, *The invention of women: Making an African sense of western gender discourses*. (University of Minnesota Press, 1997).

¹¹ Chikwenye Okonjo Ogunyemi, "Chikwenye Okonjo Ogunyemi's African Womanism." In *The womanist reader* (Routledge, 2006). 21 - 36

¹² Annie Fatsireni Chiponda. "An analysis of the portrayal of women in junior secondary school history textbooks in Malawi." PhD diss., University of KwaZulu Natal, 2014); Susan Arndt. "Perspectives on African feminism: defining and classifying African-feminist literatures." *Agenda* 17, no. 54 (2002): 31-44.; Mary Kolawole, "The Dynamism of African Feminism: Defining and Classifying African Feminist Literatures." *The Dynamism of African Feminism: Defining and Classifying African Feminist Literatures* (Trenton, New Jersey: Africa World Press Inc, 2002): 31.

Given the diverse social conditions prevalent in Africa, African feminists recognize multiple forms of oppressive power beyond patriarchy, including racism, ethnicity, colonialism, neo-colonialism, religion, apartheid, class, culture, and tradition, which Arndt identifies as "oppressive mechanisms." Consequently, African feminism also seeks to address gender oppression in the context of these other oppressive mechanisms.¹³ African feminism further ensures that the local and context-specific informs gender analysis and feminist practice in Africa in "order to avoid making facile generalisations".¹⁴

Methodology and research framework

This study utilized a mixed method approach to draw on both qualitative and quantitative data. An embedded mixed methods design was used in this study. This design aims to understand experimental results by incorporating individuals' perspectives.¹⁵ Data was collected via questionnaires that included both closed and open-ended questions. This online questionnaire was distributed throughout the AFM of SA assemblies across all nine provinces of the country. The following groups were approached: youth leadership, elders, deacons, assembly governing bodies, welfare ministry committees, outreach/evangelism committees, and pastors. Eighty-nine women responded to the questionnaire (n=89). The questionnaire was anonymous and included 15 questions aimed at understanding women's leadership in the AFM of SA.

Participants

At the time of data collection, all participants were members of the AFM of SA church. Participants' biographical information is presented in Table 1:

¹³ Susan Arndt, "Perspective on African feminism: defining and classifying African-feminist literatures." *Agenda* 17, no. 54 (2002): 31-44

¹⁴ Annie Fatsireni Chiponda. "An analysis of the portrayal of women in junior secondary school history textbooks in Malawi." PhD diss., University of KwaZulu Natal, (2014);

¹⁵ John W. Creswell and Cheryl N. Poth. *Qualitative inquiry and research design: Choosing among five approaches* (California: SAGE publications, 2016)

Characteristic	Frequency	(%)	Characteristic	Frequency	(%)
Gender*			Age		
Female	89	100	16 – 20 years	4	0
Province			21 – 30 years	33	3
Eastern Cape	0	0	31 – 40 years	12	1
Free State	5	0.6	41 – 50 years	16	1
Gauteng	38	43	51 – 65 years	23	2
KwaZulu-Natal	4	0.5			
Limpopo	4	0.5			
Mpumalanga	2	0.2			
North West	1	5			
Northern Cape	0	0			
Western Cape	36	40			

Findings

The quantitative data was generated from 14 close-ended questions that were included in the questionnaire. As indicated in Table 1, all participants in this study were women members of the AFM of SA. Women between the ages of 21 and 30 years were most represented and women between the ages of 16 and 20 years were least represented. The majority of respondents were from Gauteng and the Western Cape province. The most represented leadership involvement of participants were found in youth leadership, assemblies governing bodies, sister's fellowship communities, and from pastors.

When asked how women would describe their journey to leadership in the AFM church in their various assemblies, 41% of women reported that they found it challenging and that they constantly had to prove they could lead. In contrast, 31% of women reported that they experienced no direct opposition, however, no support was provided, and 34% of women indicated that they felt supported in taking on leadership positions in their church. Moreover, 32% of the respondents indicated that they led social, political and other organizations outside the church. In the same vein, 85% of respondents indicated that they found it easier to be influential outside of the AFM church as a woman, and 43% felt that they did not have equal opportunities to lead within the church. Of the 58% of respondents that felt they had equal opportunities to lead in their church, the vast majority were involved in Youth Ministry, were in the 21 to 30 years age group, and already had a woman pastor in their church.

65% of respondents did not know that there were 300 ordained women pastors in the church. 62% of respondents indicated that they believed their current local assembly would call a woman pastor. Furthermore, 17% indicated that they are already led by a woman pastor, and 22% of

respondents said that they did not believe their assemblies would call a woman pastor. Indeed, 60% of respondents, most of whom were in the age groups above 20 to 30 years, agreed that gender equality in the church has not come far enough. 90% of participants disagreed with the statement that "men are better leaders in the church than women."

The qualitative data seems to suggest that younger women and those involved in youth ministry in the church experience less gender bias and are more optimistic about the role of women in leadership in the church. Of those who indicated they were already led by a woman pastor, all were between the ages of 16 and 30 years. Of those that indicated opposition in leadership to women in their churches, the majority were over 30 years of age and were already pastors, assistant pastors, presiding pastors, and deacons. The data also suggests that the status of women in leadership positions in the higher echelons of the AFM church is not well known, especially among the youth.

Three dominant themes emerged from the qualitative data in this study: (1) Women in the church had divergent experiences of leadership inside and outside the church; (2) Women recognized the need for a change of biases and perceptions in the church; and (3) Women offered recommendations for changes.

Divergence in women's experiences of leadership inside and outside the church

One of the main themes that emerged from participants' responses was that the leadership modeled in their churches was disconnected from what they experienced in other areas of their lives. Women seemed to experience greater opportunities for leadership in their places of employment and communities than in their church, leaving them feeling disenfranchised.

These views are illustrated in the extracts below gathered from the raw data. Participants seemed to have significant leadership experience outside the church context:

"Outside of church, I chair committees" (Participant 62)

"Sometimes the community acknowledgment is better than [that of] the church people" (Participant 23)

"I am in a leadership position at work" (Participant 71)

"Outside the church, people trust women and young people to lead" (Participant 30)

"I have been in senior management positions of listed and non-listed companies" (Participant 2)

Some participants mentioned how they were treated in terms of leadership differed outside the church:

"I have never been treated differently outside of church because I am a woman. It has always been on merit and hard work" (Participant 27)

On their influence in church communities, participants reported:

"Women need to work harder inside the church to prove themselves" (Participant 11)

"The church views women based on their gender and not their capabilities" (Participant 3)

"You have to work harder to prove your capabilities in leadership [in the church]. Every decision you make is scrutinized – unlike male counterparts" (Participant 66)

"I need male pastors' approval to do things" (Participant 21)

Participants also shared feeling more recognized outside the church:

"I am heard outside the church" (Participant 4)

"Outside people are more willing to listen" (Participant 52)

"I feel more accepted and can work more freely in my community" (Participant 19)

"I get honoured and respected easier outside the church"
(Participant 33)

Women recognized a need for perceptions and biases to be challenged in the church

Participants seemed to experience bias as a significant barrier to women's progress in church leadership:

"You can lead in every avenue you can think of only to find that people [in the church] still prefer men" (Participant 14)

"Educate our churches to accept women as leaders" (Participant 5)

"There are no barriers other than the mindsets of the people in churches" (Participant 54)

"There is still a strong patriarchal system that needs to adapt to women leadership" (Participant 3)

Some participants reported feeling left out based on perceptions justified through scripture:

"The business sector had a strong focus on skill and competence, and in cases where gender bias exists, you can at least convince people through determination and using your skills...in the end, the business sector seeks to profit, so if you can contribute to that everyone wins; the church, however, seems (sic) to have decided that women cannot enter certain roles and they draw this conclusion from Scripture" (Participant 69)

Other participants blamed bias for the lack of women in church leadership:

"Women do not believe that they can lead, so...members of the church don't have that much faith in a woman" (Participant 6)

"I think we still believe that men lead better than women" (Participant 8)

“So, the perception...that comes across, women can do the work and participate but not really take the lead” (Participant 52)

“How can you expect women to rise as leaders when they are not taken seriously in the church? There they are mainly seen as only good for women’s ministry” (Participant 71)

Women offered recommendations for changes

Participants provided their opinions on what change is needed to alter the status quo of female leadership in the church. High on the list was the need for greater opportunities for women:

“Acknowledge the [women] pastors and use them in our conferences [rather than] have outside of ... AFM church speakers” (Participant 11)

“Participate in preaching in the church at large” (Participant 37)

“As a leader who took over from a male pastor, I need assistance and guidance from other female leaders/pastors” (Participant 67)

Women also sought support from existing leadership within the church:

“Support from leadership” (Participant 46)

“More support from members of the governing body” (Participant 6)

“This should start at provincial level right up to national” (Participant 14)

“Effective communication from the national office” (Participant 20)

“Constant and unconditional support from the church, especially the leaders. Without judgement and negative assumptions, instigations or preconceived notions...and the restrictions that come with that” (Participant 52)

A need for training, as a form of empowerment, was also evident:

"More leadership training is required at regional and national level"
(Participant 35)

"Updates of systems and policies" (Participant 29)

"Opportunities and funding for further education" (Participant 18)

"Opportunities for growth disappear while we are waiting for approval" (Participant 81)

Discussion

Women's advancement into executive leadership in the AFM church in SA has been unable to keep pace with women's movement into the workforce. Women are keenly aware of the discrepancy between the opportunities for leadership they are afforded in their communities and places of employment compared to those they are afforded in the church. *The lack of female representation is leaving many women in the church to feel unrecognized and disenfranchised. Factors that influence this exclusion seem to be scripture-related, hermeneutics, and cultural perspectives.* Jacobs¹⁶ states these barriers are a matter of "gender, patriarchy, and power". Glanz¹⁷ also highlights the issue of gender stereotypes in leadership in the evangelical context. Expectations for women's leadership behavior in church settings are often determined by unconscious bias and stereotypical beliefs on gender roles. Moreover, the existence of gender role stereotypes among male leaders can be detrimental to leadership form and function and can also lead to a lack of cooperation in congregations, confusion, and a loss of credibility for female leaders.¹⁸ In cases where women do function in leadership positions, the pressure to conform to the church's executive leadership culture is enormous: "Executive women in strongly male-normed

¹⁶ Pumeza Cordelia Nonie Jacobs, "Practical theological study of the marginalisation of women in religious leadership in the Pentecostal tradition in South Africa." (PhD diss., University of South Africa, 2022)

¹⁷ Judy L. Glanz "Exploration of Christian women's vocational ministry leadership and identity formation in evangelical churches on the west coast." *Christian Education Journal* 17, no. 2 (2020): 325-346.

¹⁸ Leanne M. Dzubinski, "Taking on power: Women leaders in evangelical mission organizations." *Missiology* 44, no. 3 (2016): 281-295.

executive leadership contexts must exercise strong gendered self-constraint to break through the glass ceiling".¹⁹

Participants in this study considered bias from church members a major obstacle in women's leadership progress in the church. Davis²⁰ similarly notes that the traditional family values highlighting the patriarchal model for both home and church have been the most significant hurdle for women who believe they were called to preach. An exploration on men's unexamined gendered identity issues is required to address bias in the church regarding female leadership and to eliminate the objectification of women that diminishes their leadership potential and results in a vulnerability that their male counterparts do not experience. Glanz¹⁰ suggests that a culture of respect and honor for 'femaleness' can be nurtured with time and through the modelling of mature men and women. Chitando²¹ notes that it is important to acknowledge the effect of gender socialization in the church in southern Africa and that, in many instances, it is women religious leaders themselves who hesitate to stand up boldly, with other women in the congregation refusing to support and empower them to do so. The AFM church, like many churches in Africa, has failed to embrace women in leadership due to its attachment to the patriarchy.

Women's space in the church needs renegotiation. Research by Barna²² suggests that women feel undervalued and underutilized at church. The participants in this study were asked what needs to happen for things to change to promote women's leadership in the church. The responses indicated that they mainly sought more opportunities, referring to speaking engagements, opportunities to preach, and training for women in the field. *Participants felt that support from leadership structures in the church would go a long way to change the tide for women in leadership. This support includes women's intentional appointment to committees and giving women*

¹⁹ Leanne Dzubinski, Amy Diehl, and Michelle Taylor. "Women's ways of leading: The environmental effect." *Gender in Management: An International Journal* (2019).

²⁰ Nicole L. Davis, "Women in ministry: How conflicts between god's purpose and church doctrine impact the efficacy of female church leaders." (PhD diss., Nova Southeastern University, 2019).

²¹ Ezra Chitando "Introduction" in *The Bible and Gender Troubles in Africa*. Vol. 22, ed. Joachim Kügler, Rosinah Gabaitse, and Johanna Stiebert (Bamberg:University of Bamberg Press, 2019). 13 - 24

²² George Barna, *Revolution* (Tyndale House Publishers, Inc. 2012)

seats at the table. Landman talks about “negotiating space . . . in the open and in the heart of the church itself”.²³ She asks poignant questions about women’s space in the church:

Is women’s space in the church a safe space, and will it only be safe if it remains secret? Is it a space where women uphold the church but have to keep it under cover? When and how can the church become an openly safe space for women where they do not have to behave in a covert way?

Landman’s answer to the question of “creating space” is rooted in the designation “nego-feminism”, which Nnaemeka²⁴ defines as “‘Africa’s way’ of theorising and practising negotiations between men and women from a perspective of ‘non-egoism’”. Nego-feminism can be seen as a feminist theory that implicitly acknowledges women’s capabilities in dealing with the patriarchy.²⁵ In approaching the issue of women’s space in the church from the nego-feminist perspective, knowing when to disrupt the patriarchy becomes important, along with the concept of “give and take”, which is related to the principles of compromise and balance.²⁶

Pillay²⁷ notes the remaining resistance towards a feminist consciousness in the church context and advocates for the possibility of being both a Christian and a feminist. The author claims that common ground between Christianity and feminism can be found in both affirming the human dignity and equality of every individual. As far as the way forward is concerned in advocating for women’s leadership in the AFM church, it is imperative that the church intentionally levels the playing field between men and women. Conversations about women’s leadership are required at all levels of leadership in the church. Bias and patriarchal tendencies should be

²³ Christina Landman, “Safe spaces for women in the church: The case of Dullstroom-Emnotweni.” *Studia Historiae Ecclesiasticae* 39 (2013): 171-185

²⁴ Obioma Nnaemeka. “Nego-feminism: Theorizing, practicing, and pruning Africa’s way.” *Signs: Journal of Women in Culture and Society* 29, no. 2 (2004): 357-385.

²⁵ Calvin Justice Mapangisana, “Examining women’s agency with respect to the appropriation of runyoka in Johane Masowe Zambuko Apostolic Church in Zimbabwe.” (PhD diss., University of KwaZulu Natal, 2020).

²⁶ Annie Fatsireni Chiponda. “An analysis of the portrayal of women in junior secondary school history textbooks in Malawi.” PhD diss., University of KwaZulu Natal, 2014);

²⁷ Miranda Pillay. “The Anglican Church and Feminism: Challenging the ‘Patriarchy of our faith’.” *Journal of Gender and Religion in Southern Africa*, 19 no. 2 (2014): 53-71.

addressed in conversations where both men and women participate in the space of negotiating within the nego-feminist perspective, united in their role as people of faith. The church should further engage in processes that empower women for leadership positions, by facilitating workshops and mentoring programs. Although courageous conversations about the changes needed for women in the church are an integral part of the process of transformation (considering the slow pace of change in the church), intentional implementation of policies and practices is necessary. Female pastors should be afforded more opportunities in presiding positions and women should be represented at all levels of church leadership.

Conclusion

Thirty-one years after female pastors were first ordained in the AFM of SA, the status of female leadership in the church seems to suggest that women are still somewhat situated in the “de facto second-class citizenship positions”.²⁸ The call for transformation in women's roles in leadership in the AFM church of SA has never been more urgent. Based on responses from women in the AFM church across the country, a change in perceptions and bias of women in leadership is needed. Women require support from leadership, training, mentorship, and intentional changes to policies and practices. Finally, women require representation on all levels of leadership in the church. The cause of women's increased leadership in the church should not just be considered as having a feminist agenda but as a human rights concern. As Johnson and Rakoczy²⁹ point out, “whatever enables women's full humanity to flourish is redemptive and of God” and whatever damages women's full humanity is “non-redemptive and contrary to God's intent”.

²⁸ Justice RKO Kyei, Elizabeth NMK Yalley, and Emmanuel KE Antwi. "Negotiating Gendered Leadership Positions within African Initiated Christian Churches in Amsterdam." *African Journal of Gender and Religion* 27, no. 2 (2021): 22-44.

²⁹ I.W. Van Wyk, "Johnson, Elizabeth, CJS with Rakoczy, Susan IHM 1997-Who do you say that I am? Introducing contemporary Christology." *Hervormde Teologiese Studies* 55, no. 4 (1999): 1155.

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Roundtable Discussion on Epistemes, Methods and (Inter)textualities in Sacred Queer Stories

This roundtable was first convened as part of the 6th Es'kia Colloquium hosted by the Department of African Literature at Wits University, South Africa on the 15th and 16th September 2022.

The discussion engages questions regarding knowledge production, method and (inter)textualities in relation to the book, *Sacred Queer Stories: Ugandan LGBTQ+ Refugee Lives and the Bible* (2021), co-authored by Adriaan van Klinken and Johanna Stiebert with Brian Sebyala and Fredrick Hudson.

Balancing an Unequal Partnership for Studying Ugandan Queer Refugees' Appropriation of Bible Stories

Stella Nyanziⁱ

SHORT BIO

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Introduction: Connections Within Generations of Knowledge Creation

I thoroughly enjoyed participating in the Sixth Annual Es'kia Colloquium organised under the leadership of Professor Grace Musila, who along with Professor Adriaan van Klinken are fellow recipients of the prestigious Stellenbosch Institute of Advanced Studies fellowship. Moreover, I applaud Professor Musila for continuing to mobilise and organise academic knowledge production in, for, from, about, and with Africa. Working on the multiple complex diversities encapsulated within the label of "Africa" is critical, and often thankless, work.

The theme of this year's Es'kia Colloquium was "Epistemes | Methods | Textualities". It was strategic for Professor van Klinken to not only include the project, and the resulting book, "*Sacred Queer Stories: Ugandan LGBTQ+ Refugee Lives and the Bible*", in this colloquium, but also organise the panel on "Epistemes, Methods and (Inter)Textualities". Gathering both physically and virtually relies on the internet's expanded methods of academic intercourse across vast spaces.

In this regard, it was an honour to share the panel with Sebyala Brian, who worked with me as a research assistant in Makerere University's Law, Gender, and Sexuality research project, led by Professor Sylvia Tamale, a feminist and lecturer of law. It is fulfilling for me, as a mentor, to watch and witness the growth of an individual I introduced to and mentored in conducting participatory ethnographic research under the broad rubric of the specialisation called Queer African Studies. Over twelve years ago I was conducting ethnographic fieldwork about the effects of the newly proposed Anti-Homosexuality Bill (2009) on the everyday lives of same sex loving and gender non-conforming people in Uganda. During that time, Sebyala Brian was my main interlocutor in diverse urban-poor spaces, where gay men, transgender women, and queer sex workers socialised and organised.¹

I taught him the relevant research skills for ethnographic participant observation, acquiring informed consent from potential research participants, maintaining a fieldwork journal, conducting individual in-depth interviews, and transcribing and translating from Luganda to English. Following the project, Sebyala joined my small research team conducting biographic interviews about Uganda's "grandfather of gay rights", David Kato, who was violently murdered in January 2011 at the beginning of the homophobic persecution of LGBTIQ+ people living in Uganda. This murder played a significant role in escalating the exodus of LGBTIQ+ people (whether nationals, citizens, or residents) living in Uganda. Thereafter, I also worked with Sebyala on a study on LGBTIQ+ refugees living in Kampala city.² Little did either of us know at that time that we would have to flee our home country and separately experience the exodus, asylum-seeking, and exile. When I briefly sought asylum in Kenya, Sebyala established the persona of "Mother Nature", running the Nature Network programme in Matasyaland where Prof. Adriaan van Klinken was conducting research for "Queer Sacred Stories". Today, I am a scholarship-holder of the Writers-in-Exile program of PEN Germany and Sebyala has resettled in the United States of America. Our disparate trajectories as knowledge producers on

¹ Nyanzi, Stella. "Dismantling reified African culture through localized homosexualities in Uganda." *Culture, Health and Sexuality* 15, no. 8 (2013a):952-967.

² Nyanzi, Stella. "Homosexuality, sex work, and HIV/AIDS in displacement and post-conflict settings: the case of refugees in Uganda." *International Peacekeeping* 20, no. 4 (2013b): 450-468.

Ugandan queer refugees intersect and blend with many of the realities we theorise about. For me, as a bystander, I am grateful to Mother Nature for creating a generative space during asylum from which knowledge was produced. Thank you for metamorphosing into a co-creator of queer knowledge on forced migrants in precarious situations of asylum seeking.

Straddling Epistemic Boundaries: Academic-Activist-Artist-Agitator

Having mapped nodes of connectivity and drawn a brief genealogy of links in shared academic knowledge creation projects, I turn to my ambivalent role as a knowledge creator. I entered this space as an academic whose most recent research and publications are in the multi-disciplinary field of Queer African Studies; as an artist whose creativity is mainly expressed through the genre of dissident poetry; as an activist who believes and participates in non-violent struggles, including the fight against religious, cultural, political, and legislative homophobia and transphobia; and as an opposition politician. As an academic-artist-activist-agitator,³ I celebrate sharing a panel with fellow academics, artists, and activists who are unafraid to straddle these different paths to forms of knowledge production (cf. Couture's 2017 challenges of activist-researchers, Speed's 2006 on critically engaged research, and Coleman's 2015 analysis of the back-and-forth within activist scholarship). As a decolonial and anti-colonial scholar, I deliberately work at breaking traditional boundaries between academic specialisation and social justice activism.

When I returned to Uganda in 1999 from the United Kingdom, where I studied for my PhD, I was appointed to work on the School of Law's Law, Gender, and Sexuality research project at a time when the Anti-Homosexuality Bill (2009) was being conceptualised, introduced, and fomented in Uganda. With the death penalty boldly penned into the words of this proposed new law,⁴ it was impossible for me to remain an unattached,

³ Nyanzi, Stella. "Phantasmagoria: On birthing oneself as an academic-artist-activist-agitator." *Pulsations: Journal of New African Writing* 1, no.3 (2022).

⁴ DeJong, Christina, and Long, Eric. "The death penalty as genocide: The persecution of 'homosexuals' in Uganda." *Handbook of LGBT Communities, Crime and Justice*, New York: Springer, (2014) pp339-362.; Nyanzi, Stella, and Karamagi, Andrew. "The social-political dynamics of the anti-homosexuality legislation in Uganda." *Agenda: Empowering Women for Gender Equality* 29 no.1 (2015):24-38.

neutral, objective, and impartial armchair anthropologist, safely producing academic knowledge about queer lives within the glass cages of the ivory tower of Makerere University. I could no longer rationalise doing research on, about, with, and for people whose lives were facing legislative and executive homophobia encapsulated in the death penalty, proposed as punishment for some forms of same-sex behaviour in Uganda. I became involved in LGBTIQA+ activism based on the knowledge I garnered as an academic scholar of queer lives. My activism has been influenced, informed, and enriched by my academic scholarship. Likewise, my academic knowledge production was greatly enhanced by my activism. In other words, a symbiotic relationship organically grew between my academic knowledge production and my activism against escalating homophobia in Uganda.

The Politics of Transnational Academic-Activist Collaborations

As an African academic and activist, I have partnered with scholars, funders, publishers, universities, and research institutions in the global north for many years of my academic career. I experienced first-hand the power asymmetries and politics of powerlessness within the unequal partnerships often formed between the global north and global south; between the United States of America, United Kingdom, or Europe on the one hand, and Africa on the other hand; between former colonisers and the formerly colonised; and between white scholars and their black colleagues. Unequal partnerships for academic knowledge production, particularly across continental divides, have several problems.⁵ Many white professors from England fly down to one of the many possible African destinations, exploit our minds and research expertise for which they pay miserable pittances to extract local knowledge from our people and communities, only to fly back to the comfort of their posts in universities and think tanks to publish single-authored papers and books. In contrast, it is noteworthy that Professor Adriaan van Klinken and Professor Johannah Stiebert name both Sebyala Brian and Fredrick Hudson as co-authors of the book *"Sacred Queer Stories:*

⁵ Crane, Johanna T. "Unequal 'partners': AIDS, academia, and the rise of global health." *Behemoth: A Journal of Civilisation* 3, no.3 (2010):78-97.; Obamba, Milton Odhiambo, and Mwema, Jane Kimbwarata. (2009) "Symmetry and asymmetry: New contours, paradigms, and politics in African academic partnerships." *Higher Education Policy* 22, no. 3 (2009):349-371.

Ugandan LGBTQ+ Refugee Lives and the Bible". This is a brilliant example of redressing some ongoing injustices and imbalances in north-south global partnerships of knowledge production.

Co-authorship, which transcends beyond mere tokenism (whereby non-contributors jostle to be named as authors of academic products), is important in redressing power differentials when academics collaborate with members of the communities we study to produce knowledge, partner with activists, and partner with minority grassroots communities. The politics within the praxis of such co-authorship is significantly more impactful when the minorities combine multiple intersectional layers of structural and systemic inequalities, including being non-citizens due to their sexuality in the country of research. It is important that the partnership is not only at the extractive level of generating knowledge, but also during analysis of results, feedback to the communities of research, and as recipients of cherished prestigious rewards by being named co-authors of a book.

Academic publications – particularly monographs, edited volumes, special editions of journals, journal articles, and book chapters – are exclusionary for most research participants from whom data are collected as the basis of the analyses. In addition to unaffordable costs of purchasing academic products, such as book prices, expensive journal subscription costs, blockade paywalls, etc., publishing houses located in geographical and social-spatial spaces are extremely inaccessible for local research participants. For example, a single copy of the hardback book published by James Currey for markets in Great Britain and the United States is both too expensive and too out of reach for the research participants whose data are presented and analysed in the book. Therefore, it is wonderful that the co-authors have consciously undertaken the necessary work of sourcing alternative publishing to mass produce an affordable and accessible softcover copy for readers in Africa. Indeed, the launch of the softcover edition of *"Sacred Queer Stories: Ugandan LGBTQ+ Refugee Lives and the Bible"* in South Africa is commendable and exemplary.

Methodological Innovation: Triangulating Disparate Research Materials

The triangulation of the reported personal life stories with engagements of research participants and two biblical stories is methodologically innovative.

This research method reclaims and deploys the bible – a religious, cultural, and political text – to amplify the everyday struggles and victories in the lives of queer immigrants, including refugees and asylum seekers. For a long time, scholars of queer African lives primarily focused on the ways in which religious scripture is weaponised and instrumentalised to violate the human rights of LGBTIQ+ people. References to the destruction of the cities of Sodom and Gomorrah are the most common scriptural uses to demonise, pathologise, ostracise, stigmatise, alienate, and criminalise people who reject the heteronormative order. Thus, the innovative reversal of scripture to unveil and reveal how LGBTQ+ Ugandan refugees utilise religion to navigate the trials and tribulations of their everyday lives is important to achieve epistemic justice. This is perhaps the greatest success of the team's methodological innovation.

Furthermore, the methodological innovation of triangulating the research participants' engagements with the Old Testament biblical story of Daniel in the lions' den and the New Testament gospel of Jesus and the adulterous woman, together with their personal life stories gives power to a generally invisible, silenced, erased, othered, and exoticised community of research subjects. Most African producers of knowledge (across all disciplines in African Studies) generally choose to ignore queer Africans. The personal life stories of the research participants in the vulnerable community convened by Mother Nature of the Nature Network are part of the core data set and research materials generated by this research project. Moreover, they are relied upon for interpretation and analysis in the book. Rather than depend on mere reported speech or speculation about queer refugees, the book's authors sourced and collected the life stories of their queer refugee research participants. No longer hidden, no longer invisible, no longer erased, the gay refugee, the transgender asylum seeker, the lesbian immigrant, the queer unregistered non-citizen are all on record and cast into sharp relief.

Reappropriating and utilising a book, which is variously weaponised by homophobes to persecute same-sex loving Ugandans and those of non-conforming gender identities to the point of expelling them out of a country, is powerful. However, the methodological reappropriation of Bible stories is also potentially dangerous if not used in careful moderation. The success of the methodology is, in this case, a result of two theology specialists on the team being in touch with the powerful role that religion and religious

experiences play in the lives of different African queers – some of whom are queer, Africans, and believers. The refugees in this case, were successfully able to reveal how they relate to aspects of the Bible references, particularly when going through a range of life experiences within the legal processes of asylum seeking. The interlocutory roles of the Ugandan researchers ably mediated between the theological theorisation of the lived experiences in which Sebyala Brian and Fredrick Hudson appropriate biblical scriptures and religious experiences in their everyday lives. Therefore, their position as insiders allowed them to bridge gaps between academic theorisation and the lived realities of the Ugandan LGBTQ+ refugees interviewed.

The poem, “The Company of Men”, is a beautiful interpretation of the biblical story of Daniel in the lion’s den by one of the Ugandan LGBTQ+ refugees. It further exemplifies the ways in which queer forced migrants can read between and within the lines of scripture and generate their own organic interpretations based on their everyday struggles and joys. The poet draws a lot of encouragement and hope from the story of Daniel in the company of men and God; hope that gives assurance of eventually prevailing.

Creative innovation with research methodologies is a critical ingredient and catalyst for pushing the boundaries of the budding field of Queer African Studies. Rather than shying away from exploring possibilities of analysing the interactions between biblical stories and the everyday lives of LGBTQ+ refugees who fled from their home country because of homophobia (including religious homophobia), this diverse research team devised a triangulation of unlikely research methods. Their innovation and curiosity were rewarded in ways that expanded Queer African Studies and opened possibility for queer African hermeneutics.

Conclusion: Balancing an Unequal Research Partnership

In spite of the varied challenges of asymmetrical research partnerships between the global north and global south, academics and activists, England-based scholars and Kenya-based refugees, white and black, etc., the research partnership between the four co-authors of “*Sacred Queer Stories: Ugandan LGBTQ+ Refugee Lives and the Bible*” highlights that it is possible to balance out the inequalities. This can be accomplished through deliberate commitment to mutual empowerment during the research process, participatory involvement in the hard work and consequent fruits of the laborious knowledge production processes, the inclusion in public

rewards including being named as a co-author, as well as by democratising access to research products, particularly for research participants. Balancing out asymmetrical indices of power facilitates experimentation with innovative research methodologies such as the triangulation between life stories, Bible stories, and research participant interpretations of scripture.

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Contesting and Curating the Queer African Archive with Sacred Queer Stories

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SHORT BIO

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Introduction

The limits of what constitutes an archive has expanded over the years with a move towards understanding it as a continuously contested, expanding curation of living data. As the team for the Governing Intimacies project at the University of Witwatersrand in South Africa puts it, archives are “a contested terrain of intervention around which contemporary struggles for the past, and the future, are being fought”.¹

There is no doubt that in Africa there is a very real contemporary struggle for LGBTI+ freedoms and lives, impacted by compounding religious, cultural, and political forces. The various narratives, life stories, and experiences of queer Africans in scholarship, literature, and media speak to these contestations. *Sacred Queer Stories: Ugandan LGBTQ+ Refugee Lives and the Bible* provides an invaluable and necessary contribution to building an archive that is varied, nuanced, and capricious. The book introduces stories that have often been side-lined in studies on the intersection of religion, that of queer migrants and refugees. These narratives of movement for safety,

¹ Governing Intimacies, “Intimate Archives: A Webinar Series,” accessed October 20, 2022, <https://governingintimacies.wordpress.com/2021/03/29/intimate-archives/>

boundary-crossing, and queer liminality are significant, in part because they are often so easily excluded from “official” archives. Moreover, they are significant because of the way they challenge our attempts at simplified and complete narratives of queer African lives. This exclusion reminds us how critical it is to acknowledge the curated nature of archives and continuously scrutinise the epistemologies and methodologies that go into producing it. Through my contribution to this roundtable, I propose that we ask three questions of the queer African archive and, in turn, of the work that *Sacred Queer Stories* does: who is the archive for? how do we build these archives? and why do we build it?

Who is the archive for?

Nairobi born scholar, Keguro Macharia² points out that African archives are often focused on the production and collection of disembodied data, aimed at NGO funding or seeking state and international intervention. As a result, even when the intentions seem noble, queer African archives are often curated in ways that produce disembodied, nameless data – spectacles of marginalisation and oppression. Historically, this archive has not primarily been for the queer African people whose lives are supposed to be held within its records. Academic projects such as those that inspired *Sacred Queer Stories* are no doubt connected to the agendas of funding bodies and academic institutions. Indeed, the authors of the book, who are based in the United Kingdom, readily admit to this. However, I believe *Sacred Queer Stories* successfully manages to diminish the very real schisms between intellectual, activist, and participant that these agendas tend to create. This is in part because the contribution that *Sacred Queer Stories* makes to the archive is not disembodied, nor is it decontextualised. The plurality of experience evident between (and within) each of the twelve stories in the book speaks to pain and violence, as well as love, sex, and hope. Their life stories are contextualised meaningfully within the historical and contemporary political, religious, cultural, and social moments in Uganda, Kenya, and Africa.

Sacred Queer Stories is perhaps most successful in that it does not confine itself to assessing truth claims or the authenticity of the “queer”, “African”, or

² Keguro Macharia, “Archive and Method in Queer African Studies,” *Agenda* 29, no.1 (2015): 145. <https://doi.org/10.1080/10130950.2015.1010294>.

indeed “Christianity” (or religion) embedded within the life storytelling. This is counter to the so-called official archive that make claims to a completeness, often implied in traditionally western epistemologies. We see evidence of this search for completeness in the responses of border authorities, refugee agencies, priests, and even sometimes activists and other LGBTQ+ people as they question the legitimacy of the stories of queer refugees and their attempts at “seeking sanctuary”.³ In comparison, *Sacred Queer Stories* embraces incompleteness, which Francis Nymanjoh argues is the normal order of things and, he suggests, offers opportunities for conviviality in Africa.⁴ This is evident as the authors write,

this is not to say that such stories are “not true”, but that the truth of autobiographical storytelling is not necessarily located in the historical correctness, completeness, and coherence of the account but in the momentary and performative articulation and actualisation of the self through self-narration.⁵

This incomplete archive begins, then, to centre the lives of queer African people and offers infinite possibilities of being and becoming.⁶ While the agendas of funding bodies, the higher education system, and, indeed, our own as academic-activists and allies cannot be wished away, we can at least hold these agendas in productive tension with those for whom the building of an archive could provide hope and opportunities for life rather than death. But if we are to do so, *how* do we build a queer African archive? As Macharia asks, “How might African archives — however those are defined — demand and produce the methods we need?”⁷ This is the second question I also pose in this paper.

³ John Marnell, *Seeking Sanctuary: Stories of Sexuality, Faith and Migration* (Johannesburg: Wits University Press, 2021).

⁴ Francis Nymanjoh, “Incompleteness: Frontier Africa and the Currency of Conviviality,” *Journal of Asian and African Studies* 52, no.3 (2017): 253 - 270.

⁵ Adriaan van Klinken, Johanna Stiebert, Sebyala Brian and Frederick Hudson, *Sacred Queer Stories: Ugandan LGBTQ+ Refugee Lives & the Bible* (Rochester: James Currey, 2021), 126-127.

⁶ Nymanjoh, “Incompleteness,” 256.

⁷ Macharia, “Archive and Method,” 141.

How do we build an archive?

Queer African archives demands, as we have discussed, the inclusion of nuanced, embodied stories and the recognition of incomplete, messy, lived realities. Yet, a queer African archive, cannot simply be about storytelling. As Sarojini Nadar⁸ points out, “when presence [in this case LGBTQI+ stories in research] becomes a replacement for perspective [critical theory], then potentially radical spaces ... can simply become what bell hooks calls commodity and spectacle – embracing and promoting a descriptive rather than an analytical approach”. How then do we produce, curate, construct, and share stories without reducing them to commodity and spectacle? There may well be a wide range of answers to that question, but I argue, as Macharia also suggests, that part of the answer lies with the methods and methodologies that are needed and developed.

Macharia writes: “Methods are generated from paying close attention to what exists in and is formed as an archive”.⁹ In *Sacred Queer Stories*, Christianity and, indeed, the Bible as a sacred text are central in the stories of the Ugandan LGBTI+ people. The Bible functions as an omnipresent reference point, liberally leant on in Africa to produce moral discourses about queer people and queer sexuality. As Nadar points out, “Its sacredness lies in its authority to be ‘God’s word’,¹⁰ which sets norms and rules for how people ought to live their lives – and defines what is sacred and ‘right sex’”.¹¹ The Bible, thus, becomes a central text to be appropriated in a postcolonial sense to produce a cultural archive that is not so much focused on recovering an accurate history of something lost but, rather, aims at re-presenting, reconstructing, and reimagining this sacred text for queer lives.

Sacred Queer Stories, therefore, is not spectacle because it does not simply present us with autobiographies and life stories. Rather, it provides inter-reading of queer life stories with biblical stories (by the storytellers themselves). This, as the authors acknowledge, is strongly informed by the

⁸ Sarojini Nadar, “‘Stories are Data with Soul’ – Lessons from Black Feminist Epistemology,” *Agenda* 28, no.1 (2014): 19. <https://doi.org/10.1080/10130950.2014.871838>

⁹ Macharia, “Archive and Method,” 144.

¹⁰ van Klinken, Stiebert, Brian and Hudson, *Sacred Queer Stories*, 5.

¹¹ Sarojini Nadar, “Queering sacred sexual scripts for transforming African societies,” in *The Oxford Handbook of Feminist Approaches to the Hebrew Bible*, ed. Susanne Scholz (New York: Oxford University Press, 2020), 83.

Contextual Bible Study (CBS) method. Largely considered to be developed as a method of research¹² by South African biblical scholar, Gerald West, and furthered by various liberation and feminist scholars since, Nadar describes its goal as “[bringing] the perspectives of both the context of the reader and the context of the Bible into dialogue, for the purpose of transformation”.¹³ It is a method firmly rooted in a community-centred liberationist project that aims to read the Bible with the community.

Sacred Queer Stories, thus, also models a method of building an archive with community. The project team creates a community of critical readers and thinkers by initiating conversation with (rather than conversion through) sacred texts. The seemingly simple act of adding the names of Mother Nature (Sebyala Brian) and Frederick Hudson can be seen as more co-productive and participatory than much scholarly work that theorises an approach *ad nauseum*, often one that is neither empathetic nor conscientious in its praxis. In these ways, this contribution to the archive of queer life stories does not render them a spectacle. Rather, the book is presented in a way that enables the reader to engage productively with these stories through theory and, simultaneously, centre the stories and storytellers as significant in shaping new theory.

Using a CBS-like method also holds great transformative potential empirically, methodologically, and politically. This brings me to my final question: so what? Why do we build the archive?

Why do we build an archive?

This question of “so what?” is an important one to ask of a method and contribution. I draw inspiration from Macharia again to ask, “what do telling these stories have to do with changing the future, with preventing murders that have already happened and violence that continue to be experienced?”.¹⁴ It is a question, I believe, that the authors of *Sacred Queer Stories* ask as well, not only in relation to telling the stories and building the

¹² Although its roots can be traced much earlier to community engagements in Latin America.

¹³ Sarojini Nadar, “Beyond the ‘Ordinary Reader’ and the ‘Invisible Intellectual’: Shifting Contextual Bible Study from Liberation Discourse to Liberation Pedagogy,” *OTE* 22, no.2 (2009): 387.

¹⁴ Macharia, “Archive and Method,” 140.

archive, but also in relation to engaging the Bible through these readings and to determine the transformative potential of this exercise.

The CBS method, which *Sacred Queer Stories* is inspired by, has been critiqued by black liberation and feminist scholars, such as Tinyiko Maluleke¹⁵ and Sarojini Nadar,¹⁶ precisely for its transformative limitations. This is partly because it so heavily relies on “reading the bible with” so-called “ordinary readers”.¹⁷ While these acts of “reading with” seems to prevent the production of a spectacle of queer stories as I discussed before, CBS practitioners have often been caught up in the search for completeness and authenticity, this time of indigenous or community knowledge, that it leaves little if any space for an interventionist method of conscientisation. The problem, as Nadar points out, is that CBS has been reliant on a binary framing of two actors – a trained academic and an ordinary reader.¹⁸ That which constitutes “ordinary” has often gone unnamed but has almost always meant marginalised communities, such as women who experience gender-based violence, the homeless, gang members, prisoners, and, indeed, queer individuals. In comparison, the trained scholar has often referred to the white, privileged, often male academic, very much removed from those ordinary communities. Nadar suggests that is often due to the trained scholars’ keen awareness of their positionality as privileged outsiders that the emphasis has been so solely fixed on reading *with* the community. As such, there have been few possibilities for trained scholars to challenge community readings or offer participants new interpretations of biblical text. Nadar goes on to argue that academics should not alone be transformed in their reading of biblical text. She rightly points out that the tools of biblical hermeneutics can be used to transform community understandings of sacred texts, as the community knowledge, which is so celebrated through CBS, is not always unproblematic and life-giving.¹⁹

¹⁵ Tinyiko Maluleke, “The Bible Among African Christians: A Missiological Perspective,” in *To Cast Fire Upon the Earth: Bible and Mission Collaborating in Today’s Multicultural Global Context*, ed. Teresa Okure (Pietermaritzburg: Cluster Publications, 2000), 87–112.

¹⁶ Sarojini Nadar, “Hermeneutics of Transformation? A Critical Exploration of the Model of Social Engagement Between Biblical Scholars and Faith Communities,” *Scriptura* 93 (2006): 399–351.

¹⁷ Nadar, “Hermeneutics of Transformation?,” 342.

¹⁸ Nadar, “Hermeneutics of Transformation?,” 347.

¹⁹ Nadar, “Hermeneutics of Transformation?,” 349–350.

At a glance, *Sacred Queer Stories* seems to also contribute to this power imbalance, something that the UK based academic authors are keenly aware of. Their awareness of their positionality means they opted to remove themselves from much of the exercise of “reading with” and, instead, acted as participant observers. I felt slightly ambivalent in reading this in the text. On one hand, I applauded their commitment to centring the knowledge and experiences of those participating in creating these new interpretations of the Bible – this queer African archive. On the other hand, and while I did not encounter any interpretations of scripture that might be considered life-denying in *Sacred Queer Stories* (although, admittedly, I am no biblical scholar myself), I wondered what did or might have happened in instances where life-denying and potentially threatening interpretations did come to light? Is there space here for trained biblical scholars and theologians to offer the community new resources and tools through which to read the Bible and, in turn, make sense of their stories? Is there space in *Sacred Queer Stories*, and more broadly in the production of queer African archives, for Nadar’s interventionist conscientising paradigm?²⁰ Or is this a space reserved only for “organic intellectuals”, that is trained individuals from the community? If our answer is the latter, then perhaps our attempts in building a queer African archive must not only centre the facilitating of telling stories, or even the production of theory from these stories, but equally on training and facilitating environments that allow for the emergence of these organic intellectuals.

Does my ambivalence, then, suggest that *Sacred Queer Stories* has nothing transformative to offer in this context? I argue that there are a few differences in the original application of CBS and the project described in the book that allows it to be thoroughly transformative and queer. *Sacred Queer Stories* is not, in fact, as reliant on the binary between the ordinary reader and trained intellectual as CBS is. Nadar’s critique that communities need to be conscientised by scholars so as to become more aware of their oppression as implicated in particular interpretations of scripture, does not seem applicable to the Ugandan LGBTQI+ people featured in the book. Siya Khumalo aptly proposes, through the title of his book, “You have to be gay to know God”.²¹ In the instance of *Sacred Queer Stories*, this could be

²⁰ Nadar, “Hermeneutics of Transformation?,” 341.

²¹ Siya Khumalo, *You Have to be Gay to Know God* (Cape Town: Kwela, 2018).

transposed to read, “you have to be gay to know the Bible”. Admittedly, the biblical understandings and interpretations are not based on accurate historical contextual readings, but that is not to say they are not critical. In fact those featured in the book are uniquely aware of the cultural power of the Bible and how it has infiltrated various discourses against them. They have been, in this instance, trained by their experiences and the discourses around them to reinterpret and reimagine the Bible in ways that even biblical scholars may not be able to. This is where the transformative potential of this exercise in (inter)textuality lies: in the ability to use the Bible to “talk back” to power and produce counter-narratives and stories of resistance.²² The potential held within these queer and questioning lenses is significant and should be seen as transformative.

Conclusion

Within the politically loaded context that debates about gender and sexual diversity takes place in various parts of Africa, it is imperative that we remain critical and reflective of the purpose and methods driving contributions made to an expanding queer African archive. *Sacred Queer Stories*, and projects like it, that centre the stories and lives of Ugandan and more broadly African LGBTQI+ people are an enormously meaningful endeavour. It acknowledges and joins together the research project and the participants’ needs in thoughtful and meaningful ways. Central to the project are the lived realities of people who tell their stories and the potential to create transformative understandings and interpretations of oppressive and harmful discourses and beliefs. The book also reminds us that the archive should be embraced as always incomplete, varied, and changing. Yet, if we seek to expand it, we must be conscious of our curation and what it means for those whose lived realities are affected by the stories we tell and how we tell them.

Acknowledgment

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²² van Klinken, Stiebert, Brian and Hudson, *Sacred Queer Stories*, 133.

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Sacred Queer Stories: Personal Reflections from Community-Activist Researchers

Sebyala Raymond Brianⁱ and Fredrick Hudsonⁱⁱ

SHORT BIO

ⁱSebyala Raymond Brian and ⁱⁱFredrick Hudson are co-founders of The Nature Network, a community-based organisation of LGBTQ refugees mostly originating from Uganda, based in Nairobi, Kenya. In 2019-2020, they served as local research coordinators on the project “Sacred Queer Stories”, which was a collaboration between The Nature Network and the University of Leeds. Together with Adriaan van Klinken and Johanna Stiebert, they co-authored the book *Sacred Queer Stories: Ugandan LGBTI+ Refugee Lives and the Bible* (Suffolk: James Currey 2021). In this contribution to the roundtable, they narrate and reflect on their participation in and contribution to this project. The text below is an edited transcript of their input at the Es'kia Colloquium at Wits University, South Africa, on 15 September 2022.

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Hudson

I am so glad to be here with you today and celebrate the release of *Sacred Queer Stories*. I want to thank Professors Adriaan and Johanna for introducing the idea for this project to us way back when we were still refugees in Nairobi, Kenya, and for developing it with Raymond.

I have to say, when I first learnt about this idea, I was really scared. I had seen it on paper but I did not see the workability of it until we started together as a team, then it started to make sense. I was scared about the focus on the Bible – I would not say the Bible is hateful, or that it says things that are hateful to some people, or that it says things that are somewhat controversial. Instead, I would say that people use the Bible to bring hate; they twist the scriptures to their own understanding in order to hate and discriminate others. That is the context I grew up in, especially in churches. When I was younger and back home in Uganda, and also here in Kenya, you would go to church to find them talking about us, “the homosexuals”, in very bad ways: “It’s a *sin*”, “it’s *bad*”, “the Bible says this!”. That is what pastors were feeding their congregations and to us when we were growing up. So, we grew up with that *fear*, thinking that we are less than other people – thinking that our sexuality is *wrong*, thinking that it is not *right*, thinking that

we are *inhumane*, that we are *demons*, that we are *devils* and all other sorts of names they would call us.

When Professor Adriaan and Johanna initially raised the idea for this programme to us, I was scared: “*No, there’s no way we can come up with this, there’s no way I’m going to do this!*”. But as we sat down and talked about it, things changed: “*oh, actually it makes sense*”. The idea was that we could use the Bible, as a book that was previously used against us, but this time we were going to use it to tell our *own* stories, relating our own lives to Bible stories, such as Daniel in the lion’s den and the woman who was accused of adultery. We would look at these stories from our own perspective and then relate them to our own stories of what happened to us and other LGBTI refugees in Kenya who shared their stories with us for the project. So, the Bible became relatable. How can I describe it? I don’t want to exaggerate, but the project was out of this world!

It was out of this world to read those old stories from the Bible which many people were already familiar with and then look at them in our own way; relating them to our own lives and to what happened to us. For me, the story of Daniel became a recognition of my own story! And when we interviewed other people in our community, their stories also became relatable to the stories in the Bible. While conducting the interviews, I quickly realised that I was not alone in having gone through those experiences; the gravity of my own experience was put into perspective by listening to other participants who also had *impactful* stories. They too had faced immense challenges. Their stories could also change lives. Their stories about what they have gone through, how they overcame difficulties in their lives, and how they used their challenges to communicate with others and make a change are worth sharing. Thank you so much!

Sebyala Raymond Brian (aka Mother Nature)

Thank you so much to my colleague Hudson. I am delighted to be part of this conversation. People say “dreams come true” and for me, this moment is the manifestation of my dreams coming true in real life. I am incredibly excited to be here along with Drs Stella Nyanzi, Adriaan, Johanna and everyone who is participating in this conversation. I am Sebyala Raymond Brian, aka Mother Nature, the *mother of everything* in the whole world! Praise be to God! Whenever I say “praise be to God” I feel immensely loved and I believe *in* myself. I am delighted and grateful for having worked hand

in hands with Adriaan and Johanna, to have worked with my colleagues here and other people who are dear to me.

Even more so, I am grateful for having worked hand in hands with Dr Stella. Years ago, when home in Uganda, I began working with Dr Stella. To be honest, I did not feel ready for it and could not see things working out, but she made me believe in myself! At that time, anti-gay propaganda in Uganda started to go viral – people used to talk about gay people as sexual deviants, and it made me not love myself. However, things changes when I joined the research team at Makerere University and started working with Dr Stella. Things turned around from negativity to positivity. She made me believe in myself, made me believe that I *can* be gay or any other sexuality, that it does not define *you* – you have to be you, just be yourself.

In fact, my mother taught me the same lesson when I was young. When I was still a little kid, I used to get bullied a lot, at school, in the community, in my family. I was confused as a person, whether I was a boy or a girl. I was struggling personally and in class I could not relate to other people. I could not see myself being human like other people because I could not understand myself. This bullying made me so uncomfortable that I went to ask my mother whether I was a boy or a girl, and she just told me, “*You are who you are* – that’s your nature”. From that moment, when people would bully me, or whenever people would harass me about playing with girls or playing girl’s games, I would just tell them that it is my nature. That is how I chose that name, Nature! Everything obeys the law, but nature does not. It does not obey the law. It is simply who you are! I learned that I cannot differentiate between my body and my feelings. Sometimes I was *confused*, asking: who am I? What is true? What must I follow? Who started this? But I learned that I should not forget that there was a Creator, there was God who created *everybody*, who created *everything* on the earth, who created everything that has life.

Several years ago, I met Dr Adriaan in Nairobi. We were having a conversation, brainstorming ideas. Later, he wrote to me saying that what we talked about could become a big project: “Guess what? We are going to have people share their stories. We are going to have people share their life, talk about religion, about being migrants and refugees.” At the time I could not see how this was going to happen. Adriaan just assured me that everything would work out. So, I went back to the things I had learnt while

working with Dr Stella: focus group discussions, interviews, etc. We combined everything and it became the big project we are celebrating today with this wonderful book, *Sacred Queer Stories!*

At Nature Network in Nairobi, we used to have prayer meeting sessions with psycho-social support. In these sessions, we would bring people from different religions together, asking them: what do you say about your faith and being queer? Do you still believe in God? Do you feel that God is there for you? It turned out that the majority of our community loves God. However, because of the way people talk about the Bible and being gay, people distance themselves from going to church. In our prayer meeting sessions, our members would share those stories and we would pray together. It was from here that the idea for this project came about; that the Bible, which is so often used against us, can also be about us! When we started working on this, the participants became incredibly excited. They were excited to share their stories and experiences and relating them to the Bible. They wanted their stories to be heard by the world!

Sometimes you hear things, people telling you that you cannot be gay, it is impossible, it is a foreign thing, God does not make mistakes, you cannot love a fellow man or a fellow woman – all the things that people talk about, all the *propaganda!* For our participants, this was liberating: “*oh, my God, we’re going to share our stories, we’re going to be heard!*” Moreover, what made the experience different and unique was that in the project the stories were going to be dramatised, making the process very creative. Participants loved acting out their stories! The motto of Nature Network is “Art with a vision”, and as such, we wanted the project to be creative. Because not many people read books, but people love drama and film, this was a way to bring it to more people.

People often think that gay people are sinners, that they are possessed by demons, they do not read the Bible, they do not know God. But guess what? Our participants knew the Bible, much more than we thought! And they loved turning their own experiences, everything they have been through, into stories from the Bible! One production we made was a drama film called *Daniel in the Homophobic Lion’s Den*. It is about us! It captures everything we went through back in Uganda when the “Kill the gays bill” was introduced and the anti-gay propaganda went wild. When the bill was introduced, many queer people left Uganda. They became refugees because of their sexuality,

leaving everything behind and trying to start a new life in the middle of nowhere. But they did not leave their faith behind, they kept believing in God, like Daniel. It was clear how significant and relatable his story was to *them!*

The other story we worked on was about a woman found guilty of adultery. We have been there! Queer people are constantly stigmatised. People do not believe that there is love in homosexuality, they do not believe that gay people have feelings. Rather, they think of us as demonic, that we do it because of money – but we do not! We have feelings! We want to get married, go to church, we pray, and we believe in God, regardless of what other people say. All these experiences, all this trauma, connected us to these Bible stories, and we related to them. This made it easy for participants to *share* and to *act* in the drama play because it was about their lives and they were acting out themselves and what they are going through, which is *real*. The process was not always easy but we made it through by the grace of God, and we made it *happen!* People often think that some things are not possible, but they are. We have produced a book and a film about us as LGBTI refugees, and it is a dream come true!

Hermeneutics of Life and Death, Liberation and Mourning: Response to a Roundtable about Sacred Queer Stories

Adriaan van Klinkenⁱ and Johanna Stiebertⁱⁱ

SHORT BIO

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In memory of Francis (19 April 1994 – 14 November 2022)



Figure 1: Francis

One morning in November 2022, we woke up to a new message in our *Sacred Queer Stories* WhatsApp group that had created at the beginning of the project. During the research that gave birth to this book, the WhatsApp group served as the team's communication and planning method. Although the project has now been completed, the group (comprising of Sebyala Brian, Hudson Fredrick, and ourselves) has remained as a medium for us to stay in touch and share in one other's lives, even if through, sometimes infrequent, messages.

The message on this Monday morning was a distressing one: the body of one of the project participants, Francis, had been found on a roadside somewhere in Kampala, Uganda where he had been beaten to death. Francis had participated in the second part of the project, when we worked with LGBTIQ refugees to examine the bible story of “Jesus and the woman caught in adultery” to explore experiences of stigma, community judgement, and the quest for affirmation and liberation. In the retelling and dramatization of this story, which can be found on YouTube entitled “Jesus and the guys caught in indecency”, Francis was one of the most enthusiastic actors, especially in the opening scenes where queer folks are dancing in a club and Francis is, quite literally, showing off his bum. A talented performer and singer, at the launch of the book, *Sacred Queer Stories*¹, in February 2022 at the Nature Network premises on the outskirts of Nairobi, Francis sang “Amazing Grace” in such a beautiful and powerful way that those present were visibly moved.

Francis’ voice will no longer be heard. His bum will never again be shown off. The talents he had will not be realized and the ambition he presented will not be fulfilled. He is no longer with us. Although the circumstances of his death remain unclear, the fact that his body was found in Kampala shortly after he had decided to return to Uganda as the asylum and resettlement process with UNHCR in Kenya did not see any progress is yet another illustration of the transience and vulnerability of the lives of members of the LGBTQI community that we worked with for this project and whose voices are presented in *Sacred Queer Stories*.

Francis’ death, and the way in which his life was subsequently remembered and mourned by the community of which he was a vital part, was a reminder for us that the work we undertook in this project is a matter of life and death; that the community facing these challenges is as fragile as it is resilient and, in the words of one of our participants, a “close-knit family”. It was also a reminder that the partnership that Nyanzi writes about in her contribution to

¹ Adriaan van Klinken, Johanna Stiebert, Brian Sebyala and Fredrick Hudson, *Sacred Queer Stories: Ugandan LGBTQ+ Refugee Lives and the Bible* (Suffolk: James Currey, 2021).

this roundtable – the partnership between us, white, UK-based academics, and a community of LGBTIQ refugees in Kenya – is so much more than the technical and lifeless terms of “co-production” and “co-authorship” can capture. It is an ongoing relationship where we continue to share, albeit from a physical distance, in the lives of the members of the community who participated in the project, celebrating their achievements but also mourning their losses, long after the formal end-date of the project.

Figure 2: Vigil and prayer session for Francis, at Nature Network, Nairobi.

In light of Francis’ death, the methodology of our project has been both



challenged and pushed in new directions. The Bible stories we worked on in the project (Daniel in the lions’ den, and Jesus and the woman caught in adultery) reflected the experiences, struggles and hopes of our participants. Yet, with their focus on liberation and de-stigmatization, they cannot capture the full range of the life experiences that LGBTIQ refugees face. To put it poignantly and painfully, Francis did *not* survive the lions’ den of a homophobic society. Clearly, this particular biblical story, and any other, has its limitations. Where in the story Daniel is protected against the lions by an angel sent by God, Francis was brutally murdered. All we can do, in the words of one member in our WhatsApp group, is “to just pray for her to rest in peace with the angels”.

Which biblical stories could be used, if we had the opportunity, to create a space for sharing and reflecting on the ongoing pain, vulnerability, and trauma that this tragedy has revealed and reinforced, and to find comfort and encouragement? In the context of the suffering and death caused by the HIV epidemic, some African biblical scholars have proposed foregrounding biblical traditions of lament.² Similar language may be needed in the face of ongoing queer trauma in contemporary Africa. Or is it the language of “talitha cumi”, so widely employed by African women theologians who use the story of Jesus bringing a little girl back to life as a paradigm for the ongoing quest for life, healing, and resurrection in the face of death?³ How would a “talitha cum hermeneutics”⁴ look like from the perspective of a community of LGBTIQ refugees who risk being beaten to death among other major threats, such as blackmail, rape, and violent beating? The breadth of discursive genres and narrative theologies within the Bible appear to map onto the full range of the life experiences of the LGBTIQ refugees who participated in our project, which allows for what Nyanzi describes as the innovative and powerful “triangulation between life stories, bible stories and research participant interpretations of scripture”, and the ongoing expansion of what Robertson describes as the “African archive of sacred queer stories”.

Both Nyanzi and Robertson are very generous in their discussion of *Sacred Queer Stories* and its attempt to facilitate a dialogue, or “inter-reading”, between biblical stories and the life stories of Ugandan LGBTIQ refugees based in Kenya. We are grateful for their assessment that, by and large, the book achieves and delivers on the intentions of the project. That is, the intention for us, as UK-based academics who are allies of the community in question, to produce knowledge together through a participatory and creative process of story-telling and re-telling. A process in which the Bible

² Madipoane Masenya, “Dangling between Death and Hope: An HIV and AIDS Gender-sensitive Re-reading of Psalm 6,” *Verbum et Ecclesia* 37, no. 2 (2016): 1-8; Gerald O. West, “Between Text and Trauma: Reading Job with People Living with HIV,” in *Bible through the Lens of Trauma*, ed. Elizabeth Boase and Christopher G. Frechette (Atlanta: Society of Biblical Literature, 2016), 209-230.

³ Nyambura Njoroge and Musa W. Dube (eds.), *Talitha Cumi! Theologies of African Women* (Pietermaritzburg: Cluster Publications, 2001).

⁴ Musa W. Dube, “Talitha Cumi! Some African Women’s Ways of Reading the Bible,” in *The Bible and the Hermeneutics of Liberation*, ed. A.F. Botha and P.R. Andinach (Atlanta: Society of Biblical Literature, 2009), 133-146.

is appropriated and reclaimed as a text that recognizes and affirms the life-experiences of community members and gives voice to their quest for dignity and liberation. Even more important to us is the way in which the community itself has experienced this process and benefited from its result. The contributions of our collaborators and co-authors, Sebyala Raymond Brian and Fredrick Hudson, to this roundtable are testimony of their investment in the project and its outcomes as well as of their trust in us, which we do not take for granted considering the risk of power imbalances in projects such as this alluded to by both Nyanzi and Robertson.

Reflecting on their own involvement, Raymond writes that “the process wasn’t always easy but at least we made it through with the grace of God, and we made it happen!” Perhaps it was this awareness that inspired Francis to perform “Amazing Grace” at the launch of *Sacred Queer Stories*. Organized by and hosted at the Nature Network in February 2022, this launch was an occasion for the community to receive and celebrate the tangible outcome of the project in which they had participated. Community members were visibly excited to see the hard copy of the book that includes their stories in front of them and presented to them and celebrated it as a recognition of their work and an affirmation of their lives. “A book with our stories – this is a-ma-zing!”, one of them shouted, with others responding by saying “amen” and “praise God”. Perhaps here also lies an answer to Robertson’s most critical question about the transformative potential of the methodology of the contextual, creative, and dialogical Bible study deployed in the project. As Hudson succinctly puts it in his contribution to this roundtable, “the Bible became really relatable”. From a potential or actual “text of terror”⁵, this sacred Scripture was engaged as “a friendly text”.⁶ It illustrates what we conceptualize as the “hermeneutics of trust” (rather than a hermeneutics of suspicion) with which participants approached the Bible.⁷

⁵ Phyllis Trible, *Texts of Terror: Literary-feminist Readings of Biblical Narratives* (Minneapolis: Fortress Press, 1984).

⁶ Robert E. Goss and Mona West, “Introduction,” in *Take Back the Word: A Queer Reading of the Bible*, ed. Robert E. Goss and Mona West (Cleveland: The Pilgrim Press, 2000), 5.

⁷ Alice Yafeh-Deigh, “Rethinking Paul’s Sexual Ethics within the Context of HIV and AIDS: A Postcolonial Afro-Feminist-Womanist Perspective,” in *Navigating African Biblical Hermeneutics: Trends and Themes from our Pots and Our Calabashes*, ed. Madipoane Masenya (Ngwan’a Mphahlele) and Kenneth N. Ngwa (Newcastle: Cambridge Scholar Publishing, 2018), 20-39.

The Bible becoming relatable does not, at first sight, bring about any major social change. Yet, on a small-scale, grassroots level, perhaps it does. As Robertson acknowledges, the transformative potential of the *Sacred Queer Stories* project is in its “ability to use the Bible to ‘talk back’ to power and to produce counter-narratives and stories of resistance”. Both she and Nyanzi mention the risky and “potentially dangerous” aspects of this strategy citing the ambivalent messages that can be, and are, derived from the Bible in relation to questions of sexual and gender diversity. Yet they also acknowledge the transformative potential that was explored and made productive through this project.

The Ugandan LGBTIQ refugees who participated in our project narrated experiences of trauma and pain caused by religious leaders and communities, in particular noting situations where the Bible had been used to deny them their dignity and right to exist. Nevertheless, they demonstrated an overall attitude of trust towards the Bible, distinguishing the sacred text from the religious authorities that seek to manipulate it and use it for their own end. This appeared to be enabled by their fundamental trust – or faith – in the God of the Bible, which allowed them to identify with and reclaim the affirming and liberatory elements of the biblical text and reject as irrelevant other elements that were at odds with their faith in a God who created them the way they are. By identifying themselves in the text of the Bible, they were able to speak back prophetically to the social, political, and religious actors invested in promoting queer-phobia and anti-queer violence and envisage an alternative future. The drama plays produced as part of the project express this prophetic critique and reflect a creative African queer religious utopian imagination.⁸ Imagine the social chance that could occur, if only religious leaders, politicians, and other spokespersons of the anti-queer brigade would watch these plays, read the life stories collected in *Sacred Queer Stories*, and allow themselves to be touched and transformed by them!

⁸ See The Nature Network, “Daniel in the homophobic lions’ den,” YouTube, 24 January 2020, <https://www.youtube.com/watch?v=-0j9xq6xX8c&t=11s>; The Nature Network, “Jesus and the guys charged with indecency,” YouTube, 19 February 2020, <https://www.youtube.com/watch?v=9f-1JD9tQew&t=50s>.

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Hermeneutics of Life and Death, Liberation and Mourning: Response to a Roundtable about Sacred Queer Stories

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