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Money, Morals, and Modernity: Making Sense of Same-Sex Sexualities in Malawi

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Increasingly, homosexuality and LGBT activism are at the center of international debates on human rights, health, religion, and sexuality. Despite mounting pressure from international government and nongovernment organizations to decriminalize same-sex sexualities in the name of human rights and health, African political leaders have largely expelled same-sex sexualities from official narratives of Africanness, labeling them foreign and “unAfrican.” This nationalist rhetoric has been employed across the continent, with state leaders representing same-sex sexualities as yet another intrusion of foreign practices into African cultural repertoires – a “festering finger endangering the body” of the nation that must be cut off.

Using ethnographic and archival data from Malawi, a small, heavily aid dependent country and former British colony, this paper examines Malawians’ attitudes toward homosexuality vis-à-vis the country’s history of colonization and the realities of Malawi’s economic dependence on donor governments. I demonstrate that Malawians’ understandings of same-sex sexuality go beyond homosexuality as a moral affront to conservative religious ideas. Rather, the framing of sexual diversity as a neocolonialist project has gained substantial traction among Malawians, providing a foundation for the development of an anti-Western and anti-gay Malawian national identity.

On the flip side, Malawi’s status among the most impoverished countries in the world creates a social and economic context in which donor governments are always already present. Thus, some Malawians interpret same-sex sexualities against the backdrop of past, current and possible relationships with donor governments, wherein support for their livelihoods may be increased, maintained, or withdrawn. Within this context, the persecution of same-sex sexualities can be understood as threat to personal and national economic security, prompting some Malawians to reject statements by political leaders that homosexuality is fundamentally

unAfrican or unMalawian. Finally, I examine how Malawians integrate same-sex sexualities into understandings of their responsibilities as citizens of a “modern” democratic state.

### **The Malawian Context**

The Republic of Malawi is a small, landlocked country in southern Africa. Malawi remains one of the poorest nations in the world with almost 63% of the population living on less than \$2 a day. Alongside the challenges of severe poverty, Malawians must also navigate a mature HIV epidemic; UNAIDS ranks Malawi ninth on the list of nations hardest hit by HIV/AIDS, with a national prevalence among adults estimated at 12%. Roughly half of Malawi's development budget comes from foreign donors.

Malawi is among the 36 African states that criminalize same-sex sexual behavior. Unlike in neighboring South Africa, however, there have been no public campaigns for antidiscrimination laws concerning sexuality or marriage equality in Malawi. Although the visibility of homosexuality and LGBT activism has increased throughout southern Africa recently, same-sex sexualities erupted onto the Malawian political scene following the arrest of Steven Monjeza and Tiwonge Chimbalanga for sodomy in late 2009.

### **Methods**

Ethnographic data were collected throughout the trial in three rural areas of Malawi from April to August of 2010 during the *Republic v. Monjeza and Chimbalanga* trial and sentencing. During fieldwork, I focused on how ordinary citizens and communities made sense of the trial and global policy prescriptions concerning homosexuality and AIDS. Additionally, I pursued ordinary Malawians' accounts of for whom and why protecting same-sex sexualities was appropriate – or not. These data are augmented with Malawian newspaper coverage from 2009 and 2010 documenting the arrest and state official positions on the trial.

## Gays Engage

On December 26, 2009, Steven Monjeza and Tiwonge Chimbalanga held a public engagement ceremony at a lodge in Malawi's commercial capital. Hundreds of nearby villagers gathered to witness the "rare occasion," and the press arrived to interview the couple, calling the engagement the "first public activity of homosexuals in the country." Two days after the ceremony, Monjeza and Chimbalanga were arrested for gross indecency and charged with violating the state's antisodomy statute. Denied bail, Monjeza and Chimbalanga spent the next 4 months in jail while awaiting trial. During this time, homosexuality and same-sex marriage were openly debated by politicians and the press revealing an array of apprehensions about sexuality, marriage, and relations with the West.

There is a proverb in Chichewa, one of the languages spoken throughout Malawi: *Mlendo ndiye ayenda ndi kalumo kakuthwa*. The visitor comes with a sharp knife. Immediately following the arrest of the two men, the advent of homosexuality and same-sex marriage in Malawi was primarily cast as a moral affront and a radical Western imposition – a visitor with a sharp knife imposing new ideas. Several articles in Malawian newspapers denounced homosexuality as a "sin and an abomination as indicated in many verses of Genesis" (Mizere 2010). Pastors recounted the story of Sodom and Gomorrah, filling whole pages of Malawi's two national newspapers, while Imams took stock of the multiple bases for rejecting homosexuality in the Quran. Ultimately, though, these stories called for Malawians to reject homosexuality on the grounds that Malawi, the Warm Heart of Africa, was a "God-fearing nation" and that homosexuality was "unAfrican" and "unMalawian." "As far as the Malawi government is concerned," said official Kingsley Namakhwa, "we only have two gays in Malawi – Steven Monjeza and Tiwonge Chimbalanga."

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Within a day of the arrest, international human rights campaigners had already begun lobbying government officials in the United Kingdom and Scotland to review aid allocations to Malawi. By mid-January, the British Parliament had supported a motion calling on the President of Malawi to, quote, “ensure that they [Monjeza and Chimbalanga] are released from jail and that all charges against them for homosexual relations are dropped.”

In the villages and trading centers in the rural areas of Malawi, donor threats to withdraw aid were sobering. As Blessings, a 30 year old subsistence farmer in the Southern Region explained:

These guys will be successful in the trial because they have many countries and NGOs behind them, including Europe and US [United States], and a very good lawyer, and money. UK [United Kingdom] said that the [Malawian] government should let the guys go or it may affect how much money they give to the government. The [Malawian] government relies on donors, so it is sure the guys will win and be let go. They cannot keep them [in jail]...Malawi would suffer.

In contrast to depictions in Western media of a rising tide of homophobia sweeping Africa, Malawians had mixed views on the status of homosexuality. In fact, throughout their detention and trial, some of Monjeza and Chimbalanga’s most vocal supporters were Malawian human rights activists who worked to reframe debates about homosexuality and same-sex marriage in terms of the rights of minorities and the obligations of a “modern” democratic state to protect them. Shortly after the arrest of Monjeza and Chimbalanga in December, 2009, Undule Mwakasungura, director of Malawi’s Centre for Human Rights and Rehabilitation , called on Malawians to acknowledge that “[w]e cannot afford to continue discriminating the homosexuals. This gay marriage has shown that homosexuality is among us and we cannot continue to pretend.

We need to adjust to accommodate this group of human beings.”

But officials were unwavering; police spokesperson Davie Chingwalu countered, “Homosexuality is not accepted according to laws of Malawi. *The law is not outdated*, it is in the penal code. Section 156 forbids two male [sic] doing homosexuality.” Sidestepping the British colonial origins of sexual-conduct laws in Malawi, Chingwalu’s interprets the the law’s continued existence as confirmation of its modern applicability. These exchanges between rights activists and government officials reflect not only specific concerns about the status of same-sex sexualities in Malawi, but also the state’s responsibility to protect minorities generally and Malawi’s status as a democratic nation in the global arena.

Although many rural Malawians reiterated police spokesperson Chingwalu’s sentiment that Malawian law does not accept homosexuality, others struggled to integrate such a view into their understandings of democratic institutions. In the Northern region, where tobacco farming has proved more lucrative than the maize farming typical of the Central and Southern regions, Gift, a successful but as yet unmarried tobacco farmer explained, “Laws should be for protecting people. Laws against homosexuality, what are they protecting *me* from? They are just abusing the rights of these guys [Monjeza and Chimbalinga]. It is just the churches that have a lot of power and make trouble for these guys. [Monjeza and Chimbalinga] have hurt no one.”

Despite donor threats to revoke aid, on May 18, 2010, Magistrate Nyakwawa Usiwa-Usiwa found that the state had met its burden of proof beyond a reasonable doubt and pronounced Monjeza and Chimbalinga guilty of “buggery and indecency.” Two days later, Usiwa-Usiwa sentenced the two men to 14 years in prison with hard labor, the maximum sentence. Throughout the country, many Malawians celebrated the outcome and supported Usiwa-Usiwa in his decision to not allow donor influence to sway his ruling: as the following

day's paper proclaimed, "Donors must know that we are a sovereign country. Our Judicial system must be respected...We will lose our identity as a nation if we follow everything donors say."

However, this response was not unanimous. The judgment prompted some rural Malawians to question how laws are made and sentences regulated. Outside of a fuel station in Mchinji, a small trading center on the Western border with Zambia, stacks of newspapers boldly declared "Gays get 14 years" in black and red. Seeing the news headline, Samson, an older self-identified religious man in a dusty blue suit, said, "This is not right. The question is how do we decide which sins to legalize and which ones to criminalize? And then, if we can do that, how do we decide how to punish them? Just here [pointing to another article below the fold] this guy has murdered and is given 14 years. So. These guys [Monjeza and Chimbalanga] are like murderers. But who has died? Where are they?" Like Gift, Samson questioned what laws should do and whom they should protect. The judgment further prompted Samson to think about how criminal sentences are decided upon and distributed.

News of the judgment and sentence was met with harsh criticism from several international actors. Within the week, the executive directors of UNAIDS and the Global Fund arrived in Malawi to meet with the President. Malawi's principal donors issued statements condemning the judgment while celebrities Madonna and Elton John drew additional media attention to Malawi's lack of concern for sexual minority rights. Then, on May 30, 2010, ten days after the sentencing, President Bingu wa Mutharika received U.N. Secretary General Ban Ki-moon in Lilongwe, the capital of Malawi. Despite the President's open agreement with Usiwa-Usiwa that the acts of Monjeza and Chimbalanga were "unMalawian" and "totally wrong," the President unexpectedly pardoned the couple before Parliament, "[n]ot because the

law allows them, not because the religion of this country allows them, but from a humanitarian point of view.” In subsequent interviews, Mutharika repeatedly stated that he had not pardoned the two men to meet the demands of donors but rather because he found forgiveness to be the more appropriate path and because, as president, he must be ever mindful of the country’s democratic reputation.

## **Discussion**

In the data I have presented here, Malawian political leaders’ framing of same-sex sexualities as neocolonialist and unAfrican has gained substantial traction among Malawian citizens. Importantly, however, not all Malawians shared state leaders’ penchant for persecuting gender and sexual dissidents or their vision of Malawianess. Aware of the possible consequences attached to the loss of donor funding, citizens questioned the state’s prosecution of Chimbalanga and Monjeza. Still others interpreted the persecution of same-sex sexualities as incongruent with the global discourses concerning democracy and human rights. In highlighting African citizens’ attitudes toward same-sex sexualities and marriage, I hope to refute constructions of Africans as a monolithically conservative and homophobic group. Certainly, more research in this area is needed to evaluate the extent to which these interpretations of same-sex sexualities and marriage are distributed among Malawian citizens. Promisingly, though, research by Jeni Loftus in the US has shown us how attitudes towards the civil rights of same-sex sexualities may change independent of attitudes towards homosexuality as a sexual practice. Similarly, the findings above demonstrate potential for the dissociation of Malawians’ attitudes toward homosexuality from those concerning the rights and responsibilities of citizens. At the same time, however, they must also draw our attention to the ways in which attitudes toward homosexuality are shaped by their entanglement with donor preferences in southern Africa.