

The Concept of Homosexuality and the Standoff between Western Leaders and Some of their African Counterparts with Regards to Gay Rights: Issues for Policy Consideration.

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Abstract

The contention between Western leaders and their African counterparts with regards to gay rights is whether homosexuality is nature or nurture. So far gay biology or the “born this way” argument has been a moral and political tool for gay activist in the United States to achieve their civil rights; however, can this be justified? In order to redirect public policy on the issue, this article examine if the born this way argument which has been the force behind the acceptance of gay rights activist initial position, or the view by African leaders that homosexuality is an irresponsible behavior that should be banned, is correct. After a critical examination of relevant literature, in addition to interviews, there is little disagreement that homosexuals are identified not by a trait or a gene, but rather by their actions and therefore cannot be on par with the civil rights deprivations of Black Americans. As a result, Supreme Court justices have stopped short of resolving the question of same-sex marriage in the US even after the Defense of Marriage Act (DOMA), which excluded married gay couples from 1,138 federal protections and rights, was overturned and the Respect for Marriage Act (RFMA) was proposed. In opposition to RFMA, the religious Rights are now arguing that “It's a question of defending liberty itself, because they can't violate the laws of nature and of nature's God, as the Declaration talks about, they can't violate those laws without trampling religious freedom and political liberty at the same time.” This suggests that the ban of homosexual practices is not limited to some African countries as the West would have us believe. If we were to assume momentarily that homosexuality was genetic, then most Africans will not have an issue with gay rights. However, merely identifying as a minority group and demanding equal rights protecting will encourage terrorist or whistle-blowers like Edward Snowden

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to mobilize like minds and cause harm to their country in the name of 'equal rights or protection from discriminatory laws. The question now is, will the above groups be given equal protection? This is an issue to be considered by policy makers from both sides of the divide. On the other hand there was a general consensus among the interviewees in Nigeria that homosexual act is sinful and religious leaders who support homosexuality are "the enemies of God," while the un-Africaness of homosexuality as claimed by some African leaders could not be justified.

Key Words: *Homosexuality, Equal, Gay, Rights, Standoff, Africa, West.*

Background to the Study

In the West particularly in the United States of America, public debate over the past two decades have focus on the issue of lesbian and gay rights and/or "gay marriage," with opinion polls in the US showing increasing acceptance of gay rights. (Pew Research, 2013) This is in spite the activities of the Religious Rights that has been a vocal and powerful force opposing equal rights for the lesbian, gay, bisexual and transgender (LGBT) populations. The Arguments of anti-gay rights activists are categorized within two main claims: one, homosexuality is a sin, and two; homosexuality is a threat to society.

Gay activist on the other hand have used the fact that American media or other factions erroneously characterize the traditional meaning of 'marriage' as being on par with the civil rights deprivations of Black Americans. This argument has won the hearts of the Democrats and Barack Obama has shifted his views on whether same-sex couples should have the legal right to marry. "My feelings about this are constantly evolving," Obama said about same-sex marriage in December of 2010.

This is quite true for In August 2004, as Obama battled Republican Alan Keyes in the Senate race, his rival accused him of equivocating on the issue. But Obama's spokesman, Robert Gibbs, said, "Barack Obama is opposed to gay marriage but believes in civil unions as a policy, and secondly, our position on a constitutional amendment (limiting marriage to heterosexuals) is exactly the same position as Vice President Dick Cheney's in that it's unnecessary." (Curry, 2012).

In a debate the following month with Keyes, Obama said, "I'm a Christian, and so although I try not to have my religious beliefs dominate or determine my political views on this issue, I do believe that tradition and my religious beliefs say that marriage is something sanctified between a man and a woman," Obama said. "(as cited in Curry, 2012)

Even when he was elected president Obama disappointed his gay and lesbian allies by at first defending DOMA,(the Defense of Marriage Act which says that no state shall be required to recognize marriages between persons of the same sex performed in other states) a law which he had criticized. The Justice Department filed a motion to dismiss a legal challenge to DOMA in July of 2009. Justice spokeswoman Tracy Schmalzer said the department's standard practice was to defending existing law.

However by June 2013, the United States Supreme Court ruled in *Windsor v. United States* that Section 3 of DOMA is unconstitutional. That same day the Obama administration announced that it will take additional steps to provide increased federal respect for same-sex couples' legal marriages. (Raghavan, 2013).

Ironically Obama was in Senegal when this was announced but not everyone in his host country agreed with President Barack Obama's new-found views on gay marriage. Take, for instance, one African leader who disagrees with Obama, his host, the Senegalese president who stated that 'we are still not ready to decriminalize homosexuality'.(Hallowell, 2013).

Unlike the US or the West in general, Legislation against same-sex relationships enjoys widespread popular support in Africa, particularly in Nigeria, a strongly religious nation whose population is split about equally between Christians and Muslims. When the bill was being debated in the Nigerian Senate, the U.K.'s Cameron said he thought there ought to be more "strings attached" to foreign aid, and that he would consider cutting off aid to countries that failed to toe the liberal Western line on homosexuality. After the bill passed the Senate, the Obama administration ordered U.S.-led foreign aid organizations to use their resources to promote homosexual acceptance abroad.

At the time, these threats and manipulations sparked outrage among Nigerians and other Africans who saw the West's ultimatums as colonial-style abuses of power. Even Ghanaian President John Atta Mills, a major Western ally, said his country would reject aid if the terms required them to violate their morality. "I will never initiate or support any attempt to legalize homosexuality in Ghana," he told state media. "As government we will abide by the principles as contained in our Constitution, which is supreme." (Andersen, 2012)

House majority leader Mulikat Adeola-Akande. Was quoted saying "[Same-sex 'marriage'] is alien to our society and culture and it must not be imported," "This practice has no place in our culture, religion, Nigeria or anywhere in Africa. It is immorality and debasement of our culture, we condemn it in totality." (cited in Andersen, 2012)

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This article attempts to investigate the politic in the West on the one hand and Africa on the other in defining homosexuality. This is with the view to demonstrate how the interplay of these factors affects public policy with regards to either banning or to accept such practices. I ask are homosexual behaviors influenced by nature or by nurture. Or put in another way, if the "born this way" argument that, is the assertion which equates homosexual rights with that of the "civil rights" movements of racial minorities is correct, then the West has the moral right to insist that such practices should not be banned by some African leaders in their countries. However, is that the case? Homosexuality has been practiced for thousands of years. The "Africaness" of homosexuality is increasingly engaged in and consistently controversial topic. While it is continually claimed that homosexuality is un-African, studies by historians and anthropologists have found same-sex relationships to have been in existence in pre-colonial Africa.

In order not to be susceptible to reporting errors and superficial descriptions, the secondary data have been complemented by limited primary data in Nigeria. Open source data was used in the case of the United States which in this article represents the West while Nigeria represents Africa.

Statement of Problem

The issue of the legalization of same sex marriages and even the right to such practices is tearing relations between Western leaders, and leaders of some African leaders that have banned such unions apart. So far the arguments of anti-gay rights activists in Africa are categorized within three main claims: one, homosexuality is a sin, and two; homosexuality is a threat to society and three the un-Africaness of

homosexuality. Pro same sex activist in the West on the other hand equate the struggle for gay equality to the difficult passages toward women's rights and racial equality, and that a country's cultural or religious traditions are no excuse for discrimination. They emphasize that freedom from discrimination based on sexual orientation is surely a fundamental human right in any great democracy, as much as freedom from racial, religious, gender, or ethnic discrimination. As the standoff between the West and African leaders continues, one fundamental question which needs to be addressed is, what is the truth regarding homosexuality? Are there supporting evidence that gay rights could be on par with other minority rights? Too often, speculation, emotions, and politics play a major role in its assessment. Using the concept of framing, the article examine the ways in which lesbian and gay rights claimants in the USA have framed the issue of same-sex marriage that has made some landmark victories. One of such is the framing of the gay struggle as a civil right that can be compared with the struggle toward women's rights and racial equality. However can this comparison be justified with scientific evidence? In the process of addressing these questions, the objectives of the paper were achieved.

The objectives include among others;

1. To investigate how the West and Africans define homosexuality.
2. To investigate if there are scientific evidence to support the definition of the West and that of Africa? Or put differently, to investigate if the "born this way" argument by pro same sex marriage activists in the West is correct as this will help to redirect public policy on the issue,.
3. To explore evidence of the Africaness or un-Africaness of homosexuality.

Conceptual Clarifications

1. Homosexuality (from Ancient Greek *ὁμός*, meaning "same", and Latin *sexus*, meaning "sex") is romantic attraction, sexual attraction or sexual behavior between members of the same sex or gender. As a sexual orientation, homosexuality is "an enduring pattern of emotional, romantic, and/or sexual attractions" primarily or exclusively to people of the same sex. It "also refers to a person's sense of identity based on those attractions, related behaviors, and membership in a community of others who share those attractions." Indeed, it is by acting – or desiring to act – with another person that individuals express their heterosexuality, homosexuality, or bisexuality.

According to Rosario, Schrimshaw, Hunter, Braun (2006), "the development of a lesbian, gay, or bisexual (LGB) sexual identity is a complex and often difficult process. Unlike members of other minority groups (e.g., ethnic and racial minorities), most LGB individuals are not raised in a community of similar others from whom they learn about their identity and who reinforce and support that

identity. Rather, LGB individuals are often raised in communities that are either ignorant of or openly hostile toward homosexuality." There is no consensus among scientists about why a person develops a particular sexual orientation, often biologically-based theories for the cause of sexual orientation are favored by some experts who point to genetic factors, the early uterine environment, or both in combination. However, there is no substantive evidence which suggests that a gay gene exist. In this article the word gay may be used interchangeably with homosexual, while the concept includes bisexuality and situational homosexuality.

2. Gay rights' in this article is another term for 'human rights of the homosexual' in its broadest sense, including the entire lesbian, gay, bisexual, and transsexual (LGBT) populations. Gay rights do not comprise a new set of rights. Much like the women's rights and the civil rights movements preceding it, the gay rights movement in the United States is primarily fighting to ensure the implementation of non-discrimination policy – in particular, gay rights activists work to ensure that discrimination on the basis of sexual orientation, gender identity, and expression becomes unacceptable and illegal.

Theoretical Framework

The rights frame is an extension of the social movement politics used by the American civil rights movement, the women's movement and other rights claimants in liberal democracies. It frames the issue of same-sex marriage as a question of discrimination against citizens based on their sexual orientation.

Debates about the essential versus the constructed nature of lesbian and gay identity, which were once vital to the discussion of rights talk in the lesbian and gay movement (Epstein, 1987; Duggan, 1992) are no longer very crucial in the rights frame. Rather, the rights frame is based on the assertion that, whatever its origins, sexual orientation is a deep rooted aspect of identity and deserves civil rights protection. Obviously, the rights frame is centered in the approbation of homosexual behaviors, identities and relationships and, yet, the role of morality in the rights frame has been discounted to some degree. (Smith, 2007).

The rights frame does not engage the idea that homosexuality is wrong and defines the possibility of this normative judgment as analogous to asking if it is right or wrong to be African-American or if it is right or wrong to be a woman. That is, the question of the wrong-ness of homosexuality is simply not admitted to the frame. In contrast, the morality frame focuses on same-sex marriage as entailing a normative judgment about homosexual behavior and lifestyle, namely that, in some aspect or another, it is wrong and less deserving than heterosexuality.

According to the morality frame, the behavior or the lifestyle of homosexuals may be judged to be wrong or as undeserving of social sanction and state support. There is an abundance of rhetoric describing homosexuality as a sin against human nature.

Some goes back to the story of the creation of Adam and Eve. 'When God created Adam "He didn't get Adam another guy. He didn't get Adam three guys. He got Adam a woman".(cited in C. Rimmerman,2002) It has also been pointed out that God created Eve and Adam, not Eve and Madam.(Herman,1997) 'The Christian Right has been effective over the years in promoting the message that " Adam and Eve, not Adam and Steve" should be the norm in any decent society.' Therefore, it should be obvious that God has *not* created homosexuality, and consequently homosexuality works against the plan God has for humanity. A natural implication of such an argument is that people cannot be gay by birth. If God did not create homosexuality; it cannot be inherent in people.

Hence homosexuality poses a threat to the role of religion in life not only as immoral behavior in itself, but also as a part of the greater secularization of society. In addition it poses a threat on natural procreation that is highly valued in Africa.

Methodology

Data for this study include primary and secondary data. Due to the sensitive nature of homosexuality in Africa, it was difficult to rely heavily on secondary data sources that might be susceptible to reporting errors and superficial descriptions. Therefore, to approach the subject in an objective way, limited primary data were collected in two different areas in Nigeria. A cross sectional survey was conducted in Zaria between 7th and 9th of October, (Samaru and Congo) to determine if same sex sexual relationships are foreign to the country and if homosexuality is nature or nurture. While on the 13th to 15th of the same month another survey was conducted in Kabong and Apata in Jos North Local Government Area of Plateau State, so as to obtain opinions from the diverse ethnic groups in Nigeria. The research instrument was oral interviews with ten respondents that were randomly selected from each town. Nigeria was selected to represent Africa because of its size and the fact that Nigerian citizens like the Hausas are spread across the continent. However, when it came to settling the issue of whether homosexuality is nature, the researcher relied on open source data from the United States of America. Both published and unpublished secondary information on homosexuality in Nigerian and the West was utilized. These were accessed from international and local bibliographic archives and the Internet.

Gay Right Arguments/ Review of Scientific Evidence of Homosexual Gene in the USA

There has long been an argument between advocates of nature and nurture regarding the function each has in shaping human behavior. Recently, sociobiologists have had particular influence in shaping the argument regarding the inherent, or biological nature of homosexuals. "It's not a choice!" is a fundamental refrain of the gay-rights movement often echoed by both gay rights activists themselves and their allies. It adds a stark, clear line to the debate: You, the anti-gay-rights person, are punishing people for something they have no control over, just like their gender or the color of their skin. The problem with such statements is that they infuse biological accounts with an obligatory and nearly coercive force, suggesting that anyone who describes homosexual desire as a choice or social construction is playing into the hands of the enemy. However, just because an argument is politically strategic, does that make it true?

Onetime democratic presidential candidate and former Vermont Governor Howard Dean signed a bill legalizing civil unions for homosexuals in Vermont. In defending his actions, he commented: "The overwhelming evidence is that there is a very significant, substantial genetic component to it. From a religious point of view, if God had thought homosexuality is a sin, he would not have created gay people" (as quoted in VandeHei, 2004).

In 2012, the extent to which gay biology had become a moral and political imperative came into full view when actress Cynthia Nixon, after commenting to a New York Times Magazine reporter that she "chose" to pursue a lesbian relationship after many years as a content heterosexual, was met with outrage by lesbian and gay activists. As one horrified gay male writer proclaimed, "Nixon just fell into a right-wing trap, willingly. ...Every religious right hatemonger is now going to quote this woman every single time they want to deny us our civil rights." Under considerable pressure from lesbian and gay advocacy groups, Nixon recanted her statement a few weeks later, stating instead that she must have been born with bisexual potential (as quoted in ejaneward, 2013).

Homosexuality is one of the most explosive topics in the world today. The social and political ramifications affect the very roots of international politics. But are we being told the truth concerning homosexuality? Is there really a genetic basis for homosexuality?

.Brad Harrub, Bert Thompson, . and Dave Miller, reviewed past studies of Homosexuality and the “Gay Gene” in 2003, and concluded that available evidence clearly establishes that no such gene has been identified. Stating further that additional, evidence exists which documents that homosexuals can change their sexual orientation. .Further emphasizing that future decision regarding policies about, and/or treatment of, homosexuals should reflect this knowledge. They stated that while they were not explicitly addressing the origins debate, their article debunks 'science' mythology that has been popularized without rigorous objective critical analysis, in much the same way as most evolutionary dogma.

In her book, *Brain Storm: The Flaws in the Science of Sex Differences*, Rebecca Jordan-Young's, reiterated the issue in 2011. She devoted nearly 13 years to examining hundreds of published, peer-reviewed studies by psychologists, neurologists and other specialists aimed at proving “human brain organization theory,” which has claimed responsibility for everything from gender identity and innate talents to homosexuality. Jordan-Young says she discovered “serious methodological weaknesses, questionable assumptions, inconsistent definitions and enormous gaps between ambiguous findings and grand conclusions.” She argues that environmental factors, and not only biology, shape brains. (Siegel-Itzkovich 2011) *Just like* Jordan-Young, Salamone (2007) argued that the significance of the cultural construction of masculinity and femininity and of gender roles in general has been relatively neglected in the elevation of biological theories in the social sciences and their employment to explain cultural issues. That he was not denying the importance of biology, simply stressing the manner in which culture gives meaning to it in its social landscape”. He reached this conclusion after examining the manner in which the Hausa people of Nigeria define ideal masculinity and discovered that challenges to that concept, and reinforcements of it, come from men and “men who talk like women,” the 'Yan daudu'.

Mostly *yan daudu* have been categorized as homosexuals, transsexuals or transvestites without considering their specific role any further. Some of the *yan daudu* do have same-sex sexual relations with other men but partaking in same-sex actions is neither necessary nor a sufficient criterion for the status of yan Daudu. Their actions are part of cultural construction.

The Position of African Leaders as well as Some Historical Evidence of Homosexuality in Africa

Homosexuality has been practiced for thousands of years. The “Africaness” of homosexuality is increasingly engaged in and consistently controversial topic. While it is continually claimed that homosexuality is un-African, studies by historians and anthropologists have found same-sex relationships to have been in

existence in pre-colonial Africa.

In pre-colonial African societies same-sex relationships were often constituted through informal rites of passage. Roscoe and Murray's *Boy Wives and Female Husbands* reports that the Yan Daudu or Dan Daudu societies of the Hausa described such relations in terms connoting frivolity and irresponsibility, such as *wasa* (to play), thus allowing same-sex relations to be ignored or surrounded with a sense of invisibility. (Divani, 2011) Despite pretensions to the contrary, homosexual and ambisexual relationships exist in some African countries such as Nigeria, and there is little evidence that they are foreign impositions. Research has documented not only the incidence of homosexual behaviours in a variety of Nigerian cultures, but also patterns of identity formation and indigenous cosmologies that give lie to the notion that such sexualities emerged as a result of contact with foreign cultures(Izugbara,2004).

Evidence, indeed suggests, that in many cases, homosexual practices, while not always explicitly discussed or identified as such in the larger public imaginary were often treated with more tolerance in pre-colonial Nigeria than during and after the colonial period (Desai, 2000, Boykin, 2002, Murray, 2000).

Nigerians tend to view homosexuals as sick, subnormal, and dangerous people. Homosexuals dwell at the very margins of respectability in the larger Nigerian public imaginary. Homosexuality is also frequently associated with witchcraft, magic, and the possession of diabolical powers (Izugbara,2004) The colonial portrayal of indigenous sexuality as primitive and crude powerfully reinforced imperial modes of sexuality, and subjected a good number of local sexual practices to an overtly hostile treatment in the larger imaginary of the colonized. To this end, the rise in homophobia – the fear of men who challenge traditional male roles – in the colonial period in Nigeria has been reconstructed as the direct result of the psychological and cultural wounds visited by the colonial encounter (Izugbara,2004;Divani, 2011). Portrayed as the 'sexually backward other', Nigerians, like other colonized African people sought to resist these negative imageries by denying homosexuality as an indigenous cultural practice; and expressing heteronormality and their allegiance to heterosexist values. Of course some African leaders who argued that homosexuality is not part of African culture and that it has been perniciously imported in the continent should not be blamed, because historically speaking, African cultures frown against the open discussion of sexual matters and desires. For the sake of clarity however, some limited interviews were conducted to compliment the secondary data as this will make less susceptible to reporting errors and superficial descriptions.

Data from the Survey is presented under three Thematic Issues they Include;

1. To clarify the issue of the “un-Africaness” of homosexuality, respondents were asked of their opinion: 70% of those interviewed in Zaria stated that homosexuality existed in pre-Islamic Hausa culture. A respondent at Samaru posits that “ **Bori** is an African traditional religion of the Hausa people of Nigerian origin, who can now be found in most of West Africa. He stated that the religion involves spiritual possession” and Bori has a remarkably visible homosexual aspect, within 'Nigeri as homosexual community in the North called the Yan Daudu. That the Yan Daudu is a clear reference to 'Daudu' one of the many spirits in the pantheon of Bori” Therefore the assertion that homosexuality is un African is to reject part of the pre-Islamic Hausa history.

However only 50% of those interviewed in Jos acknowledged the Africaness of homosexual practices, an interviewee from Gombe stated that homosexuals were associated with witchcraft and that those individuals that are involved in the practice today, do so to acquire wealth or diabolical power. To him therefore, homosexuality is a behavior that is learnt by individuals who are initiated in a cult. That gays are known as madigo, while lesbians are known as Yan ludu, the word ludu ironically is an Arabic word suggesting that Lesbianism might have been imported from the Arab world or it was renamed by the Arabs. On the issue of “woman-to-woman marriage”, 60% of those interviewed stated that they are aware of such institutions in the southern part of the country. However they all argued that it was not created to facilitate lesbian marriage, but a woman marrying another woman was a show of wealth or to have children in the event of barrenness.

2. On whether homosexuality is nature or nurture; we found 90% of the interviewees arguing that it is a behavior that is learnt, with 60% of the respondents stating that it is a cult. This is in contrast with Western views that Same-sex sexual attractions or behaviors, are natural as gay activist will have us believe, while ignoring the significance of the cultural construction of masculinity and femininity and of gender roles in general and sexuality in particular.

3. With regards to the legalization of homosexual activities in Nigeria, 80% of the interviewees supported the government position that it is sinful and Nigeria been a religious country should not tolerate such acts. An interviewee in Congo stated that it is one of the signs of the “end times” that is found in the Bible where Christians will only hear what they want to hear and not what God wants them to hear.” Another respondent at Apata in Jos referred me to (Saint Paul's Epistle to the Romans,1; 21-27) and stated further that any situation which institutionalizes the circumvention of the purpose of the sexual act violates natural law and the objective norm of morality. From the new King James version it reads “because, although

they knew God, they did not glorify Him as God, nor were they thankful, but became futile in their thoughts, and their foolish hearts were darkened. Professing to be wise they become fools, and change the glory of the incorruptible God into an image made like corruptible man and birds and four footed animals and creeping things. Therefore God gave them up to uncleanness, in the lust of their hearts, to dishonor their bodies among themselves. Verse 25, Who exchange the truth of God for the lie, and worship and served the creature rather than the creator who is blessed for ever Amen. Verse 26, For this reason, God gave them up to vile passion. For even their women exchanged the natural use for what is against nature. Verse 27, likewise also their men, living the natural use of the women, burned in their lust for one another, men committing what is shameful, and receiving in themselves the penalty of their error which was due. Another Muslim respondent reiterated the issue stating that homosexuality is a sinful and should be banned. She asked me if I have not notice the gradual disappearance of the Bori dance in the North.

Summary of Findings

Overwhelming majorities in the predominantly Muslim areas surveyed were found saying that homosexuality is not imported to the country, but rejected the idea that it is nature and as such it sinful and should be banned. While 50% of those interviewed in Jos acknowledged the Africaness of Homosexual practices, but rejected the claims that homosexuals are born that way; that it is sinful and should be banned.

Ironically the opinion of most Christian's interviewed reiterated views of the religious Rights in the United States. They pointed out that 'grace is for the homosexual too' and while stating that the 'church had better make it plain that Christianity and homosexuality are incompatible,' adds that the church also 'proclaims deliverance for the homosexual from his sinful habit through faith in Jesus Christ.

While the review of some past works on Homosexuality and the "Gay Gene" suggest that no such gene has been identified, rather environmental factors, play an important role in determining sexual orientations just like the case of the yan daudu in Northern Nigeria. (Source, Field work between 7th -15th October 2014)

Conclusions

Proving that being gay is not a choice means that discrimination against gays becomes a matter of civil rights with wider social acceptance and better protection against discrimination both in the West and Africa. Unfortunately no such gene has been identified making it difficult for Africans and the religious Right in the US to support gay rights. As a result, Supreme Court justices have stopped short of

resolving the question of same-sex marriage in the US even after the Defense of Marriage Act (DOMA), which excluded married gay couples from 1,138 federal protections and rights, was overturned and the Respect for Marriage Act (RFMA) was proposed.

For instance on July 17, 2014, Monroe County Circuit Judge Luis M. Garcia struck down Florida's voter-approved ban on same-sex marriage, stating that "it is our country's proud history to protect the rights of the individual, the rights of the unpopular and the rights of the powerless, even at the cost of offending the majority." Stating that the ruling applies only to Monroe County, and although Judge Garcia initially said marriage licenses could be issued beginning on July 22, 2014, an automatic stay was put on the decision when Florida Attorney General Pam Bondi filed notice that the state would appeal.

Although Windsor's holding on its face is limited to same-sex couples in marriages "made lawful by the State in the USA," the decision provides a firm foundation for a broader opinion in the future, one that will explicitly affirm the constitutional right of all individuals to choice, regardless of whether it harms society or not. The religious Rights are now arguing that "It's a question of defending liberty itself since the court has rule out the fact that although the governing majority in a State has traditional viewed a particular practice as immoral is not a sufficient reason for upholding a law prohibiting the practice. Ironically this is the bone of contention between Western leaders and their African counterparts with the latter rejecting homosexual practices on moral grounds just like the religious Rights in the West .

References

- Aarti, D. (2011) "Is Homosexuality." "Un-African"?<http://thinkafricapress.com/author/aarti-divani> Retrieved 4 August 2014
- Billy, H. (2013) "Obama Clashes With African Leader Over Gay Rights: We Are Still Not Ready to Decriminalize Homosexuality." Accessed online at
- Boykin, K. (2002) "Homosexuality in Africa Accessed." online at /html.
- Brad, H., Bert T., & Dave M. (2003) "This is the Way God Made Me: a Scientific Examination of Homosexuality and the 'Gay Gene'" Alabama: Apologetics Press, Inc
- Curt, A. (2014) "Federal Judge Rules Florida Gay Marriage Ban Unconstitutional, but Delays Issuing of Licenses." ap.org. Retrieved 14 October 2014
- Desai, G. (2000). "Queer Theory and Alternative Sexualities." Paper presented at Seminar Series on Homosexuality in African Literary Studies, University of Cambridge, Cambridge.
- Duggan, L. (1992) "Making It Perfectly Queer." *Socialist Review* 22(1)
- Epstein, S. (1987), "Gay Politics, Ethnic Identity: The Limits of Social Constructionism". *Socialist Review* 17: 9-54.
- Frank S. (1975) "Religion as Play: Bori, a Friendly Witchdoctor". *Journal of Religion in Africa*, Vol. 7, Fasc. 3
- Frank S. (2007). "Hausa Concepts of Masculinity and the 'Yan Daudu'" Volume 1, Number 1 Article (270 KB PDF) Issue (1.41 MB PDF) Kindle edition
- Gautam R. (, 2013), "Obama Administration Statements on the Supreme Court's DOMA Ruling, WHITE HOUSE BLOG." <http://www.whitehouse.gov/blog/2013/06/27/> Retrieved 7 October 2014
- Herman, D. (1997), "The Anti-gay Agenda: Orthodox Vision and the Christian Right." Chicago: University of Chicago Press
- Izugbara O. C. (2004) "Patriarchal Ideology and Discourses of Sexuality in Nigeria" Understanding Human Sexuality Seminar Series 2 © ARSRC. Africa Regional Sexuality Resource Centre

- Jane W., (2013), " Can Living in the City Make you Gay? On Queering Parenting and Gender-Neutrality No One is Born Gay (or Straight) here are 5 reasons why." Accessed online at <http://socialinqueery.com>.
- Kirsten A. (2012). "Nigeria to Western nations: We'd sooner refuse aid than legalize same-sex "marriage" (LifeSiteNews.com)
- Lorenzo F-B & Brian R., 2014) "7 Key Moments From Edward Snowden's First-Ever U.S. TV Interview" visit NBCNews.com.
- Murray, S. O. (2000) "Homosexuality in traditional sub-Saharan Africa and contemporary South Africa." Accessed online at http://segai.free.fr.dri_etpdf/Africa.pdf 20/06/2003.
- Onwuejeogwu, M. (1969). "The cult of the Bori spirits among the Hausa." *Man and Africa*, 279-305.
- Pew Research Center' (2013) "The Global Divide on Homosexuality"
- Rimmerman, C. (2002). "From Identity to Politics: the Lesbian and Gay Movement in the United States." Philadelphia: Temple University Press.
- Rosario, M., Schrimshaw, E., Hunter, J., & Braun, L. (February 2006). "Sexual identity development among lesbian, gay, and bisexual youths: Consistency and change over time." *Journal of Sex Research*, 43(1), 46-58. Retrieved 4 April 2014
- Smith, M. (2007) "Framing same-sex marriage in Canada and the United States: Goodridge, Halpern and the national boundaries of political discourse." *Social & legal studies* SAGE Publications Los Angeles,
- Smith, M. (2004) "Segmented Networks: Linguistic Practices in Canadian Lesbian and Gay Rights Organizing". *Ethnicities* 4(1)
- Tom C. (2012) "Evolution' of Obama's stance on gay marriage". *National Affairs* Writer; NBC Politics
- Tradition of Same Gender Marriage in Igboland, Nigeria by Leo Igwe. This article originally appeared in the *Nigeria Tribune*. Retrieved 7th October, 2014 <http://Creative Commons.org/license/by-sa/3.0/deed.en-US>

Umar H. D. D. (1999) "Factors Contributing to the Survival of the Bori Cult in Northern Nigeria". *Numen*, Vol. 46, No. 4

VandeHei, J. (2004), "Dean Says Faith Swayed Decision on Gay Unions," *The Washington Post*, p. A-1, January 8.