On February 12, 2010 in Mtwapa, Kenya, five men were taken into custody by the Mombasa police for “having unnatural sex against the order of nature.” Two of the men had been pulled out of the offices of the Kenya Medical Research Institute (KEMRI) by a group of an estimated 200 to 300 protesters and were being beaten by the crowd until the police intervened. Three other men in the KEMRI offices were also arrested. In an interview with Kenyan media, a police spokesperson re-affirmed the arrests: “We are grateful to the public for alerting the police. They should continue cooperating with the police to arrest more. It is an offence, an unnatural offence, and also their behaviour is repugnant to the morality of the people. These men will undergo a medical examination before we charge them with homosexuality.”

The crowd who marched on the offices of KEMRI did so following rumors of a gay wedding scheduled to take place in a private residence on the Kenyan coast. They were exhorted to march by select Christian and Muslim leaders. Rather than condemning the violence and repudiating the messages of these religious leaders, broader coalitions of Christian and Muslim leaders—including representatives of the National Council of Churches of Kenya, the Council of Imams and Preachers of Kenya, and Supreme Council of Kenya Muslims—spoke out in support of these actions. How did KEMRI—a research institution with ties both to the Kenyan government and to non-governmental and academic international relief, development, and public health initiatives—become the target of a public protest against a rumored gay wedding?
organized by Christian and Muslim religious leaders? And why would the specter of a gay wedding result in a show of inter-religious cooperation that led to violence?

This presentation will examine the events in Mtwapa in order to examine these critical questions. The presentation consists of two sections. The first section examines key, competing claims about homosexuality in African societies by employing an analysis of cultural power using the ideas of the French cultural theorists Michel Foucault and Michel de Certeu. The second section will draw on Certeau’s ideas as a frame for understanding those most affected by these competing powers in the specific events in Mtwapa—namely, same gender-loving men in Kenya. These men are often objects of debate or discussion (or academic presentation); however, their own perspectives as social subjects are less often heard. The second section will bring the story of one of these men to the fore and argue for the critical importance of those perspectives as a resource for moving beyond the divisiveness of current debates.

Section I: Claims and Counter-claims: Debating Homosexuality in African Societies

Although a number of competing claims about homosexuality in African cultures have been made, many of them contain some element of the following two positions:

• Same-sex attraction and expression is a new phenomenon in African cultures, having first been imported by corrupt colonizers and now being foisted upon African societies in a neo-colonial display of power.²

• A commitment to fundamental human rights compels anyone concerned with ending human suffering to fight against African political and cultural systems that criminalize homosexuality and support stigmatization.³
On the surface, each claim offers some appeal. Most of us would be (or are) rightly critical of neo-colonial power, whether it emanates from political or cultural spheres. Similarly, most of us would be (or are) supportive of efforts to end human suffering. But the implications of each claim are troubling. The first claim can lead to condemnation of same gender-loving people who are already members of cultural systems where such claims are made. Rhetoric ostensibly fashioned to raise critiques of undue outside cultural influence could also end up also stigmatizing people inside of the communities from which the rhetoric originated. The second claim can lead to an unexamined cultural superiority under the guise of human rights. A concept intended to confront violence and repression could end up imposing universalist and Western cultural assumptions onto cultures in which those assumptions make no sense.

For at least two decades now, these two positions have marked the boundaries of many global debates on homosexuality. This presentation will not rehash those debates; rather, it will explore the idea that the sharp divides on homosexuality represent responses two different forms of power within society using theories of power developed by Michel Foucault and Michel de Certeau.

Foucault’s unique contribution to our present-day understanding of power consisted in completely overturning the conceptual framework by which it was understood. For Foucault, repressive power existed and it should be resisted through individual and collective efforts. We should, in short, speak out against the tyrant. However, the more interesting (and interesting because it was pernicious) effect of power lay not in what it disallowed or repressed but in what it made possible or
produced. Beginning with *Discipline and Punish* in the 1970s, Foucault’s work focused on exploring various dimensions of this form of power. In *Discipline and Punish* Foucault described a function of power that ordered human lives not through threat of bodily harm but through an unending sets of practices and processes designed to regulate and order our daily lives so that we might become “better” selves: our relationships, our modes of work, even the time we spent alone by ourselves. Governed by the power of the norm that determined the standard for which we should all strive, we disciplined ourselves to become good citizens of the social order. We eagerly embraced this form of power because it provided us with benefits if we agreed to abide by the norms it demanded. In the Introduction to *The History of Sexuality*, Foucault described the ways in which these norms function to create sexual subjects. He described modern Western society as obsessed with sex: we can’t stop thinking or talking about it but we can only think about or discuss this Very Important Thing known as sexuality in certain normative ways.

Foucault died before exploring the full implications of his theory of power. However, even as he was tracing the strands of this power through the cultural history of European societies, he was also aware that the dynamics of their operation were changing. The policing function of the norm that comprised disciplinary power first articulated in *Discipline and Punish* was giving way to other mechanisms of power that order our lives not so much through disciplinary norms erected by governmental and social institutions but by the free market in which government takes a back seat to the inviolable interests of the corporation and individual initiative is the measurement of moral character. The disciplinary societies that flourished from the mid eighteenth to
the mid nineteenth centuries have given way to the social and economic (but not merely economic) forces of neo-liberalism.\textsuperscript{6}

For those of us from Western societies who are gay or lesbian the singular focus on the moral character of the object of our sexual choice has lessened (though by no means disappeared). Today, the benefits that neo-liberal forces bestow on us are not contingent on adherence to the norm of the approved sexual subject but on being the right type of consumer and producer. Show initiative. Work hard. Don’t burden the system with significant psychosocial or (God forbid) economic needs. Follow these rules and you’ll be rewarded and you can be an upstanding citizen who participates in that supremely moral good: the creation and flow of capital. Lesbians and gay men have arrived as approved neo-liberal subjects who can enjoy the benefits of marriage (and can pay for a fabulous wedding in growing locales—most recently Hawaii) and see ourselves reflected in popular culture (“I just love Modern Family and Kurt’s heartfelt falsetto on Glee can make me weep!”).

When those of us who reside squarely in the space that benefits from neo-liberalism invoke a human rights discourse to inform people in Mtwapa (or countless other locales around the world—take your pick) how they should treat their fellow citizens, the cynicism of those we’re informing is surely understandable. Having endured the effects of neo-liberal policies that demand structural adjustment programs as preconditions for debt relief or support the entry of a small percentage of their fellow citizens into the emerging middle and professional classes while the vast majority struggles to find basic necessities, many are suspicious when those of us from the West lecture them about the moral dimensions of LGBT discrimination. Is it possible that the
HIV prevention program run by KEMRI at Mtwapa that was targeted by the mob intent on disrupting a gay wedding came under suspicion because it is aligned with Western public health programs, programs that often invoke a human rights discourse to support their practices? Is it possible that those who attacked the men at KEMRI did so because they were suspicious of institutions such KEMRI that support humanitarian efforts such as public health and development programs because those institutions often align with the agenda of neo-liberalism? For that mob, if neoliberal policies have wreaked havoc on their country and fellow citizens then does it not make sense to target those structures that embody neo-liberalism?

Further, when we urge same gender-loving folk in other cultures to employ the same actions that we have used to dislodge disciplinary power in our own cultural institutions (actions that may now actually re-enforce neo-liberalism) our unreflective encouragement may actually increase their exposure to social violence because we fail to adequately assess what kinds of local actions are necessary to dislodge culturally-specific institutional power. According to the concepts of the French culturist theorist Michel de Certeau, in these instances we have failed to distinguish between the strategic and the tactical.

In his book, *The Practice of Everyday Life*, Certeau describes the daily activities of people in modern-day cities. His book is, in many ways, a primer into the ways in which people resist the governmentality of neo-liberalism in the practices of their daily lives. Directly drawing on Foucault’s concept of power, Certeau develops a notion of strategies and tactics. Strategies consist of an exercise of power emanating from the various recognized institutions of society; strategies, then, are examples of productive
power put to use to further existing power structures. The kinds of power employed by those with little or no access to strategic power is tactical.

Tactical power is transient, improvisatory. It does not reside in institutions and it does not set down roots. Tactics to circumvent or subvert strategic power are employed “on the run,” in response to the well-organized and institutionally supported strategies of social power. As such, they do not last long; they do not take up a home in an institution. If tactical power is subsumed under an institution, most commonly this turns the tactic into a strategy; the power exercised by those on the margins is recalculated in support of those in power. If the discourse of human rights were to be employed to decry violence against same gender-loving people then I would argue that such discourse should be tactical (transient, improvisatory, and local) and not strategic (static, well-established, and universal). At minimum, those who deploy concepts of human rights must consciously ally themselves with the tacticians in resistance to the strategists wherever and whenever they spot the tactical. But how often does this happen? How often do the primary proponents of human rights discourse allow their speech to be disrupted by the tactical?

Section II: Over My (Mother’s) Dead Body: When Sexual and Religious Identities Do Not Fit

In order for the tactical to be heard, those who have developed tactics must be heard. This can be difficult. Bringing the tactical into approved discourse most often changes its function and effect as the power of the strategic colonizes tactical power. This is why tactics remain temporary and improvisatory. Nonetheless, it is possible for
us to make some conscious decisions as to how we will negotiate the strategic and the tactical. Most of us occupy social spaces comprised of some mixture of the strategic and tactical. The ethical question in front of those of us who do is to assess how we employ the strategic when we encounter the tactical; this can be difficult since the strategic constantly urges us to accept the benefits it offers if we’ll submit to its demands. This section is an attempt to resist such temptation and allow the tactical to disrupt the strategic—the strategic power of the discourses of both Christianity and human rights. It presents a story of Elvis, one of the men who was part of the group targeted by the mob in Mtwapa.

Elvis was not born in Mombasa or in Kenya for that matter. During his adolescence and before he had finished secondary school, he knew he was fundamentally different from many of his classmates. And his family knew it too. He perceived hostility from his family and his community that sometimes was made very real through physical or emotional abuse to the extent of being marginalised and sidelined by both. Many in his own family and the community treated him as a sinner based entirely on their perception – whether accurate or not; regardless of whether it was “Christian” or not – that he was different.

He ran away from home and from the torment and found himself living on the streets of Mombasa. To survive, he eventually turned to commercial sex work and somewhere along the way he became infected with HIV. Now he truly was different, but at least one dilemma in this story is determining who in fact sinned, or who sinned more profoundly: the young man who engaged in sex-for-money so he could survive, the person who (knowingly or unknowingly) infected him, the family and community that so ostracized him that he ran away, or the society that supports social structures that continue to ostracize and leave men like Elvis with few options for either livelihood or community?

Elvis could have succumbed to despair and hopelessness when he learned of his HIV infection, but decided instead to seek out support and the opportunity to live a healthy life. After a period of incurable coughs, chest infections and other maladies, Elvis was enrolled in the Kenya AIDS Vaccine Initiative (KAVI) Mtwapa cohort, started treatment with anti-retroviral drugs (ARVs), and joined a support group that, for the first time since running away from his home country, provided a surrogate family and a sense of community and shared responsibility. In this space, Elvis’ health has made a turn around, his sense of self worth has progressively increased and he has been a beacon of support for others whose expression of sexual orientation has landed them in a similar quagmire. While being in Kenya under his unique circumstances has not provided him with legal protection and security, at least within this group, his ‘family’, he
has been able to freely express himself and take necessary steps for survival. His HIV drug adherence rate is among the best within the group and he is always encouraging all members of the group to ensure they take their medication on time and all the time. He visits fellow group members when they are in jail and takes medication to them. Not unlike the Apostle Paul, they are often arrested on trumped charges and serve long periods before a sentence is pronounced, or without a sentence are finally released. In the face of other group members desperation he extends a ‘knowing’ hand – he has been there and knows what it is to be in anguish.

Through his recovery path, Elvis was clear that working on the streets would not adequately support him and actually placed him in more danger. Using resources availed by the group through ‘merry-go-round’ he was able to set up a business. With the increased income he was able to not only fend for himself but also to support other members who were in dire straits becoming a true embodiment of resilience.

Elvis’ mother died in 2008. Even though it is still mysterious how the family were able to get in touch with him, he was notified of the demise and being the eldest in the family, he was summoned back to his country to participate in the mothers burial rites. All the savings that he had put aside from his business was spent on travel, gifts for surviving family members and other ‘kinsmen’ and his own subsistence. The burial rites were conducted amidst questions about his work, his living conditions, and his friendships. Whereas the funeral was conducted within a Christian setting, on his departure day, a cultural ritual was undertaken which brought to the fore both the clash of Christianity and African belief and the individual’s cultural roles and obligations. Surrounded by family members and standing on the grave of his departed mother, Elvis was sworn and made to promise, that on future return to his home country, he will have a wife and children.

Whereas culturally this is a common practice among his ethnic group, there is little recourse in either law or Christianity to salvage his situation – either he could have been arraigned in court for “unnatural offences against nature’ or dejected by a stigmatising and discriminating ‘Christian community’. There is unresolved struggle: completely exiling himself from this community, getting married (to a woman) and risk having children who might be born with HIV or disclosing both his HIV status and sexual expression in the face of the promise. The stress associated with this has compromised his treatment adherence and Elvis is in extreme anxiety for himself and his future.

Through his life’s journey, the Church has not been a place of solace and consolation for Elvis. The ‘sinful’ life that he has led could be construed as having brought the wrath of HIV to him and thus in the theology of the Levites, he is reaping what he sowed. In contrast he knew he was different from a very tender age; the difference had not manifested itself until he ran away from home and landed in the streets and to survive did what he could at that time. Hiding from the law – as he continues to do today, due to a legal framework that is neither supportive, redemptive nor dynamic, encumbered by traditional and cultural roles and obligations, burdened by stigma and discrimination against both his sexual expression and HIV, the Church has tragically neither reached out to minister to him nor embrace him as Christ embraced the lepers of his day.
Despite struggles that many of us can only imagine, of injustice piled on top of injustice, Elvis has refused to be a prisoner of misery. He lives in hope; hope that is as much a part of accepting himself as it is of rejecting either the power of ancestral spirits to affect his destiny or the condemnation of Christians who practice “the love of Law” rather than the “Law of Love.” He is among the many young people like him who continue to find comfort in newly created niches. In Kenya as in other East and Central African countries suffering has mobilised groups who aspire for a new connectedness to each other. For an affirmation that they are not alone and that their anguish, aspirations and inspirations are indeed shared and every tiny success celebrated among fellows.

We believe that Elvis’ story offers evidence of the tactical. It is story of marshaling power in the face of strategic power structures of family, culture, religion, and law. It is complicated and ambivalent, lacking a clear resolution of a happy ending. But in that complexity if offers us lessons into the kinds of strategies and tactics that may advance a decent life for same gender-loving people. Those strategies and tactics will employ the discourses of religion and culture and human rights and the law. They should employ such discourses. But they should not, they cannot, do so uncritically. In the paper session at the Annual Meeting, we hope to focus on Elvis’ story and analyze the narrative using the theoretical ideas presented above to identify characteristics of tactical power deployed by the same gender-loving men in Mtwapa who were targeted by a mob driven by religious fervor. We believe that these kinds of analyses can help us to better determine how we negotiate the strategic and the tactical in our own local contexts and in our own lives.


