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Being Gay and African: A Contradiction in Being?

Martin Odei Ajei

Abstract: Discussion of sexuality in African cultures has a long history, but since the 1990s ethical reflections on homosexuality on the continent have often degenerated into furors and provoked a spate of anti-gay legislation in several countries. Refutations of homophobic dispositions encounter as barrier a pervasive belief in African cultures, that childbearing for community replenishment is a cherished moral duty. Several philosophers consider these to be exaggerated inhibitions that unjustifiably impede social acceptance of homosexuality, and have proposed as a solution what they consider to be self-justifying political-moral principles, that terminate in value-pluralistic ideas such as the acceptance of the equality of sexual orientations and vindication of the right to the freedom to choose and satisfy sexual desire. I question the adequacy of such self-justificatory normative principles and consider the solutions they proffer as depreciating the moral point of the African pro-natalist position. Consequently, I develop a moral argument grounded in the ontology of Kwame Gyekye's moderate communitarian theory of personhood as the most persuasive justification for homosexuality.

1. Introduction

I begin with some clarifications: firstly, I use 'gay', 'lesbian', and 'homosexual' interchangeably to denote same-sex sexuality. Central to these terms is their reference to the state of a person's sexuality and an expression of it. Secondly, I would like to draw attention to the meaning of the notion of 'being African'. Philosophical interest in this notion flourished primarily in debates on the existence or otherwise of African philosophy in the 1980s and 1990s. Two perspectives were delineated in this debate. One considered the predicate 'African' as the most problematic philosophically (Maurier 1984: 25-26). Appiah, for instance, challenged the soundness of asserting an 'African' philosophy as this reifies the diversity of African cultures and their modes of thought. He argues: 'the peoples of Africa have a good deal less culturally in common than is usually assumed' (Appiah 1992: 17), therefore 'the presupposition that there is, even at quite a high level of abstraction, an African world view' is unacceptable (Appiah 1992: 82).

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Several philosophers have disagreed with Appiah and asserted similarities in experience that warrant identifying 'African' as a distinctive mode of being human (Gyekye 1995: 211; Ramose 2002: 35-38). Amongst these is William Abraham, the title and conclusions of whose book, *The Mind of Africa*, are premised on presumptively shared mental characteristics of African peoples, which underlie a mindset with 'a certain "smell" by which their [the African's] tastes and professed reactions in describable situations could be fully predicted' (Abraham 2015: 3). For Kwame Nkrumah, such shared psychological traits, developed through comparable cultural and historical experience, corresponds to 'an African personality', constituted mainly by 'the cluster of humanist principles which underlie the egalitarian outlook of traditional African society' (Nkrumah 1970: 79).

More recently, and arguing from a phenomenological perspective, Abraham Olivier has affirmed that there is something that it is like to be African—just as there is something that it is like to be German or Chinese—and that this 'something' is a culturally distinctive consciousness of self. But for Olivier, it seems, being an African and choosing to be one are two different modes of subjective being (Olivier 2014: 102). Even though one cannot be what one is not, one can choose to be who one is not. Thus, for a non-African, there is something that it is like to choose to be an African, although it remains the case that such a choice does not in itself make one an African. I shall refrain from full discussion of Olivier's arresting distinction between 'being' and 'choosing to be', as it is tangential to the focus of this paper. Suffice it to note, however, that on Olivier's account of consciousness of self, Africans are not only culturally distinct from, say, the Chinese—they also experience themselves as such (Metz 2018: 213).

I proceed from acceptance both of Abraham's and others' objectivist or ascriptive account of African distinctness, and Olivier's phenomenological account of subjective consciousness: being African is a culturally distinct mode of being. This substantiates my disagreement, in concert with other philosophers such as Thaddeus Metz (2012: 19), with claims that the

notion 'African' overly reifies the diversity—and nuances within this diversity—of African cultures. My use of 'African' neither affirms cultural unanimity, nor entails the exclusivist claim that what distinguishes the values and knowledge I affirm as African is their unique African acceptance and application. It means merely that such a perspective is more prevalent in sub-Saharan Africa relative to other geographical locations. As we shall see below, moreover, I maintain that being gay is a distinct mode of human sexuality, and although one can choose to be gay or bisexual or transgender, choosing to be so is, arguably, different from being so. Thus, being gay is, generally speaking, a non-chosen mode of sexual orientation. If we also acknowledge the possibility that being African is a non-chosen cultural determinant of one's being and subjective consciousness, then we arrive at the following possibility: being gay and African is not only different from being heterosexual and African, but it is also different from being gay and Chinese. What might seem to follow from this is that although a Chinese gay sensibility and an African one may have much in common, there may also be aspects of gay African consciousness of self that differ from a gay Chinese consciousness.

Although this strikes me as plausible, I shall focus on a different but no less plausible implication: being gay in Africa may pose culturally specific difficulties and problems; such that its acceptance by the dominant, heterosexual culture may depend at least in part on whether those culturally specific concerns can be addressed, to pave way for toleration and acceptance. My chief concern in this paper, then, is this: is there an African moral theory that justifies being gay in Africa; and can this theory diffuse the need to choose between either one's sexual being or one's cultural being, and allows for embracing them both? I shall answer this question in the affirmative, and present an African ontology (a philosophical account of things that are—of 'being') of personhood whose moral-theoretical resources, I believe, are more capable than its rivals at removing culturally erected stumbling blocks that place rationally and morally competent consenting adult homosexuals

in a sphere of confined existence in which they may feel compelled to 'choose to be what they *are* not' (Mohamed et al. 2018).[1]

2. Empirical and Normative Refutation of the Un-African-ness of Homosexuality

Although discussion of sexuality in African cultures has a long history, ethical judgment on homosexuality in such discussions is scarce. Bernard Matolino thinks this is probably because moral interest in most traditional African societies rarely extended to categorizing sexuality according to orientation (Matolino 2017: 60). The cogency of this suggestion is strengthened by the scant attention paid by African philosophers to the ethics of homosexuality. However, interest in such discussions surged into a 'downright heterosexual panic' (Amory 1997: 5) when David Cameron (Commonwealth Summit, 2011) purported to exempt from British aid countries that fail to uphold homosexuals' rights. Provoked by this, several African leaders condemned homosexual practice or denied its origins in indigenous cultures (Obasola 2013). The upshot of this upsurge is that homosexual practice is currently criminalized in 37 African countries, and punishable by death in four (Amnesty International 2018). Anti-homosexual assertiveness in Africa, especially after Cameron's warning, clusters around five arguments: that the practice violates human nature (Long et. al. 2003: 1) and African cultural norms (Obasola 2013: 83), that it is an affront to religious sensibilities, and that legalizing it would be undemocratic and unconstitutional (Mills 2011). Common to these arguments is an insistence that only heterosexual orientation occurs naturally, and that manifestations of sexuality that do not conform with this 'natural state' are humanly aberrant and

1 The overwhelming story of the 25 personal accounts of the lesbian and trans-gender women in this anthology *She Called me Woman: Nigeria's Queer Women Speak* (Mohamed, A et.al. 2018 (eds). Abuja: Cassava Republic Press) is their feeling of being perceived as sexually deviant and having to hide their sexual identities to avoid the wrath of Nigeria's Criminal Code, which prescribes a 14-year prison sentence for homosexual acts.

therefore reproachable morally and legally. I show that this conclusion is untenable by deploying objections primarily against the claims that homosexuality is unnatural and un-African, *although the other claims are also disputed indirectly.*

The assertion that homosexuality is un-African has empirical and normative aspects. The empirical claim is that observation of sexuality in African societies demonstrates the absence or near absence of homosexuality; and the normative claim is that it offends cherished moral values in African cultures, therefore one cannot both commit to these values and remain homosexual. Both of these positions have been conclusively refuted by fact. Stephen Murray and Will Roscoe's study on sexuality in Africa compellingly disproves the empirical claim. The pervasiveness of same-sex relationships and established language to identify and describe them led the authors to conclude that (a) homosexuality constitutes 'a consistent and logical feature of African societies and belief systems' (Murray and Roscoe 1998: xv), and (b) although contact between Africans and non-Africans must have influenced sexual patterns mutually in the meeting cultures, no evidence shows that one group 'introduced' it to another; and such 'absence of evidence can never be assumed to be evidence of absence' (Murray and Roscoe 1998: 268). Other studies have confirmed Murray and Roscoe's conclusions (Bolin 1996: 31; Amenga-Etego 2012: 15, 19).

In tandem with such empirical refutations, African philosophy has risen against manifestations of homophobia. However, most arguments in favor of moral acceptance or at least of social tolerance in Africa tend to appeal to a particular set of culturally neutral substantive values or principles that are presumed to be capable of regulating conduct in respective societies. Olivier appeals to the freedom of persons to choose and satisfy their sexual desire as a principle that can function independently of culturally settled norms and values (Olivier 2018: 455); and Matolino suggests that the values of tolerance and protection of diversity are the best response to homophobia (Matolino 2017: 74-76). These

solutions are consistent with prevalent liberal perspectives expressed by President Obama (Obama 2016: 222-223),[2] and in Thomas Nagel's claim that 'whether or not homosexuality is morally wrong, sex is one of those highly personal matters that should not be controlled by a society on the basis of convictions of a majority of its members' (Nagel 2003: 74). The basic thought here is that a successful solution to the problem of homophobia in Africa lies in political theory—at the level of preserving civil liberties and toleration of diverse values, but not in ethics or morality more generally.

But these politically mediated justifications can hardly offer a convincing solution to the deeper problems of moral disapproval and lack of understanding of homosexual personhood in Africa. Toleration and equality of rights and so on are second-tier political justifications, in as much as their justificatory force depends on more general concepts like justice and dignity. These latter concepts support convergence of a set of politically relevant disparate beliefs: citizens can believe in the same things, but for different reasons, as it were. They support competing or complementary answers to questions such as why homosexuals should be assigned equal rights of citizenship to heterosexuals. I call these 'first-tier' substantive principles. Such principles in turn depend on an underlying moral metaphysics which should not—at least not blithely—be assumed to travel unproblematically across cultural borders. In the absence of a persuasive metaphysical grounding, the politically canvassed solutions remain pragmatic and inherently unstable morally. My first-tier values are analogous to John Rawls's idea of an 'overlapping consensus' (Rawls 1971: 340; Rawls 1999: 134-149), but differs somewhat from it. For Rawls, different positions that entail visibly inconsistent conceptions of justice include religion, political ideology, or morality; whereas I maintain that it is non-supernaturalistic

2 Barack Obama opines that to prohibit a legal right to marriage for homosexuals is tantamount to a denial of their fundamental human rights.

metaphysics (wider conceptions of what makes up a person, or what society should look like) that can most successfully underwrite the support that first-tier moral commitments give to one among inconsistent political-moral theories in a cultural context. In Africa, this will involve grounding an appreciation and acceptance of homosexuality as an orientation that is intrinsic to and transformative of a person. Supposedly self-standing normative justifications can hardly succeed without such a metaphysical anchor, and an author's omission to explicitly acknowledge such an anchor for her justification does not diminish its implicit activity (Ajei 2019: 18-19).

Without metaphysical foundation, moral-cum-political solutions to the moral problem of injustice meted out to homosexuals—exemplified by their exclusion from the categories of 'normal' and 'worthy' persons in political community—are likely to face two scenarios: first, they may encourage a generally prudential assessment and advocacy of moral imperative according to which we adopt the latter on grounds of the social benefits they yield. This then undermines the ability of first-tier moral values to address moral problems and injustices directly. Second, prudential solutions may succeed only in generating shallow understanding that temporarily abates animosity against gayness. But the fundamental instinct to oppose it will continue unless a source of recognition deeper than political expediency emerges to condition and transform moral insight into what homosexual orientation involves. Said differently: the proclaimed self-justification of prudential norms are liable to fall apart when one enquires about what precisely *is* that thing (human being) to which these moral-political solutions apply, and why the nature of the human being does not feature in the solutions and their prescribed application. In the next section, I elaborate a theory of homosexuality as an innate and transformative orientation of personhood which, I believe, has better persuasive force in grounding rejections of homophobia than 'self-standing' moral-political theoretical models.

3. The Transformative Model of Sexuality

I claim that sexuality is constitutive of what it is to be human (Boesak 2011: 5; Appiah 2005).[3] The capacity for sexual activity is not merely one of several human capacities, which particular human beings might be said to be better or worse at, such as the capacity for counting, for example. Rather, to be human is to be a sexually oriented being, where this amounts to more than the biological drive to procreate. Now, one might say that sexuality is that which humans share with other animals—indeed, the standard philosophical view is that it is our rationality but not our sexuality that is most expressive of what human beings are and which sets us apart from the rest of the animal kingdom. But to render human sexuality at par with those of animals is to take a rather narrow view of it by associating it, at best, primarily with the biological need for procreation; and additionally, underscoring a certain primordial or instinctual capacity for lust and gratification. Whatever we think of the sexual drive in animals, human sexuality is more complex than that.

It is hard to imagine that even the most puritanical among us would deny, on reflection, that human sexuality is a multi-faceted property that expresses not only a biological capacity and engages a biological need, but, on the contrary, one that penetrates deep into our emotional life, our psychology, morality, and our aesthetic sensibilities. Nonetheless, there is a tendency among those of the dominant—heterosexual—orientation to take their sexuality for granted and accordingly to relegate it to a small part of their daily lives as if separated from the rest of their being, to be called upon when sexual appetite is occasionally aroused and need for gratification arises. There is equally a tendency among heterosexuals to regard homosexual persons as obsessed with sex and sexuality, as people who allow an essentially biological capacity to rule all aspects of

3 This claim is not new to African scholarship, but earlier allusions to it have different philosophical aims than mine. Appiah, in *The Ethics of Identity*, alludes to this in his reflections on the complexities of homosexual identity. Likewise, Boesak accepts that homosexuality is a 'natural (God Given) sexual orientation'.

their lives. This tendency to relegate sexuality to a relatively minor part of human life—and therefore to treat expressions of sexuality as inappropriate or overblown—is consistent with the tendency in the philosophical literature, surveyed above, to seek political solutions according to which all that is required of persons is mutual tolerance of discrete aspects of their lives that are not of overwhelming importance. And yet, if being forced to live one's life as a 'sexually deviant' person says anything at all, it is surely just how central one's sexual orientation is to one's entire sense of self, and not just to a small part of it which one can lop off or put on hold at will. We should acknowledge, instead, that sexuality suffuses the human sense of self emotionally, psychologically, aesthetically, and even morally. If heterosexuals are less aware of this fact, it is because, being in a dominant position, they can be secure in their expressions of sexuality without often being required to acknowledge them as such.

I have said that the philosophical tendency to relegate what are considered to be merely human biological functions to a lesser status relative to our rational capacities is one reason why it is generally unacknowledged that sexuality is constitutive of our sense of self. The widespread view is that what ultimately distinguishes us from all other animals is our peculiar capacity for reason. Consider Matthew Boyle's recent interpretation of Aristotle's specification of man as a rational animal.

Boyle distinguishes between two possible interpretations of Aristotle's claim. On the one hand are what he (Boyle) calls additive theories of rationality, which hold that what distinguishes human beings from other animals is the property of rationality, which other animals lack, and which is additional to other features (such as perception) that non-rational animals also have (Boyle 2016: 528-529). Boyle rejects this model in favor of the transformative model of rationality, which considers rationality to be a *difference in kind* feature that marks human beings from non-rational animals. On the transformative view, the nature of human perceptual capacities themselves is affected by the presence of rationality in such a way that makes human rational perception different *in kind* from that of non-rational animals (Ibid: 530-531). The difference-in-kind thesis (DTK)

asserts that the difference between being an animal and being a rational animal must be understood in this particular way:

> the notion of a 'difference in kind' has a specific meaning: it means that the concept *animal* is a proper *genus* (i.e. a proper kind) and that the modifier *rational* is a proper *difference* within this genus. A proper genus must be something that would be an appropriate and fundamental answer to the question what a given thing *is*, rather than an answer to the question what it *is like* in some respect or other … That is, a proper difference in a genus G must be, not merely a trait that some but not all Gs possess, but a characteristic whose presence *transforms what it is to be a G*. So, if being rational differentiates the genus *animal*, it must, as Aristotle says, make the very animality of rational animals different from that of non-rational animals. (Boyle 2018: 113-114)

Boyle's concern is to set out an ontological difference—the species differentiation—between humans and animals. The transformative theory has an ontological function precisely because it allows for the differentiation between species of animals and human beings: rationality transforms everything about human beings and all the features that they share with animals. And this makes humans a distinct species from animals. I find Boyle's transformative model of rationality useful for my thesis on the transformative nature of human sexuality. Boyle himself mentions an example that heightens the implications of his theory for mine. On his account, rational perception is different in kind from, say, merely sensible perception (ibid.). One crucial difference might be said to lie in a rational perceiver's reflexive awareness of themselves as a perceiver, in contrast with a sensory perceiver's awareness of their perceptions. But if, according to Boyle, all of the features which we would otherwise share with animals are transformed by our rationality, then this must include our sexuality. In one sense this is merely to reiterate the point made above—that our sexuality affects and preoccupies our psychological and emotional life such that it cannot simply be reduced to either a merely procreative function or an instinctual animal 'sex-drive'. Boyle's transformative model offers an elegant explanation of why this may be so—i.e., why human sexuality for all its functional surface resemblance with animal sexuality is nonetheless radically different from the latter. But the deeper point I wish to make is the following: insofar

as we do not choose whether to be heterosexual or homosexual but simply come into being as either the one or the other, and insofar as rationality, as the mark of our humanity, has a transformative effect upon our sexuality in the way described, then our sexuality is in fact, expressive of our humanity; which is to say that how we are as persons—our emotional, psychological, and aesthetic sensibilities—is deeply affected by our particular sexual orientation. Paraphrasing Olivier (2014), we might say that 'there is something that it is like to be a homosexual. Homosexuals are different, like heterosexuals are different'. This is because their different—rationally suffused—sexual orientation affects their psychological, emotional, and aesthetic sensibilities differently.

I wish to be understood as using Boyle's transformative model as a tool for laying out a persuasive account of homosexuality as an orientation that is constitutive of the self of certain humans, and which transforms them because of its pervasive effect on their identity. I am aware of how normatively problematic the thought would be, that heterosexuals are a different species of humans from homosexuals because 'homosexual' counts as a differentiating predicate of 'human'. Unlike Boyle's, my intended thought here is not that difference is susceptible to ontological or moral ranking. I do not subscribe to the error of such ranking, which is familiar to the history of the philosophy of gender and of race, where differences between men and women on the one hand and between Europeans and non-Europeans on the other hand served as a pretext for ontological and moral ranking. This proclivity towards ranking differences is premised on the presumption of a guiding norm—the male norm, say, or the European norm—measured against which different types appear as deviant versions —the female deviant, say, or the African deviant. But there is nothing in the diagnosis of difference itself that compels such ranking premised on an underlying guiding norm. As Olivier says, 'Africans are different, just like Germans are different', so I propose, simply, that 'homosexual persons are different just like heterosexual persons are different'.

The significance of recognizing constitutive differences between persons lies not in the opportunities for ranking, which the diagnosis of

such difference may invite, but rather in recognizing and acknowledging the difference-making features as constitutive of the person whose features they are. Thus, we should not relegate gender, race, or sexual orientation to an accidental property with no appreciable effect on a person's personhood, including their self-conception as such. Insofar as, being rationally suffused, a person takes a reflexive position on her sexual orientation, we should not expect a homosexual person to be 'just like' a heterosexual person in all respects other than the presumptively insignificant feature of sexual orientation. But this—accepting the centrality of a person's sexual orientation to their own understanding as a person—has significant moral implications. In Section 5, below, I shall argue that the morality of African communalism may be better equipped to respond to the moral demands arising from the centrality sexuality to personhood than the standard political-liberal responses outlined above. Before turning to African communalism, however, I want to consider an ostensible stumbling block to the suggestion just made.

4. Natalism and African Culture

The concept of sexuality outlined above confronts a problem posed by deeply rooted value considerations in African societies. In their study on African sexualities, Murray and Roscoe found an overwhelming endorsement of heterosexuality and the requirement to procreate (Murray and Roscoe op. cit.: 275-276), which is founded on an intuitively compelling norm that counts procreation as a desirable social good for which heterosexual intercourse is an instrument. To non-African readers, this may be surprising. The presumption against homosexuality is often associated, in Africa and elsewhere, with particular religious commitments, and especially with those of the two dominant monotheistic religions: Christianity and Islam. Both religions view homosexuality as offending the divine order, and hence as sinful (Babcock 1998: 44-45; 32). In Africa, arguably, the association of homosexuality with sinfulness and therefore with moral failing and personal impurity stems largely from the lasting impact of

missionary work and colonial legislation. Portraying homosexual orientation as sinful renders it a grave transgression against divine law—a willful choice of evil over good that plunges one into severe depravity. But African traditional concerns about homosexuality, by contrast, have to do not so much with the violation of divine order as with the non-fulfillment of what are deemed legitimate expectations concerning perpetuation of lineage. Even if, therefore, the most vociferous current anti-gay expressions in Africa emanate from the churches, and are justified by arguments from divine order and sinfulness, the deeper causes of concern are conceivably about the effects of homosexuality on lineage prolongation and contribution to community—concerns that can be resolved by appeal to an ontologically grounded moral theory.

There is ample support in African thought for the view that procreation serves as an instrument to two fundamental goods: one personal and the other social. Childbearing is considered a desirable personal good as it ensures the continuation of one's biological heritage (Abraham 1992: 20). Such heritage is a necessary condition of ancestorship, a most coveted posthumous status in many traditional African cultures: without children, the likelihood of ascending to the status of an ancestor is all but non-existent. Indeed, the balance of sentiments in favor of lineage replenishment is so strong that fulfilling the capacity for biological reproduction, for those who can, is considered a foremost moral responsibility (Amango-Etego 2012: 15, 19, 28-29; Odudoye 2002: 81-82). Thus, childlessness is likely to be a more acute source of moral strain for African gay persons who share the values of lineage perpetuation and ancestorship, than it may be for European homosexuals, whose aspirations to parenthood would not usually be based on strictly moral (and, indeed, metaphysical) reasons. But the value placed in lineage continuity exceeds the value placed in personal goods. Lineage continuity is also a social good (Mbiti 1970: 106). In African societies history unfolds through the lineage as the most basic unit of social organization. Lineage replenishment thus sustains community, which in much African moral theory is considered an object of moral value. For these reasons, the failure to act on one's procreative

capacity is morally problematic, and reinforces Murray and Roscoe's conclusion that African societies do not 'reject homosexuality so much as they favor procreation' (Greenberg 1988: 87).

Two notable implications flow from this moral and social predilection for procreation. The first is that in Africa collectively cherished values are not treated cavalierly. A cherished communal value is one whose moral depth is derived from shared principles and practices that typically enable individuals to pursue personal fulfillment within the constraints of communal bonds. Indeed, one indication of the moral depth of the communal esteem for procreation may be a homosexual community member's regret over her inability to contribute to sustaining that valued outcome in the regular way. Such a person takes her community's values seriously and does not view her personal situation as itself a reason for repudiating them as worthless. This does not strike me as a particularly contentious claim: a person's moral maturity could surely be doubted if she repudiated the general legitimacy of a given communal value any time she found herself dissenting from it or unable to contribute to it.

African justifications of such shared ideals and moral responsibility for sustaining them are generally premised on theories of personhood according to which persons conceive of their humanity through recognition of the humanity of others. Uchenna Okeja's recent addition to these justificatory approaches points to a moral vision that 'prescribes a regulative ideal that is normatively relational' (Okeja 2017: 258) by its imposition of an 'imperative to care about the humanity of other human beings' (Okeja 2017). A community member who repudiates collectively treasured values on grounds of merely personal indifference or incapacity would be deemed to have an inadequate understanding of her moral responsibilities as a community member. Yet the same reasoning—i.e., the claimed 'imperative to care about the humanity of other human beings' will in turn require a communal response to an individual's incapacity, which does not cast her from the communal fold but finds alternative grounds for accommodation instead. Accordingly, a communally grounded imperative of mutual care is inconsistent with rejecting homosexuality, especially when one accepts

the transformative theory of sexuality, according to which a person's sexuality is not just one fact about them but suffuses, rather, their self-understanding as a person.

The second implication of the African proclivity for childbearing is a categorical rejection of anti-natalism of the kind proposed by David Benatar, who insists that procreation is morally impermissible because coming into existence is always a harm (Benatar 2006: 101-102).[4] Benatar reasons within the African philosophical context, and his position proposes a solution to problems that homosexuals encounter by virtue of the discussed African moral preference for procreation. Although Benatar's conclusions have been overwhelmingly rejected in the African philosophical corpus (Metz 2011: 246; Spurett 2011: 205), it is worth adding to these disapprovals that prevalence of his prescriptions would entail the extinction of humanity. But from the discussed African pro-natalist points of view, acting willfully to cause the annihilation of humanity is not only morally objectionable but also nonsensical. The question then arises as to what kind of communal ethics might be able to accommodate the procreational aspirations of community and the dignity of homosexual personhood alike in the African setting.

5. Moderate Communitarianism and Homosexuality

I turn now to a brief exposition of Kwame Gyekye's Moderate Communitarianism (MC), which I believe offers a persuasive moral justification for homosexuality, and my reasons for believing so. MC is a well-established African moral and political theory that grounds moral agency in our 'being human with others'. MC comprises a blend of ontological and normative claims in which the ethics of personhood rest on a distinct relational ontology of persons, and Gyekye claims as motivation for his theory the need to trim what he considers to be the extreme edges of John Mbiti's and Ifeanyi Menkiti's (Mbiti 1970 op. cit.: 141; Menkiti

4 In Benatar's view, life is full of pain – understood as everything that is undesirable for a person's quality of life. But for the yet to be born, the smallest quantity of pain cannot outweigh whatever limited pleasure - everything that makes a person's life go well - a life may contain.

1984: 172) communitarian accounts. Gyekye accepts the traditional Akan practice of assigning personhood based on moral conduct—of construing a 'person' as a human being whose conduct upholds socially cherished ideals, and denoting by 'non-person' a negative moral judgment on the character of a human being. But in addition to conduct that inaugurates 'a person', personhood in MC is also about the natural properties of a human being, which have to do with the moral assessment of conduct. Gyekye holds that persons are by *nature* both social and individual beings: discrete beings who are constituted to naturally relate to each other. Social relations are intrinsic to human nature because humans naturally are mutually dependent beings. Hence an MC society necessarily accepts the substantive moral principle that an action is intrinsically good if it serves the communal good. Such good is defined by Gyekye as 'the social conditions that will enable each individual to function satisfactorily in a human society' (Gyekye 1997: 64). However, the fact that social relations are necessary for our wellbeing does not mean that our moral status as individuals is completely subsumed under communal ideals. The moral worth of our individuality is likewise affirmed by the relational ontology of moderate communitarianism: Gyekye insists that the common good of shared relationships and the duties that flow from it must neither rob the individual of her intrinsic value, which is 'a fundamental and inalienable attribute she possesses as a human being' (Gyekye 1996: 151), nor degrade the dignity of individuality (Gyekye 1997: 63, 270-271). In his view, a 'cramped and shackled self, responding robotically to the ways and demands of the communal structure' is not a dignified communitarian being (ibid. 55-56). MC thus endorses individuality as an object of moral value within the context of the inherent moral worth of relational life. Gyekye's views imply that neither sociality (natural association with others) nor manifestations of individuality (including expressions of the natural features of persons) are matters of choice: both are equally expressions of what it is to be a person, and objects of moral worth. Some scholars have argued strenuously against Gyekye's MC. Notable among these are J.O. Famakinwa and Matolino. Famakinwa

doubts whether any substantive distinction exists between Gyekye's and Mentiki's communitarian positions, as radical communitarianism does not exclude individual rights and aspirations; and also because both MC and radical communitarians both place in community ultimate value (Famakinwa 2010: 69, 71). Likewise, Matolino (2009: 166) fails to see substantive difference between Gyekye's and Menkiti's theories of the relationship between person and community, and claims that Gyekye fails to show any incoherency in Menkiti's account (Ibid., 169-170). Like Hasskei Majeed (2018: 6, 13-14), I am not convinced that Famakinwa's and Matolino's critiques succeed in disenabling Gyekye's substantive justification for distinguishing between his MC and Menkiti's account of personhood; the justification of which is that Menkiti's position runs the risk of obscuring the moral value of individuality, and MC explicitly upholds this value.

If being who you are is not a matter of choice, and sexuality—as a defining feature of individuality—is constitutive of who you are, then it is surely morally unjustifiable to consider same-sex relationships by consenting adults as unnatural. Given the mutual dependence of the claims of individuality and community under MC, community replenishment will be considered a primary moral duty of individuals who can do so. It would be disingenuous therefore to insist that those who are biologically capable of procreating in MC societies ought not to actuate that capability. But the moral nature of this duty procreational renders it a necessary but not sufficient condition of the normative dimensions of personhood: for example, begetting a dozen children by copulation and omitting to guide them to acquire virtues that promote communality and human flourishing would not afford qualification for normative personhood under MC because such conduct would not count as morally good conduct. Mere childbearing is an insufficient condition of community replenishment, for another reason: such replenishment is neither exclusively driven by conventional heterosexual sexual activity nor even by biological processes alone. Community replenishment can be achieved by a lesbian electing to be a surrogate mother, or by gays fostering the human reproduction cycle by donating spermatozoa or oocyte. Sperm donorship/artificial

insemination does not necessarily conflict with considerations about lineage, as what is of ultimate social value in lineage preservation is the sustenance and care of lineage membership, and that does not exclusively have to be attained through the conventional biological processes of childbearing. Aside these, community and human life can also flourish through sociological parenting, like adopting a child or caring for a child without parents in a foster home. One may then ask: if there are other communal duties that justify communal belonging and moral personhood for homosexuals who are unwilling to contribute procreationally, then why place such emphasis on procreation in the first place?

I recognize the difficulty in summarily diffusing the tension between the moral value assigned to procreation in African cultures and the moral status of capable persons who choose to not procreate. I can only say that MC's grounding of homosexuality can thus be summed up thus: heterosexual sexuality offers the most straightforwardly natural route to communal replenishment and would be primarily preferred. But this does not prevent community from endorsing the wish of a homosexual who cherishes communal relationships and virtues to add to the communal stock by fostering human life or begetting it by unconventional means. But a moderate communitarian view cannot sustain a charge of moral depravity, or find justification in homophobic abuse, for a homosexual's unwillingness to reproduce or sustain life, should such unwillingness not spring from a commitment to anti-natalism.

6. Objections and Their Appraisal

It is time now to assess some objections to my arguments. It has been suggested that my commitments to MC provide a straightforward means of accommodating homosexuality that renders the transformative theory of sexuality unnecessary.[5] According to this view, if some Africans think that the judgment 'X is not a person' applies to a homosexual because homosexuality is contrary to the vital function of having descendants,

5 I am indebted to Dr. Simon Hope for drawing my attention to this argument.

then this judgment is flawed, since knowing that X is gay does not imply knowing anything about X's virtues, and yet knowledge of X's virtues is required for that judgment. In the previous section, I presented one reason why being gay does not make one a less properly functioning human being on MC terms: gays can perform the moral and social function of having and sustaining descendants, which are desirable for personhood. But the reasoning in this objection is untenable from an MC viewpoint. On MC, my knowing your gay orientation furnishes me with a basis to judge your (present or prospective) personhood status, because it tells me you are a human being for whose personhood status customary biological procreation should not be considered as a basis. If sexuality is ontologically significant, and MC has ontological and normative dimensions, then the claim that being gay or not being gay says nothing about what sort of a person you are, normatively, operates on a different theory of personhood that fails to see the normative composition of the MC theory of personhood.

Matolino (2017) also implies objections to my thesis on the ontological implications of sexuality, and to my commitments to MC as a persuasive anti-homophobia theory. Matolino rejects a resort to ontology because 'no matter how strong this case [for sexuality as a natural feature of a person] could be—it simply doesn't do away with homophobia' (Matolino 2017: 63). Additionally, in Matolino's view, African communitarianism subverts rather than supports moral justifications for homosexuality. This is because 'No behavior that is harmful to the common good is permissible [in a communitarian society], since homosexuality harms that common good and the individual's interests, it is impermissible' (Ibid.: 71).

Undoubtedly, the version of communitarianism upon which Matolino's conclusions are premised differs from MC: his regulative axiom is more attuned to the cited claims of Menkiti and Mbiti. But Gyekye undermines conflation of his views with those of these two authors, by insistence that a constricted subject responding mechanically to the demands of communal norms fails to represent a moderate communitarian person. Autonomous manifestations of the subjective self are a cherished moral goal under MC. Two reasons, at least, support Gyekye's position: firstly,

the conscience of a rational agent can inform them that communal values ought to take precedence over their own individual goals. Additionally, a community's prevailing conception of a good may fail the test of critical scrutiny which an individual may succeed at drawing attention to and suggesting refinements to that conception that serve the community better. In this way, the 'defiant' individual contributes advantageously to rather than harms community goods. Furthermore, contrary to Matolino's view, the moderate communitarian acknowledges that heterosexual sex is not the only means to human reproduction, and because homosexuality is consistent with the social function of reproduction under MC, it cannot be contrary to the normative determinants of personhood. Finally, if homophobia persists despite claims to sexual disposition as a natural state, 'no matter how strong the case is', this could very well be because those claims are not conveyed clearly enough in the right way: their moral force may resonate weakly if, for instance, they are stated in the framework of an additive theory, and focus on sexuality as a self-standing feature of the self. But, as argued, homosexuality in the terms of the transformative model involves more than sexual activity and affords a different sensibility, and therefore a different type of contribution to society.

The findings of a genome-wide association study (GWAS), published in *Science* in August 2019, could also be taken to imply an objection. This study aimed to 'identify genetic variants associated with same-sex behavior and explore its genetic architecture and underlying biology' (Ganna et al. 2019: 882). The researchers found that genetics may account for between 8% and 25% disposition to gay behavior (Ganna et al. 2019), but when all the tested variants in the genetic similarity of individuals in the sample were combined into a comprehensive score, each of these variants had less than 1% chance of accounting for same-sex behavior (Ibid.: 885), an outcome which is beneath the threshold of statistical adequacy for predicting such behavior. Hence the central conclusion of the study: no individual gene on its own can predict same-sex sexual behavior (Ibid.: 885). It could be claimed that genomics provides conclusive insights into human biology

(this constitutes 'genetic exceptionalism', the idea that genetic information is so unique from other kinds of bio-medical information such that the findings of genetic and genomic studies merit special consideration), therefore these findings undermine the ontological tenets of my argument.

But ascription of determinative power to these findings is unsustainable on conceptual grounds. For one, as an empirical science, the conclusions of genomics can only be conditionally true. Therefore, the findings cannot provide an adequate basis for concluding that homosexuality is certainly not a natural property of persons. Additionally, the object of the GWAS is *behavior*, a categorially distinct concept from orientation, which is the object of this paper. Analysis of a narrower set of attributes will suffice for the GWAS object than for the object of my paper; and these dissimilar concerns belie the divergent conclusions we reach. I claim that MC affords the view that no human being—social individuals, whatever his or her sexuality—ought to be *a priori* excluded as an object of moral worth and from the conditions of personhood—fulfilling cherished socio-ethical goals. Thus, whereas the GWAS findings may be useful for understanding homosexual expressions, their claim to providing irrefutable insights into the state (or orientation) of human sexuality cannot be upheld.

Finally, one may object to my borrowing Boyle's method of differentiation without its ontological commitments. Even though I see merit in this position, I am not quite sure whether there is a clearer solution to it than I have proposed, and if so, what that solution is. What I have tried to defend is not that homosexuality is ontological but that it is one possible way of being human. And one reason why I think Gyekye's communitarian ontology supports this thesis better than Boyle's is that the former avoids the problem of possibly creating different subspecies of humans.

Conclusion

I have maintained that a principal ambition of MC communities is to restock its members and that any means to achieving this should not be a concern, except those that subvert the ambition itself, or a value that

sustains the ambition. Active homosexual orientation need not subvert this good of social replenishment. Although a homosexual's capacity for customary biological parenting may be inoperative, her efficient endeavors for sustaining life and regenerating community should suffice to endorse her for moral personhood and ancestorship, under MC. These considerations show that anti-homosexual arguments construe the value attached to lineage replenishment and community building too narrowly.

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