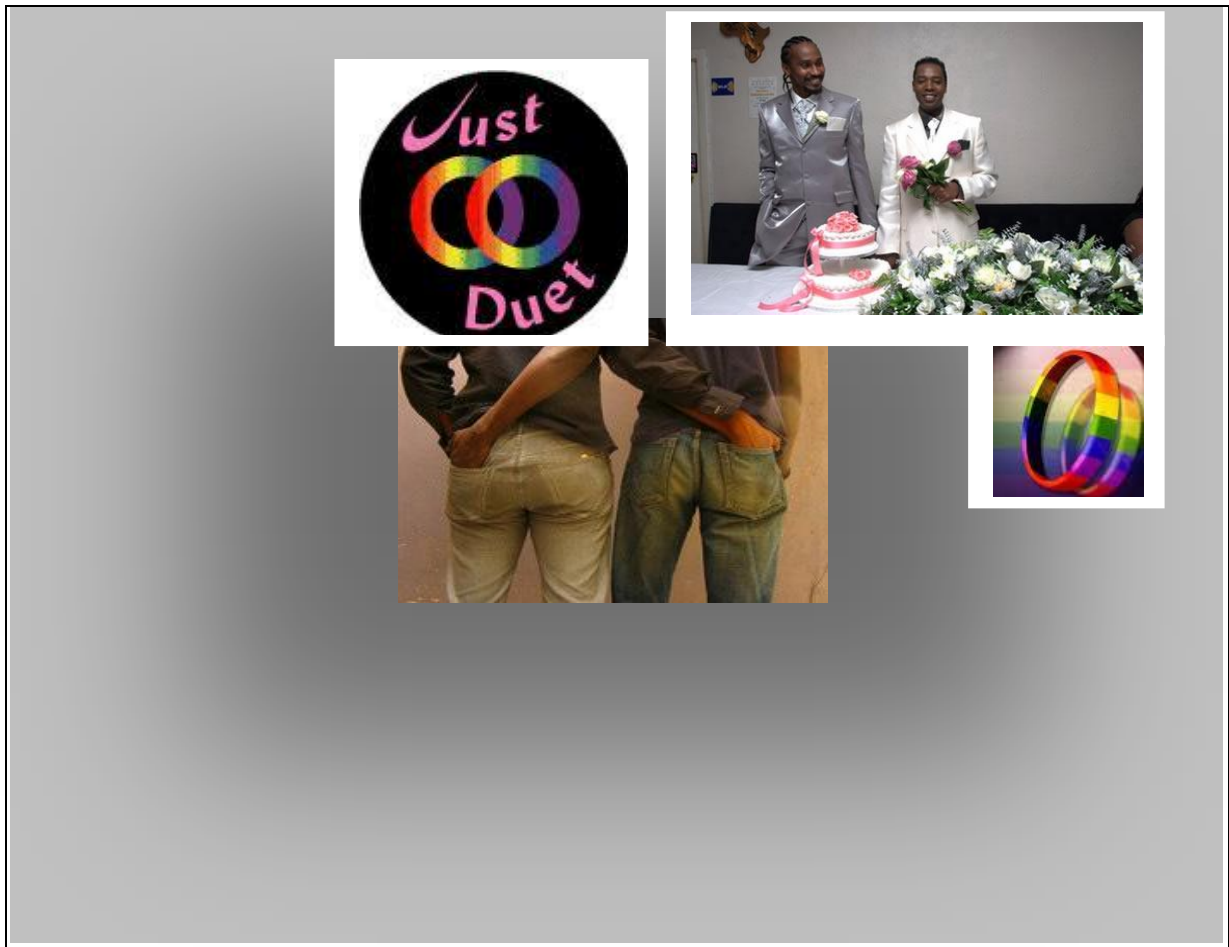


ATTITUDES TOWARDS GAY TRAVEL IN KENYA



BY

JULIUS N. MENGE

**THESIS SUBMITTED IN PARTIAL FULFILMENT FOR A COURSE LEADING TO THE
AWARD OF WAGENINGEN UNIVERSITY'S MASTER OF SCIENCE IN LEISURE,
TOURISM & ENVIRONMENT**

Course code: SAL 80433; Supervisor: Dr. Irena Ateljevic

October 2010.

Table of Contents

Abstract.....	4
Acknowledgement	5
Introduction	6
Problem statement	9
Objective of the study.....	11
The specific research questions included the following:	11
Relevance of the study.....	11
Methodology.....	12
Thesis outline	13
Gayness & Homosexuality	14
Gayness & Same-sex marriages	15
The Western world scenario	15
Gay travel & gay spaces	19
Destinations with developed gay travel support facilities.....	21
Theoretical concepts.....	28
Colonialism.....	29
Postcolonialism	30
Ambivalence.....	30
Binarism	31
Methodology.....	33
On-site/face-to-face survey:	34
Telephone survey:.....	34
Research design & target population	35
Paradigmatic & ethical challenges in the study	36
Limitations	38
The study area.....	41
Geography.....	41
History of the republic of kenya.....	41
The impact/consequences of colonization of kenya	44
Reasons why kenyans protested colonial rule.....	45

Tourism	47
History of tourism in kenya	47
Impact of tourism on the kenyan society	50
Drawing parallels between colonialism & tourism	53
The historical geography of kenya	55
Topography	55
Cities & towns	55
Climate	55
People and culture	56
Education	57
Government/governance.....	58
Economy.....	59
Performance by sector	61
Kenya's environmental challenges	63
An understanding of homosexuality among the kenyan society	65
Existence of gayness & voices from the closet	73
The reality of homosexuality in kenya.....	73
Voices from the closet	79
Summary of possible reasons for the attitudes towards homosexuality	81
Kenya as a gay travel destination?.....	93
Daily nation (2 nd october 2010) murugi urges kenyans to accept gays	105
Appendix1	111
Legal struggles and political resistance: same-sex marriage in canada and usa	111
'The summer of love': 2004 in new paltz and beyond.....	111
Toronto: the mcct marriages	117
Appendix2	125
Contemporary qualitative research for science and mathematics educators (Taylor, P. and J. Wallace (2007).	125

ABSTRACT

People have always travelled, for as long as we can remember; it appears to be an inherent part of human nature.....Yet we can only talk about tourism on a global visible scale since World War II, with the take off of air transport and general economic progress, when the international travel boom truly began. The substantial growth of tourism activity has clearly marked tourism as one of the most remarkable economic and social phenomena of the past century. Indeed “tourism colors the world, making it sometimes appear as if a port of paint has been spilled, allowing that one universal hue to seep everywhere.....everywhere there are visitors.....colorfully dressed in holiday attire with their video cameras glued to their eyes”(Lengeek, 2001).Despite all these, is every visitor generally welcome? Is every form of tourism or tourist activity socially and culturally acceptable anywhere and at any time? This article reconsiders the importance and acceptance of “gay tourism” and “gay tourist” and some other tourist activities closely associated with that segment of the tourist market in Kenya, and the “ambivalence” in targeting such a market segment in the tourism market when marketing or advertising the region as a tourist destination. This is done by assessing the social and cultural environment’s (local people’s) attitudes towards such form of tourism through Literature review, observation and a look at the Legal provisions of such practices within the jurisdiction of Kenya.

KEY WORDS: *Social, Culture, Gayness, Homosexuality, Heterosexuality, Marriage, Same-sex, Colonialism, Postcolonialism Neo-colonial, Binarism, Ambivalence, Civilization, Gay Travel.*

ACKNOWLEDGEMENT

My heartfelt appreciation goes first and foremost to my project supervisor at Wageningen University, Dr. Irena Ateljevic for the selfless & tireless effort she put in guiding me every step of the way, giving positive feedback right from the proposal development till the completion of discussions and conclusion of the research project. Through her input, I came to an understanding that knowledge production is indeed a challenging task that requires one to be patient amid the criticism brought forth. Secondly, my special thanks to my parents who always prayed for me whenever I set out to the field every time cautioning me of a risky world out there. I want to acknowledge my research assistant in the field, Emmah, who sacrificed her time recruiting candidates for me to conduct interviews, persuading people to participate even though they regarded the topic a taboo and therefore not wanting to cooperate most of the time. I won't forget to thank the entire staff of the Tourism Department for their contribution in the various courses they taught as a process of preparing us for the research. Not to be left out is my fellow MLE students who cheered me up in taking the courage to research in such a topic that has been so controversial over the years world over. Finally and most important, the research has been concluded in memory of my deceased brother, the Late Dr. Menge David Maina, who was my mentor and my role model in the family.

CHAPTER ONE

This chapter serves the purpose of putting the researched subject into perspective. First it starts by briefly stressing the significance of tourism in not only economic terms but also its sociocultural & political significance in the modern globalizing world. The chapter also introduces the subject of study by stating the objectives of the research, putting forth the problem statement and giving the relevance of the study. Lastly, the chapter ends with a brief introduction of the method of study adopted in the research project

INTRODUCTION

Considered to bring about foreign exchange, employment creation, and a multiplier effect on economic growth, in 1963 the UN proclaimed the importance of tourism's contribution to the economies of developing countries. Hall et al., (2004) observe that at the beginning of the twenty-first century it can be argued that tourism no doubt achieved a higher profile in the consciousness of the public of the developed world than ever before. Not only for its numbers and economic importance, but also tourism is recognized for the fact that it gets increasingly acknowledged on the world political agenda. For example in 2003 the UN General assembly unanimously made the World Tourism Organization a full-fledged UN agency and in 2006 the UN appointed September 27th as the day in which to 'celebrate the phenomenon that is tourism' and started a campaign to bring this message to the whole world (WTO, 2008).

As a consequence, it has been argued that tourism has finally begun to impact policy makers and has climbed onto the international political agenda to the extent that they recognize it beyond merely economic activity but rather as an important agent of economic, social, cultural and political change (Hall et al, 2004). Economic change in this regard can be viewed as one of the means through which developing countries earn the much needed hard foreign currency that bring about positive economic growth in the tourist destinations. Positive economic contributions put aside, overdependence on tourism as alternative foreign exchange earner may prove dangerous to a country's economic well being especially under certain unusual circumstances that may result in negative publicity and subsequent travel advisories by tourist source countries governments discouraging their people visiting certain places. This has been the case for Kenya over the last two decades due to cases of insecurity and political instability. Socio-cultural and political change has been occasioned through the flow in of ideas and ideologies and also cultural flows where tourism facilitates.

At face value, it can be argued that the development of tourism in Kenya has been an African success story, and that the industry has contributed to the growth of the country's Gross Domestic Product (GDP), raised the foreign exchange earning capacity, and has created employment opportunities. From the mid-1960s, prices of agricultural products in the world market fell drastically and sometimes absolutely relative to manufactured goods (Migot-Adholla, 1984). Before this time Kenya's economy depended entirely on agricultural cash crop exports, mainly coffee and tea, as a source of hard foreign currency to boost the economic development of the country. It was within this national and international socioeconomic context that the Kenya government realised that the country had an already existing 'commodity' which could be readily marketed to generate much sought after foreign exchange and to create jobs. The alternative commodity was the country's unique tourism attractions, particularly the wildlife heritage, and the pristine and glittering white beaches (Akama, 1999). As noted by the Kenya Tourist Development Corporation, soon after independence, the Kenya Government realised the enormous potential of the nascent tourism industry and hence undertook to upgrade the existing infrastructure and superstructure as well as investing in additional facilities, and in order to achieve its goal, the Government encouraged local and foreign entrepreneurs to invest in the tourism and hospitality industries thus paving the way for the future development of the sector (Ktdc.co.ke, 2010). It was from this time that the government undertook specific policy initiatives to promote the rapid expansion of tourism, establishing the Kenya Tourism Development Corporation (KTDC), (a quasi-government organisation) in 1965 to be in charge of tourism investment initiatives, and to monitor the establishment and operation of tourism and hospitality facilities (Dieke, 1991). The economic importance of the tourism industry as recognised by the government led to the establishment of the Ministry of Tourism and Wildlife (MTW) in 1966. The new ministry was to be in charge of the overall formulation and implementation of the country's tourism policy, to manage Kenya's tourism and wildlife resources, and was also supposed to liaise with other government departments (i.e. agriculture, forestry, commerce and transport) whose activities could impinge on the allocation and development of tourism resources (Akama, 1999).

From the early 1970s there was rapid development of tourism and hospitality facilities on the Kenyan coast. Within a period of 10 years, about 10,000 hotel beds in about 500 hotels were added to existing coastal hotel establishments (Sinclair, 1990). Since then Kenya's tourism sector has been growing exponentially thanks to a combination of both endogenous and exogenous factors in the global economy. In this regard it is important to point out that according to 2005 and 2009 Economic surveys as presented by the Kenya Bureau of Statistics (KBS), the country's total earnings from tourism increased by 66% from Kenya shillings 39.2 billion in 2004 to Kenya shillings 65.2 billion in 2007 (though this dropped to Kenya shillings 52.7 billion in 2008). The decrease can be argued to be temporal as it was only occasioned by the 2007 post-election violence which has since the dissipated, and

the world financial crisis of 2008 considered to be on its way to recovery. Over the same period the number of international arrivals increased by 28% from 1.4 million visitors in 2004 to 1.8 visitors in 2007. All this is positive growth over time which is possibly as a result of increased investment and development in tourism and its related sub-sectors such as the hotel & catering sectors. The driving force here is the importance attached to tourism's potential in earning the country the much needed hard foreign currency and therefore increase the country's GDP.

The substantial growth of tourism activity has clearly marked tourism as one of the most remarkable economic and social phenomena of the globalizing world. Everywhere there are visitors colourfully dressed in holiday attire. But the questions to ask are; is every visitor generally welcome? Is every form of tourism or tourist activity socially and culturally acceptable anywhere and at any time? This research thesis reconsiders the importance and acceptance of 'gay travel' in Kenya, and the 'ambivalence' in targeting such a market segment in the tourism market when marketing and advertising the region as a tourist destination. This is realized by interrogating the attitudes of the Kenyan society towards gayness/homosexuality. To this end therefore, for the purpose of this thesis, several issues stand out: the significance attached to gay travel given its steady growth and being one of the lucrative segments in the travel industry, its contribution to the tourism market, and the possibility of targeting & accommodating such market segment, especially in Kenya, given the prevailing socio-cultural, legal & political environment in the country.

There are several reasons why some tour operators are now keenly looking at the gay travel market. A gay traveler lives a gay lifestyle and would always want to choose for his holiday, destinations, and even use support facilities that are gay-friendly. According to Chambers (2004), characteristically, a gay traveler has most, if not all of the following characteristics:

- Is on a full time employment therefore has a sure source of income.
- Earns higher than average income and therefore has a higher disposable income given that he does not have dependents and thus maximizes on savings for travel purposes.
- Has a higher travel propensity, that is, he can take more than one holiday per year.
- Has higher internet usage, browsing for information on suitable holiday destinations, probably a reason for many gay bloggers on the internet.
- Has a higher education level.
- A gay tourist's spending is resistant to recession.
- Holiday for a gay tourist is seen as an extension of life, and as integral to gay culture and identity.

From the above characteristics, it seems the gay tourist market segment is one of the many lucrative segments of the tourism market, which one (at least from outside the region) would expect to be targeted when advertising developing countries like Kenya as a travel destination, and this more so if they are to maximize earnings from international tourism. But one wonders the possibility of doing that, given the type of tourist in this segment, and the chances of that tourist choosing the destinations known for their hard-line stance on homosexuality. If such a market segment can be accommodated by marketers while positioning Kenya on the world map as a tourist destination will depend entirely on the attitudes of the society towards homosexuality and this is the question under investigation.

PROBLEM STATEMENT

Tourism is one of the most important sectors of the Kenyan economy. It is ranked third among the sectors that earns the country foreign exchange/hard currency after Agriculture and its horticulture subsector. This is reflected in this statement: Tea is the country's second largest foreign exchange earner after raking in Sh70 billion in 2009 after horticulture, which earned Sh71.6 billion and tourism Sh62 billion (BY JOHN NJIRAINI, 17th May 2010 in The Standard Online Edition, a daily Kenyan newspaper). This has made the government, through the Ministry of Tourism, the Kenya Tourist Development Corporation (KTDC) and the Kenya Tourist Board, to actively develop & brand and market the country as the best tourist destination in the region. Efforts are being put forth to position the country's tourism product as the best in the region as compared to other competing countries. Huge budgets are allocated by the government to branding and marketing agencies such as the Kenya Tourist Board to promote Kenya by exploring a multidimensional strategy which include:

- a. Appointing of Marketing Development Representatives (MDRs) in the target markets. The roles of the MDRs is to carry out research on behalf of, and keep on updating KTB on market situations & trends and generally advise, and to support in organizing for participation in marketing events in the target markets.
- b. Participation in travel market exhibitions and other travel marketing events. KTB does this by either fully participating in the events or by assisting local stakeholders in branding during those events. This is done by identifying major events at which to participate. At such events the board & stakeholders marketing staff network and share information. They also gain access to international media (both electronic & print), and secure opportunities to advertise their products to the world.

- c. Organizing Familiarization Trips for groups such as internationally recognized TV channels as CNN, BBC, National channels from target markets and internationally read magazine groups. These groups are sponsored for fully funded trips to Kenya to cover popular tourist attractions and produce documentaries to be aired in their channels back home as a means of advertising Kenya. This is aimed at increasing demand for Kenyan holidays by tourists in the target markets. Organization for such trips are made at travel market exhibitions mentioned in (b) above.
- d. Organizing for Press Conferences and Press Releases in collaboration with travel trade such as airlines opening new routes to Kenya, Tour Operators & Travel Agents and using the opportunity to market Kenya. Such information is then released to the media as an awareness campaign that makes Kenya known to the larger audience of the target markets.
- e. Designing and operating websites (e.g. <http://www.magicalkenya.com>), where the board, in collaboration with the local players in the tourism sector upload and disseminate information on Kenya's tourism products. The website acts as a data bank for the tourists in the target markets to search for information and help in making decisions on which place to visit and when.
- f. Working with Kenyan embassies abroad particularly those in the target markets to distribute marketing brochures through agents at points of sale such as Tour Operators & Travel Agents.

To implement such ambitious marketing and branding strategy, it costs a lot of money and effort. In order to maximize revenues from tourism and recover the costs, tourists are encouraged to visit Kenya in large numbers. Tourists are generally welcome. Therefore, as tourism increasingly gain significance in the social, cultural, economic and political agenda (Hall et al, 2004), and as the Kenyan government has come to recognize the importance and contribution of international tourism to her economy and seeks to maximize her foreign exchange earnings from tourism, it will be important if the government and stakeholders tap deeper indiscriminatingly into more lucrative niches of the tourist market. There are several such lucrative travel market segments that one would expect to be targeted but among them is the controversial gay travel market. This segment has a huge potential in swelling up earnings from tourism given the characteristics (outlined in the introduction section above) of the travelers in this category. But the question to ask is; will targeting this market be in conflict with attitudes of the Kenyan society towards gayness? Will it be in conflict with the legal provisions regarding homosexuality in Kenya? How could this segment of the tourist market be received by the general Kenyan society and the

Kenyan tourist market in its socio-cultural, legal & geo-political setting? The study of the society's attitudes towards homosexuality, and therefore the likely attitudes towards gay travel is the rationale of this research.

OBJECTIVE OF THE STUDY

The main aim of this research was to find out (identify) the social and cultural and political environments' attitudes towards gayness/homosexuality, and therefore by extension, towards gay travel in Kenya.

The specific research questions included the following:

- What are the factors influencing attitudes towards homosexuality in Kenya?
- What is the general attitude of Kenyans towards homosexuality?
- What are the implications of this attitude on gay travel?

RELEVANCE OF THE STUDY

Research in this area of tourism has been inspired first and foremost by the significance attached to tourism as a means to earning hard foreign currency for development in Third World countries such as Kenya. It also comes at a time when there is a hot debate on gayness and same-sex marriage in Kenya, questioning the place of such culture in the country, pressure from United Nations Human Rights Commission (UNHRC) on the Kenyan government to legalize homosexuality (*Life site News, 2005*), and addressing issues on attitudes of the general Kenyan public towards practices of same-sex marriage and homosexuality. As an example, two Kenyan men had to relocate abroad and solemnise their gay wedding in London probably running away from the intolerance of such a lifestyle among the Kenyan public (see the Daily Nation newspaper October 2009). Just a few months after the London wedding, a gay wedding planned to be conducted in one of the tourist resorts in Mtwapa town at the Kenyan coast was disrupted by the local people & the police when word leaked out about the plan. Foreign gay tourists were among those scheduled to attend the occasion (see Daily Nation newspaper 11th February 2010). And more recently, a government minister put herself in this line of controversy when she was reported having advocated for tolerance of gayness in Kenya, a move which elicited heated up homophobic reactions from the public (see Daily Nation newspaper 2nd October 2010).

In the Kenya's tourism sector though, research on such issue has not been initiated, yet gayness is a Western world concept (where it has generally been tolerated), from where gay travelers originate. My question of interest is: Will the Kenyan society make its socio-cultural and geo-political & legal space/environment open to and support the foreign gay traveler coming from the West where he enjoys constitutional rights as regards his sexual orientation? This is in light of the fact that the Kenyan society appreciates the role of tourism in the economic well being of the region, with much effort directed towards increasing income from tourism. The main aim here is to find out if the society will positively respond to trends in the gay travel segment of the tourist market or they will shun the segment all together. Another thing that remains to be investigated is whether the society will just offer a blanket welcome to tourists without minding their lifestyles in order to satisfy the economic needs of the region.

METHODOLOGY

In order to find answers to the questions above, the study embarked from the postcolonial point of view critical concepts in order to capture the ambiguities and complexity between the economic necessity and attraction of tourism income and homophobic attitudes towards gayness (see Chambers, 2004). In terms of the data collection methods I employed a qualitative approach where I made use of qualitative techniques to collect views from the general public, although some quantitative technique was used in calculating percentages of the studied sample. The research was done by means of conducting semi-structured/ethnographic interviews so as to obtain in-depth information about peoples' attitudes, feelings, thoughts and experiences of the Kenyan public on gayness and homosexuality. Two types of ethnographic interviews were conducted, one being on-site/face-to-face interview (herein sometimes referred to as survey) and two, telephone survey/interview (which I discontinued in between because it proved to be expensive and respondents could hung-up in the middle of the interview). These two types of surveys are described into detail in chapter three. The study targeted the general Kenyan public both males and females between the age of 18 & 65 in three major cities of Mombasa, Nairobi and Kisumu at first but later on Kakamega, Eldoret and Nakuru were included. The study sample constituted at least ten (10) persons from each of the following categories, and at least three from each category in each city covered by the study:

- Tour Operators/Travel Agents
- Ministry of Tourism/Kenya Tourist Board
- Legal Fraternity (the Attorney General Chambers & Private practitioners)
- Religious groups: (a) Christians (b) Muslims (c) Others e.g. Hindu

- Hospitality services providers (Hotels, Resorts & Guesthouses)
- Health service providers (Hospitals & HIV/STD Testing and counselling centres)

In total, 61 respondents were sampled of which 34.4% were females and the remaining 65.6% being males.

Further description of the study sample is given in chapter three.

THESIS OUTLINE

Overall, the presentation of this thesis report has been done in six chapters. The first chapter introduces the subject under research as has been done above. Chapter two is on literature review where work done by other researchers on the researched subject has been explored. In addition the chapter two introduces the conceptual framework into which this study has been fitted. Methodology as the overall approached of study & means of data collection have been covered in chapter three, where challenges and limitations have been discussed. Chapter four of this report gives empirical information of the study area for the purpose of giving the reader background information as a means of assisting the reader to understanding the process and outcome of the study. The discussion and presentation of results has been done in chapter five, which is then followed by conclusions and recommendations in chapter six. Appendixes have been given after references at the end of the report.

CHAPTER TWO

LITERATURE REVIEW

INTRODUCTION

The first part of this chapter explores what has been done by other researchers on the gayness subject. It starts by looking at the meanings of the terms gayness and homosexuality and gives a brief history on the usage of the terms. Other areas explored in the first part of this chapter include the following:

- ❖ Gayness & same-sex marriages in the Western world
- ❖ Gay travel and gay spaces
- ❖ Gay travel destinations in the world

The second part of this chapter looks at the theoretical concepts/theoretical framework used in the research. The research was done within the critical postcolonial theory using concepts such as colonialism, postcolonialism, binarism/hybridity & ambivalence/ambiguity.

GAYNESS & HOMOSEXUALITY

Gilbert (2008) explains homosexuality as a terminology that is used to refer to sexual activity between persons of the same sex. According to him, the word homosexuality derives from the Greek word 'homos' meaning 'same' and not from the Latin homo, meaning 'man', and therefore he concludes that the term can be applied to refer both to sex between males, and sex between females, though in practice Lesbianism is used to refer to sexual relations between females. However he argues that to say that someone engages in homosexual activity is different from saying he or she is 'homosexual'.

Anderson et al., (2008) observe that the term 'gay' was originally used, until the mid 20th century, to refer to feelings of being 'carefree', 'happy', 'bright and showy'; and that it had also come to acquire some sexual connotations as early as 1637. according to them, it is from then that the term began to be used in reference to homosexuality, in particular, from the early 20th century, a usage that may have dated prior to the 19th century. Their concluding remark on gayness is that in modern English the term gay has come to be used as an adjective, and occasionally even as a noun, that refers primarily to homosexuality so much so that by the end of the 20th century the word gay was recommended by major style guides to describe people attracted romantically to members of the same sex.

From this account it can be concluded that gayness is a lifestyle that accepts & tolerates as socially correct the practices & activities of gay people. It is a way of life where people are romantically attracted to same-sex others and engages in sexual marriages/unions & partnerships with members of the same sex- the so-called same-sex marriages. Then the question that comes up at this point is: How acceptable is this lifestyle in the geo-political, legal & socio-cultural environment? Well, in the modern world this depends on the territory under focus. At this juncture therefore perhaps before we look at the Kenyan situation, it is important that we have a picture of this issue in the developed/western worlds that are the major tourist source countries.

GAYNESS & SAME-SEX MARRIAGES

THE WESTERN WORLD SCENARIO

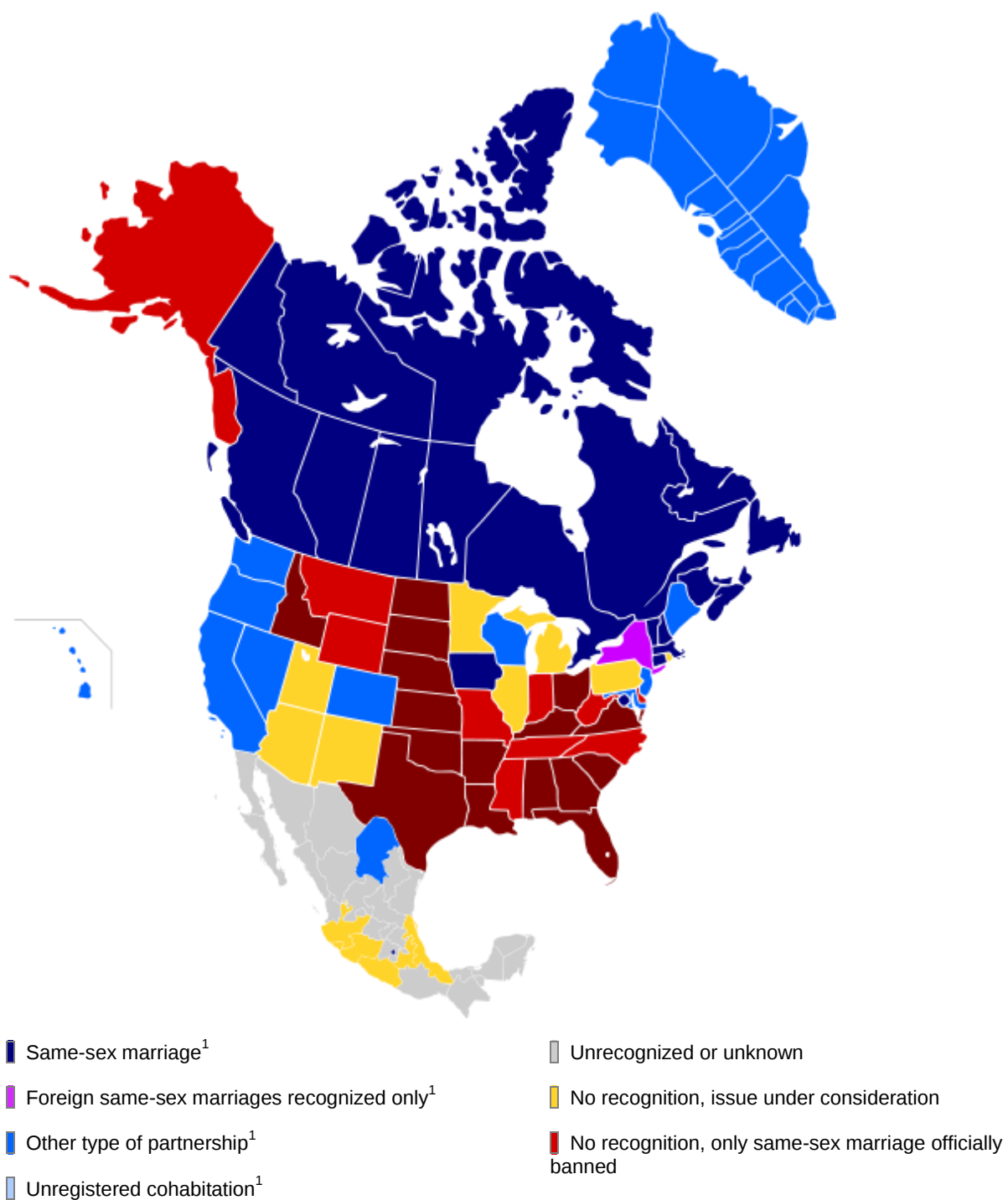
In his article, *Same-Sex Marriages: Canada, Europe & the United States*, Michaels (2003) notes that in 1999 the Supreme Court of Canada held that same –sex couples could be granted essentially the same rights as married couples. He further notes that on the 10th of June the same year the Court of Appeal of Ontario held that gays have a right to get married by arguing that the constitutional basis for the decision lay in the principle of human dignity and anti-discrimination, finally leading to a point where the federal government decided not to appeal this similar case but instead to institute legislation toward the same effect.

Michaels (2003) further observes that Canada [was] not the first country to recognize same-sex marriages. From his account, in 2001 the Netherlands opened civil marriage to gay couples and allowed them to adopt children as well; Belgium followed suit on June 1st of the same year (2001), although it did not go as far as the Netherlands: gay couples have no adoption rights in Belgium. Michaels (2003) continues to point out that most other European countries only allow for some kind of registered partnership with some degree of protection, following the lead of Denmark where such partnerships were introduced in 1989. From his study, Michaels finds

out that by now most legal systems in Europe provide some kind of statutes/laws which allow for same-sex marriages/unions (see table 1 below), even in Catholic countries like Spain. Michaels (2003) goes on to observe that some states of the United States have followed this trend of enacting legislation to allow for same-sex relationships. For example in 1995 the Hawaiian legislature, following a court decision, gave same-sex couples a significant number of the same rights that married [heterosexual] couples enjoy. In 1998 the Alaskan Supreme Court held similarly that same-sex couples be allowed some rights. It is worth noting that California, the District of Columbia and, most famously, Vermont, provide registries for same-sex partnerships and grant them certain rights.

Even though the issue of gayness and same-sex marriages has generated a lot of controversy, courts have played an important role in the evolution of same-sex marriage policies, especially in the USA and Canada. Since the rise of the lesbian and gay movement in the 1970s, lesbians and gays in both the USA and Canada have used the courts to protect the right of freedom of association and expression of lesbian and gay organizations, to push for freedom from discrimination and exclusion and, most recently, to argue for the legal recognition of same-sex relationships, including the right to same-sex marriage. In the USA, these efforts occurred in a context in which social movements have a long history of using litigation as a strategic political resource to achieve social and political change, observes Nicol and Smith, (2008). For example, in the USA, through the same-sex marriage movement, several states have come to recognize in their laws same-sex unions and/or partnerships (referred to as civil unions/partnerships because most of them have no provisions in the constitution to give licences for such unions. The chronology of events leading to this is given in a study by Nicol & Miriam (2008), a part of which has been put in this report in the appendix 1 under the title *Legal Struggles and Political Resistance: Same-Sex Marriage in Canada and USA*. Figure 1 below shows the variations in recognition of same-sex marriages in North America.

Figure 1: recognition of same-sex marriages in North America (May include recent laws or court decisions which have created legal recognition of same-sex relationships, but which have not entered into effect yet).



■ No recognition, same-sex marriage and civil unions banned

■ Homosexuality illegal

Figure1: Recognition of same-sex marriages in North America.

Source: [North_America_second_level_political_division_2_and_Greenland.svg](#)

The table 1 below also gives a chronology of same-sex union legislation in some of the countries in the Western world.

Table 1: Legal recognition of same-sex couples in the western world - chronology of legislation

FRANCE	15 NOVEMBER 1999	Adoption of law on the civil solidarity pact (pacte civil de solidarit�) for same-sex and different-sex couples
	15 November 1999	Law comes into force
NETHERLANDS	21 December 2000	Adoption of law opening marriage to same-sex couples (huwelijk)
	1 April 2001	Law comes into force
GERMANY	16 February 2001	Adoption of law on registered partnership for same-sex partners (lebenspartnerschaft)
	1 August 2001	Law comes into force
FINLAND	9 November 2001	Adoption of law on registered partnership for same-sex couples (rekisteriidiystdi parisuhteesta)
	1 March 2002	Law comes into force
BELGIUM	13 February 2003	Adoption of law opening marriage to same-sex couples
	1 June 2003	Law comes into force For reference
LUXEMBOURG	9 July 2004	Adoption of law on the partnership (partenariat) of same-sex and different-sex couples
	1 November 2004	Law comes into force
UNITED KINGDOM	18 November 2004	Adoption of law on civil partnership of same-sex couples

	5 December 2005	Law comes into force
SPAIN	30 June 2005	Adoption of law opening marriage (matrimonio) to same-sex couples
	3 July 2005	Law comes into force
CANADA	19 July 2005	Adoption of law opening marriage to same-sex couples
	20 July 2005	Law comes into force

Source: *Institut National d'Études Démographiques* collaborating with JSTOR to digitize preserve and extend access to *Population* (English Edition, 2002-).

GAY TRAVEL & GAY SPACES

It has been argued by Thompson (1997) that travel and tourism represent a significant dimension of contemporary Western gay culture, and gay tourism constitutes an expanding and lucrative niche market, especially in the USA. Kennedy (1998) also observes that in the UK, travel and tourism fairs specially aimed at lesbian women and gay men have been held annually in London in recent years, and currently, the London Tourist Board is promoting London in the USA, as a destination for American gay men. Further afield it has also been noted that major gay events in cities around the world (e.g. the 1998 gay games in Amsterdam, the Sydney Mardi Gras, and many other such events), serve to attract a large volume of gay tourists from other countries (Clift & Wilkins, 1995). It should be noted however that the growth of gay and lesbian tourism has not been without controversy. Like the social movements litigating for same-sex marriages in the Western world, gay travel has faced some form of resistance as indicated by the reactions by residents and authorities in the Cayman Islands and the Bahamas to the arrival of gay and lesbian cruise ships (McDermott, 1998). Similarly, a survey in the UK of hotels and guest-houses, found a substantial proportion of establishments unwilling to accommodate gay couples in double rooms (Tuck, 1998).

That notwithstanding, gay travel and tourism has continued to gain prominence and the gay travel market keeps expanding and attracting tourism marketers world over. For instance this picture is reinforced by more serious journalistic accounts of gay resorts, with their party atmosphere and hedonistic patterns of drug use and sexual behaviour, as reiterated by Clift & Forrest (1999). Paul Burston (1997) for example, writing in the *Independent on Sunday* magazine provides the following account of the gay scene in South Beach, FL:

“South Beach, Florida, is a gay resort to end all gay resorts. Like London or Los Angeles, it has a highly developed commercial gay scene, built around gay men's apparently insatiable appetite for sexual adventure. Like New York or Palm Springs, it plays regular host to what are known as gay circuit parties a rapidly expanding network of large scale themed events such as the Winter Party, held

to raise money for AIDS charities, and often accused of encouraging unsafe sex through the use of disinhibiting sexually stimulating drugs and the prevailing air of hedonistic abandon” (Burston, 1997, pp 4).

According to Schulz (1994) ‘gay tourism is increasingly being described as a powerful and profitable market segment’. Pritchard et al (1998) notify that gay people have long travelled for recreation and often to escape intolerance, yet the development of gay tourism and the active promotion of gay-friendly destinations are relatively recent phenomena which are most developed in the [Western World and particularly in the] United States. According to them (Pritchard et al), relatively few European tourism operators or destinations (in contrast to marketers in other industries) seem to be aware of the needs of the gay consumer, although this may be beginning to change. Pettitt (1996) asserts that in the UK a highly developed commercial scene exists in such centres as Manchester and London, although legislation still enforces discrimination, legislation which is much more repressive than many other European countries.

In his research work on Sexuality, Tourism and Space, Hughes (1997) alerts that the true size and value of the gay market is impossible to accurately ascertain, since few reliable statistics exist on sexual orientation, and that there are also practical problems in obtaining data about marginalised activities and gay studies often rely on "anecdotal evidence, 'informal interviews' and participation observation. As for Pritchard et al (1998) it does seem, however, that the market is growing as a result of greater social permissiveness, growing out of the gay pride movement. It is further argued that the market is also increasing as more and more homosexuals, especially lesbian women, openly develop families, conceive or adopt children and build "quasi-traditional families (Mulryan, 1995).

It has been recognised that the gay market includes a potentially large market of upscale, well-educated professionals (Ritchie, 1995). For example, through research on existing data, it has been noted that in the USA almost 40% of unmarried homosexual partners hold a college degree, compared to 18% of unmarried heterosexual partners and 13% of married spouses and that while 86% of gay men and 81% of gay women have an above high school education, only 74% of heterosexual unmarried partners have a high school diploma (Ritchie, 1995). From the 1992 market survey by Simmons Market Research Bureau “readers of US gay magazines have an upscale profile, 7% holding doctoral degrees, compared to a national average of less than 1% of the population -- with a median household income of \$513000, almost twice the national average, concluding [in their research] that gays are more likely to buy discretionary items, such as consumer goods, health club membership and especially travel products (Mulryan, 1995). Other studies have also widely reported that gay male couples have more free time than heterosexuals,

since fewer than 5% of gay male couples have children (Holcomb and Luongo, 1996). Pritchard et al (1998) draws us to the awareness that whilst this may be the experience of many gay couples, it is important to remember that this is rather a simplistic view since (as in many market segments) there are upscale and downscale gays, and moreover, in many countries female employees earn less than their male counterparts so [that] lesbian couples' average incomes [are] less than average gay male couples' incomes. Despite the differing experiences of many of its members, the gay community has become the latest target of mainstream marketers and the tourism industry has not been left behind.

To this end therefore, at face value it has often been concluded that the gay travel consumer is a rapidly growing and is a more lucrative (if recently visible) segment of the tourism industry (Pritchard et al, 1998). For many people, it seems that gay couples travel more frequently than their 'straight' counterparts and gays have been described as a travel market segment that can be said to be recession- proof (Schulz, 1994). Pritchard et al. (1998) argued that the gay market has less 'seasonality' than the straight market and is more equally spread throughout the year. The New York Gay and Lesbian Visitor Centre, for instance, estimate that gay couples average 4.5 trips a year compared to a 'straight' average of one trip (Holcomb and Luongo, 1996). The Tourism Industry Intelligence suggests that an estimated 5-25 million gay men and lesbians spend more than US\$10 billion on travel products each year (TII, 1994). The International Gay Travel Association (IGTA), a global umbrella organisation of over 1 500 gay and gay-friendly organisations, 900 of them based in the USA, estimates that its members book over a billion dollars in airline tickets alone, with almost US\$450 million expenditure in other travel purchases (Holcomb and Luongo, 1996). Research suggests that the gay consumer is relatively upscale, well-educated and free-spending. A survey of those who watched or participated in the 1994 New York Gay Games established that they were typically upscale, spending an average of nine days and \$900 at the games, half of which was spent on food and entertainment, [and] the average visitor was a 38-year-old man with a graduate education, an income in excess of \$65000 [with] some recent European travel experience (Pritchard et al, 1998).

DESTINATIONS WITH DEVELOPED GAY TRAVEL SUPPORT FACILITIES

Clift & Forrest (1999) carried out a study which is unique in providing detailed information on the extent of international tourism among a sample of British gay men. This study provided a clear indication of the major destinations attracting gay men. Hughes (1997b), reporting on the study notes that after London, which nearly three quarters of men [in their study sample] had visited for a holiday, almost half of the sample had visited Amsterdam, a city widely regarded as the gay capital of Europe' and over 40% had visited Paris, also equally regarded as an important gay city (see Clift & Wilkins, 1995; Gmünder, 1997). Following these destinations, the most often visited place is the United States, with just over 40% of the studied

sample making a trip across the Atlantic [over a period of] five years. Next, in terms of popularity, include Gran Canaria (31.5%) and Ibiza (23%) both of which are well known gay resorts. None of the remaining destinations specified in their study (mentioned here below) attracted more than 15% of the sample, and overall the picture suggests that British gay men travel predominantly to destinations within Europe and to the United States for holidays. Nevertheless, minorities of men had travelled further afield holidaying in North Africa, Australia, south East Asia, and Central and South America. It is worth noting at this point, and in respect to Clift & Forrest (1999)'s study & the World Tourism Organisation (WTO, 1996)'s report, that gay men probably show no essential differences in their general patterns of travel when compared to UK heterosexual tourists, and to global patterns of tourism overall.

As found out by studies/research on gay travel, despite the fact that the number of gay destinations is on the increase (Pritchard *et al.* 1998), the range of gay holidays is limited largely to the sea and sun market (Hughes 1997) in the USA and Europe (Pritchard *et al.* 1998). In their study, Holcomb and Luongo (1996: 712) mention that people have always gone on holiday with like-minded others, but contemporary gay tourism represents a particularly concentrated spatial pattern, and that although gays also take vacations in the same destinations as straights, the former, when seeking a gay vacation will often select a place with a gay-friendly reputation and services which cater to such clientele.

As observed by Clift & Forrest (1999) while gay tourism may not always be tied to gay establishments and other gay service infrastructure, the presence of such can often be an important draw for gay tourists (Ivy, 2001). Pritchard *et al.* (1998: 278) noted that the existence of a core gay population (and a substantial gay infrastructure) is often the catalyst for the development of a gay-friendly tourism destination. Therefore it has been assumed that places with a large gay population are likely to have the political and social climate for the development of discrete space for gay-owned and gay-friendly businesses to flourish, which aids in creating a 'gay landscape' (Ivy, 2001). A gay landscape, in turn, can become an important draw for the gay tourist (IGLTA 2000). In some places, however, the 'gay community' may also refer specifically to a physical space within an urban area where the concentration of gay and gay-friendly businesses and perhaps even residences is quite evident in the landscape. The famous Castro district of San Francisco and the South Beach area of Miami are well-known examples in the USA, while London's Earl's Court and Soho districts, as well as Amsterdam's Rembrandtplein, Warmoesstraat and Kerkstraat areas are prominent examples from Europe. As observed by Hindle (1994: 7), in areas where homosexuality is illegal (and where those laws are indeed enforced) or socially and morally shunned by a conservative majority, the gay landscape may be only slightly visible (if at all) to the outside world. As for Hindle, under such prevailing circumstances and places perceived as hostile to the gays, the gay community may be 'a private world of contacts, surfacing in only a few pubs and private gay clubs and other places knowledge of whose existence is passed on by word of mouth. According to Ivy (2001), it is naive, however, to

assume that gay sex does not occur in conservative or socially and politically repressed countries such as the Muslim world and conservative African societies, or to assume that gay activities (especially gay prostitution) are not available to tourists. Ivy claims (or seems to be of the view) that in many rural and socially conservative parts of the world, a strong gay community, as a distinct group, is virtually nonexistent or at least well hidden from mainstream view.

On the global scene it can be argued that gay travel in some parts of the world, particularly in the Western/First World, is a normal everyday activity and has generally been tolerated. For example in 2005 the Travel Industry Association of America reported that the American gay and lesbian community represented a US\$ 65 billion travel market, about 5% of the annual US\$ 1.3 trillion travel industry. In 2006 VisitBritain launched a marketing campaign aimed specifically at the gay traveler. In its internet advertising message, VisitBritain declared: 'Welcome to the United Queen Dom of Great Britain.....with our proud gay history, cutting edge culture and fashion, flamboyant cities and pulsating nightlife (Chambers, 2004). Generally speaking, gay travel, gay space and gay travel support facilities are seen to be well developed in the western world countries where gayness and homosexuality have been tolerated and socially accepted as part of their societies' lifestyles. Table 2 below lists and ranks the top twenty countries in the world with well developed gay recreation and gay travel establishments. Figures 2 & 3 show the distribution of such developments in the world, and the USA respectively. The term *Alternative Tourism* is used by Ivy (2001) interchangeably with *Gay travel*.

Table 2: Top countries for gay recreation and tourism establishments

RANK	COUNTRY	PERCENTAGE OF WORLD TOTAL
1	USA	35.1
2	GERMANY	8.9
3	FRANCE	7.0
4	UNITED KINGDOM	5.5
5	NETHERLANDS	3.6
6	ITALY	3.4
7	SPAIN	3.3
8	BRAZIL	2.7
9	JAPAN	2.4

10	BELGIUM	2.2
11	MEXICO	2.1
12	CANADA	1.7
13	PORTUGAL	1.6
14	AUSTRALIA	1.4
15	SWITZERLAND	1.3
16	GREECE	1.1
17	THAILAND	1.0
18	POLAND	0.9
19	COLOMBIA	0.8
20	ARGENTINA	0.7

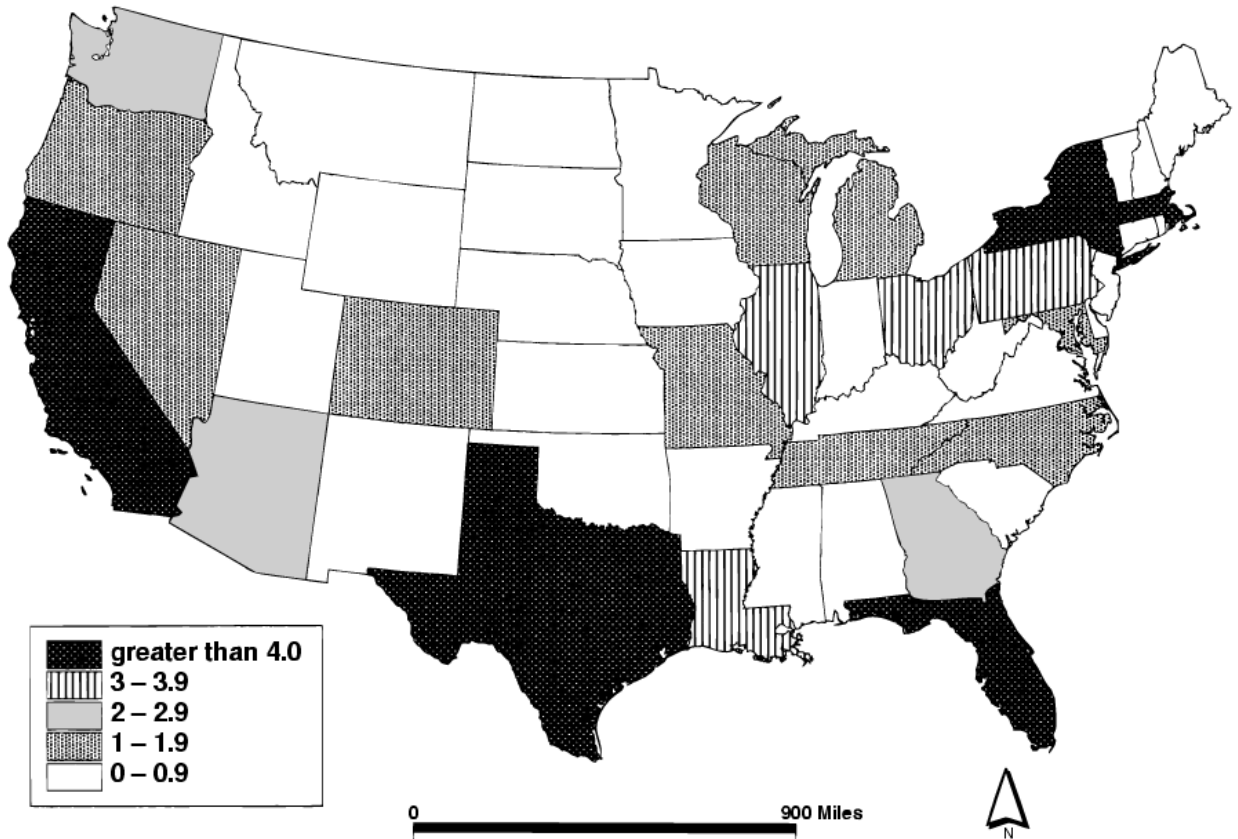
Source: Calculated from *Spartacus International Gay Guide* (26th edn), Bruno Gmunder, Berlin, 1997.

Figure 2: Percentage share of the world's alternative tourism (gay travel) and recreation establishments by country.



(Source: Ivy, R. L., (2001) Geographical variation in alternative tourism and recreation establishments. *Tourism Geographies* vol.3

Figure 3: Percentage share of the US alternative tourism (gay travel) and recreation establishments by State.



Source: Ivy, R. L., (2001) Geographical variation in alternative tourism and recreation establishments. *Tourism Geographies* vol.3

The picture displayed/painted by the account above is that of portraying the Western world as the champions/pioneers of ideas from where they are generated and then diffused out to other societies. Some of these ideas are readily accepted and picked/copied & implemented by the recipient societies while others take time to be bought and yet others are outrightly resented and rejected as they are received with suspicion as to the intentions/interests of the donors of the ideas. Several reasons can be suggested as to why foreign ideas are received differently. The major reason and one that stands out is the difference in culture and social lifestyles in the different societies. Conservative societies tend to put first their cultural values & beliefs, and anything that conflicts their stand is received negatively. So people evaluate new ideas in terms of the anticipated benefits and costs or simply put the positive and negative impacts/contributions on their lives by such foreign/new ideas. Those that benefit or seem to be beneficial are accepted while those associated with costs are resisted. This is though a very naive way of looking at the reactions to western/foreign ideas. It can be said to be a superficial way that does not critically

interrogate these reactions. This is because even some beneficial ideas are also held with suspicion. Answers or explanations to this are to be found in a critical examination of how the 'western world' has interacted with the 'third world' over time. For example, controversy generated by gay travel, and especially in the former colonies, may be explained more often than not by drawing parallels between tourism and colonialism.

Tourism has been big business in Kenya for decades owing to the vast natural resources of the land, the impressive wildlife and the beautiful Indian Ocean coastline. Tourism in Kenya dates back to pre-independence days and history has it recorded that as early as the 1930's, overseas visitors and explorers had started coming to Kenya mainly for big-game hunting expeditions while others came in search of solitude. From its beginning, tourism in the east African region has always been associated with foreign international visitors who started coming to the region from colonial times. Before independence therefore, the early travellers to colonial Kenya could as well be equated to the colonial authorities. This is because there was minimal social interaction between pioneer Western travellers and indigenous Kenyans. Perhaps the only form of interaction which existed between the class in power/foreign traveller and the governed/locals was a 'Master-Servant' relationship in which Africans were mainly hired to work in servile/menial positions as gardeners, cleaners, waiters, cooks and guards (see Akama, 1999).

Early expeditions to the region by foreign travellers were exploitative in nature. Most of the pioneer safari hunters provided detailed accounts of their hunting exploits whenever they returned to the West. Others wrote adventure books based on their big-game hunting exploits (Nash, 1982; Mackenzie, 1987). In the eyes of the local natives there was therefore no difference between the colonial settlers and the foreign visitors. The taking away of the local peoples' land by the settler farmers can be equated to the exploitative hunting practiced by the earlier tourists, thereby depriving the locals off their resources. For example it is documented that Roosevelt shot, preserved and shipped to Washington DC more than 3000 specimens of African game. Further, the formulation of legislation by the colonial government to declare large tracts of land protected areas in the name of preserving wildlife for the sake of tourism can be seen as a form of exploitation as locals least participated in tourism. In this case protection and preservation of nature was viewed as a western world idea that served the purpose of advancing their interests.

Both colonization and tourism came in with their positive and negative contributions to the Kenyan society. The mission of the colonial authority, it is claimed, was to civilize and modernize the primitive & conservative native Kenyans. This was achieved through setting up of organized institutions of governance such as the pioneer colonial government, building of schools and churches in the region in a bid to educate the locals. This could be counted as a positive, as for the first time there were institutions to maintain law and order and thus security was improved. This however does not mean the natives were not organized prior to the coming of the missionaries/explorers. They only came in with new ideas, probably how to do things

the 'western' style. The infiltration of these new ideas/ideologies into the local cultures through colonization & tourism has not been without controversy as they have come with many negatives as viewed by the local people and even the westerners themselves. Through external influences the culture of the locals has been compromised and lifestyles changed, all geared towards benefiting the foreign tourists or settler communities. Though the economic activities resulting from settler communities and tourists served to improve the economy of the country, the resultant effect of stratifying society into master/servant between the colonizers and the colonized, and the haves/have-nots between the tourists & the local natives lead to exploitation seeing them as mere cheap objects for labour and/or sex. This was made even worse by taking away of the locals land to make them desperate. The end result of such positives and negatives is a local population that is ambivalent to the external foreigner. The question in the local native's mind is how he/she could accept the positive side of the foreigner without entertaining the negatives! It brought into the minds of the locals a way of viewing things/ideas as Western vis-à-vis local/non-western or White vis-à-vis Black thus the binary concept set in.

A substantial amount of research work, which criticises tourism, claim that 'Tourism is Prostitution' (Archavantikul & Guest, 1994; Cohen, 1982; de Kadt, 1979; Graburn, 1979, 1983; Harrison, 1994; Phongpaichit, 1981). This agrees with the view that poor countries, as tourist destinations 'sell themselves' to the rich, tourist-generating countries in order to earn a living. Graburn (1983) sees the poor nations as being 'penetrated' for money whereas the outgoing, pleasure-seeking, 'penetrating' tourists of powerful nations are cast in the 'male' role (see also Chambers, 2004). "They are encouraged to open their frontiers and their dwellings to the foreign visitors and are pressured to engage in commercial transactions of a very particular type in which they offer their culture, their heritage, their traditions and even certain members of their population" (Burton, 1995). From the locals' viewpoint, tourism is an agent of economic development; but from the outside view, the natives are a mere traditional object of desire (Kibicho, 2005).

Therefore in order to understand this, and especially why the issues of gayness and homosexuality are controversial in the 'third world' countries such as Kenya, one needs to make use of some critical theoretical concepts that help in gaining insights into why the society reacts the way it does. Some of the concepts that I explore, and those I use for the purpose of this study are found in the critical 'postcolonial theory', and they include but not limited to 'ambivalence' & 'binarism'. Discussion of such concepts is done here below.

THEORETICAL CONCEPTS

The difficulties encountered in tolerating gay travelers/homosexual travelers by majority of the Kenyan society can be linked to, and explained by theories and concepts in the 'postcolonial theory'. Among the concepts that will help explain this

social issue is the 'Binary' and 'Ambivalence' concepts. But before focusing on these two concepts, it is better to have an insight into the meanings of colonization/colonialism and post-colonialism. This will perhaps aid in understanding the link of the former two concepts to attitudes towards homosexuality.

COLONIALISM

Williams and Chrisman (1993) have tried to explain what colonization means, and as per their definition, colonization means the conquest and direct control of other people's land. Said (1993) furthers this explanation by adding that colonization is the planting of settlements in distant territories (Ashcroft et al., 1998). These two explanations, though not exhaustive, are in agreement that colonization involves external aggression whose results impact negatively on the native communities in terms of loss of property and freedom (because of external control). It is the loss of property and freedom that resulted in bitterness among the natives towards the foreign settlers and the colonial authorities. Chambers (2004) goes deeper into trying to explain/define exhaustively the meaning of Colonialism by saying that it is seen as the cultural (and also political, territorial, economic and often sexual) exploitation that developed with the expansion of Europe to Africa, the Americas, Asia and Pacific particularly during 400 years between the 15th and 19th centuries, sometimes known as imperial colonialism. The element of exploitation in this definition probably explains why the processes of colonization and the subsequent flowing in of foreign ideas/ideologies and ways of life were resented and often rejected by the colonized societies. Though not all foreign ideas and ways of life were rejected, some of the effects of colonialism left the native communities torn between whether to embrace the foreigners with their good ideas & lifestyles that seemed beneficial to the locals, or to reject them all together because of what they perceived as costs to their ways of life & conflicting the local culture.

According to Appadurai (1990), this process of colonization was accelerated by the technology transfers and accelerations of the late eighteenth and nineteenth centuries which created complex colonial orders centered on European capitals and spread throughout the non-European world and that this complex and overlapping set of Eurocolonial worlds (first Spanish and Portuguese, later principally English, French and Dutch) set the basis for a permanent traffic in ideas of peoplehood and selfhood. It is this permanent traffic in ideas and peoplehood & selfhood that later set the stage of viewing things/ideas/processes as foreign vis-à-vis local and the consequent rejection or acceptance. Furthermore it resulted into the former colonized (now independent) states being vigilant & more discerning on new ideas and ideologies emanating from their former colonizers, questioning the significance of such ideas in the postcolonial states.

POSTCOLONIALISM

There are two main understandings of postcolonialism. The first is the temporal understanding as being chronologically the period immediately after the end of colonialism from about 1947. According to Ashcroft et al (1998), the term was originally used by historians after the Second World War in terms such as 'the post-colonial state of' and had a clearly chronological meaning designating the post-independence period. A second understanding of postcolonialism is that of a critical perspective comprising of a critique of, and resistance to the way western philosophies and practices produce knowledge about the 'other'. Therefore postcolonialism represents both a reflexive body of Western thought that seeks to reconsider and interrogate the terms by which the duality of colonizer and colonized, with its accompanying structures of knowledge and power, has been established as well as the state of being 'post' or 'after' the condition of being a colony. Hall & Tucker (2004) argue that the relationship between the post-colonizer and the post-colonized is primarily seen in the context of the interactions between European nations and the regions and societies they colonized since the onset of European mercantile expansion and imperialism.

In postcolonialism we are therefore interested in spatial and temporal dimensions of the cultural production and social formation of the colony and postcolony and the ongoing construction and representation of specific spaces and experiences. Examination of situations in which independent countries continues suffering external interventions and control from a foreign state, often referred to as 'neocolonialism', is also often incorporated into the postcolonial debate. In the modern world, rather than just refer to external intervention, colonialism has also been used to refer to the expansion of capitalism and economic and cultural globalization so that the core powers exercise influence over the post colonial periphery. More generically, the term postcolonial can refer to a position against imperialism, colonialism and Eurocentricism, including Western thought and philosophy. Such is for example the position with gayness. Whereas the western world societies have accepted and tolerated gayness, and have been encouraging their former colonies to revise their laws to accommodate those who confess this culture, the locals in these countries are questioning whose interests this will serve given that the idea is foreign to them.

AMBIVALENCE

Ashcroft et al (1998) argue that the term ambivalence was first developed in psychoanalysis to describe a continual fluctuation between wanting one thing and wanting its opposite. It therefore refers to a simultaneous attraction toward and repulsion from an object, person or action (Young, 1995). In the postcolonial theory therefore, the term ambivalence seeks to describe the complex mix of attraction and

repulsion that characterizes the relationship between colonizer and the colonized. The relationship is ambivalent because the colonized subject is never simply and completely opposed to the colonizer. To bring it to the travel context, the relationship between the tourists and the hosts is ambivalent because the hosts are not simply and completely complicit to the activities of the tourists. For example the situation in Kenya is that tourists are always welcome as in the sense of being tourists because tourism plays an important role in the local economy. This is the general position notwithstanding the negative impacts on the physical and cultural environments that tourism is known to wrought. But does this open Kenya's social and political space to the gay traveler? What about the lucrativeness of this segment of the tourist market and its huge potential in contributing to earnings from tourism? The tourism sector would be attracted to such market for financial gain because of its lucrativeness but again be repulsed by the culture of the people in that segment as it contradicts and conflicts with the social rules and legal stand of the Kenyan society. This makes the relationship ambivalent.

BINARISM

Binary is a widely used term meaning a combination of two things which are in opposition to each other, in most cases expressing the difference between them. It is used in several fields and has also found its way into the postcolonial theory. The binary opposition is the most extreme form of difference possible, for example man/woman; black/white; western/non-western; good/bad; civilized/primitive; ancient/modern, just to list a few. Such oppositions each of which represents a binary system are very common in the cultural construction of reality. Contemporary post-structuralist and feminist theories such as the postcolonial theory demonstrate the extent to which such binaries entail a violent hierarchy, in which one term of the opposition is always dominant e.g. white dominant over black. The binary logic of imperialism is a development of that tendency of Western thought in general to see the world in terms of binary oppositions that establish a relation of dominance. A simple distinction between the binaries represents very efficiently the violent hierarchy on which imperialism is based and which it actively perpetuates. An example to illustrate such oppositions between the West and non-Western world starts from the colonial times where binaries such as superior/inferior; adult/child; masculine/feminine; white/non-white; west/non-west; civilized/primitive etc represented such oppositions, and still continues to manifest in the postcolonial times. See for example, according to Young (2003), how colonial and imperial rule was legitimized by anthropological theories which increasingly portrayed the peoples of the colonized world as inferior, childlike or feminine, incapable of looking after themselves (despite having done so perfectly well for millennia) and requiring

paternal rule of the West for their own best interest. For him, the basis of such anthropological theories was the concept of race where in simple terms, the west-non-west relation was thought of in terms of whites versus the non-white races. White culture was regarded (and remains) the basis for ideas of legitimate government, law, economics, science, language, music, art, literature and all manner of civilization. From such perspectives, it can be argued that homosexuality, having been accepted and tolerated in the Western world, is therefore good, as the West is always the source of ideas and legitimate governance.

CHAPTER THREE:

METHODOLOGY

INTRODUCTION

This chapter elaborates on the method used in the study by looking at the techniques employed in the collection and analysis of data. These include the on-site surveys and the telephone interviews, which are also explained in detail together with the design adopted. Apart from the method of study the chapter also looks at the ethical and paradigmatic challenges/concerns as regards the approach assumed/employed in the study. Lastly but not least is a look at the limitations encountered in the study.

METHODOLOGY

Methodology refers to the overall approach to the study/research, basically identifying and describing the guiding principles by which data can be gathered and analysed i.e. it is the means through which the research is conducted (Hemingway, 1999; Jennings, 2001). In this section I will describe the chosen methodology & methods, research design and challenges & limitations in retrospect to ethical issues and my position as the researcher. What follows after this is some empirical information on the area of study which serves to assist in gaining an insight into the studied society. Further empirical information is given in chapter four.

In order to find answers to questions on attitudes of Kenyans towards gayness & homosexuality, the study employed qualitative research techniques. Qualitative research has evolved dramatically over the last 25 years, from early participant-observation studies painting descriptive portraits of happenings to today's multi-perspectival and critical reflexive studies employing literary devices to transform the consciousness of both the researcher and the reader. This exciting evolution has been wrought/fashioned/shaped by pioneering researchers crossing disciplinary borders into otherwise alien territories (the Arts, Humanities, Theology, Quantum Physics, Philosophy) and returning with a rich array of innovative perspectives and methodologies (Taylor and Wallace, 2007). While the study employs interpretive & reflective ontological approaches within the context of a critical paradigm, the postcolonial theory provides the epistemological lens for the study. Ontology informs how we perceive of the nature of reality; the epistemology involves the relationship between the researcher & the research objects or subject and in this way epistemology informs the position of the researcher (Jennings, 2001).

For purposes of this study, I made use of qualitative techniques to collect views from the general public, which was done by means of conducting semi-

structured/ethnographic 'interviews' (herein sometimes referred to as survey); though some quantitative technique was used in analyzing the data, particularly in obtaining percentages and frequencies. The general purpose of using semi –structured interviews as a means of collecting data in this study was to assist in obtaining in-depth information about the attitudes, opinions, feelings, thoughts and experiences of the studied population (the Kenyan public) on gayness as lifestyle. Two types of surveys were used in conducting the semi-structured interviews and these included:

On-site/face-to-face survey:

This method was used as the main method of study. Interviewers intercepted individuals in person and either read survey questions to them and recorded answers on the questionnaire form and/or a blank piece of paper i.e. interviewer-completed, or asked respondents to immediately read and respond to questions themselves i.e. respondent-completed. Some cases required prior arrangements with the respondents regarding place and time of the interviews. This was especially so with professionals who arranged the interviews to take place in their offices.

One advantage with face-to-face surveys was that they could typically yield exceptionally high response rates because I, as the researcher, could explain the rationale and importance of the survey, and ensured that responses remained anonymous and confidential. This would be particularly important with this study as it deals with a relatively sensitive study where people do not want to declare their answers openly especially those who are pro-gayness. Secondly, researchers were able to retain a high degree of control over who completes the survey and could encourage people to complete all questions thus avoiding item non-response. Besides, this survey also gave respondents the ability of asking researchers for clarification if questions were confusing (see Groves & McGonagle, 2001).

Telephone survey:

This method was used to supplement the face-to-face survey and involved selecting a sample from the telephone directory, another list or by use of random number techniques. In this case, I tried a snow-ball sample using numbers obtained from friends and some respondents in the face-to-face interviews. The survey questions would then be read by the interviewer online and the responses recorded as the respondent answered. Telephone interview method was chosen because of its advantage of rapidly generating data and results, or at least this was expected. Telephone surveys are one of the quickest methods because time is not spent waiting for the researchers to deliver questionnaires to respondents and then organize for interviews, and

telephone surveys do not have travel time required for completing on-site/in-person surveys (see Frey, 1989; Gad, 2000).

Besides the above mentioned advantages, telephone surveys allow researchers a high degree of control over the sequence in which questions are asked, avoiding influence of others in the household and ensuring that all questions are answered. These surveys also give respondents the flexibility of asking researchers for clarification if questions are confusing.

There are however weaknesses of telephone surveys as was noted during the study. Refusals occurred because people could hang up the telephone in the middle of an interview, and also connections could not be good due to poor network coverage. Other people could use answering and call display technologies to screen calls and only respond to calls familiar to them. In some cases government and private “do not call” telephone lists have also been established (see Crabb, 1999; Tuckel & Feinberg, 1991). Secondly, not all people have telephones and among those who do telephone directories used for drawing samples are often incomplete because they are out of date, do not include unlisted numbers, and often do not include cellular telephone numbers common with most people in Kenya nowadays. These issues are problematic for selecting a sample where all members of a population should have an equal or known chance of selection (see Salant & Dillman, 1994).

Telephone surveys are also susceptible to interviewer distortion and social desirability bias through leading questions, the interviewer’s tone, and by what the respondent think the interviewer wants to hear (Gad, 2000; Mitra & Lankford, 1999; Salant & Dillman, 1994). For this reason training of all research assistants was required before survey administration. Finally it is important to note that this method had to be discontinued in the middle of the research after administering it on 13 respondents. This was because of two major reasons. One, it became expensive as mobile telephony service tariffs in Kenya are very high (at least were high at the time of conducting the survey), and two, respondents could not be patient enough to answer all questions. Therefore face-to-face survey was opted for as the main means to collecting data.

RESEARCH DESIGN & TARGET POPULATION

Initially the study targeted a sample of at least 150 respondents between 18 and 65 years of age. Though a sample of only 61 respondents, constituting 34.4% females & 65.6% males, was realized by the time the survey was terminated. At first respondents were drawn from the three major cities of Kenya i.e. Nairobi, Mombasa and Kisumu but later on included Kakamega, Eldoret Nakuru & Malindi. The sample

strictly constituted only Kenyans excluding any foreigners who have immigrated into Kenya. It was designed such that by the end of the survey, at least ten (10) persons from each of the following categories had been sampled, and at least three out of the ten in each category came from each city covered by the study:

- Tour Operators/Travel Agents
- Ministry of Tourism/Kenya Tourist Board
- Legal Fraternity (the Attorney General Chambers & Private practitioners)
- Religious groups: (a) Christians (b) Muslims (c) Others e.g. Hindu
- Hospitality services providers (Hotels, Resorts & Guesthouses)
- Health service providers (Hospitals & HIV/STD Testing and Counselling centres)

Several reasons can be advanced why each category was a target in this study. Tour Operators/Travel Agents and Hospitality services providers deal directly with tourists and advise them on issues concerning Kenya as a tourist destination. Secondly I was interested in knowing whether the TO/TA/hospitality service providers are targeting the gay travel segment or not, and whether their actions are guided by the local environmental circumstances or their attitudes towards gayness. The Ministry of Tourism and the Kenya Tourist Board are the government agents which brand and market Kenya as a tourist destination and therefore to find out if they are segregative in market targeting. The legal fraternity were to give information on the legal provisions as regards homosexuality and if that influences their attitudes towards the same. Health service providers as hospitals and clinics protect lives by offering medical services to patients who include sodomised (raped) patients and homosexuals seeking medical services for diseases that may be as a result of their lifestyles of being gay. The aim of targeting this group was to find out how the medical services providers deal with such cases and thereby get to understand their attitudes towards gayness. Lastly but not least, religion was expected to influence to a large extent the local people's attitudes towards gayness.

PARADIGMATIC & ETHICAL CHALLENGES IN THE STUDY

A paradigm is understood as indicating a model of propositions and beliefs, explicit and implicit, held by a community of researchers about the conduct of their work, the structure of what they study, the nature of their findings, how these findings are to be fitted together and the social meanings of the resulting statements (Hemingway, 1999:487). According to Jennings (2001), a paradigm is an ideological construction defining what kinds of knowledge and knowledge production are intelligible and acceptable, while framing the ways in which knowledge can be produced by proscribing three different components; the ontology, the epistemology and the methodology. In scientific research, there are three or so paradigms that have been a subject of debate over the years namely positivist, interpretive and critical paradigms. Whereas positivism perceives the world as made up of observable reality

totally separate from the researcher, interpretive theory moves further towards constructivism trying to interpret the observable reality in the context of the researcher. On the other hand the critical theory argues that the world is made up of a complex reality constructed out of overt and covert power relations (see Jennings, 2001). Therefore critical research involves the researcher being aware of his/her own positionality within the research context, which asks him/her to be aware & reflexive of his/her own history, biography, gender, social class, race, ethnicity and sexuality, and how these characteristics influence the research process & outcomes (see Ateljevic et al. 2005).

Even though my study utilizes the critical paradigm of the postcolonial theory, some of the arguments I advance in explaining the challenges encountered in the study also borrows from the interpretive paradigm. Some of the challenges which confronted me during this study reflect the concerns of Denzin and Lincoln's (2005) *Blurred Genres* (writing styles) moment of qualitative inquiry in which researchers move from postpositivism towards constructivist and arts-based perspectives, becoming more ethically and politically astute/smart/intelligent/shrewd, and therefore getting themselves in a position of striving to represent equitably (without manipulating the results), the voices of those who participate in their inquiries. A multi-Arts-disciplinary-based qualitative research portray the process of coming to know in thoughtful, emotional, and spiritual terms, enabling the researcher to express heartfelt moral concerns about the need to transform the sometimes parlous/difficult state of positivism (Taylor and Wallace 2007).

The qualitative approach adopted for this study is counterintuitive to the positivist view. The positivist view, an immensely powerful world view, determines an objective approach to interacting with and making sense of the natural world and, by logical extension, the social world. The problem of adopting a qualitative approach in a study is threefold. First, the radical difference of qualitative research is rooted in ways of thinking, being, valuing, conversing, and acting that often are Counterintuitive to, and transgressive of positivist approach advanced by Western Modern Science and Mathematics practices. For example, whereas positivism holds that researchers should, epistemologically, free/separate themselves from preconceptions – seen as threats to validity – qualitative researchers presume that understanding of events is constructed through the preconceptions we bring to them; i.e. reflexively researched work or a social scientific study has to be situated/positioned (Wallace and Loudon, 1997). To develop one's authority as a producer of cultural knowledge is a step towards decolonising both one's research and one's professional practice (Mutua and Swadener, 2004). This has been encouraged in contemporary qualitative research (a reflexive/interpretive-ethnographic process), akin to my study, where the researcher is part of the research.

Deeply embedded in the interpretative & ethnographic process of representing others are also several important issues that are not readily resolvable but need to be addressed by qualitative researchers. There is a political question of whose (social, economic, cultural, political) interests are being served by the way in which

representations of others are rendered and used. An equally important challenge that I faced was that of the cultural embeddedness of I as the researcher/I as a member of the Kenyan society. This brings into focus the 'Etic' & 'Émic' issues. Before hitting the road on interrogating the attitudes of Kenyans towards gay tourists and gay travel, it is pertinent that I as the researcher declare my position within this research project. Being a Kenyan heterosexual (straight) man born and raised in Kenya up to my adult life and have been educated predominantly in Kenya, completing my first degree a decade ago. I get inclined to a position where believe I have a clear insight into the attitudes and behaviors of majority of the Kenyan people towards gayness and homosexuality. My identification as a straight (heterosexual) man implies a distancing of myself from gay and homosexual norms and behaviors, if such can be easily identifiable. This has been pretty much my life world, an experience with which I bring my preconceived ideas, feelings, emotions and knowing into the subject under investigation.

In the contemporary interpretive & ethnographic process, the researcher's life world has become a major source of experiential data for narrative portrayal and critical self-reflective analysis as life writing, autobiography, and autoethnography harness research as/for professional praxis (Ellis and Bochner, 2000; Pereira, Settelmaier, and Taylor, 2005; Roth, 2005; Taylor and Settelmaier, 2003). As a researcher, I find myself researching a society of which I am a part. With this as a fact, the chances of bringing into the study my preconceived ideas on the subject under interrogation become an open secret. This leaves me torn between whether by bringing in my preconceived ideas is fair representation or not! For this reason I can argue that the Critical paradigm allows for biasness in social scientific research. On the other hand I tend to think that if the research is carried out by an outsider the results may be represented fairly, but even the question to ask is 'who has the authority to speak for others, of which he/she is not a part'?

Ethical and methodological problems associated with generating credible representations of the researcher's colleagues and subjecting them to critical appraisal can be quite challenging. For example I generally agreed with majority of respondents who had negative attitudes towards homosexuality without criticising much their reasoning as I tend to assume I, being part of the society, understand their views. This could however be obviated by use of fictive imagining and philosophical thinking (Bridges, 2003; Clough, 2002; Wallace and Loudon, 2000b). Qualitative techniques researchers are concerned to varying degrees with establishing quality standards for their empirical representations of the participants in their inquiries, for representing their own subjectivities, and for connecting meaningfully with their readers (Taylor and Wallace, 2007).

LIMITATIONS

Apart from the research challenges above, **Limitations** encountered in the study were diverse in nature but the most obvious ones included the unwillingness of the majority of the Kenyan public to discuss matters to do with homosexuality. Though a

current social issue in Kenya, majority of the people regard it a controversial topic and thus don't want to be associated with it. Besides this, it is a taboo to talk about such topics as sodomy & homosexuality. Even heterosexual sex is held so sacred that you cannot discuss such in public. Most of the respondents had to be enticed to accept interviews and almost my entire respondent sample wanted to know my sexual orientation before offering to be interviewed. Secondly, people could request for questions to provide answers and return transcripts later but majority never honoured their promises. As a result the initial targeted sample of 150 respondents was not realised. Third is the problem of the research funds not being enough. The area covered is vast and thus expensive to move around. The demand by respondents to be compensated for their time further strained the funds available for the research. This was more so with trying to access the gay communities in the cities of Kisumu, Nairobi & Mombasa. Lastly but not least is the issue of time allocated for data collection. Being an ethnographic process, a lot of time is spent; from arranging for interviews to meeting & interviewing the respondents.

CHAPTER FOUR

THE STUDY AREA & HISTORICAL BACKGROUND

Figure 4: Map of Kenya.



Source: www.mapsoftheworld.com

INTRODUCTION

In this chapter I give a detailed account of the empirical information on Kenya. Among the information detailed in this account include:

- Geography of Kenya.

- History of the Republic of Kenya including its early migrants to the region, colonization of Kenya, the impacts of colonization of Kenya & reasons why Kenyans protested colonial rule.
- The History of Tourism in Kenya and the consequent impacts of tourism on the Kenyan society, and draws parallels between colonization and tourism.
- Historical Geography of Kenya including climate, topography, cities & towns, peoples & culture, government, education
- The Economy of Kenya.

This chapter has been placed within the study in order to give the reader some background knowledge on the study area in order to aid in understanding and internalising the outcome of the study.

THE STUDY AREA

This study was carried out in Kenya, with the major aim of wanting to identify the attitudes of the local people towards homosexuality, and therefore by extension their expected attitudes towards gay travel & gay travellers in general.

GEOGRAPHY

Kenya is located across the equator on the east of the African continent. Kenya lies in one time zone, which is three hours ahead of Greenwich Mean Time Standard Time (GMT + 3). Kenya does not operate daylight saving time. Its bordering countries include Ethiopia to the north, Sudan to north-west, Somalia to east, Tanzania to south and Uganda to west. Different figures have been given on its total coverage but averagely “Kenya covers a total area of 582,650 sq km with land covering 569,250 sq km and water 13,400 sq km, mainly in Lake Turkana (also known as Lake Rudolf) and Kenya’s portion of Lake Victoria” (Independenceday.com, 2010). Information from mongabay.com (an online website which documents information on countries of the world) indicates that Kenya’s land boundaries total 3,477 kilometres. Its boundary with Ethiopia covers 861 kilometres, Somalia 682 kilometres, Sudan 232 kilometres, Tanzania 769 kilometres, and Uganda 933 kilometres. The length of Kenya’s coastline is 536 kilometres on the Indian Ocean. For maritime claims, Kenya’s territorial sea extends 12 nautical miles. The exclusive economic (fishing) zone is 200 nautical miles, and the continental shelf extends to a 200-meter depth or to the depth of exploitation (Independenceday.com, 2010). Kenya’s principal rivers are the 710-kilometer-long Tana, and the Athi, both flowing southeast to the Indian Ocean. Other rivers include the Ewaso Ngiro, flowing northeast to the swamps of the Lorian Plain, and the Nzoia, Yala, and Gori, which drain into Lake Victoria.

HISTORY OF THE REPUBLIC OF KENYA

According to Encyclopedia.farlex, an online encyclopaedia, archaeological evidence shows that the area now known as Kenya was inhabited by early hominids, the

australopithecines, who lived between 4.4 and 3.5 million years ago. Bureau of African Affairs (2010) reveal that fossils found in East Africa suggest that protohumans roamed the area more than 20 million years ago. It further reveals that recent finds near Kenya's Lake Turkana indicate that hominids lived in the area 2.6 million years ago. "During the 1950s and 60s, the anthropologist L. S. B. Leakey discovered in N Tanzania the remains of hominids who lived there 2 million years ago. These persons, perhaps the earliest humans on earth, most likely also inhabited Southern parts of Kenya. In the Kenya highlands, the existence of farming and domestic herds can be dated to 1000 B.C." (Columbia online Encyclopaedia, 2010). Cushitic-speaking people, from what is now Sudan and Ethiopia, moved into the area that is now Kenya beginning around 2000 BC. During the first millennium AD, Nilotic and Bantu peoples moved into the region, and the latter now comprise two thirds of Kenya's population.

The location of the region, and probably its closeness to the East African coastline made it easier for external contact from the rest of the world (Arabian peninsular & Europe). According to the Bureau of African Affairs (2010), Kenya's proximity to the Arabian Peninsula invited colonization, and Arab and Persian settlements sprouted along the coast by the eighth century. Arab traders began frequenting the Kenya coast around the first century AD. Swahili, a Bantu language with significant Arabic vocabulary, developed as a trade language for the region. "Trade between the Kenya coast and Arabia was brisk by A.D. 100; Arabs settled on the coast during medieval times, and they soon established several autonomous city-states including Mombasa, Malindi, and Pate", (answers.com, 2010). The Arab dominance of the coastal region went on for 150 years uninterrupted until the arrival of the first Europeans, the Portuguese, in 1498.

"The Portuguese first visited the Kenya coast in 1498, and by the end of the 16th century they controlled much of it, including Mombasa. However, in 1729, the Portuguese were permanently expelled from Mombasa and were replaced as the leading power on the coast by two Arab dynasties: the Busaidi dynasty, based first at Masqat (in Oman) and from 1832 on Zanzibar, and the Mazrui dynasty, based at Mombasa. The Busaidi wrested Mombasa from the Mazrui in 1837. From the early 19th century, there was long-distance caravan trading between Mombasa and Lake Victoria" (answers.com, 2010).

Intensive interaction between the interior communities in the region perhaps started in the 19th century with the arrival of European explorers. The Columbia online Encyclopaedia (2010) states that:

Beginning in the mid-19th cent., European explorers (especially John Ludwig Krapf and Joseph Thomson) mapped parts of the interior. The British and German governments agreed upon spheres of influence in E Africa in 1886, with most of present-day Kenya passing to the British. In 1887, a British association received concessionary rights to the Kenya coast from the sultan of Zanzibar. The association in 1888 was given a royal charter as the Imperial British East Africa Company, but severe financial difficulties soon led to its takeover by the British government,

which established the East Africa Protectorate in 1895. A railroad was built (1895-1901) from Mombasa to Kisumu on Lake Victoria in order to facilitate trade with the interior and with Uganda.

From the Encyclopedia Farlex, an online encyclopaedia, the first Europeans to penetrate the interior were German and British missionaries. In 1880 the area was prospected by the Imperial East Africa Company. Fifteen years later, the coastal area, leased from the sultan of Zanzibar, was established as a British protectorate under the name of the East African Protectorate (1895). It came under the administration of the British Colonial Office in 1905. The Protectorate promoted settlement of the fertile central highlands by Europeans, dispossessing the Kikuyu and others of their land. Some fertile and well watered parts of the Rift Valley inhabited by the Maasai and the western highlands inhabited by the Kalenjin were also handed over to European settlers. In the next few years many British and South African farmers settled on the fertile plateaux (the 'White Highlands'), obtaining grants of land from the kikuyu, (Kenya's largest ethnic group), and other ethnic groups. The latter regarded the transaction as a lease, while the Europeans considered it a freehold sale, and this was later to cause extreme bitterness. For other Kenyan communities, the British presence was slight, especially in the arid northern half of the country. The settlers were allowed a voice in government even before Kenya was officially made a British colony in 1920, but Africans were prohibited from direct political participation until 1944 when a few appointed (but not elected) African representatives were permitted to sit in the legislature.

"From the 1920s , European settlers controlled the government and owned extensive farmlands; Indians maintained small trade establishments and were lower-level government employees; and Africans grew cash crops such as coffee and cotton on a small scale, were subsistence farmers, or were labourers in the towns especially Nairobi" (answers.com). The immigration of large numbers of Indians caused some friction, and from the end of World War I, there were signs of embryonic African nationalism, led principally by a minority of educated Kikuyu, who resented the white occupation of their traditional lands and the political and social supremacy of the European settlers; In 1923 the Devonshire White Paper confirmed the special position of European settlers in the highlands, but declared that Kenya was primarily an African country, and that African interests must be paramount in case of conflict (Encyclopaedia.farlex.com, 2010). It can be noted here that the protest was in part a rebellion against British rule and in part an attempt to re-establish traditional land rights and ways of governance.

A nationalist movement started unfolding in 1944 to champion the concerns of the local people. According to farlex.com (2010), "the nationalist movement came to be concentrated in the Kenya African Union (KAU, founded 1944)...and gained strength after World War II, African bitterness being increased by an influx of European settlers from the newly independent India and Pakistan". In 1947 Jomo Kenyatta a member of the Kikuyu, became its president. In 1952 a secret society of young

Kikuyu militants was formed, called mau mau, which had the same aims as the KAU but sought to achieve them by violent means. Mau Mau launched a campaign of terrorist anti-European violence, in which both Europeans and Africans were killed. A state of emergency was proclaimed. Kenyatta was found guilty of managing Mau Mau and sentenced to life imprisonment in 1953. By 1957 Mau Mau had been crushed, and the emergency was lifted.

The colonial government (Britain) now acknowledged the African desire for a self-governing Kenya, with majority (in other words, African) rule, and from 1957 onwards there were informal talks on Kenya's future with African leaders. In elections held in 1961 the Kenya African National Union (KANU, the successor of the KAU), whose acknowledged leader was Kenyatta, was returned as the biggest single party. In August 1961 Kenyatta was freed and attended constitutional talks in London between February and April 1962. Throughout the 1950s African politicians had continued to regard him as the nationalist leader, despite the fact that he was imprisoned.

The constitutional talks ended with agreement between Britain and the two main parties in Kenya – the Kikuyu-dominated KANU and KADU (the Kenya African Democratic Union) – on a draft constitution for a future self-governing dominion of Kenya. In May 1963 KANU won overwhelmingly at the general election, and confirmed the dominance of the Kikuyu, KADU having been representative largely of the other tribal parties, who were fearful of Kikuyu political monopoly. In 1961 KADU had exposed itself to criticism by participating in a coalition government, led by Ronald Ngala.

Kenya became independent on 12 December 1963, with Kenyatta as premier. Zanzibar had become independent two days earlier; but the 'coastal strip' had been ceded by the sultan of Zanzibar to Kenya in October. The country voluntarily became a one-party state in November 1964, and in December 1964 became a republic within the Commonwealth, with Kenyatta as president.

THE IMPACT/CONSEQUENCES OF COLONIZATION OF KENYA

European interests in the East African region came after centuries of domination by the Arabs. The Oman Arabs ruled the region from their home in Muscat until the early 1800s, when the British and the French begun taking an interest in the region. Britain declared Kenya a protectorate in 1895 and later became a full colony in 1905. This led to the colonization of Kenya by the British. And what did this mean to the local people?

Colonization meant that Kenya had been conquered by the British and therefore was politically under the control of the British government. Colonization means “the conquest and direct control of other people’s land (Williams and Chrisman, 1993). It is “the planting of settlements in distant territories” (Said, 1993 cited in Ashcroft et al., 1998). “Colonialism is seen as the cultural (and also political, territorial, economic and often sexual) exploitation that developed with the expansion of Europe to Africa, the Americas, Asia and Pacific particularly during 400 years between the 15th and 19th centuries, sometimes known as imperial colonialism” (Chambers, 2004). The British colonization of Kenya led to the locals losing their freedoms and land. “When the missionaries came to Africa they had the Bible and we had the land. Then they said ‘let us pray’. We closed our eyes. When we opened them, we had the bible and they had the land” (Desmond Tutu cited in Chambers, 2004).

British colonization was slow but those who emigrated established themselves strongly under the leadership of the largest landowner, Lord Delemare, with a population of about 3000 whites by 1912 and the main trouble the settlers faced was lack of labor for the large farming estates they were founding. The Kikuyu (one of the major tribes in Kenya) became the targets of exploitation, in a process of forced labor in lieu of taxes (Wordpress.com, 2008).

British colonization of Kenya also came with the coming of missionaries which led to the establishment of a number of missions and the exploration into the interior by notables such as David Livingstone, Richard Stanley and Richard Burton. The missionaries introduced the Bible and Christianity as a religion in the region. The bible was to be a measure of moral standards in society. At independence in 1963, after decades of domination by the British, the Kenyan society inherited two instruments from the Europeans to govern society; a constitution and the bible for the Christians. These two shall be referred to when looking at the issue of homosexuality in Kenya.

REASONS WHY KENYANS PROTESTED COLONIAL RULE

The recruitment of African labour at poor rates of pay and under primitive conditions of work was characteristic of the operation of colonial capitalism in Africa during the nineteenth and twentieth centuries. The implications of these conditions have been generalized very widely in the historiography of colonial Kenya (Clayton and Savage, 1974; Zwanenberg, 1975; Stichter, 1982; Kitching, 1980; Berman, 1990; & Berman and Lonsdale, 1992). The state itself was the largest employer of labour throughout British colonial Africa and shared an interest in encouraging Africans into the labour market. Criticisms of labour conditions prevailing in any colony were thus likely to be interpreted as criticisms of the state itself, (Buell, 1928; Browne, 1967; Freund, 1988; and Clayton and Savage, 1974). These general economic imperatives were bolstered by moral strictures; the ‘gospel of labour’ was a central element in the civilizing mission of European rule, frequently referred to as the justification for stringent labour laws, (Anderson, 2000).

The application of Master & Servant laws in East Africa after 1900 therefore arose from a deliberate decision to impose a particular type of legislation that was by then already considered outmoded in the metropole, (Browne, 1967). The explanation for this is the attitudes toward race that prevailed amongst the colony's European settlers and administrators. Officials in London noted the somewhat shortcoming of the legislation, but considered that the East African ordinance was necessary 'in order to obtain reasonable service from the natives who are unused to the benefits and obligations of continuous labour' (Banton, 1989). Labour at a 'primitive' stage of development was thought to require 'primitive' forms of labour law. What this meant in practice was that the rights of the master were enforced in draconian terms, whereas relatively few protections were offered to the servant, (Anderson, 2000). To this point the labour conditions for the native African (servant), were unfavourable as they were recruited forcibly with meagre wages that came with heavy penalties if one deserted duty without reasonable cause or breached employer/employee contract. Under the *Native Authority Ordinance* (1912) the government regulated the powers devolved upon appointed chiefs and their agents. An amendment to this ordinance in 1919 provided for the compulsory recruitment by local chiefs of paid labour for specified government works, such as portage or road construction, up to a limit of 60 days per annum (Anderson, 2000).

Other reasons why the natives protested colonialism was what they perceived as a system of administration that deprived them of their freedom of mobility, more so especially with the introduction of compulsory registration. The *Registration of Natives Ordinance* (1915) introduced what was, in effect, a set of pass controls for African males of working age (Clayton and Savage, 1974). Instituted in 1920, the act required every male over 15 years to register before his local administrative officer and to be issued with a finger-printed certificate of identity (*Kenya Gazette*, 18 Aug. 1920). This document, known as a *kipande*, provided basic personal details and acted as a record of employment. A central registry was established, and by 1931 nearly two million *kipande* had been issued. John Ainsworth, a senior official in Kenya and staunch defender of African interests, had argued that this would protect Africans by providing greater job security and making it harder for settlers to defraud them of their wages. This was surely the case, but in effect the law restricted the workers freedom of mobility to a far greater degree than had any provision under the *Master & Servant Ordinance* (Anderson, 2000). Unless a labourer was signed off from his previous employment, it was not legal for another employer to engage him. Any labourer leaving employment without being formally signed off was considered to have deserted and forms were provided for employers to notify the police of such cases. The pass system then allowed such individuals to be more easily traced; any inspection of the *kipande* by an official, or even by a prospective employer, could reveal a discrepancy in the record that might result in prosecution if reported. Not surprisingly, native registration was highly popular among settlers but deeply unpopular among Africans, (Clayton and Savage, 1974).

What aggravated the situation further was the squatter condition on the white settler farms. Anderson (2000) observes that aside from the 130,000 or so Africans contracted to work as waged labourers by the early 1920s, more than 100,000 others were resident on European-owned farmlands as 'squatters'. In return for the use of the land, squatters provided labour, services or rent-in-kind to the landowner. This system, similar in form to that described as 'kaffir farming' in southern Africa, worked to the benefit of under-capitalized European farmers, who, in the early years of settlement, commonly lacked the resources to develop their large farms properly. The irony here is that the land belonged to the natives before the coming of the settler farmers. The squatter situation was therefore further increasing tension between the 'inferior', primitive natives and the colonial administration.

TOURISM

HISTORY OF TOURISM IN KENYA

Before the coming of foreigners, and especially Europeans, and subsequent colonization of the region, the East African hinterland was little known to the rest of the world. Apart from Arab fortune seekers (in search of ivory and slaves) who had penetrated the East Africa hinterland as early as the tenth century AD, few people from other parts of the world ventured into the East Africa interior before the turn of the century (Kenya Government, 1924; Simon, 1962; Mazrui, 1986). This was due to a number of factors, fear and feelings of insecurity being the major reasons. Jackson (1963) observes that by that time most indigenous communities had not evolved centralised institutions of socioeconomic and political governance capable of maintaining law and order over a wide territory. As a result, the issue of insecurity (whether real or imagined) discouraged most of the potential travellers from venturing into the East African hinterland. According to Akama (1999) at that time, "basic transport infrastructure, including roads and a railway network, and conventional accommodation and hospitality facilities were non-existent, except perhaps in a few locations along the East Africa coast, particularly in Mombasa, Zanzibar and Malindi". As a result pioneer travellers into the interior of this region mainly used on-foot caravan routes. To the travellers, this was cumbersome and tiring and it took a long time to accomplish a trip to the interior.

Owing to these conditions, the region "was mainly perceived in the outside world as a land of the 'unknown, a place inhabited by exotic and hostile Africa tribes such as the Maasai and the Sukuma, and dangerous wild animals" (Kenya Government, 1924). The early travellers to the region were not the usual, or as one can say, average tourists. They were the daring adventurous people who were determined to explore and discover—"people who were driven by the urge to travel to the unknown to explore and make new discoveries, and possibly to spread Western civilisation and religion" (Jackson, 1963; Mazrui, 1986). These expeditions were locally referred to by the Swahili word "Safari" thus bequeathing to the travel world literature with a new vocabulary (Ktdc.co.ke, 2010). Examples of such early travellers include such legendary personalities as David Livingstone, Henry Morton Stanley, John Kraft,

Samuel Baker, John Rabmann, County Trek & Joseph Thomson, and most of these pioneer travellers and adventurers have been immortalised in history and adventure books, and in adventure movies (Akama, 1999).

The coming of the Europeans into the region, beginning the 16th century, started improving the security situation and hence increased foreign arrivals. “The Europeans entered the scene in the 16th and 17th centuries when the Portuguese took control of the Kenyan coastal trade from the Arab inhabitants” (tourism.go.ke, 2010). Colonization and declaration of the region a British protectorate in 1895 led to the creation of centralised political and socioeconomic institutions of governance, which in return led to improved security and the development of a wider socio-political order i.e. the creation of a geopolitical state; and in addition, the colonial government undertook to develop basic transport and communication infrastructures so as to open-up the East Africa hinterland for political and economic development (Kenya Government, 1924; Jackson, 1963). Of particular significance was the construction of the Kenya-Uganda Railway, which became the main transportation artery into the East Africa hinterland. At that time the available accommodation was spartan but ideal for both the visitors as well as the settler community in Kenya (Ktdc.co.ke, 2010). However The first conventional hotel and lodge facilities were built by resident European developers during this period, including Hotel Stanley (the present New Stanley Hotel) in 1890, the Nairobi Club in 1891, the Norfolk Hotel in 1904, and the Commercial and Express Hotel in 1906 (Akama, 1999). Bosire, (1995), notes that most of the accommodation and hospitality facilities were built in Nairobi, which became the hub of commerce, business and administration in the East Africa region. The opening up of the East African hinterland and establishment of basic transport and hospitality infrastructure resulted in an increasing in number of Western adventure seekers, professional and amateur safari hunters, and other trophy seekers venturing into the hinterland (Kenya Government, 1957; Graham, 1973; Anderson, 1987).

Akama (1999) observes that from the very beginning, the development of tourism and hospitality facilities in Kenya was mainly initiated by resident European developers and the colonial government, and during this stage there was minimal social interaction between pioneer Western travellers and indigenous Kenyans. He further notes that perhaps the only form of interaction which existed between the class in power and the governed was a ‘Master-Servant’ relationship in which Africans were mainly hired to work in servile positions as gardeners, cleaners, waiters, cooks and guards.

A major recreational activity undertaken by most Westerners who ventured into the East Africa hinterland was big-game safari hunting. Most of the pioneer Westerners who undertook safari hunting expeditions in Africa were mainly affluent travellers, high-ranking government officials, politicians and members of the aristocracy. Some of the famous pioneer travellers to East Africa and big-game safari hunters include such people as Theodore Roosevelt, John Mauir, Frederic Luggard, Fredrick Jackson, Abel Chapman, William Baullie, Geoffrey Archer and Robert Coryndon, Her Majesty Queen Elizabeth II, and Ernest Hemingway (Anderson, 1987; Ktdc.co.ke,

2010). For instance in his most widely published safari to East Africa, which lasted between April 1909 and March 1910, the then US President Theodore Roosevelt travelled with over 200 trackers, skimmers, porters and gun bearers. Roosevelt shot, preserved and shipped to Washington DC more than 3000 specimens of African game. Most of the pioneer safari hunters provided detailed accounts of their hunting exploits whenever they returned to the West. Others wrote adventure books based on their big-game hunting exploits (Nash, 1982; Mackenzie, 1987). It is slightly after this time that organised and institutionalised development and promotion of tourism involving both the public and private sector started. The colonial government, for instance, started to formulate and promulgate various legislation aimed at the protection of Kenya's unique wildlife resources, and the promotion of organised recreational activities in protected wildlife parks and reserves (Kenya Government, 1957; Achiron & Wilkinson, 1986). Thus it was realised that the diverse arrays of African Savannah Wildlife had great potential for tourism development. In consequence, the government created pioneer national parks in Kenya, including Nairobi in 1946, Amboseli in 1947, Tsavo in 1948 and Mt Kenya in 1949.

According to state legislation, the parks were to be protected public lands, 'set aside for the propagation, protection and preservation of objects of aesthetic, geological, prehistoric, historic, archaeological or scientific interest for the benefit and advantage of the general public' (Simon, 1962; Lusigi, 1978; Akama, 1996). In order to market and promote tourism, the government in collaboration with conservation organisations, formed the East Africa Travel and Tourism Association (EATTA) in 1948 (Ouma, 1982). The association was mandated to coordinate the development and promotion of tourism in East Africa. Soon after its creation, EATTA sought affiliation with the International Union of Official Travel Organisations (IUTO). Further, the association adopted international guidelines on tourism management, promotion and marketing. The association started to collect, organise and disseminate important information on East Africa tourism attractions and existing hospitality facilities. The information was disseminated to tour and travel companies, and travellers, both in Africa and the West. From the 1950s, EATTA started implementing new tourism policies whose aim was to shift tourism activities in national parks and reserves from sports-hunting to wildlife viewing and photographing. The association also started advocating the development of beach tourism at the coast. As stated earlier, initially wildlife tourism in East Africa was mainly the preserve of very rich and affluent individuals who could afford the high costs involved in undertaking big-game hunting expeditions. It was envisaged that the promotion and marketing of wildlife viewing and photographing and beach tourism could encourage more international tourists to visit East Africa. This is mainly because, unlike sports-hunting, wildlife viewing and photographing and also beach tourism are generally within the financial reach of most middle-class people.

From the mid-1960s, prices of agricultural products in the world market fell drastically and sometimes absolutely relative to manufactured goods (Migot-Adholla, 1984). Before this time Kenya's economy depended entirely on agricultural cash crop exports, mainly coffee and tea, as a source of hard foreign currency to boost the economic development of the country. It was within this national and international

socioeconomic context that the Kenya government realised that the country had an already existing 'commodity' which could be readily marketed to generate much sought after foreign exchange and to create jobs. The alternative commodity was the country's unique tourism attractions, particularly the wildlife heritage, and the pristine and glittering white beaches (Akama, 1999). "Soon after independence, the Kenya Government realised the enormous potential of the nascent tourism industry and hence undertook to upgrade the existing infrastructure and superstructure as well as investing in additional facilities, [and in order] to achieve its goal, the Government encouraged local and foreign entrepreneurs to invest in the tourism and hospitality industries thus paving the way for the future development of the sector" (Ktdc.co.ke, 2010). It was from this time that the government undertook specific policy initiatives to promote the rapid expansion of tourism, establishing the Kenya Tourism Development Corporation (KTDC) (a quasi-government organisation) in 1965 to be in charge of tourism investment initiatives, and to monitor the establishment and operation of tourism and hospitality facilities (Dieke, 1991).

The economic importance of the tourism industry as recognised by the government led to the establishment of the Ministry of Tourism and Wildlife (MTW) in 1966. The new ministry was to be in charge of the overall formulation and implementation of the country's tourism policy, to manage Kenya's tourism and wildlife resources, and was also supposed to liaise with other government departments (i.e. agriculture, forestry, commerce and transport) whose activities could impinge on the allocation and development of tourism resources (Akama, 1999). From the early 1970s there was rapid development of tourism and hospitality facilities on the Kenyan coast. Within a period of 10 years, about 10,000 hotel beds in about 500 hotels were added to existing coastal hotel establishments (Sinclair, 1990). Since then Kenya's tourism sector has been growing exponentially thanks to a combination of both endogenous and exogenous factors in the global economy.

IMPACT OF TOURISM ON THE KENYAN SOCIETY

According to Estrada Engelberth (1993) quoted in UNEP (2003), "as it happens frequently when different cultures converge, the socioeconomic [& physical] impacts are ambiguous: the same impacts (evaluated objectively) are seen as beneficial [positive] for some groups and perceived as negative [costs] for others". Therefore the diversity of the modern tourism activities is creating an array of both positive and negative impacts on the cultural environment; a common example is the commoditisation of culture as a "good of trade" for the tourism industry. This kind of situation leaves the local communities in an awkward position as to what they should embrace. They perceive the benefits as strength for them, but then what should be done with the negatives! This is the ambivalence that tourism throws the host communities into. Engelberth (1993) observes that the host community (in most cases the Third World or the Less Developed countries) is generally the weak part of the host-guest relationship; taking any influence from the guest/tourist side in order to fulfil its requirements. In these countries majority of the people are poor and therefore can be easily influenced to copy ideas in order to get money from the tourists. For example, as common with most developing countries, Kenya is primarily

an agricultural country where agriculture contributes 24.0% of GDP...Overall, Kenya's economic performance has been declining. The country's per capita is about US\$ 260 and more than 50% of the Kenyan population currently lives below the poverty line; the worst hit are women (CBS 2001).

A substantial amount of research work, which criticises tourism, claim that 'Tourism is Prostitution' (Archavantikul & Guest, 1994; Cohen, 1982; de Kadt, 1979; Graburn, 1979, 1983; Harrison, 1994; Phongpaichit, 1981). This agrees with the view that poor countries, as tourist destinations 'sell themselves' to the rich, tourist-generating countries in order to earn a living. Graburn (1983) sees the poor nations as being 'penetrated' for money whereas the outgoing, pleasure-seeking, 'penetrating' tourists of powerful nations are cast in the 'male' role. "They are encouraged to open their frontiers and their dwellings to the foreign visitors and are pressured to engage in commercial transactions of a very particular type in which they offer their culture, their heritage, their traditions and even certain members of their population" (Burton, 1995). From the locals' viewpoint, tourism is an agent of economic development; but from the outside view, the natives are a mere traditional object of desire (Kibicho, 2005).

The impacts arise when changes in the cultural values and customs are originated/re-invented and its integrity affected (UNEP, 2003). According to the United Nations Environment Programme (UNEP, 2003), the cultural impact caused by the tourist industry can be divided in the following influence areas:

Change or loss of values and identity: Characterised by the "commodification" when the culture is sold as a product and its characteristics must be adapted to the tourist requirements, the "standardization", process to satisfy tourists' desires for family facilities in an unfamiliar environment (well-known fast-food restaurants or hotel chains), "loss of authenticity and staged authenticity", originated by the adaptation of the traditions to the tourists' taste, and the "change of productive patterns", that is the adjustment made by the local craftsmen to cover the new demand.

Cultural clashes: promoted by means of the convergence of cultures, the cultural clashes can arise through "economic inequality" due to consumption patterns and lifestyles of visitors that tend to influence the locals by developing a sort of copying behaviour, "annoyance produced by the behaviour of the visitors" who fail to respect (out of ignorance or carelessness) local customs and moral values, or by "job level friction", since normally the best positions are for the non-locals.

Physical influences causing social stress: with the development of the industry "resource use conflicts" can appear generating a competition between tourism and local populations for the preference over the use of services like water or energy, and "conflicts with traditional land-uses", in which the local communities are frequently the losers due to strong economic pressures.

Ethical issues: aspects as “crime generation”, the practice of “child labour” and “prostitution and sex tourism”. Although these aspects cannot always be attributed directly to the tourism, there is a direct relation with the development of tourist facilities.

All these factors press the culture of the host community, causing changes in the values and local identity, that the “sacred” may not be respected when perceived as goods for trade (Simpson, 2002: 2 and UNEP, 2003). The result can be the overexploitation of the social carrying capacity (limits of “acceptable” change in the social system inside or around the destination) and cultural carrying capacity (limits of “acceptable” change in the culture of the host population) of the local community that derives in frictions between the haves and have-nots, between the visitors and the locals (UNEP, 2003).

Kenya, as a country which cultivates tourism as one of its primary economic activities expects that the industry can spur regional and national development through increased revenues, foreign exchange earnings and employment opportunities. Kenya’s tourist attractions, majorly the “prolific wildlife and white-sand beaches bring about 780,000plus foreign visitors to Kenya annually, with tourism generating an estimated over US\$500 million per year in hard currency earnings, making this sector the country’s single largest source of foreign exchange” (Mike Crawley, 2000). Tourism as a human activity is therefore expected to have a multiplier effect that will stimulate growth in other sectors of the country’s economy and in the process improve the lives of the local people. ‘But such an influx cannot help but affects society and the environment’ (mike, C. 2000).

Because of the dominance of foreigners in the ownership and management of tourism enterprises, tourism in Africa tends to have weak backward linkages thereby raising doubts as to its positive impact on development (Sindiga, 1996). For example, Sindiga continues to observe that the Kenyan coast is a theatre for mass tourists from Western Europe yet the local Waswahili people have kept away from participating actively in the thriving tourism industry. He notes that this is probably due to a combination of historical, cultural, religious and sociological factors which may explain their (Waswahili) antipathy to tourism. Anything from tourists that seem to be conflicting the lifestyles of the locals make them ambivalent to tourism altogether. “The negative effects of western tourism including alcohol consumption, prostitution, scant dressing, kissing in public and open affection between the sexes in public have caused great resentment within this Muslim community” (Sindiga, 1996). Tourism has also been linked to an increase in prostitution in some areas and, as a result of their earnings, there is a lack of respect for traditional authorities among male and female prostitutes (Mike Crawley, 2000). Studies indicate that in recent years, the number of men (and women) travelling to foreign destinations usually in the Third World seeking sex tourism has increased tremendously (Ryan and Hall 2001). Kenya has been classified alongside other countries in the world listed as leading in sex tourism destinations (Vatican 2003; Boston Globe 1995; East African Standard 1995; Migot-Adhola et al. 1982; Sindiga 1999; and Chessim, 1996).

Faced with economic hardships, some Kenyans have devised various ways of survival including selling sex (Kibicho, 2005). A common response to this impact of tourism appears to have eluded the local community.

Furthermore, “people living in and around the tourist areas receive few economic benefits from the industry. For example less than 2 % of the money spent at the world-famous Maasai Mara National Reserve benefits local Maasai people; instead, most of the money goes to luxury lodges, transport costs, and foreign package tour operators; Even revenue from park entry fees — as high as US\$27 per [person per] day — goes straight into the central government's treasury” (Mike Crawley, 2000). Under such kind of circumstances, local people surrounding tourist attractions resent tourism development. As Mike observes, there is a significant amount of resentment toward tourism in some areas, particularly where people have been denied the right to graze on land initially belonging to them that has become a park as local people are often disregarded or ignored in terms of policy making. Despite this though, Mike observes that research has found that tourist activity can benefit local culture and the environment e.g. it has helped preserve some musical and dance traditions among the Maasai, prompted tourism employees to learn foreign languages, and has raised environmental awareness among people living near game reserves.

DRAWING PARALLELS BETWEEN COLONIALISM & TOURISM

Tourism has been big business in Kenya for decades owing to the vast natural resources of the land, the impressive wildlife and the beautiful Indian Ocean coastline. Tourism in Kenya dates back to pre-independence days and history has it recorded that as early as the 1930's, overseas visitors and explorers had started coming to Kenya mainly for big-game hunting expeditions while others came in search of solitude. From its beginning, tourism in the east African region has always been associated with foreign international visitors who started coming to the region from colonial times. Before independence therefore, the early travellers to colonial Kenya could as well be equated to the colonial authorities. This is because from the above account there was minimal social interaction between pioneer Western travellers and indigenous Kenyans. Perhaps the only form of interaction which existed between the class in power/foreign traveller and the governed/locals was a 'Master-Servant' relationship in which Africans were mainly hired to work in servile/menial positions as gardeners, cleaners, waiters, cooks and guards.

Early expeditions to the region by foreign travellers were exploitative in nature. Most of the pioneer safari hunters provided detailed accounts of their hunting exploits whenever they returned to the West. Others wrote adventure books based on their big-game hunting exploits (Nash, 1982; Mackenzie, 1987). In the eyes of the local natives there was therefore no difference between the colonial settlers and the foreign visitors. The taking away of the local peoples' land by the settler farmers can be equated to the exploitative hunting practiced by the earlier tourists, thereby depriving the locals off their resources. For example it is documented that Roosevelt shot, preserved and shipped to Washington DC more than 3000 specimens of African game. Further, the formulation of legislation by the colonial government to

declare large tracts of land protected areas in the name of preserving wildlife for the sake of tourism can be seen as a form of exploitation as locals least participated in tourism. In this case protection and preservation of nature was viewed as a western world idea that served the purpose of advancing their interests.

Both colonization and tourism came in with their positive and negative contributions to the Kenyan society. The mission of the colonial authority, it is claimed, was to civilize and modernize the primitive & conservative native Kenyans. This was achieved through setting up of organized institutions of governance such as the pioneer colonial government, building of schools and churches in the region in a bid to educate the locals. This could be counted as a positive, as for the first time there were institutions to maintain law and order and thus security was improved. This however does not mean the natives were not organized prior to the coming of the missionaries/explorers. They only came in with new ideas, probably how to do things the 'western' style. The infiltration of these new ideas/ideologies into the local cultures through colonization & tourism has not been without controversy as they have come with many negatives as viewed by the local people and even the westerners themselves. Through external influences the culture of the locals has been compromised and lifestyles changed, all geared towards benefiting the foreign tourists or settler communities. Though the economic activities resulting from settler communities and tourists served to improve the economy of the country, the resultant effect of stratifying society into master/servant between the colonizers and the colonized, and the haves/have-nots between the tourists & the local natives lead to exploitation seeing them as mere cheap objects for labour and/or sex. This was made even worse by taking away of the locals land to make them desperate. The end result of such positives and negatives is a local population that is ambivalent to the external foreigner. The question in the local native's mind is how he/she could accept the positive side of the foreigner without entertaining the negatives! It brought into the minds of the locals a way of viewing things/ideas as Western vis-à-vis local/non-western or White vis-à-vis Black thus the binary concept set in.

THE HISTORICAL GEOGRAPHY OF KENYA

TOPOGRAPHY

According to 'independenceday.com' (an online website accessed April 2010) the geography of Kenya is quite diverse, characterized by its coastline of 536 km, large plains and numerous hills. Central and Western Kenya is distinguished by the Great Rift Valley while Northern Kenya is plain and arid. The Kakamega Forest in western Kenya is a remnant of a rainforest in East Africa. The highest point in the country is Mount Kenya which rises to an altitude of 5,199 m. The land area of Kenya extends from the sea level (Indian Ocean) in the east, to 5,199 meters on top of Mount Kenya. Generally, according to Bureau of African Affairs (2010) & 'Mongabay.com' (online website, 2010), Kenya rises from a low coastal plain on the Indian Ocean in a series of mountain ridges and plateaus which stand above 3,000 meters (9,000 ft.) in the centre of the country.

An inland region of semi-arid, bush-covered plains constitutes most of the country's land area. In the northwest, high-lying scrublands straddle Lake Turkana (Lake Rudolf) and the Kulal Mountains. In the southwest lie the fertile grasslands and forests of the Kenya Highlands, one of the most successful agricultural production regions in Africa. North of Nairobi, the Kenya Highlands is bisected by the Great Rift Valley, an irregular depression that cuts through western Kenya from north to south in two branches. The Rift Valley is the location of the country's highest mountains, including, in the eastern section, the snow-capped Mt. Kenya (5,199 meters), the country's highest point and Africa's second highest. In the south, mountain plains descend westward to the shores of Lake Victoria.

CITIES & TOWNS

Kenya's Capital city is Nairobi with an estimated population of 2.9 million people (based on 2007 estimates. Other cities include Mombasa (the second largest city) with an estimated population of 828,500 based on 2006 estimates; Kisumu has a population of 650,846 according to 2005/6 estimates. Nakuru in central Rift Valley has the largest concentration of people (after Nairobi) with a population of 1.3 million based on 2005/6 estimates and Eldoret to the north rift valley comes in with an estimated population of 193,830 based on 1999 estimates. The population figures given here are likely to be revised upwards when tallying of the 2009 population census is completed. Other equally important but smaller cities/towns are Malindi, Machakos, Nyeri, Meru, Thika, Kitale, Kakamega, Bungoma, Kisii, Kericho, Narok, Lodwar, Kapenguria and Garissa.

CLIMATE

Kenya's climate varies from tropical along the coast to arid in the interior, especially in the north and northeast. Intermittent droughts affect most of the country. Less than 15 percent of

the country receives somewhat reliable rainfall of 760 millimetres or more per year, mainly the south-western highlands near Lake Victoria and the coastal area, which is tempered by monsoon winds. Most of the country experiences two wet and two dry seasons. The driest month is August, with 24 millimetres average rainfall, and the wettest is April, the period of “long rains,” with 266 millimetres. The hottest month is February, with temperatures of 13°C to 28°C, and the coolest is July, with temperatures of 11°C to 23°C. The highlands feature a bracing temperate climate. Nairobi, at an elevation of 1,820 meters, has a very pleasant climate throughout the year (Bureau of African Affairs, 2010; mongabay.com, 2010; and independenceday.com, 2010).

When the country experiences prolonged droughts, majority of the population is reduced to street beggars as people move from rural homes to urban centres in search of food and assistance from urban dwellers who have alternative means of earning a living. Under such conditions some are forced to engage in questionable practices such as prostitution so as to secure a living. With time, some of these people perfect these acts, settling permanently in shanties/slums from where they carry on with life.

PEOPLE AND CULTURE

The people of the Kenyan society are referred to as Kenyan(s). As at July 2009, the Kenyan population was estimated to be about 39 million people (Bureau of African affairs, 2010; KBS, 2010). Kenya has a very diverse population that includes three of Africa's major sociolinguistic groups: Bantu (67%), Nilotic (30%), and Cushitic (3%) and within these groups there are more than 70 tribal & sub-tribal groupings. Apart from these Africans, there is a settler population made up of white communities from Asia and Europe whose presence in Kenya dates back to the colonial times. According to ‘1uptravel.com (2010), an online website of a Tours & Travel organisation, distinctions between many of the African populations is blurred as western cultural values are becoming more ingrained, the situation being aggravated by the processes of globalization, and as a result traditional values are disintegrating.

Yet, even though the average African may have outwardly drifted away from tribal traditions, tribe is still the most important part of a person's identity. Because Kenya is a multi-ethnic and multi-racial country, as a nation we may therefore talk of a national culture, one that unites us as one nation. In reality, however, the multi-ethnic nature of the country means that we have literally as many cultures as we have ethnic groups (Wandiba, 2004). On the other hand, Kenyans are deeply religious. About 80% of Kenyans are Christian, 10% Muslim, and 9% follow traditional African religions or other faiths with 1% going to Hindu/Sikh/Baha'i/Jewish (Bureau of African affairs, 2010).

Most city residents retain links with their rural, extended families and leave the city periodically to help work on the family farm. This explains why majority of the Kenyan

people display conservative attitudes to especially new ideas/ideologies & lifestyles perceived to be western. Furthermore, the aspect of religion and connectedness between rural & urban people is expected to influence to a greater extent their attitudes towards homosexuality and other similar/related lifestyles. About 75% of the Kenyan work force is engaged in agriculture, mainly as subsistence farmers. The national motto of Kenya is Harambee, meaning "pull together." In that spirit, volunteers in hundreds of communities build schools, clinics, and other facilities each year and collect funds to send students both to local schools/colleges & abroad.

EDUCATION

Kenya has six full-fledged public universities: University of Nairobi, Jomo Kenyatta University of Agriculture and Technology, Egerton University, Moi University, Maseno University, Masinde Muliro University (most of these universities also have constituent colleges); and approximately 13 private universities, including United States International University (USIU), Catholic University of East Africa (catholic church sponsored), University of East Africa Baraton (Seventh-day Adventist sponsored university), Methodist university, African Nazarene University, just to mention a few. Public and private universities have a total enrollment of approximately 50,000 students with about 80% of these being enrolled in public universities (representing 25% of students who qualify for university admission).

In addition, more than 60,000 students enroll in middle-level colleges where they study career courses leading to certificate, diploma, and higher diploma awards. International universities and colleges have also established campuses in Kenya where students enroll for distance learning and other flexible programs. Other Kenyan students pursue their university education abroad. It is through this education platform that the Kenyan society is experiencing high traffic of ideas and ideologies of peoplehood & livelihoods. With the levels of literacy reflected in the society though, Kenyans can averagely be able to make informed decisions as a result of the cultural flows. But again it is through these flows that majority of the young & educated folk's social lives are transforming from traditional conservative forms to modern/western & postmodern forms some of which are socially acceptable and others which are seen as conflicting with society norms.

In Kenya, the first 8 years of primary/elementary school are provided tuition-free by the government and this is only in public schools; though there is a bursary program that can cover pupils going to private academies. Attendance for elementary education currently stands at 92%. In January 2008 the government began offering a program of free secondary education, subject to some restrictions. Adult literacy rate in Kenya is about 74% (Bureau of African Affairs, 2010). At all levels of education every year, there is a new batch of graduates poured into the labour market. Not all these people get lucky to secure a job given that the rate of job creation in Kenya is

far too low compared to the rate at which manpower is poured into the market. This leads to high levels of unemployment in the country. Kenya's urban centres are flocked by many educated people without formal jobs or even without jobs at all. This condition leaves them vulnerable to engrossing in anti-social activities that they could otherwise evade if they had meaningful employment.

GOVERNMENT/GOVERNANCE

Kenya is an independent Republic having attained her independence from the British colonial rule on the 12th of December 1963, but inherited a system of governance and a constitution from the colonial government. Since then several changes have taken place to the structure and at the time this study is conducted, at the National level the Government is divided into three branches:

- Executive: president (chief of state, commander in chief of armed forces), prime minister (head of government), and two deputy prime ministers.
- Legislative: unicameral/one-chambered National Assembly (parliament).
- Judicial: Court of Appeal, High Court, various lower and special courts, including children's court, Kadhi (Sharia) courts & commercial and civil courts.

Kenya is made up of 140 administrative districts which are grouped together to form seven rural provinces and one metropolitan province (Nairobi). Currently the government has gazetted 37 more districts and the process of establishing these districts is ongoing (Bureau of African Affairs). Take note that the structure of administration given here is likely to change if the new constitution achieved in August 2010 is implemented successfully.

Kenya is a multiparty democracy since 1992 when section 2A (a section of the constitution clause that declared Kenya as a one-party state *de jure*) was repealed allowing for the formation of many political parties. Political pluralism in Kenya is thus a recent phenomenon. Before this time the executive was the all-powerful and governance was autocratic/dictatorial in nature (you do as per the orders of the Government without questions). Under such system many wrongs were done on people who later precipitated political activism which finally yielded pluralism/democracy. It is through this spirit that many solidarities/communities are coming up to agitate for 'their rights' through social movements. In tandem with this is the agitation for a new constitution that has been pushed for over the last two decades starting in the late 1980s with a failed referendum in 2005 with a view that the then proposed constitutional draft had contentious issues that needed further refinement. As of 7th May 2010, we had a new published draft that faced and passed a referendum on the 4th of August 2010 consequently forming the new constitution for Kenya.

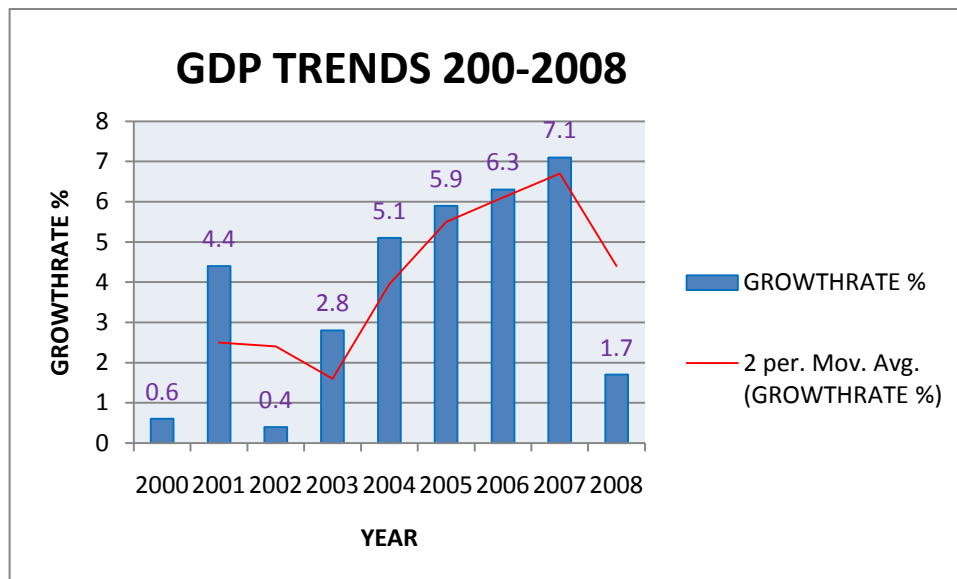
Currently Kenya has over 40 registered political parties. Two coalitions, the Party of National Unity (PNU) and the Orange Democratic Movement (ODM), dominate the political party scene. PNU membership is filled by parties representing Kikuyu and closely related ethnic groups; ODM membership ranks are filled by parties representing nearly everybody else. PNU and ODM agreed in February 2008 to form a grand coalition government in a power-sharing arrangement that ended the political crisis which erupted after disputed national elections in December 2007.

At the national level, the Kenyan government acts as the gatekeeper of the Kenyan society. Governance in Kenya is bureaucratic in nature with the government through its agencies controlling everything that goes on within its territory and regulates interaction between Kenya and the outside world. Even in the modern technological world, the government tries to filter and regulate what flows/comes into the country and what goes out. Through this system of governance, ideas/ideologies together with their sources are monitored and regulated accordingly. Though some manage to slip through the gates of control and through means against which the government have no proper ways of monitoring e.g. tourism.

ECONOMY

59.5% of Kenya's economy is service-based, industry & commerce takes 16.7% and Agriculture closes with 23.8% (Bureau of African Affairs, 2010). The bar graph in figure 4 below documents trends in Gross Domestic Product of Kenya up to 2008.

Figure 5. economic performance showing trends in GDP for the period covering 2000 to 2008



Source: Kenya Bureau of Statistics economic surveys 2005 & 2009.

From the figure above, the Country experienced remarkable sustained economic growth for the period 2003 – 2007 with the GDP growth rate reaching 7.1 percent in 2007, the highest growth rate over the period. However 2008 was affected by both internal & external shocks. Internal shocks included 2007/2008 postelection disruptions, unfavourable weather conditions, high cost of food and fuel prices and continued political bickering. The external shocks were the high crude oil prices and the global financial crisis that affected most of the world's developed countries (check in other studies on the 2008 global financial crisis for details). For the year 2008 Kenya's Gross Domestic Product was estimated to be \$30 billion (Bureau of African Affairs, 2010). The gross national income per capita for the same year was \$770.

For economic gain, Kenya depends on her natural resources of land (arable 7-8%), wildlife & soda ash, limestone, salt, gemstones, diatomite, gypsum, fluorspar, zinc & hydro/geothermal power. The numerous national parks and reserves are major wildlife sanctuaries of Kenya, though there is plenty of wildlife outside these parks as well. There are several species of birds, mammals and reptiles found in and outside the wildlife sanctuaries of Kenya. Antelopes, Zebras, and many carnivorous animals like the lion, leopard, cheetah, wild dog, hyena, cat, genet and jackal make up the wildlife found in Kenya. Elephants can be found across a wide range of habitats from the hot coastlands to the cold moorlands of the Aberdares and Mount Kenya. The highly diverse wildlife is a key draw for the tourism industry (independenceday.com, 2010).

Other economic activities in Kenya include agricultural production and industry/manufacturing. Agricultural products include tea, coffee, sugarcane,

horticultural products, corn, wheat, rice, sisal, pineapples, pyrethrum, dairy products, meat and meat products, hides and skins. Industrial production constitutes petroleum products, grain and sugar milling, cement, beer, soft drinks, textiles, vehicle assembly, paper & timber and light manufacturing. At present, only two percent of the land is forested, a reduction from 10 percent at independence. Kenya's water resources are similarly under pressure. The other equally important factor of the economy is the labour force provided by the people of Kenya both skilled and non-skilled (see figures on the employment section below).

On trade, Kenya exports to the outside world tea, coffee, horticultural products, petroleum products, cement, pyrethrum, soda ash, sisal, hides and skins, fluorspar. Major export markets are Uganda, United Kingdom, Tanzania, Netherlands, United States & Pakistan. In return the country imports machinery, vehicles, crude petroleum, iron and steel, resins and plastic materials, refined petroleum products, pharmaceuticals, paper and paper products, fertilizers, wheat. Major suppliers include United Arab Emirates, India, China, South Africa and Japan. In 2008 total earning from exports totalled \$4.4 billion, while expenditure on imports totalled \$9.9 billion (KBS Economic survey 2009).

PERFORMANCE BY SECTOR

EMPLOYMENT

In Kenya, employed persons are categorised as belonging either to the 'Formal' (modern sector employment) or to the 'Informal' (Jua Kali sector). The formal sector is further subdivided into the 'formal private' & 'formal public' sectors. The figures here below (see KBS, 2009), are given for the years 2007 and 2008 and paint a picture on the general direction of Kenya's employment/job creation potential:

- New jobs created declined from 485.5 thousand in 2007 to 467.3 thousand in 2008.
- Employment creation in the modern private sector decelerated by 67.7%; from 74.0 thousand new jobs in 2007 to 23.8 thousand new jobs in 2008.
- Employment in the public sector rose marginally by 1.6% in 2008 to 638 thousand employees from a decline of 3.4% in 2007.
- The 'formal sector' wage earners are estimated to be 1.95 million (public sector 30%; private sector 70%).
- Employment in the informal sector is estimated to have expanded from 7.5 million in 2007 to 7.9 million in 2008.
- Monthly average earnings in the modern sector rose by 8.3% from KSh 28,666 in 2007 to KSh 31,058 in 2008.
- However, real average earnings contracted by 16.2% in 2008 due to high inflation during the year

AGRICULTURE

Agriculture is regarded as the backbone of Kenya's economy. During the period 2007-2008 production in almost all the sub-sectors of Agriculture declined. Real value added for the sector declined by 5.4 per cent in 2008 compared to a growth of 2.2 per cent in 2007. Major factors that led to the decline include:

- High prices of inputs.
- Adverse weather conditions and.
- Disruption from the post election violence

The contraction in agricultural production led to price increases of most of the food commodities

TOURISM

In the year 2008 the tourism sector recorded one of its worst performances ever in real terms. The dismal performance was occasioned by both endogenic and exogenic factors some of which included the country's 2007/2008 postelection crisis which generated negative publicity, and the global financial crisis which did not spare the tourist source countries. As a result of these factors:

- ✚ Tourism earnings decreased by 19.2 per cent from KSh 65.2 billion in 2007 to KSh 52.7 billion in 2008.
- ✚ Volume of international arrivals declined by 33.8 per cent in 2008 to 1.2 million from 1.8 million attained in 2007.
- ✚ Bed occupancy rate dropped to 26.0 per cent in 2008 from 47.2 per cent in 2007.
- ✚ Visitors to Game Parks and Reserves decreased by 34.5 per cent from 2.5 million in 2007 to 1.6 million in 2008.

During a period experiencing poor performance in the tourism and hospitality sector, lay-offs are very common which sees a number of employees losing their jobs. This is what happened in 2008, and it often repeats itself during low seasons when international arrivals reduce. Due to unemployment during such seasons, the now jobless former employees find alternative means of keeping themselves afloat until the return of the peak season when they may secure back their jobs. The alternative means may include engrossing in prostitution, and both genders are affected in this (see Kibicho, 2005).

From the Kenya Bureau of Statistics' (KBS) Economic Survey 2009, it is projected that economic growth in Kenya is largely going to be determined by a number of factors. One, production in agriculture might remain subdued due to environmental factors such as the delay in long rains which farmers largely depend on, erratic weather conditions due to climate change etc. Subsidizing of agricultural inputs and

irrigation development is recommended so as to cope with the situation. Two, tourism is likely to continue performing below potential due to low level of prosperity in tourist source nations occasioned by the global financial crisis whose duration is uncertain.

For tourism to get back on track, aggressive marketing both internally and externally, and general improvement of security are required to revive the sector. Third and a crucial factor is the political situation in Kenya since the 2007/2008 post-election violence that arose as result of a disputed presidential election. This has led to negative publicity resulting in lower investor confidence and labelling the country an insecure destination for tourists. Rapid return to credibility in governance structure is expected to reverse this trend. To address the non-employment issue, urgent refocusing on key impact areas both at employment level and activity areas like afforestation, construction of rural roads and damming of seasonal rivers and construction of water pans is required. These are just a few of the mitigating actions towards turning around the deteriorating economic performance.

KENYA'S ENVIRONMENTAL CHALLENGES

Kenya faces serious interrelated environmental problems, including deforestation, soil erosion, desertification, water shortage and degraded water quality, poaching, and domestic and industrial pollution. Water resources are under pressure from agricultural chemicals and urban and industrial wastes, as well as from use for hydroelectric power. A shortage of water is expected to pose a problem in the coming years. Water-quality problems in lakes, including water hyacinth infestation in Lake Victoria, have contributed to a substantial decline in fishing output and endangered fish species. Output from forestry also has declined because of resource degradation. Overexploitation over the past three decades has reduced the country's timber resources by one-half. At present only 2 percent of the land remains forested, and an estimated 5,000 hectares of forest are lost each year. This loss of forest aggravates erosion, the silting of dams and flooding, and the loss of biodiversity.

In response to ecological disruption, activists have pressed with some success for policies that encourage sustainable resource use. The 2004 Nobel Peace Prize went to the Kenyan environmentalist, Wangari Maathai, best known for organizing a grassroots movement in which thousands of people were mobilized over the years to plant 30 million trees in Kenya and elsewhere and to protest forest clearance for luxury development. Imprisoned as an opponent of Moi (Kenya's second president, now retired), Maathai linked deforestation with the plight of rural women, who are forced to spend untold hours in search of scarce firewood and water. It is this multitude of environmental challenges that force people to seek means of adaptation some of which may be socially correct or incorrect depending on how they impact society.

CHAPTER FIVE

DISCUSSION OF RESULTS

INTRODUCTION

This chapter presents the analysis of quantitative parts of the data in combination with in-depth interview & newspaper quotes and interprets & discusses the results from the study. This is done under four themes namely the understanding of the meaning of the term homosexuality/gayness among Kenyans, existence of gayness in Kenya & voices from the closet, factors influencing attitudes towards gayness and lastly the chapter looks at the possibility of Kenya being a gay travel destination.

Note: Arbitrary names have been allocated to respondents in the interview excerpts but the names are indicative of the gender involved. Names in some other quotes are the true names of the respondents who accepted to be quoted.

AN UNDERSTANDING OF HOMOSEXUALITY AMONG THE KENYAN SOCIETY

Respondents in the target sample were asked if they understood the meaning of the term homosexuality. Results realised from the study portrayed a picture of 100% of Kenyans understanding the meaning of the term homosexuality (see table below). But this was based on a yes/no response.

Table 3: Do you understand the meaning of homosexuality?

RESPONSE	NUMBER OF RESPONDENTS	PERCENTAGE
Yes	61	100%
No	0	0%
TOTAL	61	100%

Apart from giving a yes/no response, they were required to explain what it means. Further, they were asked if they could compare and/or contrast between homosexuality and sodomy. The table below gives a summary of the results realised based on the clarity of the explanation given.

Table 4: Clarity of explanation/definition given of the meaning of homosexuality

RESPONSE CLARITY	NUMBER OF RESPONDENTS	PERCENTAGE
No explanation given	33	54.1%
Clear explanation/definition given	24	39.3%
Clear definition plus clear difference between homosexuality & sodomy	3	4.9%
Clear definition but Cannot differentiate between homosexuality & sodomy	1	1.6%
TOTAL	61	100%

From the results in the table 1 above, 100% of the respondents claim to understand the meaning of the term homosexuality. But from the results in table 2, 54% of the studied sample could not explain what it means; only 46% were able to clearly define the term as referring to sexual relations between persons of the same sex/gender, with a few of them trying to compare/contrast between homosexuality and sodomy. Below are some excerpts of some of the responses:

John: Homosexuality is sex between people of the same gender i.e. a man having sex with another man, a woman to woman (lesbianism), man to man (gay)

Mary: Homosexuality is an act of romantic, erotic affectional attraction to the other person of the same sex.

James: Homosexuality refers to sexual attraction to a person of the same sex e.g. a man sexually attracted to a fellow man.

This though may not mean that those who never explained don't completely have any explanations on the meaning of homosexuality: to some respondents, it is a taboo to even speak the term homosexuality, so they avoid/are shy in explaining it loudly. This homophobic tendency is a common phenomenon among local Kenyans. An example of this homophobia can be seen in this response (below) which was given by a journalist working with the Standard Media Group (one of the media houses in Kenya):

Why did you have to choose to research on such controversial topic? It is so disgusting that I don't even want to talk about it. I don't want to be associated with such topic that brings shame to our society. If my wife knows that I am discussing about this disgusting thing I will be in big trouble (personal communication from Robert, Standard Media Group, February, 2010).

Furthermore 4.9% of the studied population, besides clearly defining the term, could also try comparing/contrasting between homosexuality & sodomy; 1.6% could not see any difference. See the following excerpts (the first one tries to differentiate sodomy from homosexuality while the second one sees no difference):

peter: Yes I do. It is the act of sex between two persons of the same sex. Sodomy is a forced sexual act, while homosexuality is not forced.

James: Homosexuality refers to sexual attraction to a person of the same sex e.g. a man sexually attracted to a fellow man. No difference between this and sodomy.

Most of the explanations/definitions given for the term homosexuality painted a picture of a people who do not clearly know who the term can be used to refer to. About 15% of the studied population indicate that homosexuality is a man-to-man relationship rather than involving both genders, explaining that it refers to men who have sex with or are attracted sexually to fellow men, with 57% having no inclination as to who it may refer to; only 28% state that the term homosexuality refers to same-sex relations in both the males (gays) and females (lesbians); see table below:

Table 5: Is homosexuality a lifestyle for men or women or both?

REFERENCE	Number of respondents	PERCENTAGE
Term refers to same-sex relations in both males & females	17	27.9%
Term refers to same-sex relations in males	9	14.8%
No clue/hint to indicate to who it refers	35	57.4%
TOTAL	61	100%

A major observation made from the study is that majority of the target population understand homosexuality as being much of an act (having sexual intercourse between persons of the same sex), than being a lifestyle. Majority of the people don't understand it as a way of life (resulting from a unique sexual orientation) where persons of the same gender marry/unite to form a family; though some among this studied population seemed to understand the difference between homosexuality as

an act and being a homosexual (see Gilbert, 2008). And even among those who understand this as a lifestyle still have reservations about it, disputing the claim that two persons of the same sex can marry to form a family.

The main questions that came into focus at this point are: one, what constitutes/makes up a family, and two, the meaning of marriage. This is because marriage & family in the local (Kenyan) setting are understood from a different perspective. Being a conservative and a highly religious society, the meaning of marriage & family has been understood from the traditional cultural (customs & beliefs) perspective and that of the teachings of the faiths/religions to which the locals are inclined. To begin with, the understanding of marriage has been based on the culture of the local people. According to Ember (1990), to most anthropologists culture encompasses the learned behaviors, beliefs, attitudes, values and ideals that are characteristic of a particular society or population. Thus all human beings are born in a complex culture or total way of life which strongly influence how they live and behave throughout their lives. Values constitute one aspect of culture. In everyday usage the word value refers to the intrinsic worth, the fair equivalent of goodness of something. In philosophy on the other hand, value deals with the notion of the good in the widest sense, embracing not only the morally good but also the beautiful and the true" (Wandiba, 2004).

Marriage & forming of a family is regarded as one of the important values of the Kenyan society. Wagner (1970), a European anthropologist researching on the Bantu communities of western Kenya, observes thus of marriage and its purpose in these Bantu, Cushitic & Nilotic communities:

The institution of marriage has always been highly valued by all the traditional cultures in Kenya, to a large extent especially in the rural areas where it is highly valued even today. The reason for this is that marriage is the foundation on which families are built. On its part the family constitutes the basic social group [husband, wife and children] that operates most widely and most intensely in the activities of everyday life. The individual who wishes to obtain a maximum degree of protection by the community in which he lives and to obtain influence and prestige in it must aim at securing for himself a prominent place in the elaborate network of kinship relations. This he can do only through marriage and protection (Wagner, 1970 pp379).

Marriage therefore has the specific purpose of perpetuating one's lineage and in the process bestowing social status on man. And the generally accepted state of marriage in Kenya is that a man marries a person of the opposite sex (woman), forming the basic social unit (the family) see Kenyan constitution 2010.

Secondly, traditional teachings of Christianity, Islam, Judaism and the other minor religions in the Kenyan society have played a big role in influencing the comprehension of marriage & family. For example, according to Judaism, Some of the rulings of the rabbinic stance in regard to the purposes and guidelines of marriage have been that Jewish individuals have an obligation to marry, with the entire community responsible to fulfil that obligation; the role of predestination is considered in holding that humans are unable to adequately perform mate selection without the involvement of God; sexuality and its urges are considered positive and normal; and procreation is seen as a central duty of married individuals, but it is expected to be balanced by mutual sexual desire (Yarhouse & Nowacki, 2007).

According to the rabbinic teachings also is the fact that historically, marriages could occur between a man and woman, was highly viewed and required no community or religious endorsement as such (Greenberg, 1985), unlike in the case of homosexuality where people are campaigning for acceptance & tolerance. Up to date the high view of marriage between man & woman remains, and it is this high view that contributes to a negative view of same-sex “marriage” among Jews who endorse traditional teachings on marriage (Eron, 1993). From Judaic point of view, the traditional stance on both male and female homosexuality is that it is a deviation from what is normal; however, the different branches of Judaism vary on their agreement with this traditional stance (Eron, 1993). The Orthodox branch affirms the traditional understanding of marriage, whereas the more liberal Reformed branch endorses same-sex unions (Yarhouse & Nowacki, 2007).

On the other hand, Christianity (both catholic & protestant) has more or less the same stance as Judaism. The Roman Catholic Church’s understanding of marriage has borrowed from the Holy Scriptures & historical traditions. According to the church’s catechism, a summary of the official teachings of Roman Catholicism, the purpose of marriage includes the good of the spouses as well as the procreation and education of children. Historically, more emphasis has been placed on the procreative purpose of marriage; more recently, however, there has been a move toward a more personalist description of the purposes of marriage, a view that emphasizes the importance of the relationship between husband and wife as a covenant symbolic of the love Christ has for the church (Carmody & Carmody, 1993; Lienemann, 2004).

From Protestantism point of view, according to Yates (1985), for example, one modern trend among Protestants has been a movement away from a strong emphasis on procreation within marriage and toward a more companionship-oriented stance. Therefore, a primary purpose of marriage in Protestant Christianity has become the love and companionship between husband and wife; procreation has become secondary and an outflow of the marriage relationship (Yates, 1985). Others view this as a largely Western world socio-cultural phenomenon and view

conservative Protestant Christians as still emphasizing the importance of procreation or the potential to procreate as related in meaningful ways to marriage as a heterosexual union (Yarhouse & Nowacki, 2007). The centrality of the marital relationship is a predominant informing agent of Protestant thought on sexual relations between husband and wife. From this perspective, sexual expressions within the context of marriage are a normal and positive product of humanity's creation as male and female (Yarhouse & Nowacki, 2007).

The Roman Catholic stance on homosexuality is clearly laid forth in the catechism where it is indicated that the Church does recognize homosexuality as a true form of sexual orientation; however, it holds that same-sex behavior is against natural law, and in addition, a Roman Catholic view takes seriously the fact that same-sex relationships do not allow for procreation (Yarhouse & Nowacki, 2007). As per the teachings of the Catholic Church, the person who experiences same-sex attraction is called on to live a chaste life, accepting their same-sex attractions as a personal trial in their walk with God. There are a variety of resources available to the person in this situation, and they are generally found through the work and ministry of Courage, a support ministry for homosexuals that is officially recognized by the Roman Catholic Church (Harvey, 1996, pp. 19-29). However, the Catholic Church's stand of granting a 'right' as a moral obligation (Hanigan, 2004) may be seen as a loophole to tolerating gays in the church/society.

The Protestant Christian stance on homosexuality has been viewed by some as less precise because of the diversity of opinions expressed in the various denominations (Ellison, 1993). However, the vast majority of Protestant denominations do not bless same-sex unions or ordain practicing homosexuals (with the exception of the United Church of Christ, which is the first major Protestant denomination to do so). Some Protestant groups have moved toward a stance similar to that of Roman Catholicism, holding that if an individual's sexual orientation is resistant to change, then they are called to live a chaste life in keeping with traditional interpretations of scripture and Christian tradition (Ellison, 1993).

Lastly, but not least is the Islamic perspective of marriage & family. Marriage is viewed highly in Islamic society; it places expectations for responsibilities on the husband and wife by both the Qur'an (which itself contains both ethical and legal prescriptions) and "legal elaboration" in Islamic cultures (Ibsen al Faruqi, 1985). One purpose of marriages is to balance out the needs of the individual and the needs of the group (typically the family and society). It is in this sense a bringing together of two families rather than two individuals, at least to the non-Western Muslim (Yarhouse & Nowacki, 2007). Arguments on marriage & family in Islam are very similar to those offered by Orthodox and Conservative Jews and conservative Christians. The Qur'an does recognize that sex is pleasurable; however, as Duran (1993) observed, "The purpose of the sexual activity among the Muslim community

is procreation” (p. 182). Concerning same-sex marriages, in Islam as is the case with Judaism & Christianity; reference is often made to the story of Lot and the Sodomites and is typically interpreted as denouncing and condemning of same-sex sexual relations (see Wafer, 1997, p. 88). Conservative Muslims often cite these scriptural prohibitions opposing homosexuality as arguments against endorsement of same-sex marriage within Islamic societies (Yarhouse & Nowacki, 2007).

The Islamic, Judaic and Christianity understanding of, and stances on marriage & family can be seen playing role in the Kenyan situation. This is in addition to traditional customs & beliefs. A cocktail of these factors have played out in shaping the stance taken by the locals as regards homosexuality. Marriage is understood as adult persons of the opposite sex coming together for companionship & procreation to form a family (see the Kenyan constitution, 2010). This has remained the accepted stand over the years, and pretty much continues to be the meaning of marriage.

The traditional and conservative meaning of marriage & family is however being challenged by contemporary and more liberal approaches coming up in the modern society. This involves cases where certain groups have moved towards recognizing same-sex/homosexual marriages. This has been slowly building up since the time Kenya started experiencing external interaction, starting with exploration, colonialism, tourism and now being accelerated by the processes of globalization. These processes seem to be introducing other meanings besides the original & one that is up to date regarded the really meaning of marriage in the region. For example, Liberal Catholic voices have emerged in recent years to form Dignity, a support group for Catholics who do not view homosexuality as intrinsically disordered or same-sex behavior as immoral; however, the Roman Catholic Church does not officially recognize Dignity as a Catholic support group for homosexuals (Yarhouse & Nowacki, 2007).

Homosexuality is therefore seen among the local Kenyans as an affront/attack on heterosexuality. It is this perception that has led to homophobia expressed by majority of the local people. A quote from one of the interviewees (a trained and highly qualified modern medical doctor) is a reflection of such fear (see quote below):

There is nothing like a man marrying another man with a claim of forming a family. These are two deviants who have come together, driven by curiosity, to have anal sex & penetrating each other in turns for pleasure, an act which not even animals can do. It is such a disgust that shows the extent to which humanity has decayed morally. This trend is indeed a threat to a family as the basic unit of society as it does not ensure procreation (personal communication from Dr. Geoffrey O. Otomu, Kisii Level 5 Hospital, January 2010).

Professor Akama of Kisii University (who has had international western world cultural experiences & education) shares the same sentiments with Dr. Otomu. He refutes

argument that being homosexual is as a result of genetic processes in one's body (as it is argued by some) and therefore natural, saying that those are manufactured theories which are yet to stand the test of time. When it comes to matters homosexual, professor Akama says thus:

Homosexuality is madness, a repugnant lifestyle that is not socially & biologically sustainable. It is against the spirit of procreation and continuity. Think of people dying, both through natural & artificial cause and there is no replacement simply because people have gone homosexual; can we realise a sustainable human race? Homosexuality is a threat to our socio-cultural values that should not be tolerated in our society. I am not backward by giving my conservative position, I have lived and schooled in the Western world, seen these homosexuals, there is nothing positive it (homosexuality) contributes to society (personal communication with professor Akama, Kisii University, January 2010).

The result of understanding homosexuality as informed by the traditional culture and religious teachings is a **binary platform** where homosexuality is perceived as a contention between those supporting it and those opposing it. For this reason, those opposing recognition of homosexuality are seen as being too traditional/rigid, conservative and backward while those in favour are seen as being flexible, modern & liberal. Furthermore, homosexuality has been labelled as being secular, abnormal and immoral as opposed to heterosexuality's sacred, normal & moral label. Perhaps the most important scenario is when the local people start arguing that gayness is a Western world lifestyle and therefore bringing in the Western-non-western binary. This triggers/provokes the colonial and postcolonial critique of looking at the Western and non-Western interactions over time.

Due to this binary scenario, the Kenyan society is embroiled in a heated debate about homosexuality and same-sex marriage. This debate reflects a larger 'culture war' between two sides: those who are moving away from traditional understandings of sexuality and those who are conserving traditional understandings of sexuality. These broad groups are hardly monolithic in their understanding of the meaning of marriage and their approach to same-sex unions. Of course, there are many moral and ethical issues being debated in Kenya, and the world over, today (e.g., abortion, stem cell research, etc.) that might reflect these cultural wars, but one that has been brought to national attention is that of same-sex marriage (marriage between people of the same biological sex). Perhaps the question to ask is if homosexuality, with its attempts in re-defining marriage, exists in the Kenyan society. This is the purpose of the next section hereunder.

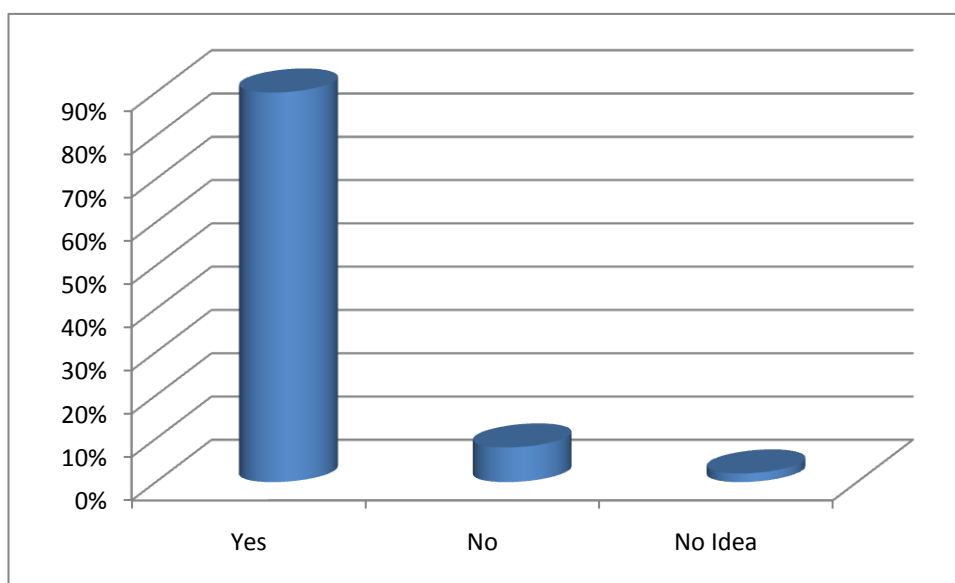
EXISTENCE OF GAYNESS & VOICES FROM THE CLOSET

In this section I will discuss the perspective of the general Kenyan population as regards homosexuality as well as voices from the closet which strives to give an account of the views & experiences of homosexuals themselves.

THE REALITY OF HOMOSEXUALITY IN KENYA

Homosexuality in Kenya? No, not here, it is unacceptable, unsocietal, a deviant behaviour & against our norms. This is what some of the locals say when confronted with such an issue. In this study the target population was asked if homosexuality exists in the Kenyan society. The responses are summarised in the table below:

Figure 6. Does homosexuality exist in our Kenyan society?



90% of the studied population said homosexuality does exist in the Kenyan society with only 8% denying its existence; the remaining 2% have no idea whether it does/doesn't exist. Perhaps those who deny its existence have not come to terms with that reality despite the reservations of the Kenyan society towards that culture.

The respondents were also asked to expressly state if homosexuality is culturally African (see table below for results obtained).

Table6: Is homosexuality African?

RESPONSE	NUMBER OF RESPONDENTS	PERCENTAGE
African	10	16%
Not African	22	36%
Western world idea	4	7%
African as much as it is a western world idea	1	2%
Foreign even if it exists in Africa	5	8%
No idea.	19	31%
TOTAL	61	100%

From the results, 18% of the target population are convinced that homosexuality is much an African idea/culture with 51% insisting that it is foreign to African culture; some even arguing that there is no African vocabulary/word for such lifestyle. To

them, this is being taken to be proof that homosexuality is foreign. Similar sentiments can be picked from the quotes here below:

“Many Africans see homosexuality as simply unafrican, a custom introduced by European settlers and practiced by tourists”. (Behind the Mask¹, 2002).

“Once in this paper [The Daily Nation Newspaper], a columnist argued that homosexuality is as African as the Ngong Hills [one of the landmarks on the outskirts of Nairobi], the thrust of his argument based on his observation that homosexuality exists in homes, schools and prisons across the country and on the basis of that observation, he concluded that homosexuality is African. That seems fallacious” (Waweru Dominic, March 2010).

“I was once challenged by a nurse at Mathari Rehabilitation, Susan Gitau. She asked me to provide her with one vernacular term by a Kenyan ethnic community that interprets homosexuality or lesbianism” (Waweru Dominic, March 2010).

The argument that homosexuality is foreign to Africa can be explained by the fact that there has been foreign interference in the region in the past through colonialism & trade, and is ongoing up to present times but at a sophisticated level & and through the process of globalization, argues professor Akama of Kisii University (Personal communication, January 2010). In my opinion, based on the results obtained and arguments advanced by majority of the Kenyan population, the existence of homosexuality in Kenya is an unfortunate occurrence that should not be there. That is why reference is made to the traditional culture of the communities in the region, with the central argument that there wasn't gayness in the traditional African setting. Though some people argue that homosexuality is as old as human history and does exist across all cultures. In order to capture what/who the local Kenyans attribute the current gayness existence to, the target population was further asked to identify the origin of homosexuality. Several explanations were suggested and the results are tabulated below:

¹ Behind the Mask- A blog on the internet trying to raise voices on behalf of the gay people in Kenya.

Table7: Where do you consider being the origin of homosexuality?

RESPONSE	NUMBER OF RESPONDENTS	PERCENTAGE
Western World idea	31	50.8%
Other suggestions (one's mind, Sodom & Gomorrah, sin, fixation.....)	26	42.6%
No Idea	4	6.6%
TOTAL	61	100%

51% of the Kenyans point fingers to the western world countries as the possible origin of the controversial lifestyle of homosexuality; further 43% give other explanations as one's mind (curiosity), sin, Sodom & Gomorrah (refer to the Bible in the book of Genesis chapter 19 where the history of the cities of Sodom & Gomorrah is given), dysfunctional families, just to mention a few. Only 6% seem not to be having any idea as to where homosexuality originated. According to Jane Kiura, an advocate of pro-life (being against abortion or termination of a pregnancy), paraphrased in the Daily Nation Newspaper of 8th March 2010 page 13, homosexuality and lesbianism should never be viewed in a cultural context; it should be seen as cultureless; homosexuality is neither African nor Mzungu (Swahili for White); it is a timeless human eccentricity/oddity which God punished at the times of Sodom & Gomorrah. Even though homosexuality exists in the Kenyan society, it is not a lifestyle practised and displayed openly, this being due to fear of reprisal from the general public as a result of the different attitudes towards a lifestyle that is regarded repugnant/disgusting by majority.

Kenyans point fingers to the Western world as the origin of gayness as a lifestyle probably because of the region's experiences from colonialism. From his argument given above, professor Akama (personal communication, February 2010) lays blame on interaction with external world which started with the colonization of the region by Europe. The colonial masters and settlers always saw themselves as being superior over the inferior conservative locals. Chambers (2004) observes that Colonial and imperial rule was legitimized by anthropological theories which increasingly portrayed the peoples of the colonized world as inferior, childlike or feminine, incapable of looking after themselves (despite having done so perfectly well for millennia) and requiring paternal rule of the West for their own best interest. This led to the race divide where people and ideas were seen as white versus non-white. The

white colonial masters and settlers always saw themselves as the source of good & legitimate ideas; White culture was regarded (and remains) the basis for ideas of legitimate government, law, economics, science, language, music, art, literature- in a word, civilization (Young, 2003.2-3).

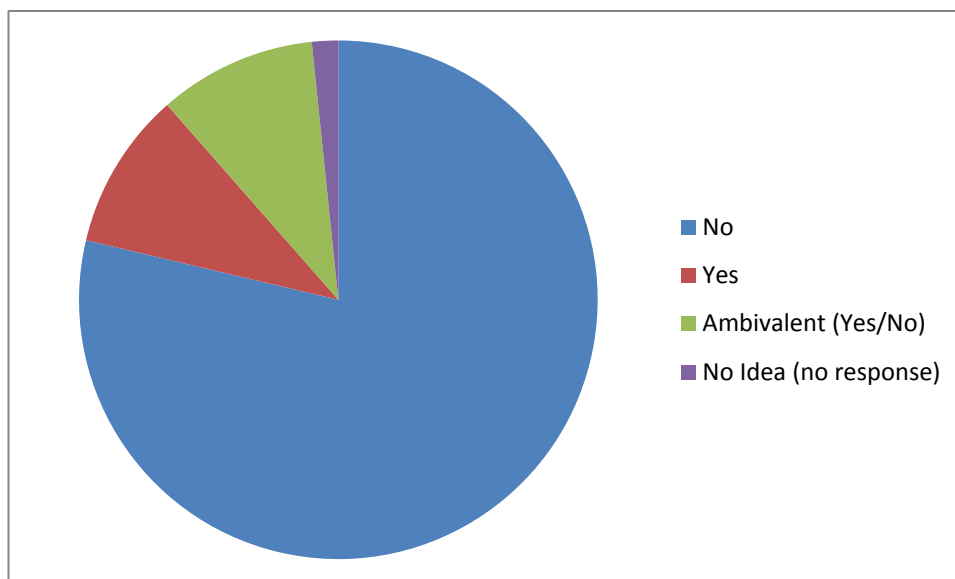
The white/non-white divide has continued to play out into the present, long after independence of the former colonized state. The former colonial masters have always tried to interfere in governance & social issues affecting their former colonies. This postcolonial interference is perceived negatively by the now sovereign states. This has been the case with Kenya where Western forces have tried to coerce the Kenyan government to legalize homosexuality as seen in the quote below:

“The UN Human Rights Committee wrapped up consideration of Kenya’s second periodic report on compliance with the International Covenant on Civil and Political Rights Tuesday, pushing Kenya to legalize abortion and homosexuality.....With regard to homosexuality, Roman Wieruszewski, the UN expert from Poland, expressed concern that the country [Kenya] considered homosexuality an unnatural act and had enacted laws to that effect. He asked “does the country consider this to be inconsistent with the covenant’s non-discrimination clauses?” (Life site News, 2005).

The local Kenyan people have questioned the interests of such western forces in social issues of an independent country. Doubt accorded to this western interference can be explained by experiences borrowed from the colonial period. It is argued that the colonialists came into the region with the so called ‘good western world ideas’ but ended up colonizing and exploiting the local people; Colonialism in this sense has always been, and is still seen as the cultural (and also political, territorial, economic and often sexual) exploitation that developed with the expansion of Europe to Africa, the Americas, Asia and Pacific particularly during 400 years between the 15th and 19th centuries, sometimes known as imperial colonialism (see Chambers, 2004). It can be argued that the pressurising of Kenya to legalize gayness under the disguise of human rights is the intention of the Western world to spread their ideas so as to extend sexual exploitation as was witnessed in the colonial era. This is reinforced by the fact that these western world countries have already legalized same-sex marriages as a result of tolerating and socially accepting gayness.

In this study Kenyans were asked if they would like homosexuality to be socially accepted and/or tolerated in their society. The results reflected a higher percentage of negative (homophobic) attitudes towards the lifestyle with 79% saying no, 10% being ambivalent and only 10% saying yes (see results below):

Figure 7. Would you like homosexuality be accepted/tolerated in our society?



Kenyans were also asked of their likely reactions in the event of a family member becoming/coming out and declaring he/she is homosexual. Their responses (given below) further reflect and amplify the attitudes of the Kenyan people towards the controversial practice.

Table8. Reaction to a family member who is homosexual!

Response	Number of respondents	Percentage
Accept & Respect his sexual orientation	10	16.4%
No Idea/Not sure	3	4.9%
Seek counselling & Rehabilitation	39	63.9%
Tolerate the member (mixed feelings)	9	14.8
Total	61	100%

About 16% of the Kenyan society will accept and maintain respect for a family member who is homosexual, with a further 15% tolerating the member though with mixed feelings and 5% having no idea on what to do. Those who will tolerate and/or accept the homosexual family members argue that as humans, these family

members should be accorded their human rights, among them the right to choose what they want to be. They though say that their tolerance or acceptance does not mean endorsing the gayness lifestyle. 64% of the population are intolerant to homosexuality and therefore will work towards rehabilitating the family member through counselling. If the family member does not convert, some of the people will have to resent & reject him/her (see examples of responses below).

Joel: Deny him/her but then try my level best to make the person understand as to why it is not acceptable and consequences of it.

Jackline: Let legal action be taken against him as it is a curse from God as in the book of Leviticus chapter 20

Richard: I will hate him, but will pray for him and counsel him to repent and desist from the evil practice.

VOICES FROM THE CLOSET

The situation discussed above makes the homosexual community in Kenya a secret solidarity with underground activities, fearing to come out to the conservative public domain. According to Ivy (2001), it is naive though to assume that gay sex does not occur in conservative or socially and politically repressed countries such as the Muslim world and conservative African societies, or to assume that gay activities (especially gay prostitution) are not available to tourists. Ivy claims (or seems to be of the view) that in many rural and socially conservative parts of the world, a strong gay community, as a distinct group, is virtually nonexistent or at least well hidden from mainstream view. As observed by Hindle (1994: 7), in areas where homosexuality is illegal (and where those laws are indeed enforced) or socially and morally shunned by a conservative majority, the gay landscape may be only slightly visible (if at all it does) to the outside world. As for Hindle, under such prevailing circumstances and places perceived as hostile to the gays, the gay community may be 'a private world of contacts, surfacing in only a few pubs and private gay clubs and other places knowledge of whose existence is passed on by word of mouth.

As a result of the situation in Kenya, there exist some gay communities, but operating from behind the curtains. Coming out to the open is impossible given the known stand taken by the state and the larger conservative community. Such groups have attempted to raise their voices through blogs on the internet and through international journalists from the western world. Here is an account of excerpts from interviews on such minorities in the Kenyan society:

I'm not afraid, but I'm not going to tell someone, hey, I'm gay.....there is no gay anything here, it's more like gay death,

not gay life in Nairobi.....I don't want my parents to know something that will end up hurting them (Alex, marketing consultant; cited in News24.com, 2006).

People live double lives here. There is a life you live with your straight friends and the life you live as a gay person. We are vulnerable, we are neglected, and we don't have any visibility.....without massive protests and gay people coming out, standing up for what they want, the government will continue disowning us. The situation you see in Kenya is the same for East Africa. If our country can open up, it'll be a big break through (Jerremy, coordinator- Galebitra, a local gay and lesbian rights organization cited in News24.com, 2006).

Homosexuality is not an issue the authorities particularly want to get involved with.....the law and everybody else pretend it is not happening, they just don't want to know.....there is this crazy idea out there that homosexuality is unafrican, where that came from nobody really knows. There is a lot of talk about family values. In Africa family unions are very important.....emotional values are part of same-sex unions. We share the same family problems.....but if you don't talk about it then it becomes a silent killer (Mwangi Githahu, a journalist with Nation Media cited in News24.com, 2006).

The homosexual community in Kenya have for long kept a low profile, going about their business secretly, only raising their voices through internet blogs and the media. Some of the blogs that have been used over time are such as the Gay & Lesbian Association of Kenya (GALK) and the Lesbian, Gay, Bisexual, Intersexual & Transgender (LGBIT) solidarity, Behind the Mask, just to mention a few. The practice of homosexuality is so secretly fortified by those involved to the extent that even very close family members may not know the happenings involving one of their own. The reason is fear of the likely reactions from family members which may vary from tolerance on the one hand and total dejection from the family on the other extreme.

Because of fear of such reactions from the family members, homosexuals in the Kenyan society have resorted to living double lives, a situation where they marry wives to satisfy expectations from their families and the Kenyan society but then continue living their homosexual lives secretly. Coming out into the open for such people who lead homosexual lives in Kenya and in the east African region as a whole is not easy. Social forums for the homosexual community in Kenya are usually a secret known to members only; though trends are beginning to change lately where the homosexuals are using human rights

activists to organize on their behalf forums from where they raise their voices as a way of fighting stigma & agitating for their rights.

An example where homosexuals have come out in the open is the Gay Forum at the National Museum, Nairobi where they (homosexuals) assembled to mark the International Day Against Homophobia on May 17, 2010 (Daily Nation newspaper, 18th May 2010). According to two reporters of the Daily Nation Newspaper namely Lucas Barasa & Joy Wanjia, homosexuals in Kenya have refused to be intimidated as shown by scores/many of them coming out in the open to celebrate the International Day Against Homophobia and demand more recognition. On this day, the Lesbian Gay Bisexual Transgender and Intersex (LGBIT) persons wine, sang and danced and for the first time allowed media coverage of their function to fight stigma and victimisation associated with their sexual orientation. Kenya Human Rights Commission director Muthoni Wanyeki, whose lobby organised the event at the National Museums of Kenya, Nairobi, observed that ten years ago, there was no public place that could have hosted such a function; though she was quick to state that despite the government allowing the gay community to meet, the battle against harassment of, and violence against sexual minorities is still on (Daily Nation, May 2010). This was the first time gays & lesbians were coming out through a Human Rights body but still, they are not out of the woods yet. This can be picked from their calls on the general public (see quotes below extracted from the Daily Nation of 18th May 2010):

Kamunde: "The [homosexual] community is facing a lot of violence...some parents[have] stopped paying fees for their children after discovering they [are] engaged in same sex relationship. People have to understand gay people are normal like anybody else only that they love differently. People think it is unAfrican or is a sickness. Spaces are, however, opening up to accommodate us, which was not possible two years ago".

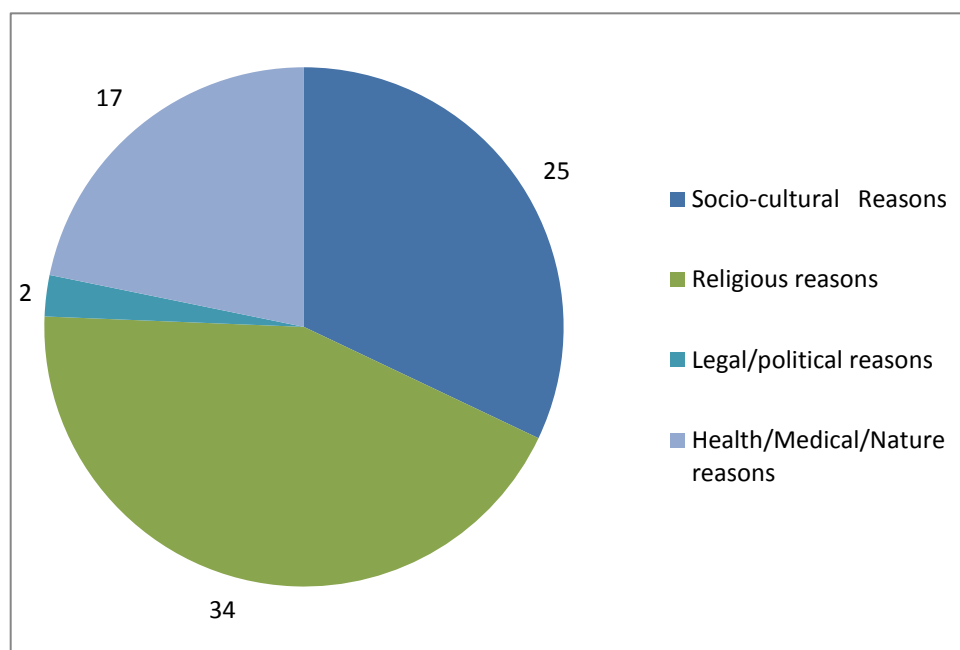
Nzioka: We are born this way. We are created this way. We want to feel comfortable when we come to church. They should stop preaching discrimination against gay people. Just as I am proud to be African, I am proud of being gay. There's nothing wrong with what we are doing".

SUMMARY OF POSSIBLE REASONS FOR THE ATTITUDES TOWARDS HOMOSEXUALITY

The negative and/or positive attitudes which Kenyans have towards homosexuality have been influenced by a number of factors, some of which come/emanate from the Kenyan society and yet others emanate from outside. Both of these internal and external factors have been the basis for arguing against or supporting homosexuality as a lifestyle. The factors fall majorly into three categories, namely socio-cultural/anthropological, religious & legal/political. Other factors that have been

highlighted and were explored by some in trying to argue for/against homosexuality borrow from the Natural & Health/Medical Sciences and the Biological Science's Genetics Theory. Numerous reasons were highlighted on arguing for/against gayness and results obtained during the study are illustrated in the pie chart in figure 4 below:

Figure 8: Type of reason for/against gayness



Each reasons category will be discussed here individually, starting with religious reasons followed by socio-cultural reasons, then legal/political reasons and lastly the nature/health/medical reasons. To begin with, one of the strongest factors that were found to influence Kenyans' negative and/or positive attitudes towards homosexuality is **religion**. Kenyans are deeply religious. According to Bureau of African affairs (2010), about 80% of Kenyans are Christian, 10% Muslim, and 9% follow traditional African religions or other faiths with 1% going to Hindu/Sikh/Baha'i/Jewish. The statistics on religious inclinations during the study is given in the following table:

Table9: Religious inclination of respondents

RELIGION	NUMBER OF RESPONDENTS	PERCENTAGE
Christianity (Catholics, Methodists & Protestants)	55	90.2

Islam	3	4.9
Others (Hinduism, Buddhism and Traditionalists & Pagans)	3	4.9
TOTAL	61	100

The results in the table above give a picture that majority of Kenyan people belong to same religion (Christianity). Most of the reasons the respondents gave as a means of supporting their negative attitudes towards homosexuality point to the fact that their attitudes have been influenced to a greater degree by religion. Most of them argued that this kind of lifestyle is against their faith; with the central argument that being gay is unreligious & ungodly. Some of the excerpts below show how people's attitudes have been influenced by religion. In this case respondents were asked if they would like homosexuality to be accepted or tolerated in the Kenyan society:

Joel: No. it is not biblical. It is sin.

Mercy: No. because naturally God created male and female with a purpose. Joined the two for warmth and companionship from the opposite sex (Genesis). This has been practiced and carried out in various African cultures. Homosexuality involves sex. It violates the nature and purpose of sex, where male and female would come together to fulfil their urges.

Beatrice: No tolerance because it is against the biblical doctrine. (Romans1:27)
"men leaving natural use of women burning their lust to one another".

Catherine: No- From the religion's point of view it is against God's will. Reference: (Bible) Genesis talks of God creating a man and woman blessed and told them to multiply.

Rose: No. Because it's against my believe [Islam].

Majority of those interviewed said 'no' to accepting and/or tolerating homosexuality, making reference to the Bible, a religious text/book introduced to the region by missionaries who first introduced Christianity into Kenya. Missionary work planted many catholic and protestant churches in the region, introducing the bible which has been regarded by many as a standard measure of morality in society. On a continent with many western missionaries and still flourishing animist beliefs (belief in

existence of separate supernatural spirit which people should worship/adore), religion plays a major role in shaping public opinion, especially in rural areas.

Around three-quarters of Kenyans are Christians. The catholic and the protestant churches in Kenya, including Anglicans, condemn homosexuality as sinful (News24.com, 2006). According to the Bible, homosexuality is ungodly and is condemned as shown in some of its chapters; for example, if a man has sexual relations with another man, they have done a disgusting thing, and both shall be put to death; they are responsible for their own death (Leviticus 20:13). The bible condemns all forms of homosexual behaviour. According to biblical teachings God created the institution of marriage between a man and a woman as the foundation for the continuation of the human race (Genesis 1:27-28). Any efforts to redefine marriage will destroy the institution. For this reason, most of the respondents termed homosexuality as ungodly, against God's will, against the spirit of procreation, unchristian, sin, just to list a few among the responses given which point towards religion's influence on attitudes towards homosexuality. Apart from the Bible, the Quran is also quoted among the Muslims as teaching against homosexuality.

But, just as the Bible, the Quran was also introduced in the region by the Oman Arabs who introduced Islam in the region. With these facts, some proponents of homosexuality and/or those tolerant to gayness have challenged those against it on grounds of using foreign literature (to support their stand), which they can't claim ownership. Another question that has been asked is as to why the Kenyan people don't use their culture to oppose gayness than use the religious texts! To this challenge, the anti-gay locals argue that not all ideas from the western world are good, and that their latter ideas conflict their former ones; so is with the Biblical teachings versus gayness. Reference is also made to the local people's indigenous/traditional religions & beliefs which existed before the coming of the missionaries. Sodomy was not acceptable under such traditional religions.

The second factor that equally influences Kenyans' attitudes towards gayness, and closely related to religion is their **culture** which encompasses their **traditions, customs and beliefs**. Culture in this context refers to a way of life of a people in a given society; society in this case referring to a group of people with common interests which are rooted in their traditions, customs and beliefs. People pursue interests, or are engrossed in practices that are thought to bring valuable benefits to society, and these interests are pursued in line with social rules of that society. Anything that falls within the limits is regarded as the normality of that society, and anything falling without the social rules becomes abnormality. That which is socially acceptable and regarded as advancing the interests of that community becomes part of its socio-cultural values. Some of the cultural values that were important in the traditional Kenyan communities are such as work & industry for wealth creation and

food production to feed families, social relationships to strengthen ties within the community and the institution of marriage to ensure perpetuation and continuity of society, just to mention a few. The latter was particularly regarded the most important, for which reason all members of society were involved in training the youth on how to establish successful families when their time come. This is reflected in the sentiments of some of the respondents as found in the quotes below:

Sexual relations between grown-up persons of the opposite sex (heterosexuality) were the norm in the traditional African setting as this ensured continuity. Sodomy was considered a case of sickness and members who engaged in this, and usually targeting minors forcing them into the act, were banished from society. Young boys who could be caught attempting or experimenting on each other could be punished as a corrective measure. Human libido if not controlled can lead people astray. Violators were encouraged to learn from animals which were part of communities' livelihoods. What happens today is as a result of curiosity, and curiosity killed the cat (personal communication from John Mung'oo, respondent 61, March 2010).

Homosexuality is not African. In the traditional African society, there was nothing like same-sex marriages. What was there were cases of defiance where people reported very few cases of sodomy where an individual forced another, usually a junior, into having anal sex, and it is this junior who could raise the alarm. Such defiant was considered a bad omen and thus usually excommunicated from society. What would sodomy or homosexuality add to the value systems of our society? (Personal communication with Roselyn Ndunge, respondent 23, who is a Msc. Graduate, working at the ministry of Agriculture, March 2010).

Coming in as a third factor which influences Kenyans' negative attitudes towards homosexuality is the **legal & political provisions** in modern Kenya. This regards what the Kenyan law says about homosexuality & same-sex marriages. At the time this study was carried out, Kenyans were asked to give their opinions on what the government should do to address issues to do with homosexuality. The results realised are as shown in the following table:

Table10: What should the Kenyan government do to deal with homosexuality issues?

OPINION	NUMBER OF RESPONDENTS	PERCENTAGE
Conduct advocacy & sex Education programs	14	23
Criminalize homosexuality in the constitution	30	49.2
Criminalize as it conducts advocacy & sex education programs	4	6.6
Legalize homosexuality in the constitution	6	9.8
No Idea	7	11.5
TOTAL	61	100

49% of Kenyans recommend criminalization of homosexuality in the constitution. Only 10% of Kenyans ask for legalization of homosexuality; a further 30% recommend advocacy & sex education programs sponsored by the government, with the intention of making people engrossed in gayness understand why homosexuality is opposed in the Kenyan society.

Currently, criminalization of homosexuality is provided for in a penal code entrenched in the constitution. According to the laws of Kenya, “sections 162 to 165 of the Penal Code criminalize homosexual behavior and attempted homosexual behavior between men, which is referred to as ‘carnal knowledge against the order of nature’. The penalty is 5 to 14 years imprisonment. Lesbian relations are not mentioned in the law” (Behind the Mask, 2006). Thus in Kenya, homosexuality is criminal. Kenyan leaders actively oppose gay rights and seem personally repulsed that some of their citizens may be gay. Retired Kenyan president Moi once described homosexuality as a scourge (Behind the Mask, 2002). The international community through international organisations has tried to talk Kenya into changing her laws to soften the stance she has taken on homosexuality but to no avail. This has only been seen as an attempt to influence the situation to advance their ‘western’ ideas and interests. Local people have questioned the sincerity of the western pressure on

Kenya to legalize homosexuality. This has only served to aggravate the negative attitudes towards gayness in the region. The pressure is arguably seen as intentions of the developed western world to extend their sexual exploitations to the region. Majority of the People in Kenya believe that homosexuality is a western world lifestyle & more so practiced by tourists. Therefore legalizing gayness in Kenya is tantamount to developing a fertile sexual leisure environment for gay tourists. That is why such pressure from the western world to legalize gayness is perceived negatively even though it is done arguably from the human rights point of view. For example, consider this:

“The UN Human Rights Committee wrapped up consideration of Kenya’s second periodic report on compliance with the International Covenant on Civil and Political Rights Tuesday, pushing Kenya to legalize abortion and homosexuality.....With regard to homosexuality, Roman Wieruszewski, the UN expert from Poland, expressed concern that the country [Kenya] considered homosexuality an unnatural act and had enacted laws to that effect. He asked “does the country consider this to be inconsistent with the covenant’s non-discrimination clauses?” (Life site News, 2005).

Despite these attempts, there has not been any positive step towards complying with such external forces. Instead there has been further clarification that homosexuality remains to be a crime punishable by law. It is only in August 2006, a bill famously known as ‘Njoki Ndungu bill’ was published into law. The aim was to consolidate all the sex offenses into one body. The bill was published into law that August but did not change very much the previous sections of the penal code. As such homosexuality remains a criminal offense that is punishable by 14 years and five years in the case of attempt.

In the year 2009, a Committee of Experts (CoE) was formed to draft the new laws of Kenya and was mandated to collect views from the Kenyan public to aid them in drafting the new constitution. The gay & lesbian communities in Kenya tried to negotiate for consideration in the new laws in vain. The publics through their religious leaders were vigilant on the language used on clauses on marriage and the family, to the extent that they made sure homosexuality was not legalised. This is contained in part 2 Clause 45 of the Fundamental Rights & Freedoms section, where it clearly states that marriage is between adults of the opposite sexes (Kenya’s Proposed/Draft Constitution, 2010). The new law was passed in the August 4th 2010 referendum and has since been officially promulgated and adopted as the constitution of the re-born Republic of Kenya.

In the western world where homosexuality has been legalised, the gay solidarities used the constitution to litigate for their rights. Examples are seen in the North American countries of Canada & USA, where mass same-sex marriages were conducted in churches and municipal halls. The newly wedded couples could then agitate for the registration of their unions (see appendix for more information). The argument in their case was that people should not be discriminated because of their sexual orientation, which is against their human rights (see Nicol, and Smith, 2008). Attempts to conduct same-sex marriages in Kenya have been made probably to try the North American style/strategy, with the argument here being that it could help curb the spread of HIV/STIs apart from advancing their basic human rights. For example, two men are said to have announced a wedding, which was to be held at a hotel in the Kenyan coastal town of Mtwapa (see Daily Nation, February 2010). News of the wedding rattled religious leaders, both Muslim and Christian, who united in their vow to stop it “at all costs”. Speaking after a joint meeting, the religious leaders condemned the planned wedding. The furious clerics from the Council of Imams and Preachers of Kenya (CIPK) and the National Council of Churches of Kenya (NCCCK) met at Masjid Answar Sunna Mosque, Mtwapa and cursed the couple and the organizers of the unconstitutional marriage.

These attempts to conduct same-sex weddings in Kenya have been frustrated by the current legal provisions in the country which does not allow for gay marriages. For this reason some gay people have opted to relocating abroad to solemnize their same-sex marriages there. An example is the much publicised gay wedding in London on the 17th of October 2009 (see quote & pictures below).

Two Kenyan men on Saturday 17th October, 2009 became the first gay couple to wed in London. Charles Ngengi, 40 and his bride, Daniel Chege Gichia, 39, became civil partners under the controversial Civil Partnership Act which came into effect in the UK in 2005 allowing couples of the same sex to have legal recognition of their relationship...According to the Act, a civil partnership is defined as a legal marriage between gay and lesbian couples, and any couples who enter into a civil partnership obtain the new legal status of civil partners, instead of the traditional husband and wife status..... Unlike in ordinary civil marriages, no form of religious activity is allowed to occur during the process of registering the civil partnership. Among the guests at the controversial nuptials included Chege's former British husband' David Cleaves, Julius Reuben, a top Tanzanian gay model, a cross-section of the couple's close associates mainly drawn from diverse gay and lesbian communities in London as well-wishers among Kenyan residents in London..... There was tension at the reception as some of the security team evicted some cameramen fearing that the news and photos would land into Kenya newspapers. Among the guests who attended the wedding was an old

Kenyan lady currently visiting UK who was escorted by her three daughters to the wedding. After witnessing what was happening the old lady had this to say [in local vernacular, followed by translation]: "Ngai ûroigire ûndehe rûraya nyone maûndû moru ta maya itanakua. Nîkî hihi? Kana nîkio airîtu aya aitû maraga athuri? (How come God allowed me to come over to the UK to see such things. Why? Is this what is causing our girls not to marry?) "the disappointed lady commented. (Daily Nation, October 2009).

Figure 9 Daniel Chege Gichia, 39, who wed Charles Ngengi, 40, (above right) in London on Saturday 17th October 2009.



Source: *Daily Nation*, October 2009.

During this study, Kenyans were asked of their opinion if gay rights campaigns should or should not be allowed in Kenya. According to the results obtained (see table below), 67% of the Kenyan people are against gay rights campaigns and say that such should be resisted/opposed/denied. Only 21% support the advocacy for gay rights.

Table11: Opinion on campaigns for Gay Rights in Kenya!

OPINION	NUMBER OF RESPONDENTS	PERCENTAGE
Should be Resisted/opposed/denied	40	65.6
Should be Supported and encouraged	13	21.3
Ambivalent	1	1.6
No Idea	7	11.5
TOTAL	61	100

For those who support the advocacy for gay rights, apart from respecting personal choices to be gay, are convinced it will help reduce the spread of HIV/STIs as sick gays will be able to access medical care and other health services, which they don't access under the current situation. Their argument is that if infected homosexuals are stigmatized & denied access to medical/health care, they remain an underground community carrying on with their activities and thus continue spreading their infections to others who join the team. Some gays say it is not the best but they don't have a choice as they fear coming out. This is not the argument with those who are opposed to gayness; theirs is that if the so-called rights are granted, homosexual activities will increase and therefore result in increase in the spread of infections.

A fourth factor found to influence and/or contribute to the negative attitudes towards gayness/homosexuality can be summed up as **nature/health/medical** factor. 22% of the respondents (see the pie chart in figure 4 in this chapter on categories of reasons given opposing or supporting gayness) made reference to nature and health/medical sciences. Homosexuality is argued by majority of the Kenyan people to be **against the order of nature**. Reference is often made to how different organs in the human

body are designed to perform the various functions for the body. According to their arguments, the various body organs are naturally adapted to the functions which they perform. For majority of the people, and one which agrees with the natural sciences, heterosexuality is the natural way of having sexual relations as depicted by the quote here below:

Homosexuality negates nature and science as a whole. Every body organ has been created for a certain specific purpose/function which cannot be switched for another different function. In humans, the anus is an exit for wastes from the digestive system of the body. It is never for sexual penetration/intercourse; it is not adapted for that. That is why homosexuals come out with cases of prolapsed rectums.....my responsibility as a doctor is to save lives, but such thing is disgusting. Homosexuality is all dirty (personal communication with Dr. Geoffrey O. Otomu, a medical doctor at Kisii Level Five General hospital, February 2010).

Some of the respondents in the field have tried to argue that those engaging in homosexuality could be 'naturally gay'; even the homosexuals in Kenya who have anal penetration/sex argue that they are females trapped in a male's body, trying to convince masses that they are genetically feminine. This remains to be scientifically proven, but people are quick to argue that those are theories that don't hold as illustrated by the following quotes, one by professor Akama of Kisii University and another extracted from the Daily Nation Newspaper:

There is nothing natural in gays. This is simply learned behaviour which can be unlearned. You are either male or female. Cases of bisexuality are very genuine cases where an individual has both male and female reproductive organs. Theories that defiant behaviour is genetic are baseless. Homosexuality is against nature (personal communication with Professor John S. Akama of Kisii University, February 2010).

Has anybody ever seen a gay goat or gay dog or gay pig? How come its humans, the rational being, that thinks being gay is natural? If being gay was genetic, I would expect to see lots of gay chickens, gay rats etc. I would rather polygamy (Daily Nation: Posted October 02, 2010 03:15 PM Submitted by alfotula).

Lastly but not least among the factors influencing attitudes is a set of factors that seem to encourage the spread of homosexuality, and therefore influencing positive attitudes towards gayness. These set of factors come in under the umbrella of **globalization**. With considerable reduction in time and space made possible by

modern technology, effects as a result of actions in a distant place are felt at other places far off. During the study reference was made, by some of the respondents, to gay movements in North America (see Nicol, and Smith, 2008) as a source of their encouragement in staying their cause of advocating for gay rights in the country. This is reflected for example in this quote:

We are in a democratic world. Other countries have given our brothers their rights of the freedom of choice as regards their sexual orientation. Look at South Africa; are we different? The fact is whether the authorities like it or not, it will come a time when they will be forced to legalize our cause. We are not giving up; we will fight on until our rights are granted. It is us, it is our bodies, we are the ones suffering, nobody understands better than us. We are humans, same as those who have been granted these rights as in Europe & the American countries. Kenya as a democratic country should follow suit (personal communication from respondent 42, a gay solidarity leader in the city of Kisumu in Kenya, March 2010).

The quote above reflects the role the processes of globalization are playing in influencing the attitudes of the Kenyan people towards gayness. Human Rights activists have also been encouraged to go forth trying to raise their voices on behalf of the homosexual communities in the country. Tolerance towards gayness is beginning to build up. This, arguably, has been copied from the western world where such strategies have worked well. Globalization has resulted in cultural flows that have been made possible through the various scapes as described by Appadurai (1990), namely ***ethnoscapes, mediascapes, technoscapes, financescapes & ideoscapes***. It is these cultural flows that are building the positive attitudes towards gayness. Of major concern, and one that is relevant to this study is the *ideoscapes* concept. Ideoscapes are concatenations of images, but which are often directly political and frequently have to do with the ideologies of states and the counter-ideologies of movements explicitly oriented to capturing state power or a piece of it (Appadurai, 1990). According to Appadurai, these ideoscapes are composed of elements of the Enlightenment worldview, which consists of a concatenation of ideas, terms and images, including 'freedom', 'welfare', 'rights', 'sovereignty', 'representation' and the master-term 'democracy'. It is in light of these ideoscapes that people have come up to advocate for gay rights & freedoms. Whether this will make Kenya a gay-friendly society remains to be seen.

KENYA AS A GAY TRAVEL DESTINATION?

During the study, Kenyans were asked if they like tourists visiting their country. Their responses are given in the table below:

Table12: Do you like tourists coming to Kenya?

RESPONSE	NUMBER OF RESPONDENTS	PERCENTAGE
Yes	57	93
No	1	2
Ambivalent	1	2
No Idea	2	3
TOTAL	61	100

From the responses given, tourists are generally welcome to Kenya. 93% of those interviewed gave a resounding yes to tourists visiting the country. Only two per cent don't welcome tourists, with a further two per cent being ambivalent. Three per cent of those interviewed had no idea.

Tourists are generally welcome/not welcome because of various reasons considered to contributing either positively or negatively to the Kenyan society. These reasons range from socio-cultural to economic and political. According to Estrada Engelberth (1993), when different cultures converge, the socioeconomic & physical impacts are ambiguous: the same impacts (evaluated objectively) are seen as beneficial/positive for some groups and perceived as negative/costs for others. Therefore the diversity of the modern tourism activities is creating an array of both positive and negative impacts on the cultural environment. If the coming of the tourists is deemed beneficial, then they are generally welcome. But if their contribution conflicts with the socio-cultural, political & economic systems of the society, then the locals have mixed feelings about their visits. This leads to an open front where the locals get torn between the positive contributions vis-à-vis negative contributions, hence the ambivalence displayed by some.

During the study, respondents were asked to give reasons why they like tourists coming to Kenya. From results given in the table below, about seven percent welcome tourists due to socio-cultural and political exchanges, 16% of those

interviewed cite both economic & cultural exchange while the majority (72%) cite economic/financial gain.

Table13: Reasons why we like tourists coming to Kenya.

REASON	NUMBER OF RESPONDENTS	PERCENTAGE
Socio-Cultural & Political exchanges	4	6.6
Both cultural & economic exchange	10	16.4
Economic/financial gain	44	72.1
No Idea	3	4.9
TOTAL	61	100

From the results obtained, tourists are generally welcome because of the benefits that proceed from their coming. Over 72% of the locals are convinced that the coming of tourists boosts the economy of the country. This is through earning the country hard foreign currency besides tourism developments which lead to employment & business opportunities for the local people. On the other hand, the flowing in of new cultural and political ideas/ideologies contributes positively to governance systems of the country, among the many benefits that come with tourism. However, this does not mean that the coming of these tourists only benefits the country; it has also its down side, for which reason some people dislike the visiting by tourists. This study therefore laboured to find out why some among the studied population don't like tourists visiting Kenya.

Table14: Reasons why people dislike tourists

REASON	NUMBER OF RESPONDENTS	PERCENTAGE
Negative Cultural Exchange	3	4.9
No Idea	2	3.3
No Reason to dislike tourists	56	91.8
TOTAL	61	100

About three percent had no idea why some people dislike tourists, while a whopping 92% see no reason of disliking tourists. Only 5% dislike the visiting to Kenya by tourists citing negative socio-cultural & political exchange/impacts as their main reasons. Engelberth (1993) observes that the host community (in most cases the Third World or the Less Developed countries, under which Kenya falls) is generally the weak part of the host-guest relationship; the host is seen as always taking any influence from the guest/tourist side in order to fulfil its requirements. In Kenya, majority of the people are poor and therefore can be easily influenced to copy ideas in order to get money from the tourists. As much as the locals are attracted to their positive contributions, the down side (negative impacts) make the same locals repelled from them. Some of those interviewed cited declaration of resources by authorities as protected areas for the sake of tourism as a reason why they are **ambivalent** to tourists coming to Kenya. With the development of the tourism industry “resource use conflicts” can appear generating a competition between tourism and local populations for the preference over the use of services like water or energy, and “conflicts with traditional land-uses”, in which the local communities are frequently the losers due to strong economic pressures (see UNEP, 2003).

Apart from loss of resources by locals to tourism, the coming of tourists is also considered as one of the means through which unpopular cultural ideas, lifestyles/habits and diseases find their way into, and spread around the country. An example is the spread of HIV/AIDS & homosexuality, which the locals believe were introduced in the region by tourists. During the study, respondents were asked of their take on the argument that there is a link between tourism and the spread of homosexuality & HIV/STIs. As shown in the results in the table below, 80% of those interviewed believe there is a link between tourism and the spread of homosexuality & HIV/STIs.

Table15: Is there a link between Tourism and the spread of HIV/STIs?

TYPE OF RESPONSE	NUMBER OF RESPONDENTS	PERCENTAGE
NO	7	11.5
YES	49	80.3
YES/BUT there are other domains	2	3.3
NO IDEA	3	4.9
TOTAL	61	100

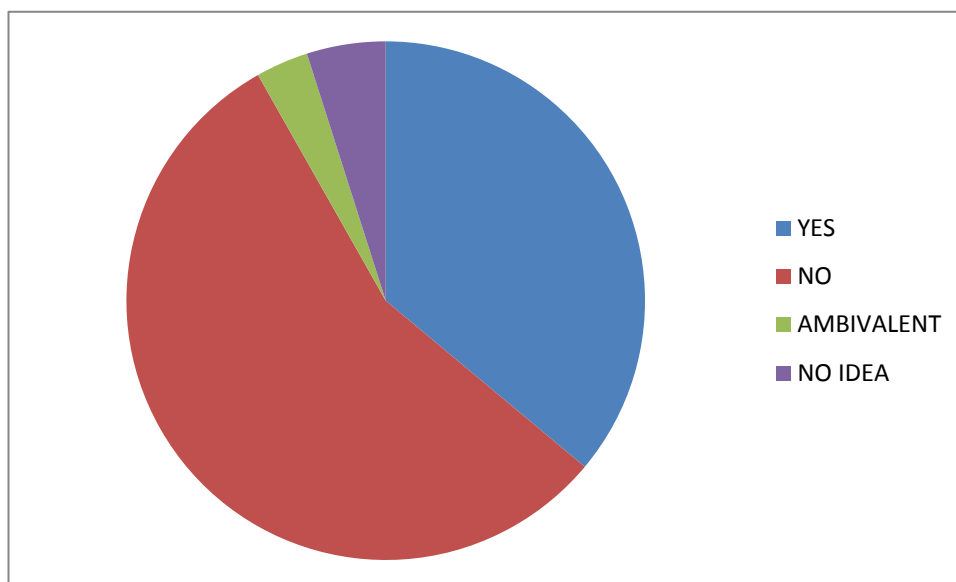
They further say that these two (HIV/AIDS & homosexuality) were introduced to Kenya by tourists. This has also been the argument of many people as exemplified by the quote below:

Many Africans see homosexuality as simply unafican, a custom introduced by European settlers and practiced by tourists. When two gay male tourists were suspected of arranging a wedding [in 2002] in Lamu, a coastal town in Kenya, a mob of 200 [people] hounded them, forcing them to hide in a hall of a museum where the ceremony was to take place. (Behind the Mask, 2002).

Three percent of those interviewed though say that apart from tourists, there are also other domains that have aided the spread of homosexuality and they list them as both the electronic and print media; tourists only supplement these other domains.

Most interesting of the results obtained from this study is that of the local people's attitudes towards welcoming into, and entertaining gay travellers in Kenya. During the study these locals were asked if they would like Kenya being opened up for gay tourists. The results obtained are summarised in the table below:

Figure 10. Welcoming & Entertaining Gay Travellers in Kenya?



36% of the respondents have no problem welcoming and entertaining gay tourist. The most interesting thing of this 36% is that it is made up of two groups; one, those

who are tolerant to gayness, and two, those who understand & are looking at who the gay traveller is. Being an expanding, high-end/upscale and lucrative niche market (see Thompson 1997; Schulz 1994; Ritchie, 1995; Pritchard et al, 1998, just to list a few) the group comprising those who understand characteristics of the gay traveller talked of the likely financial gains to their businesses. This group was therefore focussing on the benefits that come with the visiting of tourists. However, nearly 56% of the respondents are opposed to welcoming gay travellers to Kenya, though some of them are quick to note that it is not easy to identify who the gay traveller is unless they declare themselves in the open that they are gay.

Some respondents in the category saying no to gay tourists further recommend that data should be collected at the points of entry including such details as sexual orientation so as to know who comes into the country, and what their interests are. Though, some are quick to again argue that the vetting of tourists may not be a good idea in the tourism business. Perhaps a more vicious response from some respondents in the 'no to gay tourists' category is that they don't care much who the gay travellers are & how much money they will bring into the country. This is in reaction to countering the arguments that the gay travel consumer is a rapidly growing and is a more lucrative (if visible) segment of the tourism industry (Pritchard et al, 1998); gay couples travel more frequently than their 'straight' counterparts and gays have been described as a travel market segment that can be said to be recession- proof (Schulz, 1994), and that the gay market has less 'seasonality' than the straight market and is more equally spread throughout the year (Pritchard et al. 1998). The local people argue that they (gay travellers) may pass on negative influences that will be more damaging to the moral values of the society.

Equally interesting is the category of respondents who display ambivalence (nearly 5%) to the gay traveller. To this category, these tourists are welcome if they can bring about positive contributions to the Kenyan society. Gay travel segment is generally understood as a high-end tourist market (see Thompson 1997; Schulz 1994; Ritchie, 1995 Pritchard et al, 1998) and can significantly contribute to the economy of a destination. This is generally welcome, but the lifestyle of the tourists in this market segment (which is negatively perceived by the local people at the destination) make the locals repelled away from these tourists. To these ambivalent locals, the gay tourist segment is welcome only if they come as tourists and are aware of the culture and laws of Kenya, to which they have to conform; otherwise they sow their negative influence among the locals. In the postcolonial context, just as there is complex mix of attraction and repulsion that characterizes the relationship between colonizer and the colonized, the relationship between the tourists and the hosts is **ambivalent** because the hosts are not simply and completely complicit to the activities of the tourists nor are they completely repulsed from the tourist (see (Young, 1995).

With the negative attitudes towards homosexuality, the general environment at the destination seems to be very hostile to the gay traveller. There is no supportive political/legal, socio-cultural and physical space for the gay traveller. All space is heterosexualized. As such, a gay tourist at such destination may not experience a holiday in its real meaning as he may not express his sexual orientation openly without attracting outrage from the public (some tourist have been attacked for trying to display themselves: refer to the Lamu incident quoted above).

Kenya as a tourist destination is however not totally free from gay travel/tourism. Some Tour Operators & Travel Agents do business with gay travellers, though this is done secretly to guard off hostile/violent reactions from the public. There are also members of the secret gay & lesbian solidarities in Kenya who have established networks with gay communities in the developed world, and therefore serve as contacts for gay tourists at the destination. There are also attempts made towards developing gay support facilities around points of operation by gay communities. This is geared towards curving out gay spaces for themselves from where they can operate and entertain their gay tourists/visitors. But this trend is facing resistance from the public who have come out threatening to destroy property that shelter gay communities. This is a scare for investors in the tourism sector who wish to target the gay travel market and want to develop facilities that support the gay traveller. For example, after the disruption of the planned Mtwapa gay wedding, the public threatened to attack facilities supporting gay people in the Mtwapa area.

[Council of Imams and Preachers of Kenya] CIPK Kikambala region coordinator Sheikh Ali Hussein and Kilifi's NCKK [National Council of Churches of Kenya] representative Bishop Lawrence Chai said they had given the government seven days to close down night clubs they accused of fuelling homosexuality in the town. They also warned the owner of a building in the town, who was allegedly renting rooms only to homosexuals, to evict them or face their wrath. They gave him a seven-day ultimatum to throw out tenants. They also demanded that a government institution in the town be investigated, for allegedly providing medical services to homosexuals. "How can a State institution be involved in providing counseling services to these criminals. We ask the government to shut it down with immediate effect or we shall descend on its officials," warned Sheikh Hussein. They claimed that the clinic was being used as a recruitment centre where members gather every Sunday for treatment. The clerics asked the government to withdraw the licenses of night clubs and bars linked to gay activities across the country (Daily Nation, February 2010).

To this end therefore, one can argue that gay travel is, at least in its visible form, nonexistent in Kenya. This though may not be the reality as gay tourists may be

visiting generally as tourist and going about their businesses without being noticed. This may be so because tourists at the moment are not vetted; they are just welcome as long as they are tourists. Another possibility could be that their local Kenyan accomplices could be aiding these gay travellers around advising them on how to go about their adventures without getting noticed. Whether this is the situation or not remains the subject of research.

CHAPTER SIX

CONCLUSIONS AND RECOMMENDATIONS

The main objective of this study was to find out and identify the attitudes of the Kenyan people towards homosexuality and therefore get an insight into their likely attitudes towards gay travel. Specifically the research endeavoured to identify the attitudes towards homosexuality, find out the factors contributing to the identified attitudes, and finally conclude what this imply for gay travel segment in the Kenya's tourism industry.

To begin with, it has been found out that the Kenyan population is divided into two sides regarding attitudes towards homosexuality; positive attitude versus negative attitude. Negative attitude side constitutes the majority of the Kenyan people who dispute the gayness lifestyle arguing that it is against the norms of the Kenyan society; heterosexuality remains to be the normal state and anything that conflicts it is abnormal. However there is a minority group among the Kenyan population who are tolerant to gayness and even some are advocating for gay rights in support of those who are gay. In Kenya therefore there are those who have maintained their conservative stance as regards gayness and there are those who are moving away from the traditional conservative stances with arguments of embracing modernity.

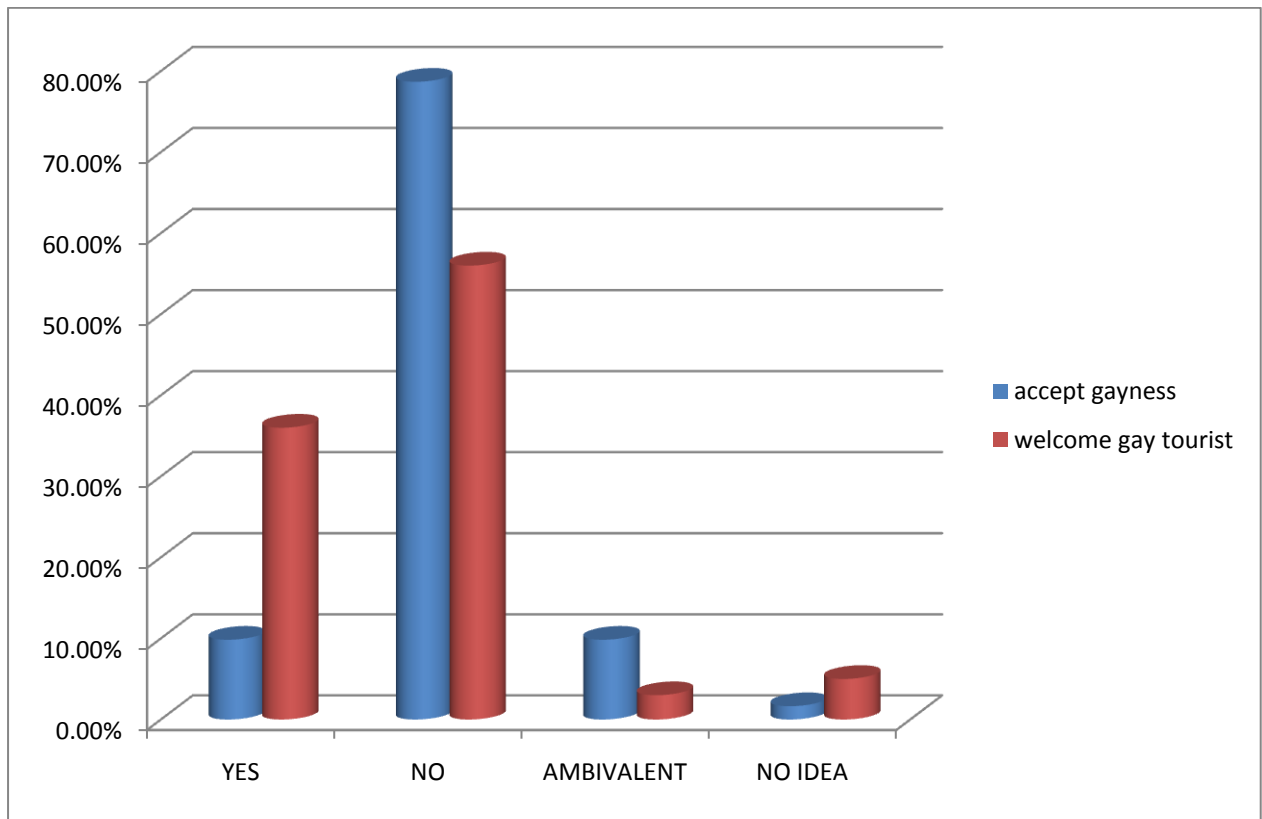
However, to just divide the Kenya populace into those 'opposed to' and those 'supporting' gayness is a naive/simple positivist way of looking at the situation. From the critical point of view, the situation on the ground is complex and ambiguous. In between the two extremes lies a spectrum of categories of people with mixed feelings towards homosexuality and homosexuals. Among them are those not homosexual but are not repulsed by those engrossed in homosexuality. There are those who also argue that homosexuals should not be stigmatised and theirs is on humanitarian grounds. Yet there are those who have no word; probably because they are neutral as regards their stance, or because they don't want to be drawn into the controversial topic. Lastly in this spectrum are possibly those in transition from their conservative stances towards accepting reality and learning to tolerate gayness in Kenya as a product of the processes of modernity and globalization.

The research found out a number of factors influencing the attitudes of the local people towards gayness. Among the factors found are religion, culture, legal & political environment and health/medical/nature factor as those that influence the negative attitudes. The fifth factor is largely seen as working towards changing locals from their conservative perspective and therefore influencing the positive attitudes.

This is the globalization factor comprising of complex processes resulting in cultural flows which fuel the spread of ideas and ideologies around the world.

When it comes to marketing and advertising Kenya as a tourist destination, the government is investing a lot in increasing visitation by foreign tourists and encouraging locals and international business people to invest in the tourism sector. But given the stand by the government in criminalizing gayness, targeting and tapping the gay travel market is far from happening. The developing of a gay traveller support system and facilities in Kenya, even by private entrepreneurs, is an illusion at least for now. This is so because of the hostile environment facilitated by the public directed at businesses and facilities that offer services to gays. This is the situation although some go about this secretly without shouting out. This is though another simple way of looking at the situation. This is so because when advertising the region as a tourist destination, the government conducts a blanket branding and advertising program and does not discriminate on tourist market segments. Kenya is therefore made open to tourists, at least to the very meaning of the term tourist. Tourists are generally welcome as long as they remain tourists. This ambiguity does not however mean accepting gayness. See for example a comparison between accepting gayness and welcoming gay tourists in Kenya in the figure below:

Figure 11. Comparison between accepting gayness in Kenya & welcoming of gay tourists in Kenya.



Accepting & tolerating gayness in Kenya has a lower percentage than welcoming & entertaining gay tourists in the country (see also the percentages of the no response).

As a recommendation, research is required on secretive gay travel in Kenya and much is required in gaining insight into the platforms and processes making this possible in a society with high levels of homophobia. Research is also required in monitoring chronology of events and trends in the gayness controversy and how it is influencing international travel in Kenya.

References

- 1uptravel.com (2010). Kenya. <http://www.1uptravel.com/international/Africa/Kenya/>. Accessed 26th April 2010.
- Akama, J.S. (1996) *Wildlife Conservation in Kenya: A Political-ecological Analysis of Nairobi and Tsavo Regions*. Washington, DC: African Development Foundation.
- Akama, John S.(1999) 'The Evolution of Tourism in Kenya', *Journal of Sustainable Tourism*, 7: 1, 6 — 25
- Anderson, D. (1987) The scramble for Eden: Past, present and future in Africa. In D. Anderson and R. Grove (eds) *Conservation in Africa: People, Policies and Practice*. New York: Cambridge University Press.
- Anderson, D.M., (2000). *Journal of African History*. United Kingdom Cambridge University Press vol 41 pp. 459-485.
- Anderson, C., D'Augelli, A., Garnets, L., Herek, G., Kimmel, D., Peplau, L. A. and Rothblum, E. (2008). APA Style Guide: *Avoiding Heterosexual Bias in Language*. <http://www.apastyle.org/sexuality.html>. (Accessed November 18th 2008)
- Answers .com (2010). Kenya. <http://www.answers.com/kenya>. Accessed 24th April 2010.
- Appadurai, (1990). Disjuncture and Difference in the Global Cultural Economy. *Public Culture vol. 2 issue 2*.
- Archavanitkul, K. and Guest, P. (1994) Migration and the commercial sex sector in Thailand. *Health Transition Review* (supplement to vol. 4), 273–95.
- Ashcroft, B., Griffiths, G. and Tiffin, H. (1998). *Key concepts in Post-colonial Studies*. London: Routledge.
- Banton, M., (1989). "Constantly the subject of small struggles": the Colonial Office, Colonial governments in Africa and Master and Servants law' (unpub. paper, Seminar on Law and Labour in the Commonwealth, Institute of Commonwealth Studies, University of London, vol 7.
- Behind the Mask. (2006). Gay and Lesbian affairs in Africa. <http://www.mask.org.za/index.php?page=kenya>. Accessed March 9th 2006.
- Berman, B., (1990). *Control and Crisis in Colonial Kenya: The Dialectic of Domination*. James Currey London, ch. 2.

Berman, B., and Lonsdale, J., (1992). *Unhappy Valley: Conflict in Kenya and Africa*. London, Nairobi and Athens, Ohio University Press, vol I, ch. 5.

Boston Globe Thursday November 23, 1995

Bridges, D. (2003). *Fiction written under oath? Essays in philosophy and educational research*. Dordrecht, The Netherlands: Kluwer.

Browne, J.O., (1967). *The African Labourer*. Oxford University Press, London.

Bureau of African Affairs (2010). Kenya. <http://www.state.gov/echannels/66791.htm>. (accessed 14th April 2010)

Carmody, D. L., & Carmody, J. (1993). Homosexuality and RomanCatholicism. In A. Swidler (Ed.), *Homosexuality and world religions* (pp. 135-148). Valley Forge, PA: Trinity Press International

Central Bureau of Statistics (CBS), 2001 *Economic Survey of Kenya*.

Chambers, D., (2004). A Post-colonial interrogation of Attitudes towards Homosexuality and Gay Tourism: the case of Jamaica. In M. Daye, D. Chambers and S. Roberts (eds). *New perspectives in Caribbean Tourism*. New York/London: Routledge, pp 94-114.

Chissim F.1996. An exploratory and Descriptive Research on Child Prostitution and Tourism in Kenya. *EPAT Report*, Nairobi.

Clayton, A., and Savage, D.C., (1974). *Government and Labour in Kenya, 1895-1963*. Frank Cass and company limited, London

Clough, P. (2002). *Narratives and fictions in educational research*. Buckingham: Open University Press.

Cohen, E. (1982) Thailand girls and *Farang* men: The edge of ambiguity. *Annals of Tourism Research* 19 (3), 403–28.

Colombia Encyclopaedia (2010). Kenya. <http://www.answers.com>. (accessed 14th April 2010)

Crabb, P. B. (1999). The use of answering machines and caller ID to regulate home privacy. *Environment & Behavior*, 31(5), 657-670.

Daily Nation (October 2009) Two Kenyan men wed in London.

Daily Nation (11th February 2010) Gay wedding here? No way, vow preachers.

Daily Nation (8th March 2010) Nothing's African About Gays.

Daily Nation (2nd October 2010) Murugi urges Kenyans to accept gays

de Kadt, E. (ed.) (1979) *Tourism: Passport to Development?* London: Oxford University Press.

Dieke, P.U. (1991) Policies for tourism management in Kenya. *Annals of Tourism Research* 9, 69–90.

East Africa Standard September 12, 1995

Ellis, C. and Bochner, A. P. (2000). Autoethnography, personal narrative, reflexivity: Researcher as subject. In N. K. Denzin and Y. S. Lincoln (eds.), *Handbook of qualitative research* (2nd edn., pp. 733–768). Thousand Oaks, CA: Sage.

Ellison, M. (1993). Homosexuality and Protestantism. In A. Swidler (Ed.), *Homosexuality and world religions* (pp. 149-179). Valley Forge: Trinity Press International.

Eron, L. J. (1993). Homosexuality and Judaism. In A. Swidler (Ed.), *Homosexuality and world religions* (pp. 103-134). Valley Forge, PA: Trinity Press International.

Ember, M. (1990). *Anthropology. Instructors' edition.* Prentice Hall, Englewood Cliffs, New Jersey, pp 171.

Estrada, E.S., (1993). Cultural Integrity as a Criterion of Strategic Environmental Assessment (SEA). <http://www.bvsde.paho.org/bvsAIDIS> (Accessed 18/04/2010)

Farlex Encyclopaedia. (2010) Republic of Kenya. <http://encyclopedia.farlex.com>. (accessed 14th April 2010).

Freund, B., (1988). *The African Worker.* Cambridge University Press, Cambridge.

Frey, J. H. (1989). *Survey research by telephone* (2nd ed.). Newbury Park, CA: Sage Publications.

Gad, N. (2000). Telesurvey methodologies for household surveys: A review and some thoughts for the future. *Survey Methodology*, 27, 7-31.

George Allen and Unwin. Achiron, M. and Wilkinson, D. (1986) The last safari: Will Africa wilderness turn into a string of glorified game parks? *Newsweek* 32, 20–33.

Gilbert, H., (2008) Book rags: Homosexuality <http://www.bookrags.com/research/homosexuality>. Accessed November 16th 2008.

Good News Bible (2006). The Books of the Old Testament. American Bible Society, Brazil.

Graburn, N. (1979) Tourism: The sacred journey. In V. Smith (ed.) *Hosts and Guests: The Anthropology of Tourism* (pp. 76–87). Philadelphia: University of Pennsylvania Press.

Graburn, N. (1983) Tourism and prostitution. *Annals of Tourism Research* 10 (3), 437–42.

Graham, A.D. (1973) *The Gardeners of Eden*. London:

Greenberg, B. (1985). Marriage in the Jewish tradition. *Journal of Ecumenical Studies*, 22(1), 1-24. *Review*, 50(1), 1-40.

Groves, R. M. & McGonagle, K. A. (2001). A theory-guided interviewer training protocol regarding survey participation. *Journal of Official Statistics*, 17(2), 249-265.

Hall, C. M., Williams A. M. and Lew A. A. (eds) (2004). Tourism: Conceptualizations, Institutions and Issues. In *A Companion to Tourism*. Oxford: Blackwell. pp 3-22.

Hanigan, J. P. (2004). The centrality of marriage: Homosexuality and the Roman Catholic argument. *Ecumenical Review*, 50(1), 54-63.

Harrison, D. (1994) Tourism and prostitution: Sleeping with the enemy? The case of Swaziland. *Tourism Management* 15 (6), 455–443.

Harvey, J. F. (1996). *The truth about homosexuality: The cry of the faithful*. San Francisco: Ignatius.

Hemingway, J.L. (1999) "Critique and Emancipation: Toward a Critical Theory of Leisure". In *Leisure Studies. Prospects for the Twenty-First Century*, edited by E.L. Jackson and T.L. Burton: Venture Publishing Inc.

Hoteltravel.com (2010) <http://www.hoteltravel.com/kenya/guides/overview.htm>. (accessed 16th April 2010)

Hughes, H. (1997). Holidays and Homosexual Identity. *Tourism Management* 18 (1). 3.

Independenceday.com (2010). Kenyan Economy. <http://www.123independenceday.com/kenya/economy.html>. accessed 26th April 2010.

Ibsen al Faruqi, L. L. (1985). Marriage in Islam. *Journal of Ecumenical Studies*, 22(1), 55-68.

Jackson, A.H. (1963) The traditional political organization of the pastoral Masai. Unpublished PhD thesis, Nuffield College, Oxford University.

Jennings, G. (2001). *Tourism Research*. Milton: John Wiley & Sons Australia, Ltd.

Kenya Bureau of Statistics Economic Survey 2005

Kenya Bureau of Statistics Economic Survey 2009

Kenyan Constitution 2010.

Kenya Government (1924) *Annual Reports, Ukamba Province, 1906–1923*. Nairobi: National Archives.

Kenya Government (1957) *Annual Reports for 1956–1957*. Nairobi, Kenya.

Kenya Tourist Development Corporation (2010) *Tourism in Kenya: overview of Kenya's Tourism industry*. <http://www.ktdc.co.ke/inside.php?article=18>. (accessed 16th April 2010)

Kibicho, Wanjohi (2005) 'Tourism and the Sex Trade in Kenya's Coastal Region', *Journal of Sustainable Tourism*, 13: 3, 256 — 280

Kitching, G., (1980). *Class and Economic Change in Kenya: The Making of an African Petite-Bourgeoisie*. Yale University Press, New Haven and London.

Lengeek, J., (2001). Leisure Experience and Imagination: Re-thinking Cohen's Models of Tourist Experience. *International Sociology* 16 pp 173-184.

Lienemann, W. (2004). Churches and homosexuality: An overview of recent official church statements on sexual orientation. *Ecumenical*

Life site News (2005). *UN Human Rights Committee pushes Kenya to Legalize Abortion and Homosexuality*. <http://www.lifesitenews.com/ldn/> . Accessed March 18th 2005.

Lusigi, W.J. (1978) *Planning Human Activities on Protected Natural Ecosystem*. Verlag, Germany: A.R. Gantner.

Mackenzie, J.M. (1987) Chivalry, social Darwinism and ritualized killing: The hunting ethos in Central Africa up to 1914. In D. Anderson and R. Grove (eds) *Conservation in Africa: People, Policies and Practice*. New York: Cambridge University Press.

Mazrui, A. (1986) *The Africans: A Triple Heritage*. London: BBC Publications.

Michaels, R., (2003) Same-Sex Marriage: Canada, Europe and the United States. <http://www.asil.org/insigh111.cfm> . (Accessed 22nd April 2010).

Migot-Adhola, S.E et al ,1982. Study of Tourism in Kenya with emphasis on the attitudes of the Residents of the Coast. Institute for Development Studies Consultancy Report No.7, Nairobi University

Mike, C., (2000) Investigating the Impact of Tourism in Kenya. <http://idl-bnc.idrc.ca/dspace/handle/123456789/21534>

Mitra, A. & Lankford, S. (1999). *Research methods in park, recreation and leisure services*. Champaign, IL: Sagamore.

Mongabay.com (2010). Nations Online. http://www.mongabay.com/reference/ne_profiles/197.html. Accessed 26th April 2010.

Mutua, K. and Swadener, B. B. (eds.) (2004). *Decolonising research in cross-cultural contexts: Critical personal narratives*. Albany, NY: State University of New York Press.

Nash, R. (1982) *Wilderness and the American Mind*. London: Yale University Press.

News24.com (2006). *Being Gay in Kenya*. <http://www.asylumlaw.org/doc/sexualminorities/kenya>. Accessed February 22nd, 2006.

Nicol, N. and Smith, M., (2008) Legal Struggles and Political Resistance: Same-Sex Marriage in Canada and the USA. <http://www.sex.sagepub.com> (Accessed 22nd April 2010).

Ouma, J.P. (1982) *Evolution of Tourism in East Africa*. Nairobi: Literature Bureau.

Pereira, L., Settelaar, E., and Taylor, P. (2005). Fictive imagining and moral purpose: Autobiographical research as/for transformative development. In W-M.

Roth (ed.), *Auto/biography and auto/ethnography: Praxis of research method* (pp. 49–74). Rotterdam, The Netherlands: Sense.

Phongpaichit, P. (1981) A Bangkok masseuses: Holding up for the family sky. *Southeast Asia Chronicle* 7 (8), 15–23.

Roth, W-M. (ed.) (2005). *Auto/biography and auto/ethnography: Praxis of research method*. Rotterdam, The Netherlands: Sense.

Ryan Chris and Hall C Michael (2001): *Sex Tourism: Marginal People and Liminalities* Routledge London

Simon, N. (1962) *Between Sunlight and the Thunder*. London: Collins.

Simpson, J. (2002) "Tourism, Cultural Integrity and Environmental Conflict." Gawler High School, South Australia. Australian Geography Teachers' Association National Conference 2002

Salant, P. & Dillman, D. A. (1994). *How to conduct your own survey*. New York, NY: John Wiley and sons.

Sherwin, A. (2006). Gay means Rubbish, says BBC. *The Times Online*. <http://www.entertainment.timesonline.co.uk>.

Sinclair, M.T. (1990) *Tourism Development in Kenya*. Washington, DC: World Bank.

Sindiga, I. (1996). Domestic Tourism in Kenya. *Annals of Tourism Research*. 23(1). pp 19-31.

Sindiga, I., (1996) International Tourism in Kenya and the Marginalization of the Waswahili. *Tourism Management*, Vol. 17, No. 6, pp. 425-432,

Sindiga Isaac 1999: Tourism and African Development: Change and Challenge of Tourism in Kenya. African Study Centre. Leiden The Netherlands

The Vatican representative to WTO (2003). <http://www.cathnews.com/news/304/43.php>

Tuckel, P. S. & Feinberg, B. M. (1991). The answering machine poses many questions for telephone survey researchers. *Public Opinion Quarterly*, 55(2), 200-217.

Taylor, P. C. and Settelaar, E. (2003). Critical autobiographical research for science educators. *Journal of Science Education Japan*, 27(4), 233–244.

UNEP (2003) "Socio-Cultural Impacts of Tourism." United Nations Environment Programme, About Sustainable Tourism. Internet address: <http://www.unep.org/pc/tourism/sust-tourism/social.htm>

Wagner, G. (1970). *Bantu of Western Kenya*, vol 1. Oxford University Press. London. P.379.

Wallace, J. and Louden, W. (1997). Guest editorial: Preconceptions and theoretical frameworks. *Journal of Research in Science Teaching*, 34(4), 319–322.

Wallace, J. and Louden, W. (2000b). Stories and science. In J. Wallace and W. Louden, *Teachers' learning: Stories of science education* (pp. 3–15). Dordrecht, The Netherlands: Kluwer.

Wandibba, S. (2004). Kenyan Cultures and our Values. *A Journal of Social and Religious concern*. Vol 19.

Waweru, D. (2010). Nothing's African about Gays. *Daily Nation Newspaper*, 8th March 2010

Williams, P. and Chrisman L. (1994). *Colonial discourse and Post-colonial theory*. Harlow, UK: Prentice Hall.

Wordpress.com: British Colonization of Kenya. <http://www.warandgame.wordpress.com>. Accessed January 12th 2008.

Yates, W. (1985). The Protestant view of marriage. *Journal of Ecumenical Studies*, 22(1), 41-81.

Young, I. M. (2003). *Post-colonialism: A very short introduction*. Oxford: Oxford University Press.

APPENDIX1

Legal Struggles and Political Resistance: Same-Sex Marriage in Canada and USA

'The summer of love': 2004 in New Paltz and beyond

In the USA, the most recent wave of litigation on same-sex marriage began in 1991 with the filing of a same-sex marriage case in Hawai'i by Ninia Baehr, her partner Genora Dancel and other same-sex couples. The Hawai'i marriage litigation eventually led to the *Baehr*² decisions of 1993 and 1996, rulings that had an important impact on the same-sex marriage movement in the USA and Canada because they showed that courts in at least one jurisdiction were open to the recognition of same-sex marriage. The Hawai'i litigation was followed by same-sex marriage litigation in Alaska, Vermont and Massachusetts. In each case, courts ruled that the exclusion of same-sex couples from the benefits of marriage was unconstitutional under the state constitution, although the rulings differed in the remedy they offered for this constitutional problem. In Hawai'i and Alaska, the response to these rulings was the organization of anti-same-sex marriage campaigns by the religious right, which ended in the passage of state constitutional amendments to ban same-sex marriage, although Hawai'i passed a weak domestic partner benefit plan at the same time. In Vermont, the legislature responded by passing civil unions for same-sex couples in 1999 and, finally, in Massachusetts in 2003, same-sex marriage was legalized by court ruling, although opposition continues in that state and may yet result in the passage of a state constitutional amendment to ban same-sex marriage (see Pinello, 2006). At the federal level, anti-same-sex marriage forces also organized to forestall the recognition of same-sex marriage and its 'spread' from one state to another. In 1996, Congress passed the Defence of Marriage Act (DOMA), which prohibits the recognition of same-sex marriages performed in the states from recognition in federal law, meaning that same-sex couples cannot access the benefits and obligations of marriage in US federal law. DOMA also provided that states did not have to recognize same-sex marriages which are legal in other states, although the constitutionality of DOMA has not yet been fully tested in the courts (see Strasser, 1997). In reaction to the legalization of marriage in Massachusetts in the wake of the *Goodridge*³ decision in 2003, once again, same-sex marriage opponents organized same-sex marriage bans in many states, as well as 'mini-DOMAs' which prevent the recognition of same-sex marriages or civil union from other states by another state (Soule, 2004). At the federal level, same-sex marriage opponents organized for the Federal Marriage Amendment (FMA), which would enshrine the heterosexual definition of marriage in the US constitution.

In his State of the Union address in January 2004, George Bush affirmed his support for 'traditional' marriage. George Bush's statement galvanized a small-scale movement of civil disobedience across the USA during 2004 (Pinello, 2006). Gavin Newsom, the mayor of San Francisco, ordered City Hall to issue marriage licenses to same-sex couples, even though it was very far from clear that he had the legal

right to do so or that the marriages performed would have any formal legal recognition. When asked why the straight mayor of San Francisco would undertake this action, Newsom explained that 'While some may believe that separate and unequal institutions are acceptable, we will oppose intolerance and discrimination every step of the way. San Francisco is a city of tolerance and mutual respect and we will accept nothing less than full civil rights for all our residents' (San Francisco, 2004). Hundreds of couples lined up to obtain a marriage license, and people from across the USA sent flowers to same-sex newlyweds, even though the legal status of their unions was not certain. In reaction to Newsom's actions, in late February 2004, Bush indicated his support for the Federal Marriage Amendment and stated that marriage was 'the most fundamental institution of civilization' (Sandalow, 2004). In response to these events, Jason West, the 26 year old mayor of New Paltz, New York, put his small town on the map of the same-sex marriage struggle in the USA by deciding to use his power as mayor to marry same-sex couples in February 2004, and was immediately inundated with same-sex couples who sought him out to perform the wedding ceremony. Working with lawyers from the American Civil Liberties Union (ACLU) and other groups, West decided that there was nothing in New York law that prohibited same-sex couples from marrying; in fact, the marriage law in New York made no mention of gender as a requirement for marriage and the state constitution required equal protection under the law. On 27 February, he performed 25 same-sex marriages on the steps of the New Paltz village hall. He describes the first day of the weddings:

"We didn't know if I was going to be arrested for doing this right off the bat, so my lawyer and myself and the ACLU lawyers were there kind of watching the police, seeing what they were going to do. We actually had a notary public and all the paperwork there for that first couple, because we figured by the time the cops make it through the crowd, we can at least get one set of paperwork signed and notarized and done, so we have at least one finished wedding . . . And so, we did that. As soon as I was done, I said, 'By the power invested in me by the State of New York, I declare you legally wed'. The crowd just went nuts and . . . the first couple hugged each other. Immediately the lawyers jump up on the podium with the paperwork and the notaries and frantically get everything signed, watching for the police to be shoving their way through the crowd . . . My lawyer leaned into me and said, 'They're not doing anything. I think they're going to let you do it. So, go; you're fine. Go do it'. So, we ended up marrying twenty-five couples". (West, 2004)

On 2 March 2004, West was arrested and charged with 19 counts of solemnizing a marriage without a license (later increased to 24 counts), forcing him to discontinue the marriages. But the political momentum was such that the marriages continued to be performed, first by two local Unitarian Universalist ministers, the Reverends Kay Greenleaf and Dawn Sangrey, and later by 20 different clergy who converged on the village of New Paltz from across the state. The New Paltz Equality Initiative composed of townspeople and students from the local campus sprang up overnight to continue the marriages and support the mayor, dubbing the movement in New Paltz 'The Summer of Love' (Clement and Zinken, 2004). The move to enact same-sex marriage in the absence of state recognition created an alternative form of

legality from San Francisco to New Paltz, one that recognized and legitimated same-sex relationships and that challenged their exclusion from the existing formal-legal regime of marriage in the USA. By marrying couples even though it was illegal in the eyes of the state, West, Newsom and other straight allies engaged in a form of civil disobedience that has a long history in the USA.

The move by straight leaders to challenge legal authority occurred in the context of the broader struggle by same-sex couples for legal recognition of their relationship, partnership and parenting rights. In every part of the USA, same-sex couples flooded in to take advantage of the possibilities of such marriages, lining the steps of churches and municipal offices, receiving flowers by well wishers sent from around the country, arranging hasty purchases of rings, flowers, and dress wear and spontaneously celebrating these newly legal partnerships, even though they were not formally legal. In terms of Hull's (2006) analysis of same-sex couples, these acts demonstrated the cultural power of law in signifying the acceptance (or nonacceptance) of same-sex relationships and the political power of resistance to legal exclusion, expressed through the act of conducting an 'illegal' wedding ceremony. Existing social movement organizations in the USA that had long worked on the marriage issue, such as Lambda Legal and GLAD, sought to strategically exploit the political, legal and media opportunities that were generated by civil disobedience and new grass-roots organizations and networks, such as the New Paltz Equality Initiative, arose to maintain the momentum created by the initial actions of leaders.

The Reverends Kay Greenleaf and Dawn Sangrey, who continued the marriages after West had been charged, explained how the holy unions performed in the Unitarian Universalist church for many years between same-sex couples morphed into a legal claim to marriage over this period:

Kay Greenleaf: What we had been calling holy unions (in the Unitarian Universalist Church), we're now calling marriages. [With holy unions], we didn't give the couple any documentation afterwards, any affidavit. [With these couples, we gave] an affidavit saying that the reason we were giving them this was because they couldn't get a license because the county or the town clerk wouldn't give them one. Now, we could have been giving affidavits all along.

Dawn Sangrey: Right! But we never made the claim before that the marriages were legal. And so, these were civil ceremonies. And following in Jason's lead, [where] they had been giving affidavits the first weekend, we just picked up with that. So the couples all have a piece of paper that's the closest we can come to a legal document. It's notarized. It has their name on it. It has our name on it, and so on And I guess our hope is that these are going to hold up in the end that these are going to be legal documents that say that these people are truly married. We give them a contract which specifies things like who their witnesses are and whether or not they've ever been married before, and where they work; all the questions that are on the New York State Marriage License are in this contract. (Greenleaf and Sangrey, 2004)

Sangrey describes how she asserted the legality of the marriages as a deliberate challenge to the exclusion of same-sex couples from marriage when she was questioned by the District Attorney:

Dawn Sangrey: [I]t was very clear to us that he (the District Attorney) did not want to charge us (with solemnizing a marriage without a license). He was uncomfortable. He tried very hard to get us to say we didn't mean it, basically. He said, you know, 'These were really just religious services, right? You didn't really mean to do this civil law thing'. . . . [We said] 'Oh, yes, indeed. We meant for this to be a legal wedding. That was the whole idea'. So, then I think, he felt as if he had no choice but to charge us. (Greenleaf and Sangrey, 2004)

For many of the same-sex couples who participated in the weddings in New Paltz, the desire to participate in a legal marriage, even though the marriage was not recognized by the state, stemmed from the desire to assert the dignity, worth and equality of same-sex relationships, a drive which, as Hull (2006) rightly emphasizes, must be read as an act of political resistance. Inspired by the New Paltz example, the mayor in the nearby town of Nyack initiated a legal suit for the right to perform same-sex marriages (Shields and Streams, 2004) and a rally in New York City (NYC) was organized in part to protest the charges against West, Greenleaf and Sangrey. Clergy from various denominations conducted three same-sex marriages on the steps of New York City Hall, after being refused marriage licenses and organized other clergy to join with them in making a statement to do the same. In calling for solidarity among clergy on the same-sex marriage issue, Reverend Pat Bumgardner (senior pastor Metropolitan Community Church, NYC) and Rabbi Ayelet Cohen (Beth Shimchat-Torah) emphasized that, as clergy, they refused to be party to discrimination against lesbian and gay couples and linked this refusal to their own religious freedom (Bumgardner, 2004; Cohen, 2004). In making this refusal, a range of clergy representing different faith communities rejected official legality and appealed to a higher morality:

Rabbi Ayelet Cohen (Beth Shimchat-Torah): We clergy have performed and/or will perform religious weddings for same-sex couples. Any law or person who would prohibit us from doing so would deny us our religious freedom. Any law that denies same-sex couples the same right to civil marriage available to heterosexual couples discriminates against gay men and lesbians. We will not be complicit in this discrimination. Even if legislators and city clerks in this state interpret this law to deny marriage licenses to same-sex couples, we will continue to perform same-sex weddings. (Cohen, 2004)

In New York City, same-sex couples were camping out to obtain marriage licenses. The close proximity of Massachusetts meant that many New Yorkers could easily have gotten married in Massachusetts. However, the Republican governor of Massachusetts, Mitt Romney, declared that he would not permit out of state couples to marry in his state and that he had the right to prevent these marriages under a 1913 statute that had been designed to prevent interracial couples from other parts

of the USA from marrying in Massachusetts. In the classic fashion of counter movements, many of the participants in New York City reacted very strongly to George Bush's endorsement of the constitutional amendment to ban same-sex marriage as well as to the arrests in New Paltz. Participants clearly saw a link between the opposition to same-sex marriage and the politics of the Bush administration. As Montel and Michelle Cherry-Slack, an African-American couple who were married on the steps of New York City Hall by Reverend Pat Bumgardner, explain:

Michelle Cherry-Slack: [W]hen Bush came out with his proposal to amend the constitution, I think that really made people stand up and think that if he can say something like this so publicly, we need to get on the bandwagon. We need to do what we can do, as quickly as we can do it, recognizing at the same time that I think there are quite a few things that Bush doesn't want to talk about. So fine, we'll scapegoat the queer folks, we'll talk about same-sex marriage, we'll oppose same-sex marriage; when in fact, he should probably be talking about our economy. He should be talking about why so many people have died in Iraq after the cease-fire. These are things that he should be talking about, but instead, he's diverting attention. (Cherry-Slack and Cherry-Slack, 2004)

Frances King Stage and Michelle Thompson, an interracial couple, who married two months later as participants in the on-going marriages organized by the New Paltz Equality Initiative, emphasized the links between marriage laws in Massachusetts and USA laws on interracial marriage:

Michelle Thompson: [Mitt Romney] relied on a nineteenth-century law that would ban interracial marriages in the State of Massachusetts . . . So, you know, when the press was actually putting in context this notion of the historical connection of not allowing interracial marriages in the State of Massachusetts, I'm going, okay wait a minute, so you're going to rely on something that was slaverybased, that had a very clear agenda about the role of black people in society vis-à-vis white people and what that meant for our labor and our relationships and our bodies and our very being, to nullify gay marriage! What?! . . . I think gay marriage, for once I could go, well, maybe this is really radical. We are two people of the same gender, in our case we're interracial, and we're saying, that's not going to be acceptable to defend any of that. (Stage and Thompson, 2004)

The existence of anti-miscegenation laws in the USA is important to the legal recognition of same-sex marriage at the state level. Because jurisdiction over marriage in the USA belongs to the states while, in Canada, determination of capacity to marry is assigned to federal jurisdiction, state recognition of the changing marriage laws of other states as well as federal recognition of state laws is critically important for the same-sex marriage movement in the USA. While same-sex marriage had been permitted in Massachusetts, this recognition meant nothing in other states or in federal law, especially under the terms of the 1996 federal DOMA. The 1913 law cited by Governor Mitt Romney to block same-sex couples from out-of-state from marrying in Massachusetts was originally passed for the purpose of

blocking interracial couples from marrying in Massachusetts. In other words, while Massachusetts permitted interracial marriage in 1913 (as it permits same-sex marriage today), the 1913 law prohibits couples from other states from marrying in Massachusetts unless their home states also permit such marriages. Today, the same law bans same-sex couples from states that do not recognize such marriages from coming to Massachusetts to get married (Koppelman, 2006). A lively debate continues in Massachusetts on the need to do away with the 1913 law (LeBlanc, 2007). Furthermore, antimiscegenation laws remain on the books in some states, even though they have not been enforced since the US Supreme Court's decision in *Loving* (1967)⁴, which ruled that such enforcement was a violation of the equal protection provisions of the Bill of Rights (Kennedy, 2004). Hence, the alternative form of legality claimed by Newsom, West, other leaders and same-sex couples through civil disobedience was not simply the right to perform marriage ceremonies. Rather, the actions deliberately drew upon the power of official law to sanction its subversion. The couples not only sought out ministers and other religious officials to perform ceremonies, but also sought legal status for their ceremonies.

The actions of Newsom and West meant that those officially charged by the state with the performance of the act of civil marriage had decided to interpret their legal right of sanctioning marriages on behalf of the state to include people who, as they very well knew, were not included. This was a deliberate challenge to same-sex marriage opponents and especially to George W. Bush's statement that he wished to permanently bar same-sex couples from marriage by way of a constitutional amendment. As in Hull's (2006) study, the couples who chose to get married, even though they knew that state and federal governments would not recognize such marriages were drawing on the power of law to assert the legitimacy of their relationships, to 'take a stand' and to help change social attitudes. As Dorann Cannon explains:

I'm hoping in our life-time that people will definitely be more accepting, and, you know, legalize it. I think right now, it's just more ignorance for the fact of exactly what the relationship is all about. You know, too many stereotypes. But, I'm excited too. From what I'm told, hopefully within a year, New York is going to be legalizing it, which would be nice. If not, then [we] drive to Massachusetts in July. (Cannon, 2004)

Lisa Jackson, Nancy Passarella and their three children, Matthew, Amanda and Blake, a white family, also talked about making a stand:

Lisa Jackson: It's validating that we can have a family, and that we can have the same traditional values that anybody else can have. That I can share love with anybody I want, and my children can have two parents and can be loved and be healthy and normal and well-adjusted. And making a stand for being who we are.

Nancy Passarella: I don't know how quickly it will happen, but I think if more and more people see that this is just another part of life for people. It might take a year; it might take ten years; it might take twenty years, but it's the same as anything else I

think. Whether it was voting, or slavery, or civil rights; it all took many years and a lot of time, but somebody has to start. (Jackson and Passarella, 2004)

In this way, the same-sex marriage movement in the USA in 2004 used direct challenges to law in the tradition of civil disobedience, directly challenging the exclusion of same-sex couples from the regime of official legal recognition of conjugal status. By asserting that their relationships were equal to those of opposite sex couples, same-sex couples and their allies drew on the power of law as a cultural sanction, as a sign of social worth and approval while, at the same time, they subverted law through the performance of marriage ceremonies which were not accepted as strictly legal. While same-sex partnering ceremonies had been performed in many denominations for many years, these ceremonies and the actions of leaders such as Newsom and West entailed a more direct confrontation with law's exclusion. By issuing marriage licenses, Newsom, West, and other leaders such as the Unitarian Universalist ministers asserted their right to directly participate in the creation of law, asserting that law rests on the community's consent to it (or rejection of it) and shifting the question of legal legitimacy away from the courts and toward the grass roots of the community.

Toronto: The MCCT marriages

In Canada, challenges to the legality of the marriage law also sought to establish alternative forms of legality as a strategy to provoke legal cases that would have a reasonable chance of success in the courts. In this section, we focus specifically on the marriages that occurred on 14 January 2001 in the Metropolitan Community Church of Toronto (MCCT). These marriages were 'illegal' in the sense that the law did not permit same-sex marriage at the time yet they did not involve the same spontaneous protests, demonstrations and civil disobedience as in the US case. Like MCC and Unitarian Universalists in the USA, MCCT had been conducting commitment ceremonies for many years. In 1999, following successful litigation by the Canadian lesbian and gay movement in the case of *M v H* on the recognition of spousal rights and obligations for same-sex couples living together, the federal government passed legislation to recognize spousal rights for same-sex couples in federal jurisdiction. By the spring of 2000 same-sex marriage challenges representing different groups of couples had been launched in British Columbia and Ontario. These cases, along with an earlier case filed in Quebec, represented a multi-pronged legal attack on the heterosexual definition of marriage (Smith, 2005; Nicol, 2006). An older case from the 1970s provided the legal strategy for same-sex marriage litigation in the 2000s, demonstrating the extent to which same-sex marriage has been a goal for some lesbians and gay men since the gay liberation movement emerged. Inspired by examples of same-sex marriages and commitment ceremonies reported in the *Advocate* in the early 1970s, Chris Vogel and Richard North, gay activists in Winnipeg, Manitoba, had applied for a marriage license in 1973.

As North recounts: [M]arriage is about relationships, and, in those days, people tended to think of homosexuality as being about sex . . . The idea that homosexuals

could fall in love and establish long-term stable relationships was something that was . . . foreign to the person in the street . . . [I]t was a very good issue because it focused specifically on same-sex relationships. Human rights were of course, the other big issue in those days. But that didn't focus on the core of homosexuality. Human rights were about a minority that just happened to be identified by sexual orientation, whereas, with marriage, obviously, homosexuality was central . . . So that was a great issue for public education. And that was our principal concern in those days – trying to change public attitudes about homosexuality. (North and Vogel, 2004)

In December 1973, Chris and Richard applied for a marriage license. An incredulous clerk laughed at them, asking them if their request was a prank. When they insisted that they were serious about their application, they were told it was not possible. At that stage, the minister of the local Unitarian Church agreed to marry Chris and Richard by proclaiming the banns, a process recognized in Manitoba, which permitted an accredited church to issue a marriage license after reading the banns for three successive weeks. In 1974, Chris Vogel and Richard North were married in the Unitarian Church in Winnipeg. However, as in similar American legal challenges of the 1970s, the province of Manitoba refused to register their marriage and Vogel and North's legal challenge was dismissed by the courts.⁶ The strategy of using the banns re-emerged early in this century as Queen's University law professor Kathy Lahey (2004) approached MCCT's minister, Reverend Dr Brent Hawkes, and MCCT's lawyer, Douglas Elliott, with the idea of performing same-sex marriages using the banns, thus using the ancient practices of the church to create an alternative form of legality for same-sex marriage, to draw public and media attention to same-sex spousal relationships, to use the power of the religion on the side of same-sex couples, rather than against same-sex couples and to spark a legal challenge that would test the state's reaction.

As Elliott pointed out:

[we] wouldn't be attacking a Church. Normally the Church is attacking the gays, the gays are attacking the Church. It's the gays versus God. But in this case, it would highlight so beautifully that it's not about gays versus God, that there are different views on the issue. And people would have this wonderful image of people getting married. (Elliott, 2004)

As in the case of Newsom, West and others in the USA in 2004, the MCCT wedding in 2001 deliberately drew upon the power of official law to sanction its subversion. Hawkes believed that the public performative aspect of the marriage ceremony had the potential to have a broad social impact, especially on religious organizations opposed to same-sex marriage. As Hawkes explained:

I think that the weddings have the potential to be a huge tool for changing attitudes . . . [T]he religious right knows that and that's why they are fighting this so hard. [T]hose battles when people have to choose between their fundamentalist church or their Catholic church and their son or daughter, we'll win. (Hawkes, 2004)

Moreover, Hawkes and Elliott consciously drew upon the status of the church to demonstrate that religious freedom also included the right to perform same-sex marriage, in contrast to the religious-based arguments that maintained that same-sex marriage was an affront to religious values. MCCT's case was particularly interesting from the standpoint of religious freedom.

"I thought that . . . Metropolitan Community Church [should] point out that the old definition of marriage was enforcing one Christian view of marriage on another group of people who didn't share that view . . . [W]e don't permit the Catholic Church to enforce its divorce view on people who don't share that view. And I thought this engaged . . . freedom of religion . . . [I]n addition to being a good platform to argue for equal marriage, it seemed to me that even if it was unsuccessful it would completely cut the legs out from under our religious opposition, because they couldn't say that we were attacking a religious institution. It would make it very plain to the court that this was a religious debate. And they would be forced to either say that we were right that it discriminated against us either on the basis of freedom of religion or that freedom of religion wasn't involved in the issue at all, that the people who complained that their religious freedom was being interfered with had to be wrong, because it had nothing to do with religion". (Elliott, 2004)

The next step was to find couples from the MCCT congregation who would be willing to step forward. Elaine and Ann Vautour and Joe Varnell and Kevin Bourassa agreed to be the representative couples. In seeking the right to marry, the couples' goal was to overcome the stigma of exclusion, and to overcome the legal barriers to equality as a precondition to overcoming social inequality. As Kevin and Joe explain, despite the fact that many of the 'tangible' benefits of marriage were available to same-sex couples in Canada at this time, the symbolic message of full legal civil marriage was of key importance:

Kevin Bourassa: We saw a need to ensure that our government was not passing on the message that we were second-class citizens.

Joe Varnell: Because same-sex couples that are not married have varying degrees of recognition already, equivalent to common law heterosexual couples who have chosen not to marry, some of the practical differences didn't seem huge. We had been together for the requisite time in Ontario; we had almost all of the same rights. We could adopt, we . . .

Kevin Bourassa: We had common-law status, which Bill C-23 delivered in Canada.

Joe Varnell: It's not just the tangible goods and goals. Those are the things that are easily remedied by statute, but resorting to remedy by statute alone sends the message that Kevin talked about [that] these relationships are inferior. They are of a different nature, because marriage is reserved for those privileged heterosexual unions. And as long as that stigmatization and difference existed, we were never going to get where we needed to go, which was beyond tolerance to acceptance. When we eventually have in all provinces and territories in this country the right to go to your City Hall, the right to get married, that will not end the ostracism in the

community. It's cold comfort for a couple out in [small-town Alberta] . . . 'Oh great, we can go get married now. Does that mean our neighbours are going to treat us any differently and not have our windows smashed?' No, that's not going to end that. But until that legal barrier falls, we can't start to work on the second piece. (Bourassa and Varnell, 2004)

Douglas Elliott met with the couples and explained to them that their 'job was to be the "human" in human rights' and to 'talk over the heads of parliament, politicians and bishops, and convey from the heart how they were impacted by discrimination' (Bourassa in Bourassa and Varnell, 2004). On the first Sunday in December of 2000 (International Human Rights Day), MCCT announced that they would be reading the banns and marrying two couples in the New Year, on 14 January 2001. In proceeding with the reading of the banns and the marriages, MCCT interpreted the Ontario Marriage Act so as to override any objections to the marriages that were not specified in the Act, thus drawing upon the power of the law to subvert the barriers to legal recognition of same-sex marriage. Hawkes, describing his response to an objection said:

He [someone in attendance] objects because [he says]: 'the Bible and every world religion condemns homosexuality and the historical and legal definition of marriage is a man and a woman and that's the way it should remain' . . . And so after [this objection] I said: 'The Ontario Marriage Act is clear and it is my duty to determine if this is a lawful objection or not and I rule that it isn't. And so having done the third reading of the banns, we'll be doing the weddings on the 14th of January. And again the place went nuts and there was a real celebration. It was a wonderful moment. (Hawkes, 2004)

Strategically, MCCT 'leaked [the announcement] to the CBC, and so the CBC were present for the announcement that we were going to publish the banns and it got a huge amount of attention immediately' (Hawkes, 2004). The spacing out of the three readings of the banns and the actual marriages provided a strategy to mobilize support, build awareness and garner media attention. Elliott and Hawkes both believed strongly that, while there would undoubtedly be opposition and even the threat of physical violence, conducting the marriages would in itself act as a catalyst to public debate and that the image of two same-sex couples getting married would swing public opinion in favor of same-sex marriage. Their assessment was based in years of debates and activism in advancing LGBT rights. As Hawkes describes:

When we announced in December 2000 that we were reading the banns, the media said to us, 'Something's happening in the public, something's shifting out there'. And I've been told in that six-week period from when we announced the banns until we did the wedding, was the biggest shift in public opinion on a social issue in Canada, in that short period of time. And part of it was it was the topic of discussion, it couldn't be avoided, there was a concentration of media attention. That's another example of how a shifting public opinion affects the Courts, they don't act in a vacuum. The political movement created the atmosphere where political action could occur. (Hawkes, 2004)

By the day of the marriages, 80 international news media were in attendance, including 22 television crews, still photographers, press journalists and newsmagazines. MCCT pulled out the first four rows of a section of pews to accommodate the cameras. The church and Reverend Hawkes had received threats of violence, and enlisted the support of Toronto police to act as security. Reverend Hawkes wore a bullet-proof vest under his clerical robes and undercover police were stationed throughout the church. Despite the fact that the ceremonies conformed to the letter of the law as laid out in the Ontario statutes, the Ontario government and the federal government refused to register the marriages. That outcome had been anticipated by the couples, their lawyer and the Metropolitan Community Church of Toronto, and they launched a legal challenge against the federal and provincial governments to force the registration of the marriages.

Elliott:

We were very, very conscious that we were making history. And of course, the government of Ontario said, 'We're not going to register the documents. We're not going to accept that this was a valid wedding'. And so, we had anticipated that this might happen. Although interestingly they didn't try to stop the wedding, but they said they wouldn't accept the documents to be registered afterwards. And so, this was our cue to launch our lawsuit, which we did shortly thereafter, against the government of Canada and the government of Ontario to force the recognition of these marriages. (Elliott, 2004)

The MCCT lawsuit, along with the suit from other plaintiffs in Ontario, was joined in the *Halpern* case which, in June 2003, led to a decision from the Ontario Court of Appeal in favor of the applicant same-sex couples and in favor of the immediate issuing of marriage licenses by Toronto City Hall. The decision also recognized the MCCT marriages retroactively to January 2001. This case was the key step in the evolution of the Canadian litigation on same-sex marriage. Following a reference case in the Supreme Court of Canada in which the court upheld the federal power to change the definition of marriage, same-sex civil marriage was fully legalized by the federal government in June, 2005 (see Smith, 2008).

References for appendix1

Auchmuty, Rosemary (2004) 'Same-Sex Marriage Revived: Feminist Critique and Legal Strategy', *Feminism and Psychology* 14(1): 101–26.

Beyond Marriage (2006) *Beyond Same-Sex Marriage: A New Strategic Vision for all our Families and Relationships*. URL (accessed August 2008): http://www.beyondmarriage.org/full_statement.html

Bourassa, Kevin and Varnell, Joe (2004) Personal interview. Toronto, 30 August.

Boyd, Susan and Young, Claire F. L. (2003) 'From Same-Sex to No Sex? Trends towards Recognition of Same-Sex Relationships in Canada', *Seattle Journal of Social Justice* 1(3): 757–93.

Bumgardner, Reverend Pat (2004) Video documentation of same-sex marriages, interview by Michelle Handelman. New York City, 18 March.

Cannon, Dorann T. (2004) Personal interview. New Paltz, New York, 5 June.

Cherry-Slack, Montel and Cherry-Slack, Michelle (2004) Video documentation of same-sex interview by Michelle Handelman. New York City, 18 March.

Clement, Charles and Zinken, Maurice (2004) Personal interview. New Paltz, New York, 5 June.

Cohen, Rabbi Ayelet (2004) Video documentation of same-sex marriages, interview by Michelle Handelman. New York City, 18 March.

Elliott, Douglas (2004) Personal interview. Toronto, 2 September.

Engel, David M. and Munger, Frank W. (2003) *Rights of Inclusion: Law and Identity in the Life Stories of Americans with Disabilities*. Chicago, IL: University of Chicago Press.

Ewick, Patricia and Silbey, Susan S. (1998) *The Common Place of Law: Stories from Everyday Life*. Chicago, IL: University of Chicago Press.

Greenleaf, Reverend Katherine A. and Sangrey, Reverend Dawn (2004) Personal interview. New Paltz, New York, 7 June.

Harding, Rosie (2006) "‘Dogs Are ‘Registered’, People Shouldn’t Be’: Legal Consciousness and Lesbian and Gay Rights", *Social and Legal Studies* 15(4): 511–33.

Hawkes, Reverend Dr Brent (2004) Personal interview. Toronto, 31 August.

Hull, Kathleen E. (2006) *Same-Sex Marriage: The Cultural Politics of Love and Law*. New York: Cambridge University Press.

Hunt, Alan (1990) 'Rights and Social Movements: Counter-Hegemonic Strategies', *Journal of Law and Society* 17(3) Autumn: 309–28.

Jackson, Lisa and Passarella, Nancy (2004) Personal interview. New Paltz, New York, 5 June.

Kennedy, Randall (2004) *Interracial Intimacies: Sex, Marriage, Identity, and Adoption*. New York: Knopf.

Koppelman, Andrew (2006) *Same Sex, Different States: When Same-Sex Marriages Cross State Lines*. New Haven, CT and London: Yale University Press.

Lahey, Kathleen (2004) Personal interview. Toronto, 2 September.

LeBlanc, Steve (2007) 'Proposed Repeal of 1913 Law Could Lure Gay Couples to Mass', *Boston Globe online* (8 April) URL: (accessed August 2008): http://www.boston.com/news/local/massachusetts/articles/2007/04/08/proposed_repeal_of_1913_law_could_lure_gay_couples_to_mass/

Nicol, Nancy (2005) *Politics of the Heart*, documentary film.

Nicol, Nancy (2006) *The End of Second Class*, documentary film.

Nicol, Nancy (2008) *One Summer in New Paltz, A Cautionary Tale* documentary film.

North, Richard and Vogel, Chris (2004) Personal interview. Winnipeg, 21 July.

Pinello, Daniel R. (2006) *America's Struggle for Same-Sex Marriage*. Cambridge: Cambridge University Press.

Polikoff, Nancy (1993) 'We Will Get What We Ask for: Why Legalizing Gay and Lesbian Marriage Will Not Dismantle the Legal Structure of Gender in Every Marriage', *Virginia Law Review* 79(7) October: 1535–50.

Richardson, Diane (2005) 'Desiring Sameness? The Rise of a Neoliberal Politics of Normalisation', *Antipode* 37(3): 515–35.

Rosenberg, Gerald N. (1991) *The Hollow Hope: Can Courts Bring About Social Change?* Chicago, IL: University of Chicago Press.

Sandalow, Marc (2004) 'Same-Sex Marriage Ban of "National Importance" – Bush Digs in: He Calls for Constitutional Amendment', *San Francisco Chronicle*, 25 February. URL (accessed August 2008): <http://www.sfgate.com/cgi-bin/article.cgi?file=/c/a/2004/02/25/MNGNG57QKI1.DTL>

San Francisco (2004) *San Francisco to Continue Issuing Marriage Licenses*. Office of the Mayor press release, 17 February. URL (accessed August 2008): http://www.sfgov.org/site/mayor_page.asp?id=22918

Scheingold, Stuart (1989) 'Constitutional Rights and Social Change: Civil Rights in Perspective', in Michael W. McCann and Gerald L. Houseman (eds) *Judging the Constitution: Critical Essays on Judicial Lawmaking*, pp. 73–91. Glenview, IL: Scott, Foresman.

Shields, John (Mayor) and Streams, Robert (2004) Personal interview. Nyack, New York, 6 June.

Smith, Miriam (2005) 'Social Movements and Judicial Empowerment: Courts, Public Policy and Lesbian and Gay Organizing in Canada', *Politics & Society* 33(2) June: 327–53.

Smith, Miriam (2008) *Political Institutions and Lesbian and Gay Rights in the United States and Canada*. New York and London: Routledge.

Soule, Sarah A. (2004) 'Going to the Chapel? Same-Sex Marriage Bans in the United States, 1973–2000', *Social Problems* 51(4): 453–77.

Stage, Frances King and Thompson, Michelle Dionne (2004) Personal interview. New Paltz, New York, 5 June.

Strasser, Mark Philip (1997) *Legally Wed: Same-Sex Marriage and the Constitution*. Ithaca, NY: Cornell University Press.

Tamanaha, Brian Z. (2000) 'A Non-Essentialist Version of Legal Pluralism', *Journal of Law and Society* 27(2): 296–321.

West, Jason (2004) Personal interview. New Paltz, New York, 7 June.

Biographical Note

Nancy Nicol is a professor in the Visual Arts Department, York University, Canada. Address: Visual Arts Department, 237 Joan and Martin Goldfarb Centre for Fine Arts, York University, 4700 Keele St, Toronto, ON M3J 1P3 Canada. [email: nnicol@yorku.ca]

Miriam Smith is a professor in the School of Public Policy and Administration, York University, Canada. Address: School of Public Policy and Administration, York University, 4700 Keele St, Toronto, ON M3J 1P3 Canada. [email: mcsmith@yorku.ca]

APPENDIX2

Contemporary Qualitative Research for Science and Mathematics Educators (Taylor, P. and J. Wallace (2007).)

1. The Western Modern Science and Mathematics (WMSM) world view comprises the interlocking world views of Western Modern Science (WMS) and Western Modern Mathematics (WMM). The strong form of the WMS world view (labelled as 'scientism' by Huston Smith, 2001) comprises an ontology of *naïve realism* purporting an external reality that is fully apprehendable by means of: a dualist (mind/body, subject/object) rationality employing a logic which abhors contradiction; a positivist epistemology of research practice involving quantitative experimental design seeking generalisable natural laws; a disinterested researcher posture; a fixation with materialism and indifference to metaphysics, especially spirituality; research quality standards of objectivity, reliability, and validity (Guba and Lincoln, 2005); a discourse couched in Standard Average European languages (Kawasaki, in press); and production of propositional knowledge independent of culture. A weaker form of the WMS world view comprises a *critical realist* ontology that recognises the impossibility of fully apprehending reality, settling for closer and closer approximations; and a postpositivist epistemology of research practice validated in terms of the concept of triangulation. The Western Modern Mathematics (WMM) world view comprises an ontology of either *Platonism*, in which number and shape exist in pure form and are accessible only through the disciplined rational mind, or *Formalism*, in which mathematics is nothing other than the mechanical manipulation of symbols using formal logic. In both cases, mathematics is regarded as having secure foundations and as being transcendent of human experience, and thus of culture (Lakoff and Nunez, 2000). The WMSM world view is being criticised by educational researchers for accelerating the globalisation of Western cultural knowledge, particularly via the West's education export industry, resulting in displacement of local knowledge systems and the diminishing of cultural diversity.
2. Postmodernism is understood generally as an important countervailing standpoint that reminds us to contest the authority of 'grand narratives', especially those produced by the WMSM world view, to challenge with enduring scepticism the implied certainty of its universal knowledge claims (Lyotard, 1993). However, critics of the strong form of postmodernism argue that its deconstructive imperative leads to dystopic visions and nihilism. Moving beyond postmodernism (into post-postmodernism or a critical self-aware modernism?) we are witnessing the emergence of hybrid world views that seek unity in diversity by integrating premodern, modern, and postmodern world views in search of higher levels of consciousness (see especially: Ken Wilber, 1999; and Huston Smith, 1989).

3. Epistemology is a classical branch of philosophy concerned with the age-old problem of establishing foundational grounds for claims to justified true belief. The postepistemological standpoint of von Glasersfeld's radical constructivism (1995), which is consistent with Rorty's (1982) pragmatism and Lakoff and conceptual knowledge can be judged only in terms of its viability or fit with personal experience and its consensual fit with social convention. Thus, we cannot peek around our conceptual systems to see Nature 'as it really is'; we are forever captives of our conceptual systems no matter what their development. Of course this argument does not apply to faith based knowledge which claims to reveal God, absolute truth (or Truth), the Oneness of the Universe, etc.

4. Denzin and Lincoln's (2005) scheme of nine 'moments' of qualitative research.

- I. *Traditional Period* (1900–1950) – in which the heroic, lone field-worker romanticises his subject in accordance with social realism, positivism, and objectivism.
- II. *Modernist Phase* (or Golden Age of the Social Sciences) (1950–1970) – researchers as cultural romantics with emancipatory ideals valorise tragic subjects and critique social structures using the language of positivism and postpositivism.
- III. *Blurred Genres* (1970–1986) – naturalism, postpositivism and constructivism prevail, qualitative researchers become sensitive to the politics and ethics of their work, stop privileging their own interpretative voices, and produce multi-perspectival 'thick descriptions' using Arts-based based genres.
- IV. *Crisis of Representation* (1986–1990) – research and writing become more reflexively aware, a new politics of textuality contests the authority of the empirical sciences to represent the world of lived experience, fieldwork and writing blur, writing as a method of inquiry emerges.
- V. *Postmodern Experimental Ethnographic Writing* (1990–1995) – researchers responding to the ongoing triple crises of representation, legitimation, and praxis experiment with different ways of representing the 'other'; a major focus on participatory research and generating theory from small-scale problem-solving research in local contexts.
- VI. *Postexperimental Inquiry* (1995–2000) – researchers focus on novel ways of portraying and politicising lived experience via fictional ethnographies, ethnographic poetry, multimedia texts, visual form, and co-constructed, multi-voiced representations, etc.
- VII. *Methodologically Contested Present* (2000–2004) – a time of debate and struggle born of massive deregulation within qualitative research and of

political contestation with conservative regimes (that make claims regarding Truth) over what counts as 'valid' research.

- VIII. *The Immediate Future* (2005–) – social science emphasises a social justice purpose, the rise of indigenous social science(s); decolonisation of the academy via graduate research and culturally diverse faculty; social scientists transforming their own institutions via 'liberation methodology'.
- IX. *The Fractured Future* – academic work as political praxis; generation of new ethics, aesthetics, and teleologies for a globalised world.

References to Appendix 2

- Denzin, N. K. and Lincoln, Y. S. (eds.) (2005). *The Sage handbook of qualitative research* (3rd edn.). Thousand Oaks, CA: Sage.
- Guba, E. G. and Lincoln, Y. S. (eds.) (2005). Paradigmatic controversies, contradictions, and emerging confluences. In N. K. Denzin and Y. S. Lincoln (eds.), *The Sage handbook of qualitative research* (3rd edn., pp. 191–215). Thousand Oaks, CA: Sage.
- Lakoff, G. and Nunez, R. E. (2000). *Where mathematics comes from: How the embodied mind brings mathematics into being*. New York: Basic Books.
- Lyotard, J-F. (1993). *The postmodern condition: A report on knowledge*. Minneapolis, MN: University of Minnesota Press.
- Rorty, R. (1982). *Consequences of pragmatism*. Minneapolis, MN: University of Minnesota Press.
- Smith, H. (1989). *Beyond the post-modern mind*. Wheaton, IL: Quest Books.
- Smith, H. (2001). *Why religion matters: The fate of the human spirit in an age of disbelief*. New York, NY: HarperCollins.
- von Glasersfeld, E. (1995). A constructivist approach to teaching. In L. P. Steffe and J. Gale (eds.), *Constructivism in education* (pp. 3–15). Hillsdale, NJ: Lawrence Erlbaum.
- Wilber, K. (1999). *The collected works of Ken Wilber*. Boston, MA: Shambhala.