

# QUEER ETHICS AND THE CHALLENGES OF HOMOSEXUALITY

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## Abstract

*Homosexuality is not just a concept, but a practice that has controversial undertones. As a human conduct, the question of its rightness or wrongness makes it ethical. Thus as an ethical issue, several theories can be applied in its study so as to give it an academic touch. Therefore, "Queer Ethical Theory" is used in this paper towards achieving the above set objective. However, because of the broadness of the thematic, the discussion is narrowed down to considering Foucault as a "Queer Theorist". It is important to note that homosexuality occupies a sensitive position in this theory, which has as its categories; lesbianism, gayism and bisexuality. Hence, a critical and analytical consideration of homosexuality and its ethical implication or justification, if any, is imperative in this research. The paper also looks at the ethical perspective of homosexuality in African context. This work demonstrates the unrealizability of "Queer Theory" and consider it a product of the imagination.*

**Key Words:** Queer, Ethics, Homosexuality, Africa

## Introduction and General Background of the Study

Queer theory is a field of post-structuralist critical theory that emerged in the early 1990s out of the fields of queer studies and women studies. Queer theory includes both queer readings of texts and the theorization of 'queerness' itself. It is heavily influenced by the work of Michel Foucault, Gloria Anzaldua, Eve Kosofsky Sedgwick, Judith Butler, Jose Esteban Murioz and Lauren Berlant. Queer theory builds upon feminist challenges to the idea that gender is part of the essential self and upon gay/lesbian studies' close examination of the socially constructed nature of sexual acts and identities. Whereas gay/lesbian studies focused its inquiries into natural and unnatural behaviour with respect to homosexual behaviour, queer theory expands its focus to encompass any kind of sexual activity or identity that falls into normative and deviant categories. Italian feminist and film theorist Teresa de Lauretis coined the term "Queer Theory" for a conference she organized at the University of California, Santa Cruz in 1990 and a special issue of differences: A Journal of Feminist Cultural Studies she edited based on that conference.<sup>1</sup>

Proponents of queer theory argue that it prompts the acceptance and understanding of a more complex reality in which we live. Queer theory provides scholars, activists, and other ways of

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<sup>1</sup>Jagose, 1996. Queer Theory. Melbourne: University of Melfbourne Press p. 2.

thinking and talking about identity beyond simple binaries especially in fighting homophobia and transphobia, which are unreasoned fear and hatred towards homosexuals and homosexuality, and transsexuals, transsexuality, and transgender people, respectively. For example, when doctors perform surgery on intersex infants to select their gender, and GLBTIQ people are the targets of violence. Queer theory has often been used to study transvestitism, drag performance, the disparity between desire and gender, hermaphroditism, and gender identity disorder and gender corrective surgery. However, queer theory can also be used beyond the realm of gender of sexuality; in particular when studying the politics of racial, ethnic, or class identities, scholars may wish to “queer the subject” by writing about these identities as fluid rather than as rigid or binary subjects.<sup>2</sup>

Queerness, in the work of theorists like Judith Butler and Eve Sedgwick, is as much a semiotic as it is a social phenomenon. To say that someone is “Queer” indicates an indeterminacy or indecipherability about their sexuality and gender, a sense that they cannot be categorized without a careful contextual examination and, perhaps, a whole new rubric for gender to be, in Judith Butler's words, “Intelligible,” auxiliary traits and behaviours, must divide and align themselves beneath a master division between male and female anatomy.<sup>3</sup> From people's anatomy, Mary Klages asserts:

We can supposedly infer other things about them: the gender of the people they desire, the sartorial and sexual practices they engage in, the general elements of culture that they are attracted to or repulsed by, and the gender of their “primary identification.” While in practice each of these categories is rather elastic, it is usually when they do not line up in expected ways (says, when a man wears a dress and desires men) that one crosses from normative spaces into “queer” ones. In Butlers' view queer activities like drag and unexpected identifications and sexual practices reveal the arbitrariness of conventional gender distinctions by parodying them to the point where they become ridiculous or ineffective.<sup>4</sup>

Queer theory's main project is exploring the contesting of the categorization of gender and sexuality; identities are not fixed-they cannot be categorized and labelled-because identities consist of many varied components and that to categorise by one characteristic is wrong. Queer theory said that there is an internal between what a subject “does” (role-taking) and what a subject “is” (the self) so despite its title the theory's goal is to destabilise identity categories, which are designed to identify the “sexed subject” and place individuals within a single restrictive sexual orientation.<sup>5</sup>

<sup>2</sup>Giesecking, J. 2008. Queer Theory. In V.N. Parrillor, M. Andersen, J. Best, W. Kornblum, C.M. Renzetti, and M. Romeo, eds. *Encyclopedia of Social Problems*, Thousand Oaks, CA: Sage Publications, 737, p. 3.

<sup>3</sup>Butler, J. 1990. *Gender Trouble: Feminism and the Subversion of Identity*. New York: Routledge. p. 55.

<sup>4</sup>Klages, M. 2012. *Queer Theory: Definition and Literary Example*. Retrived May 25, 2017 from, <http://www.colorado.edu/English/ENGL2012klages/queertheory.html>

<sup>5</sup>Jagose, A. 1996 p3.

### Conceptual Analysis of Basic Terms: Queer and Ethics.

The word “queer”, as it appears in the dictionary, has a primary meaning of “odd”, “peculiar”, “out of the ordinary”, queer used to be a slang for homosexual and worse, used for homophobic abuse. Recently, this term has been used as an umbrella term for both cultural-sexual identifications and other times as a model for more traditional lesbian and gay studies. According to Jagose, queer focuses on mismatches between sex, gender and desire. For most, queer has prominently been associated with simply those that identify as lesbian and gay. Unknown to many, queer is in association with more than just gay and lesbian, but also cross-dressing, hermaphroditism, gender ambiguity and gender-corrective surgery.<sup>6</sup>

Queer is a product of specific cultural and theoretical pressures which increasingly structured debates (both within and outside the academy) about questions of lesbian and gay identity. Some find the term derogatory depending upon their race, class, personal experience, and also their generation. Recently, heterosexuals whose gender or sexuality does not conform to popular expectations have used the term “queer” to define themselves. Thus, queer theory is a framework of ideas that suggests identities are not stable or deterministic, particularly in regard to an individual's gender, sex and/or sexuality.

Queer theory is committed to critiquing and problematizing previous ways of theorizing identity. While heteronormativity assumes that heterosexuality and the relations of the binary masculine and feminine genders expected within it are secure and constant, queer theory is a discourse model that destabilizes the assumptions and privileges of secure heteronormative models of study and everyday life and politicizes and acknowledges the fluidity and instability of identities.<sup>7</sup>

Ethics has no universal definition. It has been defined in various ways by moral philosophers, depending on their understanding of what philosophy itself is. For example, the philosophers of the analytical school define it as the branch of philosophy which helps us to clarify moral terms and concepts. For them, ethics does not provide us with means for moral reformation. Rather, it is a way of eliminating linguistic muddles in our discussions on moral issues. However, hitherto, Socrates and Plato had characterised ethics as that branch of philosophy which teaches us how to live a good life (the life of virtue) in the society.<sup>8</sup>

“The philosophical study of ethics concerns the nature of good and bad, right and wrong, justice and injustice”. And every one of us “already have some idea what 'good' and 'bad', 'right' and 'wrong' mean”; we also “know some acts to be right, other wrong, some things to be good and some bad”.<sup>9</sup> Ethics, according to Agulanna, is concerned with two main kinds of question. First, with deciding general principles on which ethical terms, i.e. good, bad, duty, etc. are to be applied to anything. Secondly, with deciding precisely what these terms mean. These two main functions or tasks of ethical philosophy fall within the normative and analytic functions of the discipline.<sup>10</sup> Hence, we shall adopt the definitions of ethics as given by Omoregbe, for the sake of this study, as that aspect of philosophy which investigates human conducts insofar as such conducts can be said to be right or wrong; it can be defined as the branch of philosophy which deals with the morality of human actions, or the systematic study of the fundamental principles of the moral law.<sup>11</sup>

<sup>6</sup>Jagose, A. 1996. *Queer Theory*. Melbourne: University of Melbourne Press p. 85. Gieseck, J. 2008. *Queer Theory* in V.N. Parrillo, M. Andersen, J. Best, W. Kornblum, C.M. Renzetti, and M. Romero, (eds). *Encyclopedia of Social Problems*. Chicago: Sage Publications, p. 4.

<sup>8</sup>Agulanna, C. 2000. *Ethics and the Human Conduct*. In K.A Owolabi (ed). *Issues and Problems in Philosophy*. Ibadan: Grovacs (Network), p. 147.

<sup>9</sup>Ewing, C.A. 1976. *Ethics*. Great Britain: Hodder and Stoughton p. 1

<sup>10</sup>Agulanna, C. 2000, p. 147.

<sup>11</sup>Omogegbe, J.I. 1993. *Ethics: A Systematic and Historical Study*. Lagos: Joja Educational Research and Publishers Ltd., p. 3-4.

From the foregoing, it is pertinent to infer that queer ethics is that ethics that concerns itself in dealing with those issues that are considered to be anti-social, odd or strange in most societies. It focuses on mismatches between sex, gender and desire. Queer ethics deals mainly not with homosexuality or bisexuality, but also cross-dressing, hermaphroditism, and gender ambiguity.

### History of Queer Theory

The word 'homosexuality'...coined in 1869 by an Austro-Hungarian doctor, Karoly Maria Benkert-was not used widely in English until the 1890s. Gay was mobilized as a specifically political counter to that binaries and hierarchies of sexual categorization which classifies homosexuality as a deviation from a privileged and naturalized heterosexuality. Queer marks both continuity and a break with previous gay liberationist and lesbian feminist models. Queer is a product of specific cultural and theoretical pressure which increasingly structured debates (both within and outside the academy) about questions of lesbian and gay identity.<sup>12</sup>

There has been a long history of critical and anarchistic thinking about sexual and gender relations across many cultures. Most recently, in the late 1970s and 1980's, social constructionists conceived of the sexual subject as a culturally dependent, historically specific product. Before the phrase “queer theory” was born, the term “Queer Nation” appeared on the cover of the short-lived lesbian/gay quarterly outlook (magazine) in the winter 1991 issues. Writers Allan Berube and Jeffrey Escoffier drove home the point that Queer Nation strove to embrace paradoxes in its political activism, and that the activism was taking new form and revolving around the issue of identity.<sup>13</sup>

Soon enough Outlook and Queer Nation stopped being published, however, there was a mini-gay renaissance going on during the 1980s. There were a number of significant outbursts of lesbian/gay political/cultural activity. Out of this emerged queer theory. Their work however did not arise out of the blue. Teresa de Lauretis is credited with coining the phrase “queer theory.” It was at a working conference on lesbian and gay sexualities that was held at the University of California, Santa Cruz in February 1990 that de Lauretis first made mention of the phrase. She later introduced the phrase in a 1991 special issue of differences: *A Journal of Feminist Cultural Studies*, entitled “Queer Theory: Lesbian and Gay Sexualities”. Similar to the description Berube and Escoffier used for Queer Nation, de Lauretis asserted that, “queer unsettles and questions the genderedness of sexuality”. Barely three years later, she abandoned the phrase on the grounds that it had been taken over by mainstream forces and institutions it was originally coined to resist. Judith Butler's *Gender Trouble*, Eve Kosofsky Sedgwick's *Epistemology of the Closet*, and David Halperins' *One Hundred Years of Homosexuality* inspired other works. Teresa de Lauretis, Judith Butler, and Eve Sedgwick arranged much of the conceptual base for the emerging field in the 1990s. Along with other queer theorists, these three outlined political hermeneutics, which emphasized representation. These scholars asked questions if people of varying sexual orientations had the same goals politically and did those in the sexual minority feel that they could be represented along with others of different sexualities and orientations. “While some critics insist that queer theory is a political word-smithery, (de Lauretis, Butler, and Sedgwick) take seriously the role that signs and symbols play in shaping the meanings and possibilities of our culture at the most basic level, including politics conventionally defined.”<sup>14</sup>

<sup>12</sup>Giesecking, J. 2008 p. 10.

<sup>13</sup>Jagose, A. 1996. p. 90.

<sup>14</sup>Jagose, A. 1996. p. 90.

### Queer Theory and its Basic Tenets

Triggered partly by homophobic responses to AIDS, Queer Legal Theory emerged in the mid-1990s in response to political and legal events. As it is earlier stated, the term “queer” used to be a slang word for homosexual, or a term of hate speech, and as such, constituted homophobic abuse. More recently, queer has come to be used differently, sometimes as an umbrella term. Despite the fact that Queer Theory does not explicitly acknowledge its roots, feminism never the less allowed for Queer Theory's emergence.<sup>15</sup> It draws heavily on feminist theory's commitment to “disestablishing patriarchy; Critical Race Theory's dedication to unmasking the deep racist structures within society and life; Critical Legal Theory's examination of how class structures are perpetuated and reinforced, and Gay and Lesbian Legal Theories of understanding how heteronormativity is constructed and reproduced.<sup>16</sup>

The term “Queer”, as Halperin suggests, is by definition whatever is at odds with the normal, the legitimate,<sup>17</sup> and the dominant, and aims to destabilize dominant ideas of identity, whether that identity is sexual, gendered, ethnic, national, and political and so forth. Queer is not an identity, rather, it is a critique of identity and of identity construction. Thus, Queer, undermines fixed identities and explores those areas excluded by such identities. Therefore, queer functions as a kind of catalyst that strategically decentres identity positions without becoming a site of identity or identity construction itself<sup>18</sup>

Queer is therefore used as a verb; “to queer”. Queer Theory suggests that it is through the use of binary categories that “meaning” is created. Thus, society only understands what “homosexual” means in relation to the concept of “heterosexual” to which it is oppositionally positioned. Similarly, society can only understand what “man” means in relation to the concept of “woman”, which again is constructed and positioned as the opposite. Although the terms in these binaries appear fixed and natural, as Stychin argues, they are actually contingent and socially constructed and are far from being natural or fixed.<sup>19</sup>

Queer theory owes its intellectual roots to feminist theory, gender studies and to certain key writers such as Judith Butler, Jacques Derrida, Michel Foucault, Eve Kosofsky Sedgwick and Adrienne Rich. The Person commonly credited with introducing the phrase was Teresa de Lauretis, who meant it to indicate at least three interrelated critical projects:

- a refusal of heterosexuality as the benchmark for all sexual formations;
- an attentiveness to gender capable of interrogating the frequent assumption that lesbian and gay studies is a single, homogenous object;
- an insistence on the multiple ways in which race crucially shapes sexually subjectivities. She welcomed it saying that it was “another discursive horizon, another way of thinking the sexual.”<sup>20</sup>

<sup>15</sup>Henry, A. 2004. Not my Mother's Sister: Generational Conflict and Third-wave Feminism. Bloomington: Indiana University Press, p. 142.

<sup>16</sup>Vades, F., 1995 Queers, Sissies Dykes and Tomboys: Deconstructing the Conflation of 'sex', 'gender', and 'sexual orientation' in Euro-American law and society. California: Law Review, p. 83.

<sup>17</sup>Halperin, D.M. 1997. Saint Foucault: Towards a Gay Hagiography Oxford: Oxford University Press, p. 42.

<sup>18</sup>Haschemi, E.Y, Kilian, E, and Michaelis, B. 2003. Introducing Queer Futures in Queer Futures. In Reconsidering Ethics, Activism, and the Political E. Hascheun, E. Kilian and B. Michaelis (eds.) Farnham: Ashgate, p.7.

<sup>19</sup>Stychin, C. 1995. Law's Desire Sexuality and the Limits of Justice. New York: Routledge, p. 51.

<sup>20</sup>Lauretis, T., 1991. Queer Theory: Lesbian and Gay Sexualities. Differences: A Journal of Feminist Cultural Studies. Vol., 3, No. 3:18.

Drawing upon some of Foucault's work on sexuality and his notion that bodies are given meaning by discourse and social structures of knowledge and power, Queer Theory aimed to challenge the categorization(s) of gender and sexuality. It was a political and theoretical critique of heteronormativity, i.e., a critique of the institutions, structures, relations and acts that maintain heterosexuality as homogenous, natural and all-embracing.<sup>21</sup>

### **Foucault and Queer Theory:**

Michel Foucault (1926-84), philosopher, historian and activist, was one of the most influential of the thinkers whose work is generally categorised as poststructuralist. Together with Jacques Derrida's critiques of Western Metaphysics and Jacques Lacan's radical re-articulation of psycho-analytic theory, Foucault's diverse inquiries into knowledge and power have formed the paradoxically destabilizing foundation for much recent work on the status of the human subject. Foucault's work and life, achievements and demonization, have made him a powerful model for many gay, lesbian and other intellectuals, and his analysis of the interrelationships of knowledge, power and sexuality was the most important intellectual catalyst of queer theory.<sup>22</sup>

The first volume of Michel Foucault's history of sexuality was written in the 1970s, towards the end of the so-called 'sexual revolution' in western culture. It offered a powerful and provocative counter narrative to the long-established story about Victorian sexual repression giving way to progressive liberation and enlightenment in the 20<sup>th</sup> century. It was the beginning of Foucault's most ambitious project, one which was to be left unfinished at the time of his death.<sup>23</sup>

In traditional accounts, sexuality is viewed as a natural feature of human life which was repressed in western society and culture from the 17<sup>th</sup> century onwards, hidden from view like Victorian piano legs and unmentionable, censored out speech and writing. Sexuality was still there, simmering under the prim surface of 19<sup>th</sup>-century bourgeois respectability, but it was stifled by prohibitions and repressions.<sup>24</sup>

Foucault rejected this 'repressive hypothesis' and claimed that evidence from the 19<sup>th</sup> century pointed not to a remarkable proliferation of discourses about sexuality. The question then, is what is sexuality? A vital feature of Foucault's argument is that sexuality is not a natural feature or fact of human life but a constructed category of experience which has historical, social and cultural, rather than biological, origins.<sup>25</sup> This conception of sexuality, according to Spargo:

<sup>21</sup>Beresford, S. 2014. The Age of Consent and the Ending of Queer Theory, The Law School; Journal of Lancaster University, United Kingdom, vol 3.1:764.

<sup>22</sup>Spargo, T. 1999 Post-modern Encounters: Foucault and Queer Theory, USA: Totem Books p, 7.

<sup>23</sup>Spargo, T. 1999. p. 11.

<sup>24</sup>Spargo, T. 1999. p. 11

<sup>25</sup>Foucault, M. 1984. The History of Sexuality: An Introduction. Harmond'sworth: Penguin p. 43..

Is difficult to grasp; it seems counter-intuitive. Sexuality seems, like gender, to be simply there, but also to be some-how special, personal, a matter of our inner-most desires'-who we want, what we want, how we want. It's something inside us, a property, our property. But having so much invested in believing sexuality to be natural does not mean that it is.<sup>26</sup>

This does not depict that Foucault ruled out biological dimension, but he rather prioritised the crucial role of institutions and discourses in the formation of sexuality. As David Halperin, notes, Foucault did not comment explicitly on the causes of same-sex desires. When asked about the distinction between innate predisposition to homosexuality and social conditioning, his response was: 'on this question I have absolutely nothing to say. "No comment."<sup>27</sup> Hence Foucault concern was less with what 'sexuality' is, than with how it functions in the society.

### **Construction of Homosexuality**

One of Foucault's most provocative assertions, and certainly one that acted as a catalyst for the development of queer theory, was that modern homosexuality is of comparatively recent origin. Many historians of homosexuality had been keen to trace connections and continuities between 20<sup>th</sup> century homosexual identities and behaviours and those of earlier periods. Foucault, on the contrary, insisted that the category of the homosexual grew out of a particular context in the 1870s and that, like sexuality generally; it must be viewed as a constructed category of knowledge rather than as discovered identity.<sup>28</sup>

Foucault did not suggest that sexual relationships between people of the same sex did not exist before the 19<sup>th</sup> century. In the renaissance period, for example, sexual practices such as sodomy were condemned by the church and prohibited by law, whether between men and men or men and women. But the crucial difference between this early form of regulating sexual practices and that of the late 19<sup>th</sup> century lies in the claim to identify what Foucault called a 'species', an aberrant type of human being defined by perverse sexuality. So while 16<sup>th</sup> century men and women might be urged to confess that they had indulged in shameful sexual practices against the law of God and the land, the late 19<sup>th</sup> century man engaging in a sexual relationship with another man would be seen, and be encouraged to see himself, as 'homosexual'.<sup>29</sup>

The homosexual was the subject of, and subject to, systematic inquiry in a wide range of discursive fields including demography, education and the law, which were concerned with protecting the health and purity of the population. While the man or woman confessing to sodomy in the 16<sup>th</sup> century would be convinced of the sinfulness of the act, the emphasis in the case of the 19<sup>th</sup> century homosexual was not on actions but on the 'scientifically' determined condition of the individual. According to Foucault:

Homosexuality appeared as one of the forms of sexuality when it was transposed from the practice of sodomy on to a kind of

<sup>26</sup>Spargo, T. 1999, p. 2-13.

<sup>27</sup>Foucault, M. 1984, p. 43.

<sup>28</sup>Spargo, T. 1999, p. 17.

<sup>29</sup>Spargo, T. 1999, p. 18.

interior and rogyne, a hermaphroditism of the soul. The sodomite had been a temporary aberration; the homosexual was now a 'species'. And the homosexual was seen as being totally suffused with sexuality'. It was everywhere present in him: at the root of all his actions.<sup>30</sup>

### Power and Resistance

The negative aspect of the construction of homosexuality in the late 19<sup>th</sup> and early 20<sup>th</sup> centuries is obvious. The fact that a subject position or identity is constructed does not make it any less real for the identified. The homosexual was pathologised as a perverse or deviant type, a case of arrested development, a suitable case for treatment, in short as an aberration from a heterosexual norm. As such, he was subject to the disciplining, marginalising and subordinating effects of social control.<sup>31</sup>

Foucault has been criticised for having a conservative model of power, but actually he viewed it as always producing and never quite containing resistance: 'there are no relations of power without resistances; the latter are all the more real and effective because they are formed right at the point where relations of power are exercised; resistance of power does not have to come from elsewhere to be real, nor is it inexorably frustrated through being the compatriot of power.'<sup>32</sup>

A crucial feature of Foucault's analysis is his emphasis on the production of 'reverse discourse': there is no question that the appearance in nineteenth-century psychiatry, jurisprudence, and literature of a whole series of discourses on the species and subspecies of homosexuality, inversion, pederasty, and "psychic hermaphroditism" made possible a strong advance of social controls into this area of "Perversity"; but it also made possible the formation of a reverse discourse: homosexuality began to speak in its own behalf, to demand that its legitimacy or "naturalness" be acknowledged, often in the same vocabulary, using the same categories by which it was medically disqualified.<sup>33</sup> Following this argument, Spargo, deduced as follows:

It is possible to see in this model of reverse discourse the germ of identity politics. Those who are produced as deviant subjects, 'homosexuals', may find a common cause, a common dissenting voice that turns confession to profession. The discourse of sexology, for example, produced the identity category of the 'invert' as an aberration from the norm, but it might also enable that individual to question his or her social and political position. It provided a vocabulary and knowledge which could be strategically used by its subjects.<sup>34</sup>

A number of critics have noted that Foucault ends the first volume of the History of Sexuality with an invocation of a different future 'economy of bodies and pleasures' not subject to the austere monarchy of sex'.<sup>35</sup> Some have read this as utopian moment. But if it is an act of

<sup>30</sup>Foucault, M. 1984, p. 44.

<sup>31</sup>Spargo, T., 1991, p. 20.

<sup>32</sup>Foucault, M. 1980. Power and strategies. In C. Gordon (ed). power/knowledge: selected interring and other writings . New York; pantheon. p. 142.

<sup>33</sup>Foucault, M. 1984, p. 101.

<sup>34</sup>Spargo, T. 1991 p. 22.

<sup>35</sup>Foucault, M. 1984, p. 159.

imagining, then it is apt to argue that there is no reason to suppose that the imagined future would be an improvement. His overall approach has also been subject to criticism, notably the Eurocentrism of his historical focus and his concentration on the history of male sexuality.

In the second and third volumes, *The Use of Pleasure and the Care of the Self*, Foucault analysed approaches to sex within earlier social and ethical formations that contrasted with those of western modernity. He focused on Greek and Roman techniques of the self and their intersection with early Christian processes of self-cultivation. These were disciplinary practices by means of which individuals attempted to transform themselves in order to attain particular states of happiness, purity, wisdom, perfection or immortality. In Greco-Roman culture, desire and sexual practices were viewed as ethical or moral concerns, but not as the ultimate shameful or repressed truth of human experience, as they would later be. Crucially, ethics was seen as a relation between the individual and itself and not as the basis for standards or norms of behaviour; and discipline was seen as part of a practice aimed at attaining individual freedom or autonomy rather than subordinating others. While Greek and Roman societies differed from each other, the latter placing greater emphasis on heterosexuality and marriage, Christian culture effectively broke with the entire model of ethics of the classical world. Christianity, according to Foucault, developed universal moral codes and interdictions increasingly centred on the truth of sex. While Romans might have seen desire as potentially harmful, Christians viewed it as intrinsically evil.<sup>36</sup>

At times, Foucault seemed to write approvingly of the non-normalising culture of ancient Greece in particular, but he was emphatic in his refusal to offer it as an alternative to contemporary society. Restrictions on who could be an individual within the ethical domain-free men, not women or slaves-and unequal power relations such as those between penetrator and penetrated revealed the persistence of forms of domination that could not be described as products of self-mastery. Although some critics have recently turned to these later studies in order to explore the possibilities of non-normalising sexual and ethical practices, it was Foucault's overall model of the discursive construction of sexualities that was the main initial catalyst for queer theory.<sup>37</sup>

### **Criticisms of Queer Theory:**

#### **Failing to Address Patriarchy and Rendering Lesbians/Women Invisible Again**

According to Queer theory, oppositional identity terms (such as “woman”, “feminine”, “mother” etc) are used to oppress all individuals, not just those who are regarded as being in a minority. If queer theory does “work” in successfully destabilizing identity constructs, it can act as a liberating force for all individuals. Although the word or the concept of queer has the potential to be liberating, it has been and continues to be, interpreted according to the dictates of the dominant discourses of heterosexuality and patriarchy. It is suggested by Jargon, therefore, that queer theory has not successfully managed to challenge the patriarchal aspects of heteronormativity.<sup>38</sup>

<sup>36</sup>Foucault, M. 1986. What is Enlightenment? In P. Rabinow. (ed). *The Foucault Reader*. Harmondsworth: Penguin p. 50.

<sup>37</sup>Spargo, T. 1999 p. 26.

<sup>38</sup>Jackson, S. 1999. *Querying Heterosexuality: A Personal History of Feminist and Sociological Theorizing*. London: Sage, 164

Wilkinson and Kitzinger for example, perceive queer theory to be gay male-centred, primarily concerned with the needs of gay males.<sup>39</sup> It is important to state that Teresa de Lauretis, credited with introducing the term, abandoned the term and returned instead, to use the word “lesbian”, arguing that, for her, queer had rapidly become “a conceptually vacuous creature of the publishing industry”.<sup>40</sup> Thus, queer theory's failure to disrupt dominant hegemony further contributed towards the invisibility of lesbian identity because of what Queer Theory had come to signify. Queer theory was meant to be an all-encompassing rhetorical umbrella, but the appearance of “the queer”, signals “the Lesbian”. As convincingly argued by Cruikshank, “I have fought too hard for the psychic freedom to name myself as lesbian to disappear how under the queer rubric”.<sup>41</sup>

Jeffreys criticizes queer theory as the product of a powerful gay male culture which celebrated masculine privilege” and “enshrined a cult of masculinity”. She repudiates queer theory as anti-lesbian, anti-feminist, and anti-women.<sup>42</sup> Thus, it is pertinent to say that despite its supposedly countered normative associations, queer, and queer theory has come to signify gay male, which implies it does not change or challenge patriarchal system. Furthermore, the problems of queer theory go deeper than a failure to acknowledge and critique of the lived-experience of girls, for whilst queer theory is purportedly concerned with destabilizing the heterosexual norm, it is not concerned with heterosexuality as patriarchy. Consequently, in order to be effective, any queer critique of heterosexuality must address both heteronormativity and male dominance.<sup>43</sup>

### **Failure to Acknowledge and Accommodate the Lived Experiences of Women:**

As it is stated earlier, part of the attractiveness of queer theory and of post-structuralism is that it can act as a liberating methodological tool to resist a dominant hegemony of identity. However, this approach leads to the denial of not only the subject, and the continued subjection, oppression and the denial of subjectively lived experience. It can also be as a “violence” to women as a class of persons, thus reinforcing hegemonic masculinity.<sup>44</sup> In other words, the subject does not exist; the “I” and the “self” of lived experience are therefore dismissed. Queer theory suggests that identity is the product of discourse not the source of action.<sup>45</sup> According to Green, queer theory ignores the social and institutional conditions within which lesbian (and gay-men) live: that it renders it impossible to talk in terms of a “lesbian” subject.<sup>46</sup>

A major criticism levelled at queer theory is that it denies or ignores the material conditions and factors impacting on people's lives that underpin discourse.<sup>47</sup> In many respects, this is hardly surprising given its roots in de-constructionism and post-structuralism. These roots make it highly problematic for queer theory to engage meaningfully with the concepts of “women” or “girl” as subjects. In queer theory, there are, of course, no subjects, no categories, only a “fetishizing” of discourse.<sup>48</sup> Therefore, as a framework for examining those subjects, Beresford, argues, queer theory is next to useless.<sup>49</sup>

<sup>39</sup>Wilkinson, S and Kitzinger, C. 1996. The Queer Backlash. In *Radically Speaking: Feminism reclaimed*. Bell D. and Klein R. (eds). Melbourne: Spinifex Press, p. 82.

<sup>40</sup>Lauretis, T.D. 1994. Habit changes. *Differences: A Journal of Feminist Cultural Studies*, vol. 6. 296:31.

<sup>41</sup>Zimmerman, B and Toni, A.H. 1996. Foreword in *The New Lesbian Studies: Into the Twenty-first century*. New York: The Feminist Press, p. 7.

<sup>42</sup>Jeffreys, S. 2002. *Unpacking Queer Politics: A Lesbian Feminist Perspective*. Cambridge: Polity Press, 1-2.

<sup>43</sup>Jackson, S. 2001. Why a Materialist Feminism is (still) possible and necessary. In *Journal of Women's Studies International Forum*, vol. 483:93.

<sup>44</sup>Perry, J. 2003. The Perils of an Identity Politics; Approach to the Legal Recognition of Harm. *Liverpool Law Review* 29.19:36.

<sup>45</sup>Culler, J. 2008. Preface. In *on Deconstruction: Theory and Criticism after Structuralism*. New York: Cornell University Press, p. 32.

<sup>46</sup>Green, A.I. (2002). *Gay But Not Queer. Towards a Post-Queer Study of Sexuality*. Theory and Society. 31. 512:45.

<sup>47</sup>Koller, V. 2008. *Lesbian Discourses: Images of a Community*. New York: Routledge. p. 15.

<sup>48</sup>Dunphy, R. 2000. *Sexual Politics: An Introduction*. Edinburgh: Edinburgh University Press, p. 55.

<sup>49</sup>Beresford, S. 2014. p. 766.

Queer theory has also been criticized by those who reject the desirability of radical social change. For example, centrist and conservative gays and lesbians have criticised a queer approach by arguing that it will be “disastrously counter-productive”. If 'queer' keeps its connotation as something perverse and at odds with mainstream society which is precisely what most queer theorists want, it would seem to only validate the attacks upon gays and lesbians made by conservatives.<sup>50</sup>

### **The Challenge of Homosexuality**

Homosexuality encompasses a variety of phenomena related to a same-sex sexual orientation. Although definitions of the term often focus mainly on sexual acts and attractions between persons of the same biological sex, homosexuality also refers to patterns of same-sex romantic and emotional bonding, identities and communities based on same-sex desires and relationships, and the shared culture created by those communities.<sup>51</sup>

Homosexuality is usually understood as the counterpart to heterosexuality, with, bisexuality applied to individuals who manifest both heterosexual and homosexual behaviour and attraction. Such labels, however, represent an oversimplification. Not all people display consistency among their sexual feelings, behaviours, and identity; some experience considerable fluidity in their sexuality throughout their lives. Nevertheless, most adults in the United States report that they never made a conscious choice about their sexual orientation and that they have always felt the same type of sexual attractions and desires. They experience their sexuality as a deeply-rooted and unchangeable part of themselves. Some research data suggest that this pattern is more common among men, with women somewhat more likely to perceive their sexuality as fluid and involving some degree of choice.<sup>52</sup>

### **History of the Concept**

The word homosexuality was first published in a German pamphlet in 1869 and appeared in English a few years later. Before the word and concept of homosexuality existed, however, people had sexual relations with others of the same sex in a wide range of time periods and historical locations. In Ancient Greece, for example, historical evidence shows that men had wives and children and also courted and had sex with younger men as described in Plato's *Symposium*.<sup>53</sup> French missionaries in North America in the mid-eighteenth century observed some Native American men dressing as women and taking men as sexual partners. And in parts of New Guinea, twentieth century anthropologists documented sexual experiences between boys that were an important part of family and tribal relationships.<sup>54</sup> None of these people were called homosexuals, however, because people in these different time periods and geographical locations conceptualized sexuality different than most Americans do today.<sup>55</sup>

<sup>50</sup>Bawer, B. 1993. *A Place at the Table: The Gay Individual in American Society*. New York: Poseidon Press. P. 7.

<sup>51</sup>Herek, G.M. 2000. Homosexuality. In *Encyclopedia of Psychology*. K.E. Kazdin (ed.). Washington: Oxford University Press, p. 1.

<sup>52</sup>Herek, G.M. 2000 p. 52.

<sup>53</sup>Halperin, D.M. 1999. Sex before Sexuality: Pederasty, Politics, and Power in Classical Athens. In *same Sex: Debating the Ethics, Science, and Culture of Homosexuality*. J. Corino (Ed). Lauham: Rowman & Little Field, p. 203.

<sup>54</sup>Herd, G. 1987. *Guardians of the Flutes, Idioms of Masculinity*. New York: Columbia University Press, p. 55.

<sup>55</sup>Cadge, W. 2007. Homosexuality, Religion, and the Social Sciences. In *Homosexuality and Religion: An Encyclopedia*. J. S. Siker (Ed). London: Greenwood Press, p. 20.

In the contemporary United States, most people think about homosexuality as a concept that describes people who have sexual relations with others of the same sex. The idea of homosexuality is contrasted with heterosexuality; people who have sexual relations with people of the opposite sex are called straight or heterosexual, people who have sexual relations with people of the same sex are called homosexual or gay men or lesbians, and people who have sexual relationships with people of the same and opposite sex are called bisexual. Most Americans believe that people are either heterosexual or homosexual, and increasing numbers of people believe sexual orientation is something people are born with and cannot change.<sup>56</sup>

The ways people in the United States have thought about homosexuality have changed significantly over time. Before the mid-twentieth century, people generally thought that sexual activities between people of the same sex were a sin or a disease. In 1970s, thinking about homosexuality in the United States began to change as the American Psychiatric Association (in 1975) declared that they no longer considered homosexuality to be a mental disease or disorder.<sup>57</sup> Between the early 1970s and the present, and particularly in the past ten years, public opinion about homosexuality in the United States has shifted. National public opinion data show that between the early 1970s and early 1990s, close to 70 percent of the American public thought that sexual relations between two adult of the same sex were always wrong. Since 1990, this percentage has decreased as Americans have gradually become more tolerant of homosexuality. In 1998, 56 percent of respondents in the General Social Survey, a national study, felt that homosexuality was always wrong and 31 percent thought it was not wrong at all. Aside from their opinions about the morality of homosexual behaviour, increasing numbers of people support the civil rights and liberties of homosexual people. In a 2000 Los Angeles Times poll, for example, 65 percent of Americans supported protection from job and housing discrimination based on sexual orientation.<sup>58</sup> According to Sands:

In recent decades, developing international law has exerted a progressive influence on the rights of sexual minorities. In 1994, the international Human Rights committee of the United Nations ruled that anti-sodomy laws violate the international covenant on political and civil rights, the world's primary treaty on international human rights. In 1998, the European Human Rights court ruled that anti-sodomy laws violate the European convention on human rights and fundamental freedoms. In 2003, Brazil went before the United Nations Human Rights Committee to sponsor a resolution guaranteeing human rights to sexual minorities.<sup>59</sup>

<sup>56</sup>Cadge, W. 2007, p. 20-21.

<sup>57</sup>Emilio, D., Estelle and J, F., 1998. *Intimate Matters: A History of Sexuality in America*. Chicago: University of Chicago Press, p. 7.

<sup>58</sup>Loftus, J. 2001. *America's Liberalization in Attitudes towards Homosexuality 1973 to 1998*. cited in Cadge, W. 2007 *Homosexuality, Religion, and the Social Sciences*. In *Homosexuality and Religion: An Encyclopedia*. J.S. Siker (ed). London: Greenwood Press, p. 21.

<sup>59</sup>Sands, K.M. 2007. *Homosexuality, Religion and the Law*. In *Homosexuality and Religion: An Encyclopedia*. Siker J.S. (ed.) London: Greenwood Press p. 5.

### **Sexual Prejudice as a Societal Factor Influencing Attitudes towards Homosexuality**

Prejudice, according to Bordens and Horowitz, is a biased attitude based on insufficient information and directed at a certain group, which leads to prejudgment of members of that group.<sup>60</sup> In other words, someone who belongs to the particular group, which is separated because of certain features or characteristics of that group, is usually negatively evaluated in advance.

Prejudice against lesbians and gay men because of their sexual orientation are often referred to as homophobia. Homophobia is the negative evaluation of others because of their practice of homosexuality as a sexual orientation. Hence, according to Pilecka, homophobia consists especially of the irrational fear against the contact with people of homosexual orientation. Prejudice appears in three different spheres: affective sphere (different negative emotions), behavioural sphere, and cognitive sphere (excessive generalizations, false convictions about members of the group called stereotypes).<sup>61</sup>

Emotion that accompany prejudice are homogeneous, which means that they have common negative maker. Homophobia may appear by emotions like hatred, aversion, dislike, disgust, contempt, sense of superiority, or anxiety. Prejudice may also have different forms as a behavioural act. It could be contemptuous statement, humiliating joke, insult, oral aggression, avoidance of contacts, disregard of needs, and unequal treatment at work or act of physical aggression. The cognitive sign of prejudice-stereotype is defined as a rigid of set of beliefs about the characteristics or attributes of a group, resulting in unchangeable generalized images of members of that group. Stereotypical convictions that come out of prejudices are also homogenous.<sup>62</sup>

Strong cultural sanctions against homosexuality-including religious, legal, and medical-existed throughout much of the twentieth century, and were manifested in hostile attitudes toward homosexuality among most heterosexuals. However, the latter part of the century was marked by a dramatic shift in these attitudes, spurred by the development of the movements for the civil rights of minority groups in the United States and other countries. By the end of the millennium, it appeared that sexual prejudices were dramatically diminishing. In the United States, growing numbers opposed discrimination in employment on the basis of sexual orientation. Although a majority of the public continued to regard homosexual behaviours as immoral, that majority was shrinking. Sodomy laws had been abolished and legal protections from discrimination on the basis of sexual orientation had been adopted by Canada, the European Union, the Republic of South Africa, and other countries, as well as by many states and municipalities in the United States.<sup>63</sup> Despite this shift in attitudes, Herek asserts:

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<sup>61</sup>Bordens, K.S and Horowitz, I.A. 2000 p. 127.

<sup>62</sup>Bordens, K.S and Horowitz, I.A. 2000 p. 128.

<sup>63</sup>Herek, G.M. 2000. p. 5.

Many gay men and lesbians—as well as heterosexual and bisexual people who are perceived to be homosexual—continue to be the targets of ostracism, discrimination, and even physical attack. A significant number experience hate crimes—beatings, sexual assaults, and even murder because of their sexual orientation. Fearing such attacks, many gay men and lesbians restrict their public activities to reduce their risk.<sup>64</sup>

Empirical research has identified several consistent correlates of heterosexuals' prejudice against lesbians and gay men. In contrast to those with favourable attitudes, individuals with more negative feelings are likely to be older, less educated, male, rural and resident of the Midwestern or southern United States. They are more likely to attend religious services frequently, and to hold traditional beliefs about the social roles of men and women and restrictive views about sexual behaviour. They are also less likely to have had a close relationship with an openly gay person. Indeed, heterosexuals with close friends who have disclosed that they are lesbian or gay are among those most likely to have positive and supportive attitudes toward gay people generally.<sup>65</sup>

### **The Ethical Perspective of Homosexuality in Africa**

Despite the moral bankruptcy that has generally characterised leadership in Africa, it is interesting to note that most African leaders have denounced homosexuality as evil, unnatural and incongruent to African culture and psyche. A brief survey of some of their views are: President Robert Mugabe of Zimbabwe compared homosexuality to bestiality and has ordered the police to raid the offices of Gays and lesbians.<sup>66</sup> Namibian president, San Nujoma, was more antagonistic and vitriolic in his attack of the homosexuals. He declared that “the Republic of Namibia does not allow homosexuality or lesbianism here. Police are ordered to arrest you, deport you and imprison you.” Nujoma sees homosexuality as against God's will and act that shows that the devil is at work. Indeed, Namibia's Home Affairs Minister, Jerry Ekandjo urged the police officers to criminate gays and lesbians from the face of Namibia.<sup>67</sup>

There are others beside those in the leadership cadre who feel that homosexuality is totally un-African and that it negates all the cherished values of a typical African. Thus, the reactions of Africans may take the following forms. That homosexuality should not be accepted, it is not the plan of God, it is completely bad and it does not originate from Africa, it is satanic and controlled by the evil spirits. John Ernest is of the view that homosexuals should be disenfranchised in Africa, they have no rights to be respected. He opined that homosexuality is a curse and that God should punish those who are engaged in the act, just as God reacted to the people of Sodom and Gomorrah.<sup>68</sup> Still there are those who feel that Africa would be

<sup>64</sup>Herek, G.M. 2000. p. 5.

<sup>65</sup>Herek, G.M. 2000. p. 5.

<sup>66</sup>Boykin, K. 2001. Homosexuality in Africa. Retrieved on the 25th of May, 2017. from <http://www.keithboykin.com/author/africa.html>

<sup>67</sup>Obasola, K.E. 2013. An Ethical Perspective of Homosexuality among the African People. *European Journal of Business and Social Sciences*. Vol. 1. 12:83.

<sup>68</sup>BBC Africa Live. 2012. [http://www.mask.org.za/article.Php?cat\\_ajd\\_74](http://www.mask.org.za/article.Php?cat_ajd_74). Retrieved on the 15th June, 2012. In Obasola, K.E. 2013. An Ethical Perspective of Homosexuality among the African People. *European Journal of Business and Social Sciences*. Vol. 1. 12:83

throwing away its culture and ethics to the western culture and principles and thus playing the fool if it should respect the right of the homosexuals. Hence there has been a strong reaction to the gay activist group's effort to stall a bill seeking to ban same sex marriages in Nigeria. Accordingly, there has been a few dissenting voices, the general consensus in the African Milieu is that homosexuality should not be allowed to take root in Africa. It is foreign to African culture and religion. Thus, its manifestation should be treated as an aberration rather than a socially acceptable behavioural pattern.<sup>69</sup>

### **Ethical Justification of Homosexuality:**

It has been argued by those who are homosexually homophobic and societies that consider homosexual as abnormal, deviant and devilish that it is unnatural, ungodly, not biological and not procreative. However, there are some ethical theories that seem to justify homosexuality as a morally right action. This is because there is variation in ethical opinions as to how we come to know right and wrong actions. The intuitionist school for example, takes intuition as the moral standard. On this basis, homosexuality could be justified as right or wrong action depending on how it is perceived intuitively by an individual. But one major problem with this view is that different people's intuitions often conflict. And intuition itself provides no way of deciding which of two conflicting intuitions is correct.<sup>70</sup> One man may claim to know by intuition that homosexuality is morally right, while another man may also claim to know by intuition that the same act is morally wrong. In this case, it is difficult to decide whose intuition is right.

According to Agulanna, some people say we come to know right and wrong actions through 'right reason', there are others who have variously posited that conscience, law or even social custom are the moral standards. This implies that homosexuals could be justified as homosexuality appears to their conscience. They can also be justified by the law and social customs regulating their society i.e. the United States. On this, Agulanna asserts: the major problem with these views is that when subjected to critical evaluation, they will turn out as mere opinions-and opinion are simply what they are: opinions, and not true.<sup>72</sup>

Another theory in ethics that justifies homosexuality is 'ethical relativism'. This is the view that what is right or wrong is determined by the society you inhabit. Ethical relativism is the view that there cannot be a single morals standard which is uniformly applicable to all men in all places and at all times. Morality, according to this view, is relative to place, time and the circumstances in which we find ourselves.<sup>73</sup> Similarly, ethical subjectivism asserts that each individual constructs his or her own morality. In other words, it is the individuals and not God or the society that makes an action right or wrong.

<sup>69</sup>Obasola, K.E. 2013, p. 83-84.

<sup>70</sup>Agulanna, C. 2000. Ethics and the human Conduct. In Issues and Problems in Philosophy. Owolabi K.A. (Ed). Ibadan: Grovacs Network. P. 148.

<sup>71</sup>Agulanna, C. 2000. Ethics and the human Conduct. In Issues and Problems in Philosophy, K.A. Owolabi, (ed.) Ibadan: Grovacs Network p. 148.

<sup>72</sup>Agulanna, C. 2000. p. 148-149.

<sup>73</sup>Agulanna, C. 2000. p. 149

The views expressed by relativists and subjectivists are vulnerable to a number of objections. If these opinions are true, it follows that no acts are in themselves right or wrong.<sup>74</sup> In this regard, homosexuality is good or bad depending on what a person or a particular society feels about it. These theories completely remove objectivity from morality and merely reduces it to subjectivity and opinion. The problem with these theories is that they fail to explain why certain things are held by men all over the world and at all times as morally wrong.<sup>75</sup>

Lastly to be considered, so importantly, is the view of the hedonists. Hedonism, according to the Cambridge Dictionary of Philosophy, is the view that pleasure (including the absence of pain) is the sole intrinsic good in life.<sup>76</sup> In other words, pleasure and happiness are the ultimate goals of human life. This depicts that individuals pursue what gives them pleasure and avoid pain. On this basis, homosexuals could be justified that they derive pleasure and happiness from such act. However, the consequence of this, is that, not all results of pleasurable actions are rewardable.

### Conclusion

Queer theory employs a number of ideas from poststructuralist theory, including Jacques Lacan's psychoanalytic models of decentred, unstable identity, Jacques Derridas' deconstruction of binary conceptual and linguistic structures, and, of course, Foucault's model of discourse, knowledge and power.<sup>77</sup> Hence we must decisively acknowledge Foucault's ideas, as it clearly paved the way for a different approach to understanding the relationships between sex, sexuality and power, as we have discussed in this work. However, his overall approach has been subject to criticism, notably the Eurocentrism of his historical focus and his concentration on the history of male sexuality,<sup>78</sup> as we have pointed out earlier.

Queer theory brings attention to the problematic of how sexuality has been used by traditional approaches. This effects how society treats and view people with a different sexual orientation other than heterosexuality. But most societies in the world adheres to the normative heterosexual life, as it is always held that being heterosexual is natural than being homosexual. However, some societies, proclaimed and legalised homosexuality as part of their normal life.

There is much to commend an engagement with queer theory and of utilizing the methodological tools it provides in order to challenge some of the essentialist's notions supporting idea of a core identity, or a natural, innate, inborn “self”. In deed queer theory has been instrumental in destabilizing and deconstructing some heterosexist norms.<sup>79</sup> For queer

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<sup>74</sup>Agulanna, C. 2000. p. 149.

<sup>75</sup>Omogegbe, J.I. 1993. Ethics: A systematic and Historical Study. Lagos: Joja Educational Research and Publishers Ltd. P. 388.

<sup>76</sup>Audi, R.I. (Ed). 1999. Cambridge Dictionary of Philosophy. Second Edition. Cambridge University Press. P. 364.

<sup>77</sup>Spargo, T. 1999 p. 40.

<sup>78</sup>Spargo, T. 1999 p. 26-27.

<sup>79</sup>Beresford, S. 2014. p. 764

theory, therefore, the concepts of individualised and compartmentalized sexualities cease to exist because there is no subject and no definite distinction made between these categories.<sup>80</sup> For queer theory, there is only discourse. However, according to Beresford, it would appear that queer theory as originally envisaged has tried and failed to successfully destabilize dominant hegemony, discourse and power structures and perhaps, more importantly, failed also to disrupt the influence of patriarchy.<sup>81</sup>

Hence, following the criticism of the conservatives and centrists who argued that the result of queer theory would be 'disastrously counterproductive' and those that view it as utopian, queer theory seems unrealizable, instead, a product of the imagination.

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<sup>80</sup>Beresford, S. 2014. p. 764

<sup>81</sup>Beresford, S. 2014. p. 772.