

## **'Buggery' and the Commonwealth Caribbean: a comparative examination of the Bahamas, Jamaica, and Trinidad and Tobago**

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### **Introduction**

Over the last decade the attitudes of Commonwealth Caribbean people towards homosexuality have been discussed at length in the popular media. This is especially true of media outside of the Caribbean, which has taken a keen interest in what has often been called 'Caribbean homophobia'. In 2006, *Time Magazine* published an article by Tim Padgett entitled 'The most homophobic place on Earth', in reference to what he described as Jamaica's 'rampant violence against gays and lesbians'. Popular gay magazine *Advocate* (2005) suggested in an article that the Bahamas should be moved to a 'watch-list' so that gay and lesbian tourists will know to avoid it as a destination. Peter Dayle, a reporter for *The Guardian*, wrote in 2010 that 'examples abound of government-supported homophobia in the Caribbean'. That the Caribbean is a region marked by homophobia is, for the most part, taken for granted. The assertions by the media highlighted above are reflected in the legal codes of many Commonwealth Caribbean countries. According to the International Lesbian, Gay, Trans and Intersex Association's (ILGA) 2011 report, 'State-sponsored homophobia', 11 of the 12 Commonwealth Caribbean countries have laws that make same-sex intimacy illegal. Guyana and Trinidad and Tobago's laws prescribe the harshest punishment – life and 25 years in prison respectively – for 'buggery' committed between two consenting adults (ILGA 2011).<sup>8</sup>

Cecile Gutzmore (2004) argues that homophobia in Jamaica is underpinned by five ideological imperatives. Among them, the illegality of homosexuality

8 Historically, the term 'buggery' is considered interchangeable with sodomy and was used in English legal documents and formal language to describe sexual intercourse between men (Goldsmith 1998).

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'mobilizes the authority of the state and the celebrated connection between law and morality to deny the right of sexual privacy' (2004, p. 133). The law and heterosexuality are positioned as the basis of order, while consensual same-sex intimacy is placed on the legal continuum alongside heterosexual sexual violence – scripting the psyche of homosexuality as one of criminality (Alexander 1994).

Though Gutzmore (2004) foregrounds the specificity of 'Jamaican homophobia', and lists the criminalisation of homosexuality as a secondary ideological imperative, the importance of the criminalisation of homosexuality throughout the Commonwealth Caribbean in fostering sexual prejudice and stigma should not be doubted. While many of these laws are used on rare occasions (usually coupled with other more serious crimes), 'the very existence of sodomy laws creates a criminal class of gay men and lesbians, who are consequently targeted for violence, harassment and discrimination because of their criminal status' (Leslie 2000, p. 103).

This chapter examines the history of the criminalisation of same-sex intimacy in the Commonwealth Caribbean, highlighting the challenges to and successes of efforts focused on decriminalisation and discussing key factors that may present opportunities for changes to existing 'buggery laws'. This will be undertaken through a comparison of three countries – Jamaica, Trinidad and Tobago and the Bahamas – using academic research, popular media accounts, reports from non-governmental organisations (NGOs) and correspondence with local activists. Most of the research on sexual prejudice and stigma in the Caribbean focuses on these three countries, especially Jamaica and Trinidad and Tobago. The Bahamas is an important case study to include in this comparison because it is the only Commonwealth Caribbean country to have decriminalised same-sex intimacy. Each of these countries present sufficiently different contexts and, as this chapter will illustrate, considering them together can be instructive for how one views 'Caribbean homophobia' and the work of decriminalising same-sex intimacy in the region.

## **1. A history of criminalisation**

The laws in the Commonwealth Caribbean that criminalise same-sex intimacy are remnants of the region's colonial past; however, the history of present-day anti-homosexual legislation is more complicated than this statement might suggest. This section will focus on Jamaica and Trinidad and Tobago, recounting how the criminalisation of same-sex intimacy came about in each country, the effects of these laws and how they have been used. The Bahamas will be considered in the following section along with the story of decriminalisation in that country.

Even though colonies in the Caribbean adopted British buggery laws in their various incarnations during the colonial project, the colonial environment was

much more relaxed than the British 'home base' (Hyam 1991). It was in the final decades of the 19th century that outright hostility towards homosexual acts became common, specifically during the Victorian era. Anxiety about homosexuality was fuelled by fears of declining middle-class values and perceived threats to the British Empire (Upchurch 2009).

In general, the colonies provided greater space and privacy, separation from family ties and moral pressures, along with the power that accompanies conquest (Hyam 1991). During the first half of the Caribbean colonial project British colonisers lived in an almost all-male society with few outlets for heterosexual sex and with little legal restriction (Dunn 1972; Burg 1983). Though these demographics changed significantly by the 18th century, sexual licence was among the most distinctive characteristics of British Caribbean society (Green, in Hyam 1991, p. 93).

As for slave communities in the British Caribbean, little is known of how their attitudes towards same-sex sexualities manifested in the colonial context. Planters preferred to buy healthy young adult males from West Africa, specifically Papaw, Cormantin and Ibo (modern-day Benin, Ghana and Nigeria). Sweet's (1996) historical analysis suggests that many of the spiritual traditions of these West African people created a social and cultural space for male homosexuality.

Despite the existence of 'buggery laws,' attitudes concerning sexuality prior to the Victorian period were fairly liberal. Sometime between 1678 and 1680, Francis Dilly was executed in Jamaica by order of the Governor for being the ringleader of a group of 'sodomites' but the other three men implicated were pardoned (Burg 1984). Even after the demographical imbalance was rectified in Barbados, Thomas Walduck wrote a poem describing the sins of Sodom as excelling in that colony. It is possible, as Burg (1984) points out, that the use of 'Sodom' as a descriptor by Walduck could suggest general lasciviousness in Barbados; however, its continued and repeated use by a number of travel writers suggests that they were referring to the prevalence of same-sex intimacy in Caribbean colonies. 'The judgement of Sodom was to befall the islands [... and] Port Royal was the Sodom of the Universe. All were descriptions given by contemporary commentators' (Burg 1984, p. 105). Madam Margaret Heathcote provides the most frank account from the English Caribbean island of Antigua. Writing to her cousin, John Winthrop Jr in 1655, she said, 'And truly, Sir, I am not so much in love with any as to goe [sic] much abroad ... they all be a company of sodomites that live here' (Burg 1984, p. 105).

In 1962 both Jamaica and Trinidad and Tobago gained independence from Britain, with Trinidad becoming a republic in 1976. The Bahamas also successfully negotiated its independence, more than a decade after Jamaica and Trinidad and Tobago, which came into effect in 1973. In each case, the constitutions provided that the laws in force immediately before or on 'the appointed day' of independence would continue to be in force thereafter. This

meant that the buggery law of 1861, which was not repealed in England and Wales until 1967, was retained by Jamaica and Trinidad and Tobago.

### *1.1 Jamaica and the 'Unnatural Offence'*

Today, Jamaica's 'buggery law' still reads like the original 1861 British law. Article 76 of the Offences Against the Person Act, entitled the 'Unnatural Crime,' says, 'Whosoever shall be convicted of the abominable crime of buggery [anal intercourse] committed either with mankind or with any animal, shall be liable to be imprisoned and kept to hard labour for a term not exceeding ten years' (Offences Against the Person Act 2009). Article 77 goes further, making the *attempt* to engage in 'buggery' or 'indecent assault' on a male punishable by seven years with or without hard labour. Article 78, in keeping with the 1828 amendment to the British Offences Against the Person Act, requires only penetration – not emission – as proof of the crime. Finally, the law also makes it illegal for 'male persons' to engage in or attempt to engage in 'acts of gross indecency,' in public or private, a misdemeanour offence punishable by two years in prison with or without hard labour (Offences Against the Person Act 2009, a. 79).

No other crime in the Offences Against the Person Act is described as 'unnatural'. It seems an unnatural offence is only so when it occurs between persons of the same sex, as the law does not describe rape, incest and heterosexual sex *per anum* in such terms. Operating within a paradigm that views heterosexuality as not just normative but exclusively 'natural', the law rejects same-sex intimacy as outside the boundaries of nature itself (Phillips 1997). This is a view often reflected in Jamaican popular culture. Gutzmore (2004) examines the lyrics of a number of popular Jamaican songs from the reggae and dancehall genres, many of which '[foreground] the naturalness of heterosexual sex while inveighing violently against homosexuality on the grounds of its unnaturalness' (Gutzmore 2004, pp. 131–2).

Former Prime Minister Bruce Golding, while debating the 'buggery laws' in 2009, said, 'Every society is shaped and defined by certain moral standards and the laws that evolve in that society are informed by a framework that the society recognises' (Luton 2009). The summary of the 2004 Human Rights Watch report, 'Hated to death: homophobia, violence and Jamaica's HIV/AIDS epidemic', details the violence perpetrated against homosexuals and those perceived to be homosexual in a society that views such persons as unnatural. In 2004, Jamaica's leading gay rights activist, Brian Williamson, was mutilated and murdered in his own home (Human Rights Watch 2004). Williamson's murder was the 30th since the 1997 prison riot, set off by Jamaica's Commissioner of Corrections when he insisted on providing condoms for inmates to curb the spread of sexually transmitted infections in the prison population. Seventeen men thought to be homosexual were

killed – beaten, stabbed or burned to death – and another 40 were injured (Gutzmore 2004).

The number and frequency of violent acts against lesbian, gay, bisexual, transgender/same gender loving (LGBT/SGL) people is difficult to quantify because these incidents often go unreported. Police apathy in responding to complaints by LGBT/SGL people is common and by reporting such abuses, LGBT/SGL persons might incriminate themselves with the 'buggery laws' still on the books. In this climate, LGBT/SGL activists in Jamaica have seen increasing reports of discrimination and harassment, according to Dane Lewis, executive director of the LGBT rights group, Jamaican Forum for Lesbians, All-Sexuals and Gays (J-FLAG 2011a).

Though former Prime Minister Golding assured Jamaicans that 'We will never start hounding down people because they may have lifestyles that we would prefer did not exist', the law has resulted in police raids on known gay establishments (Luton 2009). In 2011, heavily armed police officers raided a club in Montego Bay, 'aggressively accosting patrons, kicking in doors, beating and pistol-whipping indiscriminately,' all the while insulting the club's patrons (Tomlinson 2011). In the confusion, patrons from other venues began joining in with officers in the abuse, hurling bottles and slurs alike, and leaving 20 people to seek treatment for injuries at a local hospital. This was not the first time such action was taken by police. Earlier in 2011, police raided another gay establishment without their badges, intimidating patrons with guns and bright flashlights (Tomlinson 2011).

Apart from the actual physical abuse the law incites, experts who have studied the spread of HIV/AIDS in Jamaica believe the law is partially responsible for the virus's continued spread (Human Rights Watch 2004; Carr and White 2005; Carr et al. 2006). Jamaica's HIV/AIDS rate is over one per cent, representing tens of thousands of cases. HIV/AIDS patients report being abused by family members and their communities because of their perceived 'sexual deviance' (Carr et al. 2006). Information about HIV/AIDS patients is routinely leaked to the public by health workers prejudiced against homosexuals and these abuses are perpetrated in a climate of impunity, given the 'buggery law' (Human Rights Watch 2004).<sup>9</sup>

While much of the scholarly work and popular media accounts concerning Jamaica's culture of homophobia highlights abuses faced by gay or SGL men, the abuse of lesbians, SGL women and trans-women is also not uncommon. In 2010, the Jamaican Association of Women for Women published a report

9 It must be noted, however, that class plays a significant role in one's exposure to sexual and HIV-stigma, prejudice and violence in Jamaica (Gutzmore 2004; Carr and White 2005). Throughout the Caribbean, middle-class homosexuals are afforded some tolerance due to their economic capital and the social spaces which they can create for themselves (Donnell 2006).

involving 11 participants of various sexual orientations and one trans-woman, all of whom were victims of ‘corrective rape’ (ILGA 2010). Two of them reported being raped by law enforcement officials. In one particularly brutal case, a 17-year-old was held captive by her mother and raped by multiple religious leaders in the hope that she would be ‘cured’. The report concludes that lesbian, bisexual and especially trans-women do not report rape because they fear they will be arrested instead of helped.

Though Jamaica successfully fought for its independence from the British Empire, the ‘buggery law’ imposed on this former colony remains completely intact. Utilising a discourse of morality and the ‘natural’, this law has served to foster a popular culture rife with homophobia and abuses by state agents. The ‘unnaturalness’ of homosexuality has become an especially prolific ideological anchor for homophobic rhetoric among religious leaders, popular artists and politicians. Despite the protection that former Prime Minister Golding promised to the LGBT community during the 2009 parliamentary debate concerning the law, evidence shows clearly that Jamaica’s ‘buggery’ law is truly harmful to sexual minorities.

### ***1.2 Trinidad and Tobago: the symbolism of the law and the ‘prohibited class’***

Unlike Jamaica, Trinidad and Tobago did not retain the original 1861 ‘buggery law’. Instead, in 1986 the Parliament of the Republic of Trinidad and Tobago passed the Sexual Offences Act which repealed the 1861 law and outlawed same-sex intimacy in clearer terms (Sexual Offences Act 2000). With this gesture, M. Jacqui Alexander (1997, pp. 7–8) asserts, ‘It was the first time the postcolonial state confronted earlier colonial practices which policed and scripted “native” sexuality to help consolidate the myth of imperial authority’.

Section 13 of Trinidad and Tobago’s Sexual Offences Act 2000 makes ‘buggery’ and ‘acts of serious indecency’ illegal and punishable by various terms of imprisonment. Acts of buggery with a minor, with an adult, or as a minor all carry different sentencing requirements. As is the case with Jamaican law, buggery is defined as sex *per anum*; however, in Trinidad and Tobago buggery describes both homosexual and heterosexual anal sex. Whereas in Jamaica, ‘acts of gross indecency’ are left undefined, in Trinidad and Tobago an ‘act of serious indecency’ is understood as an ‘act, other than sexual intercourse (whether natural or unnatural), by a person involving the use of the genital organ for the purpose of arousing or gratifying sexual desire’ (Sexual Offences Act 2000). An ‘act of serious indecency’ cannot, however, occur between two heterosexual consenting adults who are of age.

Although the law in Trinidad and Tobago does not explicitly characterise buggery as ‘unnatural’ like the Jamaican law does, it does make clear that vaginal sex is the only and most ‘natural’ option for sexual intercourse. The precise definition of ‘acts of serious indecency’ essentially outlaws any other inventive

ways one might employ to enjoy same-sex intimacy. Again, the law attempts to define the boundaries of the 'natural' and 'unnatural.' That these laws are necessary shows that what is natural 'is in fact very deliberately constituted discursively through social and intellectual construction' (Phillips 1997, p. 47).

Unique to Trinidad and Tobago – when compared to both the Bahamas and Jamaica – is Article 8 (18/1) of the Immigration Act. In 1974, the Immigration Act was amended to prevent homosexuals from entering the country, labelling them as a 'prohibited class'. Other 'prohibited classes' include idiots and the feeble-minded, drug addicts, those with serious infectious diseases, chronic alcoholics and other 'persons reasonably suspected as coming to Trinidad and Tobago for these or any other immoral purposes' (Immigration Act 1995, A.8). The 'prohibited class' thus becomes a descriptor for those who do not belong – those who pose a danger to the nation.

Despite the obvious problems these laws cause for LGBTQ/SGL (lesbian, bisexual, transgender, queer/same-gender loving) Trinidadians, it seems they are rarely – if ever – used to prosecute persons exclusively on the basis of their sexuality. Appeals by religious leaders to ban gay pop-singer Elton John from Trinidad were denied by government officials (*Daily Mail* 2007). Also, Trinidad's world-renowned carnival is becoming 'increasingly coded as a gay and lesbian affair, especially by the gay and lesbian tourist industry' (Puar 2001, p. 1039). Through websites and email lists, community meetings and gay-friendly parties are becoming popular. Scholar Jasbir Puar (2001) attended 'Diva', a drag show performed yearly in Port of Spain city. 'Diva' is perhaps the most popular but not the only LGBT event in Trinidad: 'Annual gay fetes during the holidays and Carnival had become routine, and public events for International AIDS day and even gay pride had previously been staged in Trinidad' (Puar 2001, p. 1041). Furthermore, Trinidad's Coalition Advocating for the Inclusion of Sexual Orientation (CAISO) is flourishing in its advocacy work.

The most recent cases in which the buggery and 'serious indecency' laws were used seem to involve paedophilia, rape and other serious charges. In the case of *The State v. Samuel Duke* (1999), Duke was charged with both incest and serious indecency after his daughter filed a complaint. In another case, appeal papers for Kester Benjamin (2008) show that the appellant was charged with rape, buggery and robbery with aggravation after assaulting a female furniture store attendant. More recently, in 2011 three men were charged with buggery after kidnapping and raping a 14-year-old boy (*Trinidad and Tobago Guardian Online* 2011). In December of 2011, a 58-year-old man was sentenced to 24 years for the buggery of a 12-year-old school boy (*Trinidad and Tobago Newsday* 2011).

Are these laws innocuous because law enforcement has not targeted the LGBTQ/SGL community using the buggery law and given the obvious disregard for the Immigration Act? Does the gender-neutral prohibition of

buggery mean that the law is not meant to discriminate against gay or SGL men alone? Leslie (2000) asserts that often people assume that unenforced laws are harmless and therefore that sodomy laws which go unenforced are harmless. Leslie (2000, p. 112) writes:

Sodomy laws exist to brand gay men and lesbians as criminals. Social ordering necessitates the criminalization of sodomy, thereby creating a hierarchy that values heterosexuality over, and often to the exclusion of, homosexuality. This symbolic effect of sodomy laws is not dependent on their enforcement. Even though very few men and virtually no women ever suffer the full range of criminal sanctions permitted under state sodomy laws, these statutes impose the stigma of criminality upon same-sex eroticism.

Though Trinidad and Tobago's law does not exclusively target same-sex intimacy, it can be argued that what Leslie (2000) says of the United States is true elsewhere. Despite the gender-neutrality of the law, sodomy laws are almost always mischaracterised as applying exclusively to homosexuals and it is usually animus towards homosexuals that prevents their repeal. Leslie (2000) highlights the symbolic power of the law and this is exemplified particularly in Trinidad and Tobago's 'prohibited classes' law, which groups the homosexual with drug addicts, alcoholics, prostitutes and the feeble-minded. Moreover, the use of what is likely understood to be an anti-homosexual law alongside a host of other charges, including rape and molestation, conflates these violent offences with same-sex intimacy.

This symbolism is not limited exclusively to the Trinidadian context but is an underlying contributor to homophobia throughout the Caribbean, where laws create a criminal class of sexual minorities. The term 'sexual stigma' describes a society's antipathy towards non-heterosexuals. In social psychology 'stigma' is used to refer to a 'physical or figurative mark borne by an individual ... not inherently meaningful; [but whose] meanings are attached to it through social interaction ... [and] involves a negative valuation' (Herek 2004, p. 14). This stigma envelops the identity of such persons and results in asymmetrical power relations and access to resources compared to those who fit the norm (Herek 2004). In effect, even though these laws are not often used to prosecute otherwise law-abiding sexual minorities, the 'negative valuation' of same-sex intimacy stigmatises LGBT/SGL people. Together 'sexual stigma' and 'sexual prejudice' – the negative attitudes people have towards non-heterosexuals and the abusive behaviour that results from these attitudes – work in tandem (Herek 2004). Anti-homosexual laws *stigmatise* non-heterosexual subjects and this *stigmatisation* is used to rationalise *sexual prejudice*.

Trinidad and Tobago did away with the original 1861 buggery law in favour of a new, more specific, gender-neutral law. It also made homosexuals a part of a 'prohibited class' of people, disallowed from entering the country. While these laws are not used to prosecute LGBTQ/SGL people, they are not innocuous.

As Leslie (2000) argues, unenforced sodomy laws have symbolic power and relegate LGBTQ/SGL people to a criminal class, promoting an environment of discrimination and allowing for differential and unequal treatment. Perhaps this explains why more than two-thirds of the Trinidadians surveyed in the 2009 'Norms and Values Report: A Nationwide Study on the Degree of Conformity of Social Norms and Values in Trinidad and Tobago', conducted by Trinidad and Tobago's Ministry of the People and Social Development's Social Investigations Division were unsupportive of equal rights for gays and lesbians (2011).<sup>10</sup>

## **2. Activism, change and resistance in the Caribbean**

As stated previously, the Bahamas is the only country of the 12 Commonwealth Caribbean countries that has repealed its 'buggery laws'. This section will discuss what key factors may have led to this move by government officials, what decriminalisation has meant for LGBTQ/SGL Bahamians and how activists were involved in this process. It will also highlight the strategic work of LGBTQ/SGL rights advocacy groups in Jamaica and Trinidad and Tobago, their success and the resistance to change they have faced. Although the criminalisation of same-sex intimacy is almost universal among Commonwealth Caribbean countries, the path to decriminalisation will be unique for each.

### ***2.1 Decriminalisation and discrimination in the Bahamas: the impact of religion***

It is clear that when the Bahamian government sought to alter already existing sexual offence laws, it had every intention of strengthening these laws in opposition to same-sex sexualities. As if taking its cue from the government of Trinidad and Tobago, the government of the Bahamas passed the Sexual Offences Act of 1989, replacing the original law from 1861 with what was termed by Law Commissioners as 'an attempt to provide one comprehensive piece of legislation setting out sexual offences which are indictable,' seeking, in its words, 'to make better provision in respect of the rights in the occupation of the matrimonial home' (quoted in Alexander 1994, p. 8).

Section 16 of the 1989 law read, 'If any two persons are guilty of the crime of buggery – an unnatural crime, or if any person is guilty of unnatural connection with any animal, every such person is guilty of an offence and

10 The survey reported that persons who earned less, had less education or who were older tended to be more opposed to equal rights and were also less likely to associate with gays and lesbians. While this does illustrate widespread opposition to homosexuality, it should be noted that surveyors did not make clear what they meant by equal rights and did not investigate why people felt the way they did (Trinidad and Tobago's Ministry of the People and Social Development's Social Investigations Division 2011).

liable to imprisonment for twenty years' (quoted in Alexander 1994, p. 8). Like Trinidad and Tobago, the Bahamian government also wrote the law to encompass female same-sex intimacies, but did not rely on the term 'serious acts of indecency' to do so. The legislation stated plainly, 'Any female who has sexual intercourse with another female, whether with or without the consent of that female, is guilty of the offence of lesbianism and is liable to imprisonment for twenty years' (quoted in Alexander 1994, p. 8). As in the case of Jamaica, the law meant to clearly define the bounds of the natural, making that solely the dominion of normative heterosexuality. And, like Trinidad and Tobago, legislators amended the original law's silence on female same-sex intimacy to include 'lesbianism'.

Although the Bahamian government seemed to have made it clear that same-sex sexualities were not welcomed in the Bahamas, just two years later in 1991 the government changed the law. The newly amended Sections 5B and 16 in the Sexual Offences Act of 1991 punished 'sexual intercourse' between people of the same-sex more harshly when done in public or with a minor, compared to heterosexual sex. The age of what was considered a 'minor' was increased by two years – from 16 to 18 – for those engaged in same-sex intimacy. The law, however, removed the prohibition against 'buggery' and 'lesbianism' in private, despite the fact that the laws dealing with same-sex intimacy were still kept under the heading 'unnatural', along with the 'unnatural connection with any animal' (Sexual Offences Act 1991).

The author has uncovered no scholarly work which would help in understanding why the Bahamian government took such drastic steps in 1989 and why there was such a sudden change in 1991.<sup>11</sup> It seems Bahamians were not concerned with homosexuality enough to express their disdain through the legislative process. Dr Nicolette Bethel, an anthropologist at the College of the Bahamas said, '[...]historically Bahamians have been far more tolerant of different sexualities than other West Indians' (quoted in Thompson 2010). According to Dr Bethel, in the 1970s and early 1980s homosexuality 'wasn't talked about, wasn't condemned. People might have laughed, might have ridiculed, but no one was talking about (gay) people going to hell' (quoted in Thompson 2010). However, Dr Bethel believed something changed in the closing years of the 1980s.

The 1980s were a watershed in recent history in two ways: it was the drug era and the reaction to the drug era was the interest in fundamentalist Christianity. And fundamentalists around the world are far more interested in sex than most other Christian manifestations, so I don't think that they are unrelated. (quoted in Thompson 2010)

11 This is the focus of the author's ongoing doctoral research. Much of what happened in 1991 is recorded in the Bahamian newspapers, *The Nassau Guardian* and *The Tribune*. However, the archives for these papers were not available to the author at the time this chapter was written.

Erin Green, Bahamian activist from the now inactive Rainbow Alliance of the Bahamas (RAB), a LGBTQ/SGL civil rights organisation, had a similar theory, saying, 'Homophobia in these colonial communities is complex but the starting point could be when American southern Baptist churches started coming in, you started seeing the homophobia' (quoted in Thompson 2010).

Christian fundamentalist discourses are often used as a popular rationale for discrimination against homosexuals throughout the Caribbean – as is the case in many other regions – and this is especially true in the Bahamas, even after the decriminalisation of same-sex intimacy. A group known as 'Save the Bahamas' was formed in early 1998 to protest about the arrival of a cruise ship carrying gay passengers. The group, headed by Christian religious leaders, 'asked Bahamians to sign a petition calling for the reinstatement of sodomy laws, a ban on facilities for "sodomites" and a ban on "open sodomites" holding government office. It also called for the declaration of 8 May as a national day of repentance' (Reuters 1998). Similarly, in a show of community outrage, in 2004 Bahamian religious leaders organised a protest to meet disembarking passengers on a gay family cruise (Rainbow Alliance 2011). While Prime Minister Hubert Ingraham spoke out about discrimination in 1998, Perry Christie, Prime Minister during the 2004 protest seemed to have faced a more difficult decision. WikiLeaks cables obtained by *The Nassau Guardian* were quoted saying, '[Christie] owes his election to the active intervention of the conservative end of the Bahamian protestant religious spectrum ... [they] expect some payback' (McCartney 2011a). The separation between church and state is unclear in the Bahamas, and religious leaders have used the Bahamian Constitution's preamble, affirming an 'abiding respect for Christian values', to influence policy (Constitution of the Bahamas 1973).

Indeed, the most vocal opposition to homosexuality is centred among religious leaders, unlike in Jamaica where both political and religious leaders, as well as secular artists, express their opposition to homosexuality openly. Recently, Bishop Neil Ellis told his congregation that the Bahamas was plagued by three demons, one of which was the 'demon of sexual immorality' (Brown and Johnson 2009). He named an increase in the visibility of homosexuals as one of the signs of this demon's presence. Another popular religious leader, Bishop Simeon Hall, responded to a rise in HIV/AIDS rates among men who have sex with men (MSM) saying, 'Homosexuality ... is anti-family and it goes against what God has ordained' (Jones 2011).

In the Bahamas, over a seven-month period from 2007–8, four gay men were murdered in their homes. A 17-year-old man pleaded guilty to one murder but was sentenced to only three years' probation, claiming the murder victim made sexual advances towards him. The Court of Appeals ruled that the man was 'provoked' to act violently because of the nature of the sexual advances (Rainbow Alliance 2011). Chief Justice Joan Sawyer stated, 'one is entitled to use whatever force is necessary to prevent one's self being the victim

of a homosexual act' (Bahamas Local 2010). Murder cases for the three other victims have not been solved.

Though the Bahamas repealed its anti-sodomy laws, it has failed to enact any legal protections for non-heterosexual persons facing discrimination (ILGA 2011). The United States Department of State's Bureau of Democracy, Human Rights and Labour (BDHRL) reported in 2006 that there was no legislation addressing the human rights violations the LGBT community was facing and that the government actively encouraged opposition to homosexuality; furthermore, 'there were continued reports of job termination following disclosure of sexual orientation, as well as discrimination in housing' (BDHRL 2006).

Whereas Beckford and Richardson (2009) suggest that most religious campaigns to regulate what might be regarded as social problems happen on the margins of mainstream politics, in the Bahamas conservative, evangelical fundamentalist Christianity is the mainstream. This is perhaps different from Trinidad, for example, with its diverse population of Catholics, Hindus, Anglicans, Pentecostals and Muslims (Green 1999). Susan Harding (1994) argues that evangelical, fundamentalist narratives are – in effect – discourses which constitute subjects both historically and politically. Influential preachers in the 1980s began telling their congregations that as the rest of the modern world sped towards the end, if they responded to God's call for Christian living through political action, God would reward them for halting the moral deterioration of their own societies (Harding 1994). It is no surprise then that when the Deputy Prime Minister and Minister of Foreign Affairs, Brent Symonette, supported a United Nations' resolution affirming equal rights for LGBT people around the world, local pastors responded by saying, 'Whose views was Mr Symonette representing at the UN meeting – his personal views, his party's views, or the country's views that are decidedly against the expansion of special rights for homosexuals?' (Johnson 2011)? Bahamian religious leaders believe the Bahamas does in fact need saving and that measures to secure rights for sexual minorities do not only represent the failure of the church to uphold godly moral standards but spell doom for the entire nation.

Symonette, deputy leader of the governing Free National Movement party (FNM), claimed he had not actually seen the resolution but that the government supports the rights of 'people of any persuasion' (McCartney 2011b). Symonette continued, 'Our record is clear, we continue to support freedom of expression and the right for people to express their opinions' (McCartney 2011b). The opposition Progressive Liberal Party (PLP) also supported the resolution as part of a commitment to 'progressive policies – policies that emphasise our commitment to human rights' (McCartney 2011c). Both parties have characterised their support of the resolution as a fundamental commitment to human rights on the international stage, but this commitment has not translated fully at home where progress on expanding the right of LGBT/SGL people has stalled since the decriminalising of 'buggery' in 1991.

## ***2.2 Making change possible in the Bahamas: key factors***

Just as there is a lack of information concerning the escalation of anti-homosexual attitudes in the Bahamas, there is a similar lack of information concerning the decriminalisation of same-sex intimacy. Looking at an interview (Appendix A) with Mindell Small, Bahamian activist and a former lead member of the RAB,<sup>12</sup> it is possible to begin ascertaining why the Bahamian government amended the Sexual Offences Act of 1989 to decriminalise same-sex intimacy in 1991. It seems that what sparked the debate among government officials in that year, according to Small (2012), were a number of raids made by police on gay establishments and the subsequent arrest of the patrons. Simultaneously, there was a 'sissy list' being circulated, naming men who were suspected of being gay. Small recounts:

Apparently the sissy list was circulating for a few weeks and kept growing and growing to a point where names of prominent people and close relatives of politicians started appearing on it. This is what triggered a huge debate in parliament on the invasion of privacy, and how the list or any other such list (HIV+ people list for example) was a violation of an individual's right to privacy. (Small 2012)

At the height of misinformation about HIV/AIDS and its attendant anti-gay fervour, being labelled a homosexual was especially embarrassing and dangerous for those on the list. Small (2012) remembers, 'it was happening not too long after the discovery of AIDS, which was still considered by some at that time to be a gay disease. So labelling people as gay was like bringing to them and their families the ultimate shame and embarrassment.'

As the author could find no research done on this about-face by Bahamian politicians, this chapter relies heavily on that preliminary interview. At the time, the PLP was in power – the party responsible for shepherding the Bahamas to majority rule and eventually independence. The PLP was considered the party of the black masses, the majority of whom were Christian and religiously involved (Hughes 1981). The PLP was also on the verge of losing the 1992 election. According to political observers, after 25 years of governing the Bahamas, accusations of drug cover-ups and bribery would prove too great a challenge for the then PLP leader, Sir Lynden Pindling (Blair 2000). Despite this, both leaders of the politically weak PLP and the opposition FNM – which went on to win the 1992 election – supported the decriminalisation of same-sex intimacy (Small 2012). Given the PLP's waning power, it seems irrational for them to have taken such a controversial position before the elections. Furthermore, the FNM could very well have politicised the amendment of

12 Since 1998, RAB has been the primary LGBT/SGL advocacy organisation in the Bahamas and was essential in archiving reports of discrimination, anti-gay protests and other information concerning the community. Small was instrumental in their work.

the Sexual Offences Act by opposing it as a party. This suggests that something drastic and perhaps personal happened to force such a sudden pivot from the reifying of anti-homosexual legislation in 1989 to the bipartisan amending of law in 1991. It can be argued that the language of the ‘right to privacy’ used in the debates concerning the decriminalisation of same-sex intimacy suggests this as well. For example, according to Small (2012), the Attorney General at the time, former PLP Member of Parliament Paul Adderley, was against the idea of decriminalising homosexuality because he feared it could open a door to same-sex marriage. After advocating the continued criminalisation of same-sex intimacy, Adderley ‘was featured on the front page of *The Nassau Guardian* saying that every Bahamian is entitled to a right to privacy under the constitution. Adderley’s government (PLP) then voted to change the law’ (Small 2012).

This language of privacy – instead of a language of sexual rights or LGBT rights, for example – is reflected in Prime Minister Ingraham’s speech admonishing those involved in the Save the Bahamas protests of 1998. Ingraham is quoted as saying:

An individual’s right to privacy is a basic human right cherished by all people. It is a right which citizens of democratic countries expect to be respected by their Government. Quite simply, it is not the role of the Government to investigate and pass judgement on the sexual behaviour of consenting adults so long as their activity is conducted in private. (Bahamas Ministry of Tourism 1998)

In this statement, delivered through the Bahamas Ministry of Tourism (1998), Prime Minister Ingraham reminded the population that the Bahamas relies on a tourism-based economy. In his words, ‘These visitors to the Bahamas form the basis of our economic lifeblood. Without tourism and financial services the standard of living of our country would be dramatically different. We would be measurably poorer with tremendously fewer opportunities’.

Alexander (1994) argues that the original Sexual Offences Act of 1989 was a response by the state to protect its very existence. For Alexander, the source of the state’s legitimation is anchored in the heterosexual family and the family itself becomes important as state power is continually eroded by internationalisation. In an attempt to legislate its existence, the state criminalises threats to this archetypal source of its legitimation – these include the prostitute, the single woman, the HIV-infected and the homosexual (Alexander 1994). State managers mobilise conservative discourses around sexuality to ‘reassure men, for they are the archetypal citizen, and conservative elements, and religious constituencies in a context in which the religious provides important explanations for daily life’ (Alexander 1994, p. 20). Other scholars contend that the assumed (re)productiveness of heterosexual sex is of primary importance in understanding sexual stigma and prejudice in the Commonwealth Caribbean. Kempadoo (1994, p. 3) asserts that ‘an economy

depends upon the organisation and productivity of human labour, and that labour that rests upon sexual energies and parts of the body is integral to the economy, whether this is explicitly commodified ... deployed to expand slave labour, or used to fortify a national or ethnic group'. For Alexander (1994, p. 14), in her examination of sexual offences legislation in Trinidad and Tobago and the Bahamas, the indictment of those who practice 'unnatural' sexualities, 'registers a suspicion of an unruly sexuality, omnipotent and omniscient enough to subvert the economic imperatives of the nation's interests'. But the events of 1991, 1998 and 2010 in the Bahamas highlight conflicts that make this narrative more complicated. The collusion between state and religious authorities in the Bahamas is not as seamless as these arguments might suggest and economic imperatives seem to have been at the heart of Prime Minister Ingraham's statement *defending* the rights of sexual minorities in 1998.

Without further research the Bahamian case leaves us with important questions. Is it true, as Dr Bethel claims, Bahamians have historically been more accepting of sexual minorities compared to other West Indians? Why has this been the case? How can we explain the change in Bahamian's attitudes toward sexual minorities? What was it about the 'sissy list' and club raids that invoked a bipartisan response, against the will of the general population, a year before elections? What has continued to facilitate the rift between political and religious authorities in a country where fundamentalist, evangelical Christianity holds enormous sway? And, does the Bahamian case challenge existing theories of the post-colonial Caribbean state and the role of homophobia in processes of state legitimisation?

### ***2.3 Jamaica and Trinidad and Tobago: resistance and local, regional and international activism***

It was after the decriminalisation of same-sex intimacy, that a number of LGBT/SGL civil rights groups formed in the Bahamas, including Bahamian Gays and Lesbians against Discrimination (BGLAD) and Hope Through Education and Awareness (Hope TEA). These groups eventually consolidated their work, becoming the Rainbow Alliance of the Bahamas (RAB). The decriminalisation of same-sex intimacy in the Bahamas was not the result of direct engagement by LGBT organisations. For activists in Jamaica and Trinidad and Tobago this is not an option. Much of the work being done by these activists is happening in a climate that is not only often hostile, but can also be legally perilous. Despite these obstacles, both countries have a history of LGBTQ/SGL activism, and with the development of global media and an international gay rights advocacy there is a new, more complicated chapter being added to this history.

Batra's (2010) archival analysis provides important perspective on the history of activism in Jamaica. Starting in 1974, the Gay Freedom Movement (GFM), Jamaica's first group advocating for gay and lesbian rights and HIV

awareness, often met in local gay bars to discuss plans of action or set up clinics for the gay and lesbian community. The GFM's emergence, Batra (2010) observes, coincided with the rise of Jamaica's democratic socialist government under the People's National Party (PNP). The organisation dissolved as violence increased in the wake of Edward Seaga's capitalist Jamaican Labour Party (JLP) government coming to power during the opening years of the 1980s (Batra 2010). GFM activists constantly battled with apathy on the part of the larger gay and lesbian community, a lack of funding and organisation, and an increase in social violence.<sup>13</sup> Yet writers of the *Jamaica Gaily News*, the GFM's newsletter, made a thoughtful attempt to create a history and document the presence of gays and lesbians in Jamaica, little of which remains (Batra 2010). A GFM pamphlet, contributed to the Digital Library of the Caribbean by the Caribbean International Resource Network, lists as one of its aims and objectives 'To press for the repeal of the buggery law' (GFM n.d.).

Today J-FLAG works to continue in this tradition, advocating for the protection of the LGBTQ/SGL community in Jamaica. Its website states that the organisation was started in 1998 by a group of Jamaicans from varying walks of life, with the intention of advocating for the protection of LGBT people from both state-sanctioned and community violence. 'One of J-FLAG's first major undertakings was a submission to the Joint Select Committee on the Charter of Rights Bill seeking to amend the non-discrimination clause to include "Sexual Orientation"' (J-FLAG). Legal reform features heavily among its objectives, a goal it hopes to achieve by engaging with other local organisations across the Jamaican socio-political landscape concerned with equality for all Jamaicans.

The organisation has also joined medical professionals in the region to call for a repeal of the 'buggery law'. Attempts to stem the spread of HIV have opened a 'back door' for advocacy in favour of tolerance and decriminalisation, not just as a human rights issue, but as an issue of national health. In a recent video released by J-FLAG entitled, *I Must Respect All Jamaicans*, community leaders, including those in the arts, social work, religion and even a Miss Jamaica World, advocate publically for tolerance of gay and lesbian Jamaicans to help address the spread of HIV (J-FLAG 2011b). Represented in the video are both gay activists and heterosexual allies and such a public cross-community appeal for tolerance and respect, according to my research, is unprecedented for Jamaica. Also, calls for the decriminalisation of homosexuality by political leaders in the Caribbean, health professionals and other community activists

13 Batra (2010) uses Urvashi Vaid's critique of political indifference among gays and lesbians in the United States to explain the apathy of the Jamaican gay and lesbian community during calls to action by the GFM. Vaid suggests that 'they are more interested in fulfilling their social needs than in shouldering political responsibility' (Batra 2010, p. 53).

within the context of addressing the HIV/AIDS pandemic have not been uncommon (J-FLAG 2011c).

There have been calls for the arrest of J-FLAG members and dismantling of the organisation, namely by former JLP MP, Ernest Smith. In 2009, Smith 'called for the director of public prosecutions to instruct the police to charge members of the Jamaica Forum for Lesbians, All-sexuals and Gays (J-FLAG) with conspiracy to corrupt public morals' (Luton 2009). The absence of political will on issues concerning the protection of the non-heterosexual citizens in Jamaica comes as no surprise. Carr and White (2005, p. 352), for example, tell of instances where 'homosexuality has been used in smear campaigns against opposing political parties'.

Recently, charges were made during the 2011 elections that the PNP was being funded by international gay rights organisations after Prime Minister Portia Simpson-Miller suggested that it was time to review the country's buggery laws. In the *Jamaican Observer* (2011b) Daryl Vaz, treasurer for the ousted JLP, asked whether or not international gay rights organisations were interfering in Jamaica's elections with the hope of guaranteeing changes in the law. What perhaps makes the Bahamas different from Jamaica is that the decriminalisation of same-sex intimacy was never politicised. In 1991, just as in 2010, support – albeit superficial – for the expansion of rights for LGBT/SGL people was bipartisan in nature.

The evidence available suggests that Jamaica's long history of LGBT/SGL activism is inherently connected to political change. Differences in the treatment of LGBT/SGL issues under the various Jamaican political parties are exemplified in Batra's (2010) account that GFM activists found Jamaica's climate more conducive to their work under the democratic socialist PNP government as were Prime Minister Portia Simpson-Miller's comments compared to her JLP counterparts. This can perhaps be explained by the ideological differences that characterise Jamaica's main political parties. Carl Stone (1976, p. 183) asserts that the JLP has propagated an ideology of capitalist free enterprise and party symbolism has been consistently 'parochial, nativist, and mainly emotive'. In comparison, the PNP has adopted left-leaning ideas 'derived mainly from foreign metropolitan areas' (Stone 1976, p. 183). How these parties approach the question of nationalism is also different. 'The PNP's version of nationalism has also reflected a consequent cosmopolitan, regional, outward-looking, and internationalist perspective while the JLP has been basically parochial and localist in its view of nationalism' (Stone 1976, p. 183).

Academic and popular responses to calls for censorship of Jamaica's native dancehall music by Euro-American organisations, like the Gay and Lesbian Alliance Against Defamation (GLAAD), have viewed such protests as neo-imperialist, thus garnering popular national opposition (Barnes 2006). Similarly, some fear British Prime Minister David Cameron's threat to cut aid to countries whose laws discriminate against gays and lesbians will lead

to a backlash throughout the Caribbean (Caribbean360 2011). The editorial in the *Jamaica Observer* (2011a) reads, 'Where the homosexual lobby and their supporters have erred is in trying to force their lifestyle on societies that regard it as wrong and ungodly'. As is the case throughout the Commonwealth Caribbean, Jamaica has become a prime example of how the violent responses to same-sex intimacy have become a nationalist trope – placing homosexuality outside of the nation as a Western import (Althuri 2001). To challenge 'Jamaican homophobia' is to challenge Jamaica itself, which makes the involvement of international organisations a minefield.<sup>14</sup>

In Trinidad and Tobago, the Coalition Advocating for Inclusion of Sexual Orientation (CAISO) has been active both locally and regionally. The organisation formed in 2009 in response to a statement made by the Minister of Community Development, Culture and Gender Affairs, Marlene McDonald. Concerning the draft document for the National Gender Policy and Action Plan, Minister McDonald declared, 'We are not dealing with any issues related to ... same-sex unions, homosexuality or sexual orientation' (quoted in Dassrath 2009). Disturbed by the minister's comments, members of already-existing groups, Friends for Life, 4 Change, Velvet Underground, Men who have Sex with Men (MSM) and the Trinidad and Tobago Anti-Violence Project, decided collectively to come together to advocate for the LGBTQ/SGL community in Trinidad and Tobago addressing the silences in government policy (Dassrath 2009).

Since its formation, CAISO has been a vocal advocate for LGBT/SGL people. When the group celebrated International Day Against Homophobia and Transphobia (IDAHO) on 17 May 2010, it delivered messages to six ministries detailing six steps the government should take to help address homophobia in Trinidad and Tobago (Gonzales 2011). Director of CAISO, Colin Robinson said, 'We didn't hear any name-calling and we haven't been treated as anything but citizens and we also noted the (Gender Affairs) minister in the *Guardian* has commented positively on our effort' (*Trinidad and Tobago Guardian* 2011). Still, Robinson claimed there is a lot of work left to be done address sexual stigma in the country. Decriminalisation of same-sex intimacy is not included among the six steps. According to Robinson:

Decriminalization of same-sex intimacy is not in our top six things ... The most serious issue is discrimination, and related to that is violence, and related to both of those are areas of social vulnerability – the ways in which we are seen as legitimate targets of discrimination and differential treatment. (Rothaus 2011)

Locally, CAISO advocacy has undertaken a partnership with the University of the West Indies (UWI), the Rape Crisis Society, Young Men's Christian

14 Despite this aversion to international interference, the job announcement for J-FLAG's (2012) new Policy Advocate is tagged with the USAID logo.

Association (YMCA) and the Family Planning Association to strengthen local responses to increased violence and discrimination (Dassrath 2009). In March of 2009, Trinidad and Tobago Anti-Violence Project (created in response to homophobic violence in Caribbean music) and UWI organised training on sexual orientation and social work practice for 25 government social workers (Robinson 2009). CAISO's leadership joined heads of other LGBT organisations in St Lucia to speak at a press conference concerning LGBT issues in the region, held in January 2012. CAISO has also recently been recommended for funding by UNAIDS and the Foundation for AIDS Research (amfAR) along with one other local organisation (UNAIDS Caribbean 2012).

As evidence of these organisations' growing success, Trinidad and Tobago passed its first 'pro-gay' legislation in 2011. The Data Protection Act 2011 establishes the boundaries of what is a person's private information and protects it from intrusion. In Part 1 (2) of the new law, 'sensitive personal information' is defined to include 'sexual orientation or sexual life' (Data Protection Act 2011). The CAISO (2011) blog reads, 'Ensuring citizens' autonomy in their consensual sexual affairs requires *both* protecting their sexual lives from unwarranted intrusion *and* protecting them from discrimination based on their sexuality.'

Where the Trinidadian state has failed to protect LGBT/SGL people, the courts have attempted to intervene. The Court of Appeal of Trinidad and Tobago ruled in 2004 that the Equal Opportunity Act of 2000 (EOA) was inherently unconstitutional (*Suratt et al. v. Attorney General*). In the decision, the Justices ruled that, 'By specifically, excluding sexual preference or orientation from the definition of "sex", persons who allege discrimination on these grounds are denied the equality of treatment under the law' (*Suratt et al. v. Attorney General* 2004, Section 20). Unfortunately, the Privy Council reaffirmed the EOA without provisions protecting sexual minorities (*Trinidad and Tobago Newsday* 2007).

This brief survey suggests that, instead of violent opposition by the state and its agents, Trinidadian LGBT/SGL activists and their allies face the erasure and silencing of LGBT/SGL persons and their issues. Through local partnerships with anti-violence organisations and UWI these issues are being highlighted and responded to, increasing advocates' reach and influence. It is important to note that – as in the case of the Bahamas – it is around the question of a right to personal privacy that progress is being made for the protection of LGBT/SGL people. International LGBT rights organisations have favoured a discourse of 'sexual rights as human rights' for the last decade and a half (Tiefer 2002). The effectiveness of this relatively new 'sexual rights' discourse is debatable in countries where state and religious authorities champion the inequality of non-heterosexuals (Plummer 2005). If the ultimate goal is to change the laws in Trinidad and Tobago, the courts seem to be the route through which LGBT/SGL activists seek recourse. The Court of Appeal's progressive statement

in favour of including sexual orientation as a protected class in the EOA is encouraging; however, this may do little to change popular opinion. As the Bahamas illustrates, changes in law by political elites do not necessarily lead to changes in popular opinion.

## Conclusion

Though buggery laws in the Commonwealth Caribbean originate from a single legal code and a shared colonial past, these separate cases illustrate that the law's existence and application have developed differently in each national context. The question of how to approach the decriminalising of same-sex intimacy in the Commonwealth Caribbean is essentially one of challenging homophobia in the region, and must be answered on a case-by-case basis. While there are themes that stretch beyond national borders – the conservative Christian fundamentalist discourses in the Bahamas, the outlawing of the 'unnatural homosexual' in Jamaica, and the stigma-creating symbolism of the law in Trinidad and Tobago – the differences complicate reductive narratives of a pan-Caribbean homophobia and in each case present particular challenges and areas of resistance. To import Euro-American models of advocacy or strategies that have worked in one Caribbean country to another, or even relying on legal remedies to address homophobia – like the decriminalisation of same-sex intimacy – without a critical examination of each country's political, social, cultural and economic environments is unproductive. Questions concerning intimacy, citizenship and nationalism are deeply embedded in interpersonal, inter-group, national and international tensions and conflicts (Plummer 2005).

When examined, these complexities also present diverse opportunities for advocacy. The rift between religious and state authority in the Bahamas opens the door for strategic engagement with fair-minded political leaders across the party spectrum to pass new laws addressing the issues facing LGBT/SGL Bahamians. There is evidence to suggest Jamaica's left-leaning PNP is more open to progress on the issue of decriminalising same-sex intimacy than the JLP. Decriminalisation is a top priority for J-FLAG and activists have no doubt realised that the election of a PNP government gives them a window of opportunity that must be leveraged. While decriminalisation is not of primary importance for CAISO, it has addressed issues of discrimination and violence in Trinidad and Tobago by building local partnerships with a number of NGOs and the UWI. Unlike elsewhere, the judiciary in Trinidad and Tobago has shown itself to be sympathetic to issues facing sexual minorities.

Finally, these questions remain. Is it accurate to suggest that the Bahamas has always displayed a more progressive attitude towards sexual minorities relative to other countries in the Commonwealth Caribbean? If so, why has this been the case? Why did the Bahamian LGBT/SGL community fail to organise prior to the decriminalisation of same-sex intimacy, while LGBT/SGL

advocacy groups in both Jamaica and Trinidad and Tobago have existed since the 1970s? And, given statements of support by politicians in Jamaica and the Bahamas, how does one make sense of academic discourses that theorise the Caribbean post-colonial state as necessarily mobilising conservative discourses to appease their religious constituents, legitimate state authority and ensure economic viability?

These questions can only be answered by a more detailed historicisation of sexual prejudice and stigma, and the work of LGBT/SGL advocates, in each Commonwealth Caribbean country. Furthermore, new models of how state and non-state actors, like religious leaders, must be theorised where the 'overall picture of the state, then, is one of messiness rather than smooth functioning, one of power rather than neutrality, one of tensions between power and resistance rather than outright domination, and one of variability rather than fixity' (Kim-Puri 2005, p. 184). A more critical understanding of how national and cultural discourses involving sexuality are constructed and deployed is important for advocacy work that is concerned with both changing the law and changing popular opinion.

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