

City University of New York (CUNY)

## CUNY Academic Works

---

Publications and Research

John Jay College of Criminal Justice

---

2018

### Something Old, Something New: Historicizing Same-Sex Marriage within Ongoing Struggles over African Marriage in South Africa

Michael W. Yarbrough

*John Jay College of Criminal Justice*

[How does access to this work benefit you? Let us know!](#)

More information about this work at: [https://academicworks.cuny.edu/jj\\_pubs/242](https://academicworks.cuny.edu/jj_pubs/242)

Discover additional works at: <https://academicworks.cuny.edu>

---

This work is made publicly available by the City University of New York (CUNY).

Contact: [AcademicWorks@cuny.edu](mailto:AcademicWorks@cuny.edu)

Something Old, Something New:  
Historicizing Same-Sex Marriage within  
Ongoing Struggles over African Marriage in South Africa

Michael W. Yarbrough  
John Jay College of Criminal Justice (CUNY)  
University of Johannesburg

This article has been accepted for publication in *Sexualities*, published by Sage. This is the accepted pre-publication version. The final, published version is available at [doi.org/10.1177/1363460717718507](https://doi.org/10.1177/1363460717718507). My other publications are indexed on ORCID at <https://orcid.org/0000-0002-2802-3365>.

#### ABSTRACT

This paper examines contemporary struggles over same-sex marriage in the daily lives of black lesbian- and gay-identified South Africans. Based primarily on 21 in-depth interviews with such South Africans drawn from a larger project on post-apartheid South African marriage, I argue that their current struggles for relationship recognition share much in common with contemporaneous struggles of their heterosexual counterparts, and that these commonalities reflect ongoing tensions between more extended-family and more dyadic understandings of African marriage. The increasing influence of dyadic understandings of marriage, and of associated ideals of romantic love, has helped inspire same-sex marriage claims and, in many cases, facilitate their acceptance. At the same time, continuing contestation over such understandings helps drive instances of opposition.

#### KEYWORDS

same-sex marriage; romantic love; lesbian and gay identities; kinship; South Africa

## Something Old, Something New:

## Same-Sex Marriage and Ongoing Struggles over African Marriage in South Africa

Wedding bells have rung. Unknown in any state's law at the close of the 20<sup>th</sup> century, same-sex marriages are now legally recognized in over twenty countries, approximately three-quarters of which have extended this recognition since 2009. A once unimaginable law reform has spread quickly in recent years, marking a key moment in ongoing global histories of marriage and kinship.

While this recent, rapid shift is well-known, it is often misunderstood as a phenomenon exclusive to Western Europe and North America. In fact, as of this writing same-sex marriage is legally recognized in much or all of four Latin American countries<sup>1</sup> and in South Africa, the focus of this article, while active same-sex marriage debates continue in several regions around the world. The implicit coding of same-sex marriage as a Global North phenomenon reproduces longstanding, racialized narratives framing Western Europe and North America as 'modern' bastions of gender and sexual justice contrasted with the 'primitive' or 'backward' societies supposedly found most everywhere else (Mohanty, 1991; Tamale, 2011).

When South Africa appears in such global narratives of lesbian, gay, bisexual, transgender, and intersex (LGBTI)<sup>2</sup> politics, it is most commonly framed as the site of widespread, even monstrous homophobic violence (Matebeni, 2014a). And indeed many LGBTI South Africans, especially poor and working-class black lesbian women, do navigate daily lives shadowed by violence and fear (Judge, 2007; Muholi, 2004; Reid and Dirsuweit, 2002; Smuts, 2011). But this high-profile violence reflects not only homophobia but also significant growth in LGBTI identification among black South Africans. This growth is rooted in South Africa's status

as the first country in the world to explicitly prohibit discrimination based on sexual orientation in its constitution (Cock, 2003), a base upon which South Africa has built one of the world's most expansive legal frameworks for LGBTI issues (Berger, 2008; Stacey and Meadow, 2009). This framework includes the Civil Union Act<sup>3</sup> of 2006, which extended state marital recognition to same-sex couples following a successful court challenge grounded in this constitutional protection (Judge et al., 2008). Simplistic narratives of South African homophobia ignore these vanguard legal reforms. Even more perniciously, they ignore the remarkable acts of struggle, both public and private, of LGBTI South Africans themselves.

In this article I push against such reductive narratives by placing contemporary struggles over same-sex relationships in black<sup>4</sup> South African communities in the context of much longer, ongoing struggles over African marriage and kinship from colonialism through apartheid and into the post-apartheid era. These struggles have been waged on overlapping scales from the intimate to the international and across variously configured fault lines of coloniality, race, class, religion, generation, gender, and more. Amid this complexity, one core tension recurs again and again, counterposing longstanding understandings of African marriage as a union of two extended families against newer understandings focused primarily on the dyadic relationship between the two spouses.

In very broad terms, these latter, more dyadic understandings have become more influential over time, and I argue this growing influence forms a crucial precondition, alongside the law reforms mentioned above, for the post-apartheid spread of same-sex marriage claims by black South Africans. More specifically, dyadic understandings of marriage have drawn on and circulated ideals of romantic love that emphasize affection, intimate communication, and emotional support between romantic partners or spouses, as opposed to the themes of material

exchange and support emphasized by extended-family understandings. Dyadic understandings of marriage in general and romantic love ideologies in particular inspire many lesbian- and gay-identified black South Africans' interest in same-sex marriage, and they are a crucial resource in gaining recognition for such marriages from their families of origin and their broader communities.

At the same time, the reach of dyadic understandings of African marriage remains both uneven and contested, as does the more specific idealization of romantic love as a basis for marriage. This ongoing contestation reflects a highly charged cultural politics around the content and role of African 'tradition' in post-apartheid South African democracy, as well as the dire realities of epidemic unemployment and poverty that saddle the pursuit of 'pure' affection and intimacy with the sheer material imperatives of survival. The tension between extended-family and dyadic understandings of marriage thus remains fraught even for heterosexual Africans, whose pursuit of marriage is also marked by struggle with natal elders and by anxious efforts to balance emotional intimacy with material security (Hunter, 2010; Author, forthcoming). Struggles of lesbian and gay South Africans share much in common with these broader struggles, even as they are lashed with their own distinctive vulnerabilities to homophobic prejudice and violence. By examining these similarities, this article complicates simplistic stereotypes of 'African homophobia,' tracing a more nuanced picture capable of accounting not only for contemporary opposition to same-sex marriage claims but also for these claims' widespread existence and, in many cases, acceptance.

My arguments draw primarily on semi-structured, in-depth interviews I conducted with 21 South African adults living in the Johannesburg and Cape Town metropolitan areas who identify both as lesbian or gay, and as black and/or African. These interviews form

approximately half of a racially diverse sample of LGBT-identified<sup>5</sup> South Africans I interviewed about their most important relationships (see Carsten, 2000; Schneider, 1968; Weston, 1991), in order to understand whether and how their understandings of marriage and kinship have been shaped by the recent same-sex marriage law. This is part of a broader project comparing LGBT South Africans to the (overlapping) group of South Africans who follow some system of African customary law, whose own marriages also became fully legalized in 2001. This latter half of the larger project informs my account of the broader African marriage struggles within which I argue same-sex marriage struggles should be contextualized.

I conducted most of the LGBT interviews in 2010, with some follow-up interviews in 2015, recruiting participants through LGBTI-focused NGOs, churches, and social events; through networks of my own friends; and through snowball referrals. My interview data is further supported by participant observation in various LGBTI-related events and settings, including political protests, pride marches, memorial services, discussion groups, nightclubs, and social gatherings. All research protocols were approved by my institutions' ethics review boards.

My research included participants of varying relationship status in order to explore discourses around marriage from a range of social positions vis-à-vis marriage. Anyone over the age of 18 was eligible to be interviewed, provided they used at least one of the LGBTI terms to describe themselves in at least some contexts. While the LGBTI rubric has arguably become the dominant vocabulary for narrating same-sex and gender-nonconforming behavior in South Africa (de Vos, 2001; Reid, 2013), it is important to emphasize that it excludes many people who experience same-sex desires or non-normative gender identifications (Matebeni, 2014b; Matebeni and Msibi, 2015; Reddy, 2005; Reid, 2013). Moreover, LGBTI terms carry different meanings in different historical periods and social contexts, a fact that is key to my argument

below (Gevisser, 2011; Matebeni, 2011; Smuts, 2011). Of the black/African participants on whom I focus in this article, all identified to me specifically as lesbian or gay, and as will be seen their understandings of these terms often reflected multiple resonances drawn from different histories.

My aim for this project is not to identify the precise distribution of particular attitudes about marriage in the various populations I study, but instead to trace some of the discourses through which marriage is understood in my participants' communities. To interpret these discourses and their uses, it is necessary to situate them in their historical and social contexts, so I begin in the next section with a brief summary of the longer history of struggle over African marriage in the lands now known as South Africa.

#### Struggles Over African Marriage: Extended-Family versus Dyadic Understandings

African marriage has long been a site of struggle in southern Africa.<sup>6</sup> These struggles have been multilayered and dynamic, involving both external interventions into African communities and internal struggles among Africans themselves. Within these complex dynamics, the core recurring theme has concerned the relative priority of more extended-family understandings of African marriage and, by extension, African kinship, versus more dyadic understandings focused on the two spouses and their nuclear family. This tension between extended-family and dyadic understandings of marriage, seen in many societies, carries particular implications in South Africa rooted in the specific cultural, political, and economic dynamics of colonial, apartheid, and now post-apartheid rule.

Across ethnic and regional differences, African kinship systems in southern Africa have long shared certain key features. In particular, they have shared a strong emphasis on extended

family lines. For example, the word typically translated as ‘family’ in isiZulu and other Nguni languages, *umndeni*, usually refers to the patrilineage rather than to the nuclear household. Historically, kinship was not just patrilineal but also patriarchal, with senior men typically enjoying significant authority over women and junior males. This extended to marriage, which only men could initiate (Hunter, 2009). Originally the groom’s father played the critical role, but over time political economic transformations summarized below enabled the groom to take more control over his own marriage. Women, for their part, generally enjoyed the right to accept or reject marriage proposals, although forced marriages were certainly not unknown (Monyane, 2013).

In its idealized form, African marriage was thought to unite two family lines rather than two individuals, growing the groom’s patrilineage via the reproductive power brought into the family by the bride, in exchange for cattle given the bride’s family in a process known across many language groups as *lobola*<sup>7</sup> (Kuper, 1982). These cattle were given over time rather than all at once, helping enact another key feature of ‘traditional’ African marriage, namely that it was an ongoing process of gradually becoming more married rather than an instantaneous, fully binary change in status (Comaroff, 1980). *Lobola*’s enactment of this processuality underlined the interfamilial character of African marriage by helping the two families become acquainted and circulating resources between them as the marriage solidified. Meanwhile, *lobola* cattle received for a bride in turn helped enable her brothers’ own marriages, further embedding marriage in extended-family obligations (Kuper, 1982).

Colonization triggered several new pressures on African marriage, usually tending to push it toward more nuclear models that elevated the spouses’ obligations to each other and to their children above obligations to extended kin. These included direct legal interventions into



African marriage by the colonial and later the segregationist and apartheid states. These interventions usually attempted to assert the white-controlled state's authority to define the boundaries of legally recognized African marriages, and to draw those boundaries of recognition around nuclear ideals influenced by Christian doctrine. For example, an 1869 ordinance in the British colony of Natal, in the eastern part of what would become South Africa, required an official witness to register the marriage in official colonial records, so any future disputes about a marriage's valid existence could be heard by colonial courts rather than negotiated between the two families (Bennett, 2004). After the Union of South Africa was formed in 1910, it refused any comprehensive legal recognition to marriages concluded only through African traditions (Albertyn and Mbatha, 2004), granting comprehensive recognition only to monogamous marriages concluded in government offices or mainline Christian churches. In 1961 the apartheid state further entrenched this framework with the Marriage Act, which stipulated that a marriage under its ambit automatically invalidated any existing African customary union.

The general legal trend was thus to push authority over African marriages away from customary structures embedded in local communities and extended kinship networks, and toward state structures administered by the ruling white minority. Importantly, however, this trend was never fully realized. For example, efforts to establish a nationwide state registry of customary unions repeatedly faltered for political reasons (Posel, 1995). Even more significantly, Africans themselves creatively responded to these regulations, for example by elaborating a new custom of dual weddings that combined Christian white weddings (Erlank, 2014; Mupotsa, 2014)—recognized under state law—with African ceremonies such as lobola (Mbatha, 1997).

These legal pressures toward more dyadic models of marriage were reinforced by cultural and ideological shifts. These included the spread of Christian missions promoting more nuclear

models of family life built around what scholars have come to call a companionate model of marriage, ‘in which the conjugal partnership is privileged over other family ties’ and ‘emotional closeness’ between the spouses was emphasized (Wardlow and Hirsch, 2006). These missions encouraged women, historically responsible for crop-raising, to instead become homemakers, nurturing their children’s Christian socialization and tending to husbands worn down by wage work outside the home (Meintjes, 1990). Print media aimed at educated, literate Africans reinforced these more dyadic messages starting in the 1930s, featuring stories and advice columns about romance and marriage (Thomas, 2009). Both religion and media remained important conduits for discourses of romantic love throughout the 20<sup>th</sup> and into the 21<sup>st</sup> century.

Perhaps the most consequential—and contradictory—pressures on African marriage came from wrenching political economic transformations that both undermined the material basis of extended-family models of kinship and intensified the need for economic support. For example, the introduction of wage labor after the colonial-era discovery of gold and diamond deposits opened a way for younger men to amass their own lobola without their fathers’ assistance (Hunter, 2009). Meanwhile, racist land policies displaced Africans from the best farmland in favor of white farmers, weakening the capacity of large African families to support themselves through agriculture and cattle-raising (Beinart et al., 1986; McClendon, 2002). These economic transformations triggered accelerating migration to urban areas, where residential policy and sheer spatial scarcity pushed African families toward more nuclear households (Hickel, 2014). Meanwhile, migrant labor began to take husbands away from their rural homes toward urban mines for up to eleven months a year. This helped foster new meanings for lobola, which women and their natal families increasingly understood as a kind of test of an intended husband’s capacity to earn, save, and send money to the rural home his wife would maintain for

the benefit of his family line. Social geographer Mark Hunter (2009, 2010) calls this understanding ‘provider love,’ as opposed to romantic love, for it located spousal love primarily in acts of material support rather than emotional intimacy.

Industrial employment began to decline in the 1970s, radically undermining the economic basis of these already tenuous practices. Marriage rates have dramatically declined in recent decades, and the African kinship landscape today has become much more fluid (Mhongo and Budlender, 2013; Seekings, 2003). Both single motherhood and multi-generational households are widespread. In place of marriages, many black South Africans today maintain more ambiguously defined romances, often with multiple partners (White, 2017). The post-apartheid legal framework, meanwhile, has become much more open, extending recognition to customary marriages, whether monogamous or polygynous, with the Recognition of Customary Marriages Act of 1998 and to same-sex marriages in 2006 (Author, 2015b). The legal framework continues to privilege marriage, but expanded social grants to children’s caretakers have provided a new form of state support especially to single mothers, regardless of marital status (Dubbeld, 2013). Contemporary same-sex marriage claims emerge out of and contend with this fluid and anxious landscape marked by the declining occurrence but enduring idealization of marriage (Pauli and Dijk, 2017), by ambiguously defined relationships (Hunter, 2017; White, 2017), and by ambivalence over the nature and role of love in conjugal commitments (Hunter, 2010).

### Gender and Sexual Orientation in South African Lesbian and Gay Identities

These new claims are not the first same-sex marriages to occur in South Africa, however. There is a long history of same-sex sexuality and coupling, including marriage, in black southern African communities, much of it unfolding outside the rubric of lesbian and gay identity while

fitting into then-prevailing understandings of African kinship. For example, in some communities a wealthy or high-status female husband could take a wife or wives (e.g., Gluckman, 1950; Wieringa, 2005). Like her male counterparts, the female husband married to extend her patrilineage, either by bearing children by men she chose or by deputizing a man to impregnate her wife. The husband of South Africa's most famous woman-woman marriage is the Rain Queen, or Modjadji, of the tshiVenda-speaking Lovedu in the country's northeast (Krige, 1974). Another example involving actual same-sex sex occurred between older and younger male mineworkers (Achmat, 1993; Moodie, 1988; Niehaus, 2002). Beginning as early as 1885 in the diamond-rush city of Kimberley (known in the Sesotho language as Sotoma—i.e., Sodom), the practice has been conclusively documented around Johannesburg from the 1910s through the 1980s (Epprecht, 2004).<sup>8</sup> The younger partner in these marriages played the wife's role in sexual and domestic activities in return for food, money, and gifts. Mine marriages were temporary, quite unlike conventional African marriages, but they shared with conventional marriages similarly gendered roles and, more generally, institutionalized and enforceable expectations. A final important example of same-sex marriage occurs among sangomas, or traditional healers (Nkabinde, 2008; Nkabinde and Morgan, 2005; Reid, 2013). Ideally, sangomas are called to the profession by deceased ancestors who 'provide [them] with the gift of healing and the ability to predict what will happen in the future' (Nkabinde and Morgan, 2005: 234). When the ancestor and the sangoma are of different sexes, this produces atypical yet easily understood gender presentations that can include same-sex coupling and even same-sex marriage, when the ancestor calls on the sangoma to marry an assistant on the ancestor's behalf. This is the most persistent of the three examples, and LGBTI-identified sangomas are common today (Nkabinde, 2008; Reid, 2013).

In different ways, each of these three older forms of same-sex marriage sharply distinguishes the gender roles of the two partners, and this emphasis on gender differentiation recurs frequently in research on black South African same-sex sexuality up through the present day (see Matebeni, 2011; Swarr and Nagar, 2004). When identification with the terms ‘gay’ and ‘lesbian’ became more common in the latter half of the twentieth century, it tended to follow the lines of this existing logic, at least initially. For example, anthropologist Graeme Reid (2013) found that his participants in small towns in the early 2000s used the term ‘gay’ more or less interchangeably with the term ‘*lady*,’<sup>9</sup> which had circulated as far back as the 1970s. They applied both terms to people who occupied bodies sexed as male while performing their genders in ways typically understood as feminine. *Gays/ladies* often maintained romantic and sexual relationships with one or more boyfriends, whom they called *gents* and usually understood as straight. *Gays* themselves, meanwhile, were seen by their communities as like women and incorporated into women’s roles. They wore women’s uniforms to church and sang with the women’s choir, styled themselves and others with carefully chosen clothing and intricate hairdos, organized and entered beauty pageants, performed women’s chores, played women’s sports, and suffered women’s vulnerabilities to violence and control by *gents*. As all this suggests, *ladies* enjoyed a much higher degree of family and community integration than stereotypes of African homophobia would suggest. Some were even seen as ‘celebrities.’ While many also suffered, their suffering often took forms that closely tracked that endured by women generally. Reid argues that this relatively high social integration reflected the ways gendered models of ‘gay’ fit ‘within an existing sex/gender system’ (Reid, 2013: 173), an argument I extend here to the existing—if, as emphasized in the previous section, dynamic and contested—African kinship system with which the sex/gender system was mutually constituted. For example, many *ladies* in

Reid's research were legible as girlfriends, occupying a similar if subsidiary position to conventionally gendered girlfriends within shared local relational landscapes dominated by multiple partnerships, as described in Hunter's work above.

Such sharply gendered performances remain important to the ways many black South Africans understand lesbian and gay identity today, but a different notion of gay and lesbian identity framed around sexual object choice began to circulate more widely after apartheid. This understanding distinguishes sexual orientation from gender identity, defining as gay or lesbian those who desire or have same-sex sex, regardless of their gender performance. This notion vividly appeared in Reid's fieldwork in a workshop he attended entitled 'How to Be a Real Gay,' led by a local gay with experience volunteering for Johannesburg-based LGBTI NGOs (Reid, 2006, 2013). The workshop leader carefully distinguished "'the true meaning of 'gay' and 'lesbian'" from terms such as 'transgender' and 'transvestite,' and worried that local gays were accepted not as gays but as women (Reid, 2013: 161). Held just before the country's third democratic elections in 2004, this workshop was an outgrowth of the substantial organized LGBTI activism that followed South Africa's world-leading constitutional protection for 'sexual orientation' (Currier, 2012). As legal scholar Pierre de Vos (2001: 196) has argued, 'the sexual orientation clause in the constitution...has open[ed] up...a space in which the traditional Western narrative of "coming out" can be enacted' and has thereby 'contributed to the constitution of lesbian and gay identity.' While lesbian and gay identities take different forms in different contexts and are shaped by the agency of those who adopt them, sexual object choice increasingly shapes the ways many South Africans understand their own lesbian and gay identities. They are increasingly influenced by what we could call a *sexual orientation model* of lesbian and gay identity.

This model's rise has been enabled not only by the constitutional protection for sexual orientation but also, I argue, by the rise of romantic love as a legitimate basis for African marriage described in the previous section. Almost all my black lesbian and gay participants, as well as LGBT<sup>10</sup> participants of other races, framed boyfriend, girlfriend, and marriage relationships as spaces—in ideal if not fact—of mutual emotional support, intimate self-knowledge, and trust. For example, Pretty Sithole, a self-described femme lesbian in her 20s, told me how she had come to understand her current partner and, through that, herself better. When they met, Pretty said, 'I was having a self-discovery situation. I didn't know who I am, in a way...I couldn't stand myself, particularly, you know?'<sup>11</sup> Her new girlfriend helped her work through these emotional struggles.

She put up with a lot from me because, one thing she was so wisely. She just chose to stay with me at home. I didn't ask her to come live with me or whatever. She just saw the pain and anger that I was with, you know? Because she's a social worker, I think. So I think she's good on seeing emotions or emotional whatever of people.

Then she just said to me once, she said, 'You know what? I'm not going to go anywhere until you're fine.'

I'm saying, 'I'm fine.'

'Ag, no, you're not fine.'

'You don't have to.... Why do you say that?'

'Ag, no, I can see you've got so much anger.'

Pretty framed her relationship with her girlfriend as a unique space for emotional labor and self-discovery, their intimate interaction enabling her girlfriend to observe Pretty closely and see emotions that she did not fully recognize herself.

This emphasis on romantic love also manifests, as it does for many heterosexual black South Africans, in anxieties about the proper relationship of romantic love to material support and exchange. For example, in the same interview Pretty's friend Nomandla Msibi repeatedly asked me how to recognize true love. She worried her occasional feelings of love for a woman to whom she had proposed marriage were really gratitude for the material support her 'wife'<sup>12</sup> gave her and her family.

[S]he used to give me money to buy food at home...for my sisters. Maybe sometimes that is why I love her because, we are four sisters, no one will [inaudible] my older sister, her boyfriend, no money to pay for it, then I have to help her [Nomandla's sister], you know? Maybe that is why...

AU: Do you worry about getting married and not feeling like it's true love?

NM: Yeah. That is why I ask you what, what does true love mean?<sup>13</sup>

Nomandla worried her feelings for her wife were not 'true' but somehow false, produced by the material support her wife gave Nomandla and her sisters. Contrast this with the 'provider love' understandings identified by Hunter and discussed in the previous section. From a provider love point of view, such material support is the very definition of true love.

Both Pretty and Nomandla saw romantic love as a crucial element of their same-sex relationships, a concern their heterosexual counterparts today widely share but that black South Africans several generations earlier would have found less important. Same-sex marriage claims crystallize this association between romantic love and sexual orientation models of lesbian and



gay identity. While not all my lesbian- and gay-identified participants desired marriage,<sup>14</sup> virtually all desired romantic love, and none could imagine such love in a different-sex marriage. Those who hoped to marry primarily imagined marriage in companionate terms. For example, Sakhile Dlamini, a nursing student in his 20s, relied on such understandings as he told me the dramatically romantic story of his engagement. It was New Year's Eve, and some friends were sharing words of prayer and thanks as midnight approached. His boyfriend stepped forward.

He says, 'Of all, the most important person that I'd like to thank at this time is the love of my life, Sakhile.' Oooh, sweet!... And then he says, 'I love you so much,' and then pulls out a box... Falls out that ring, titanium, 4-carat diamond, brilliant [inaudible] cut. He pulled it out and...I was breathless. I was breathless.... His exact words were, 'You are a part of me. I love you, my life, my existence, and my being. And for that reason only, would you do me the honor of marrying me?'...

It was emotional, everybody was crying, I was crying and, it was a big fat yes, of course... And the ring fit, and a big hug and a big kiss.<sup>15</sup>

Since the engagement, he said, 'It's been bliss. Well, of course, you do argue about this and that every now and again...but it's working around them that means a lot. How, how you really conquer all of those aspects.' I asked if he felt different after the engagement.

I felt different because I... realized that I matter so much to this boy's life.... Excuse my language, but marriage is heavy crap. So it's not anything anyone would do. It made me come to the realization that I really, really matter so much to this man. And to the relationship, it cemented it. It made it so much more

concrete, more stronger.... It connected we and we. We were no longer boyfriend and boyfriend. It's now serious life partners to be.

For Sakhile, the breathless drama of the proposal symbolized his fiancé's commitment to the communication work required of 'serious life partners' joined in marriage. Compare this to the *ladies* in Reid's research, who were rarely their boyfriends' primary or live-in partners. More commonly their boyfriends had other girlfriends or wives, 'real' ladies without the italics. While some *ladies* dreamed of a more central relationship, most were resigned to their lot. Most of my participants, by contrast, wanted relationships that everyone inside and outside the relationship viewed as the central organizing relationship in both partners' lives. Same-sex marriage represented to many the fullest expression of this desire.

#### Same-Sex Marriage Claims and Broader Contemporary Struggles Around African Marriage

In this way romantic love, having generally become more influential across decades of struggle over African marriage, helped foster desires for same-sex marriage among many of my participants. It also tended to foster a sense of their claims' legitimacy, even in the face of opposition. Sakhile, for example, 'brushed...away' his paternal uncles when they rebuked his engagement and shouted at him, "'*Uyindoda, wena!* You're a man!'" For Sakhile, these men had no authority over what was his decision alone, even if they were his father's brothers. 'I'm my own person.... I'm not gonna be willing to let them push me...around like that.'

Sakhile's story nonetheless shows that same-sex marriage claims do often meet objection. Such objections can be more difficult to brush away when they come from parents. For example, Lebo Moleko, a psychology graduate student in her 30s, found that marriage provoked a new

level of resistance from her previously accepting mother. Even before Lebo came out, her mom would ask,

‘How’s your girlfriend doing?’ without me having said anything... And I denied it and denied it because I was not comfortable until one day I said, ‘No, she’s fine. We are doing OK.’ And she said, ‘Wow! You’re not denying it any more?’ I said, ‘Ag, why? Why should I?’ You know? So that’s...how I came out, I would say.<sup>16</sup>

Marriage, however, was a much more ‘sensitive subject... Just not long ago, two weeks ago I went and spoke to her about marriage, but there she’s not ready. She’s not willing to understand.’ Although her mom lived several hundred kilometers away in Lebo’s hometown, Lebo suspected that she worried about ‘losing’ Lebo to marriage, to a new set of obligations that would attenuate their own connection. She hoped she could eventually secure her mother’s assent, and intended to try again before moving forward. ‘Marriage is about bringing two families together,’ she told me. On the other hand, she also believed that it was God’s will that she marry her partner, and that it would be wrong in the end to let her mom prevent it.

Sakhile and Lebo adopted different strategies in response to their elders’ objections, but neither abandoned their claims. Like their heterosexual counterparts, they struggled with natal elders over their marital desires, and like their heterosexual counterparts these struggles turned in part on gender roles and intergenerational relations. While homophobia and heterosexism touch both stories, both also share much in common with the marital struggles of their heterosexual counterparts.

Meanwhile, it is perhaps Nomandla, introduced above, whose struggle most closely resembles contemporary black South African marital struggles more broadly. Both depending on her sister and her sister’s children and helping support them, Nomandla simultaneously accepted

her wife's material help and worried this acceptance indicated the absence of what she called 'true love.' Nomandla's worry was not whether to pursue a same-sex marriage, nor whether it would be accepted. It was how to balance the various forms of work—both emotional and material—expected of marriage by many contemporary black South Africans amid a context of economic strife and ideological contestation. Little wonder that her 'wife' was a wife not through the formal practices of state law nor even the socially recognized cultural practice of lobola, but through the ambiguous daily acts of recognition, constantly negotiated and renegotiated, that characterize most young black South Africans' conjugal lives today (White, 2017).

### Conclusion

Sakhile's, Lebo's, and Nomandla's stories each involve an element of homophobia, but that homophobia is 'African' only in the sense that it emerges out of a particular set of South African histories that have imbued contemporary battles over same-sex marriage with particular stakes. Across a great deal of complexity, these histories have been most fundamentally structured around an enduring tension between extended-family and dyadic understandings of African marriage. The reach of dyadic understandings and the associated ideal of romantic love makes marriage a desired goal for many lesbian and gay South Africans, just as it is a key motivation for many heterosexual Africans who wish to marry today. That same-sex marriage claims are not always accepted by families of origin and others, meanwhile, reflects in part the continued power of more extended-family understandings of marriage, which tend to frame marriage as a mechanism for circulating material resources within and across families and extending kinship lines forward in time rather than for building an emotionally supportive, dyadic relationship.

While heterosexual Africans do not have to contend with homophobia specifically, they, too, often find themselves struggling with elders over the terms of their marriages, and to find the right balance between material security and emotional support in their conjugal relations. For lesbian, gay, *and* heterosexual black South Africans, these struggles produce a range of outcomes, from recognized marriage to no conjugal relations at all, with a full spectrum of more ambiguous arrangements in between (Hunter, 2017; White, 2017).

Black South African marriages have changed under colonial and apartheid rule to synthesize new forces with enduring norms. Same-sex marriage claims in contemporary South Africa both draw on these changes and contend with their unresolved anxieties. And indeed, wherever same-sex marriage claims have emerged they always engage and extend local kinship histories. While the swift global spread of same-sex marriage threatens to obscure such local histories, it also makes understanding them ever more urgent.

## BIBLIOGRAPHY

- Achmat Z (1993) 'Apostles of Civilised Vice': 'Immoral Practices' and 'Unnatural Vice' in South African Prisons and Compounds, 1890–1920. *Social Dynamics: A Journal of African Studies* 19(2): 92–110.
- Albertyn C and Mbatha L (2004) Customary Law Reform in the New South Africa. In: *Gender, Citizenship and Governance: A Global Sourcebook*, Oxford: Oxfam Publishing, pp. 51–60.
- Author (forthcoming).
- Author (2015a).
- Author (2015b).
- Beinart W, Delius P and Trapido S (eds) (1986) *Putting a Plough to the Ground: Accumulation and Dispossession in Rural South Africa, 1850–1930*. New history of Southern Africa series, Johannesburg: Raven Press.
- Bennett TW (2004) *Customary Law in South Africa*. Lansdowne, South Africa: Juta.

- Berger J (2008) Getting to the Constitutional Court on Time: A Litigation History of Same-Sex Marriage. In: Judge M, Manion A, and de Waal S (eds), *To Have and to Hold: The Making of Same-Sex Marriage in South Africa*, Auckland Park, South Africa: Fanele, pp. 17–28.
- Bilchitz D and Judge M (2007) For Whom Does the Bell Toll? The Challenges and Possibilities of the Civil Union Act for Family Law in South Africa. *South Africa Journal of Human Rights* 23: 467–499.
- Bilchitz D and Judge M (2009) The Civil Union Act: Messy Compromise or Giant Leap Forward? In: Judge M, Manion A, and Waal S de (eds), *To Have and to Hold: The Making of Same-Sex Marriage in South Africa*, Auckland Park, South Africa: Fanele.
- Carsten J (ed.) (2000) *Cultures of Relatedness: New Approaches to the Study of Kinship*. Cambridge, UK: Cambridge University Press.
- Cock J (2003) Engendering Gay and Lesbian Rights: The Equality Clause in the South African Constitution. *Women's Studies International Forum* 26(1): 35–45.
- Comaroff JL (1980) Bridewealth and the Control of Ambiguity in a Tswana Chiefdom. In: Comaroff JL (ed.), *The Meaning of Marriage Payments*, London: Academic Press, pp. 161–96.
- Currier A (2012) *Out in Africa: LGBT Organizing in Namibia and South Africa*. Minneapolis: University of Minnesota Press.
- de Vos P (2001) The Constitution Made Us Queer: The Sexual Orientation Clause in the South African Constitution and the Emergence of Gay and Lesbian Identity. In: Stychin CF and Herman D (eds), *Law and Sexuality the Global Arena*, Minneapolis: University of Minnesota Press.
- de Vos P and Barnard J (2007) Same-Sex Marriage, Civil Unions and Domestic Partnerships in South Africa: Critical Reflections on an Ongoing Saga. *The South African Law Journal*: 797–826.
- Dubbeld B (2013) How Social Security Becomes Social Insecurity: Unsettled Households, Crisis Talk and the Value of Grants in a KwaZulu-Natal Village. *Acta Juridica* 2013: 197–217.
- Epprecht M (2004) *Hungochani: The History of a Dissident Sexuality in Southern Africa*. Montreal: McGill-Queen's University Press.
- Erlank N (2014) The White Wedding: Affect and Economy in South Africa in the Early Twentieth Century. *African Studies Review* 57(2): 29–50.
- Gevisser M (2011) Edenvale. *Granta* (114): 50–79.
- Gluckman M (1950) Kinship and Marriage among the Lozi of Northern Rhodesia and the Zulu of Natal. In: Radcliffe-Brown AR and Forde D (eds), *African Systems of Kinship and*

- Marriage*, London: Oxford University Press for the International African Institute, pp. 166–206.
- Hickel J (2014) Engineering the township home: Domestic transformations and urban revolutionary consciousness. In: Healy-Clancy M and Hickel J (eds), *Ekhaya: The Politics of Home in KwaZulu-Natal*, Pietermaritzburg, South Africa: University of KwaZulu-Natal Press, pp. 131–61.
- Hunter M (2009) Providing Love: Sex and Exchange in Twentieth Century South Africa. In: Cole J and Thomas LM (eds), *Love in Africa*, Chicago: University of Chicago Press, pp. 135–56.
- Hunter M (2010) *Love in the Time of AIDS: Inequality, Gender, and Rights in South Africa*. Bloomington, IN: Indiana University Press.
- Hunter M (2017) Is It Enough to Talk of Marriage as a Process? Legitimate Co-habitation in Umlazi, South Africa. *Anthropology Southern Africa* 40(V1): 281–296.
- Judge M (2007) Government Leaders Passive in the Face of Lesbian Murders. *Pambazuka*. Available from: <http://www.pambazuka.org/en/category/comment/44713> (accessed 28 July 2010).
- Judge M, Manion A and De Waal S (eds) (2008) *To Have and to Hold: The Making of Same-Sex Marriage in South Africa*. Auckland Park, South Africa: Fanele.
- Krige EJ (1974) Woman-Marriage, with Special Reference to the Lovedu. Its Significance for the Definition of Marriage. *Africa*: 11–37.
- Kuper A (1982) *Wives for Cattle*. London: Routledge & Kegan Paul.
- Matebeni Z (2011) Exploring Black Lesbian Sexualities and Identities in Johannesburg. Ph.D. Dissertation, Johannesburg: University of the Witwatersrand. Available from: <http://wiredspace.wits.ac.za/handle/10539/10274> (accessed 13 September 2015).
- Matebeni Z (2014a) How NOT to Write about Queer South Africa. In: Matebeni Z (ed.), *Reclaiming Afrikan. Queer Perspectives on Sexual and Gender Identities*, Athlone, South Africa: Modjaji Books, pp. 61–64.
- Matebeni Z (2014b) *Reclaiming Afrikan. Queer Perspectives on Sexual and Gender Identities*. Athlone, South Africa: Modjaji Books.
- Matebeni Z and Msibi T (2015) Vocabularies of the Non-Normative. *Agenda* 29(1): 3–9.
- Mbatha L (1997) *How Black South Africans Marry*. CALS Research Report, Johannesburg: Centre for Applied Legal Studies, University of the Witwatersrand.

- McClendon TV (2002) *Genders and Generations Apart: Labor Tenants and Customary Law in Segregation-Era South Africa, 1920s to 1940s*. Social history of Africa, Portsmouth, NH: Heinemann.
- Meintjes S (1990) Family and Gender in the Christian Community at Edendale, Natal, in Colonial Times. In: Walker C (ed.), *Women and Gender in Southern Africa to 1945*, London: James Currey, pp. 125–45.
- Mhongo C and Budlender D (2013) Declining Rates of Marriage in South Africa: What do the Numbers and Analysts Say? *Acta Juridica*: 181–96.
- Mohanty CT (1991) Under Western Eyes. In: Mohanty CT, Russo A, and Torres L (eds), *Third World Women and the Politics of Feminism*, Bloomington: Indiana University Press, pp. 196–220.
- Monyane C (2013) Is Ukuthwala Another Form of ‘Forced Marriage’? *South African Review of Sociology* 44(3): 64–82.
- Moodie TD (1988) Migrancy and Male Sexuality on the South African Gold Mines. *Journal of Southern African Studies* 14(2): 228–256.
- Muholi Z (2004) Thinking through Lesbian Rape. *Agenda* 61: 116–25.
- Mupotsa DS (2014) White Weddings. Ph.D. Dissertation. Available from: <http://wiredspace.wits.ac.za/handle/10539/15814> (accessed 31 December 2016).
- Niehaus I (2002) Renegotiating Masculinity in the South African Lowveld: Narratives of Male-Male Sex in Labour Compounds and in Prisons. *African Studies* 61(1): 77–97.
- Nkabinde N and Morgan R (2005) ‘This Has Happened Since Ancient Times...It’s Something You Are Born With’: Ancestral Wives Amongst Same-sex Sangomas in South Africa. In: Morgan RZ and Wieringa S (eds), *Tommy Boys, Lesbian Men and Ancestral Wives: Female Same-Sex Practices in Africa*, Johannesburg: Jacana Media, pp. 231–60.
- Nkabinde NZ (2008) *Black Bull, Ancestors and Me: My Life as a Lesbian Sangoma*. Auckland Park, South Africa: Fanele.
- Pauli J and Dijk R van (2017) Marriage as an End or the End of Marriage? Change and Continuity in Southern African Marriages. *Anthropology Southern Africa* 40(V1): 257–266.
- Posel D (1995) State, Power and Gender: Conflict over the Registration of African Customary Marriage in South Africa c. 1910-1970. *Journal of Historical Sociology* 8(3): 223–256.
- Reddy V (2005) Moffies, Stabanis, Lesbos: The Political Construction of Queer Identities in Southern Africa. Ph.D., University of KwaZulu-Natal.



- Reid G (2006) How to Become a 'Real' Gay: Identity and Terminology in Ermelo, Mpumalanga. *Agenda* 67(13): 137–45.
- Reid G (2013) *How to Be a Real Gay: Gay Identities in Small-town South Africa*. Scottsville, South Africa: University of KwaZulu-Natal Press.
- Reid G and Dirsuweit T (2002) Understanding Systemic Violence: Homophobic Attacks in Johannesburg and its Surrounds. *Urban Forum* 13(3): 99–126.
- Schneider DM (1968) *American Kinship: A Cultural Account*. Englewood Cliffs, NJ: Prentice-Hall.
- Seekings J (2003) Households and Families in Southern Africa: Introduction to the Special Issue. *Social Dynamics: A journal of African studies* 29(2): 1–4.
- Smuts L (2011) Coming Out as a Lesbian in Johannesburg, South Africa: Considering Intersecting Identities and Social Spaces. *South African Review of Sociology* 42(3): 23–40.
- Stacey J and Meadow T (2009) New Slants on the Slippery Slope: The Politics of Polygamy and Gay Family Rights in South Africa and the United States. *Politics & Society* 37(2): 167–202.
- Swarr AL and Nagar R (2004) Dismantling Assumptions: Interrogating 'Lesbian' Struggles for Identity and Survival in India and South Africa. *Signs: Journal of Women in Culture & Society* 29(2): 491–516.
- Tamale S (2011) Researching and Theorizing Sexualities in Africa. In: Tamale S (ed.), *African Sexualities: A Reader*, Cape Town, Dakar, Nairobi, and Oxford: Pambazuka Press, pp. 11–36.
- Thomas LM (2009) Love, Sex, and the Modern Girl in 1930s South Africa. In: Cole J and Thomas LM (eds), *Love in Africa*, Chicago: University of Chicago Press, pp. 31–57.
- Wardlow H and Hirsch JS (2006) In: Hirsch JS and Wardlow H (eds), *Modern Loves: The Anthropology of Romantic Courtship & Companionate Marriage*, Macmillan.
- Welsh DJ (1971) *The Roots of Segregation: Native Policy in Colonial Natal, 1845-1910*. Cape Town: Oxford University Press.
- Weston K (1991) *Families We Choose: Lesbians, Gays, Kinship*. New York: Columbia University Press.
- White H (2017) The Materiality of Marriage Payments. *Anthropology Southern Africa* 40(V1): 297–308.
- Wieringa S (2005) Women Marriages and Other Same-Sex Practices: Historical Reflections on African Women's Same-Sex Relations. In: Morgan RZ and Wieringa S (eds), *Tommy*

*Boys, Lesbian Men and Ancestral Wives: Female Same-Sex Practices in Africa*,  
Johannesburg: Jacana Media.

---

<sup>1</sup> Argentina, Brazil, and Uruguay recognize same-sex marriages, as do several states in Mexico.

<sup>2</sup> In this article I use narrower or broader subsets of the LGBTI terminology as appropriate to the specific context under discussion. Here I refer to the broader organized movement, so I use the complete acronym. The article usually uses the narrower terminology of ‘lesbian’ and ‘gay’ because all black LGBTI-identified participants in this study specifically self-identified as lesbian or gay, with none identifying to me as bisexual, transgender, or intersex.

<sup>3</sup> Despite its title, this Act offers recognition under the term ‘marriage.’ For more on the making of the Act and its implications, see Bilchitz and Judge, 2007, 2009; de Vos and Barnard, 2007; Author, 2015b.

<sup>4</sup> Racial terminology in South Africa is complex and contested. All the research participants I focus on in this article identify with the terms ‘black’ and ‘African’ more or less interchangeably, and I follow their usage.

<sup>5</sup> No one I interviewed identified to me as intersex. Of the participants who identified as black and on whom I focus in this article, all identified as either lesbian or gay.

<sup>6</sup> For a more detailed account of the changes summarized in this section, particularly as they relate to law, see Author 2015a.

<sup>7</sup> The proper term for the process in Nguni languages is *ukulobola*, while the bridewealth payment itself is called *ilobolo*. Other language groups use different terms for similar practices, but ‘lobola’ has become a kind of lingua franca term for both the process and the payment.

<sup>8</sup> A somewhat similar practice was also common in South African prisons.

<sup>9</sup> The italics are Reid’s, to distinguish from conventionally sexed and gendered ladies.

<sup>10</sup> As mentioned above, none of my black participants self-identified as bisexual or transgender, and no participant of any race identified to me as intersex.

<sup>11</sup> Interview with author, 5 November 2010.

<sup>12</sup> Nomandla used the word 'wife' to refer to her during this interview, although they had not yet married or begun lobola. I believe her use of this term reflects the processual understanding of African marriage discussed in the previous section.

<sup>13</sup> Interview with author, 5 November 2010.

<sup>14</sup> Reasons included queer and feminist critiques of marriage, a sense that marriage was something done for other people rather than oneself, and religious concerns about its morality.

<sup>15</sup> Interview with author, 20 July 2010.

<sup>16</sup> Interview with author, 17 October 2010.