

**THE CHURCH AND THE LAW: EXAMINING THE ROLE OF
CHRISTIANITY IN SHAPING SEXUAL POLITICS IN JAMAICA**

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ABSTRACT

This thesis examines the ways in which a number of faith discourses and institutions seen to comprise 'the Christian religion' – at least in its Jamaican manifestations – continue to shape sexual politics and discourses in Jamaica in the twenty-first century. Specifically, I focus on the constitutional reform process and the review of the country's laws on abortion, analysing the ways in which issues relating to sexual orientation (namely homosexuality), abortion and human rights (particularly sexual and reproductive rights) were debated over by various special interest groups. I argue that the influence of certain manifestations of Christianity cannot be overlooked in the analysis of these nationalist projects relating to gender and sexuality. Indeed, based on feminist critical discourse analysis of a number of key government and non-governmental reports, blogs and newspaper articles as well as interviews with ten knowledgeable informants, I found that a conservative articulation of Christianity works to support and shape a heteropatriarchal discourse on matters relating to homosexuality and abortion, thus impacting conceptualisations and experiences of sexual and reproductive rights and more broadly, citizenship. There are, however, challenges to these conservative manifestations, by sexual and women's rights groups as well as from within other segments of Christianity. This diversity results in nuanced understandings and approaches to these issues within the society, some of which calls into question the dominant heteropatriarchal discourse.

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INTRODUCTION

The advent of the twenty-first century has seen much discussion of gender relations, sex and sexuality in the Anglophone Caribbean, particularly as relates to issues around “the boundaries and contours of national identity” (Lewis and Carr 2009:1), public health and securing human rights and social justice for all citizens (see the discussions in Alexander 1991, 1994, 1997, 2005; Boxill 2011; Carr 2009; Curtis 2010; Gosine 2009; Kempadoo 2004; Murray 2006; Robinson 1999, 2004, 2009; Wekker 2006). These discussions, as Lewis and Carr (2009) write, involve a “broad spectrum of participants, from clergy to dancehall artistes and academics; from journalists and political elite to the leaders of the private sector” (p.1). Some scholars and activists (Cornwall 2004; Gosine 2005; Reddock and Roberts 2009) have argued that the far-reaching impact of HIV and AIDS across the world, and in particular the Global South, provided openings that advanced such critical discussions and activism. Caribbean scholars Rhoda Reddock and Dorothy Roberts (2009), for example, affirmed that the HIV and AIDS pandemic have certainly “opened a space for a more public discussion and analysis of issues of gender and sexuality and even for the tentative consideration of decriminalising formerly illegal sexual practices” (p.xi), such as buggery and prostitution.

In September 2008, I became interested in the ways a number of faith discourses and institutions seen to comprise 'the Christian religion' – at least in its Caribbean

manifestations – continue to shape sexual politics and discourses in Anglophone Caribbean countries such as Jamaica. Jamaica is an interesting and pertinent case study because of the country’s religious diversity within a context of clear-cut Christian numerical dominance. Although the constitution, past and current, guarantees freedom of religion, the majority of the population – at least sixty five (65) percent in 2008 and up to eighty (80) percent in 2011– identifies as Christian, with Protestant Churches being dominant (World Council of Churches 2008; Nam, Mantock and Campbell 2012:xiv).¹

Some argue that there is a Christian saturation within the Jamaican society, which on the surface is supported by the claim that “there is more church-building to the square mile in Jamaica than anywhere else in the world”,² the continued “formal and semi-formal gestures of recognition (not necessarily appreciation) accorded the church and its representatives” and the “influence of religion on the day to day speech and vocabulary

¹ According to the 2001 national census, 62.5 percent (%) of people identify as Protestant (10.8% Seventh Day Adventist, 9.5% Pentecostals, 8.3% Other Church of God, 7.2% Baptist, 6.3% New Testament Church of God, 4.8% Church of God in Jamaica, 4.3% Church of God of Prophecy, 3.6% Anglican, 7.7% other Christian), 2.6% Roman Catholic, 14.2% as other or unspecified and 20.9% as none (cited in Senior 2008:3). The information provided here by Senior does not include information for Rastafarianism, one of Jamaica’s most popular indigenous religions (Austin-Broos 2001), though the census data for 2001 also showed that out of a total of 2,595,960 people surveyed, 24,020 (that is 0.93 percent) identified as Rastafarian (Nam, Philone and Campbell 2012:25). However, it is not clear from the census data whether or not this group is being included under the category of Christianity. Monica Schuler (1979), a scholar on African religious tradition in Jamaica, writes that although Rastafarianism – like Myalism and Revivalism – is seen as deriving from “an older precolonial African tradition” (p.65 cited in Austin-Broos 200:588), it also draws on aspects of Christianity. In elaboration, Diane Austin-Broos (2001) explains that this religion “has employed an aspect of Christianity – the description of the returned King in Revelations to establish an Ethiopian iconography still interpreted through extensive reference to the Bible” (p.589). Therefore, Rastafarianism may be read not as an African religion per se; but rather as a “reconciliation between folk belief and Jamaican interpretations of the Christian text” (ibid.).

² There is a parallel popular declaration that illustrates the counter-narrative of Jamaica: although according to the Guinness Book of Records, the country has the most churches per square mile except for the Vatican City itself, according to local legend it also has the most bars per square mile.

of the people” (Taylor 1992:4; see also Kasafi Perkins N.d.:1). In fact, scholars, such as political scientist Trevor Munroe (1991), identify Christianity – specifically the ‘Church’ – as one of three institutions to which Jamaicans attach substantial value. Others, who address the relationship between churches and the state, also point out that Christian values are at the very foundation of Jamaican post-independence nationalisms and nation-building projects, as exemplified in both the country’s national pledge and anthem, which asks “The Eternal Father for blessings, protection, wisdom and knowledge” (see Lewis and Carr 2009 and Thomas 2004).³ Arthur C. Dayfoot (2001) argues in his study of West Indian church history in colonial and post-colonial times, that,

Separation of church and state has not been as complete as in many other parts of the world. Education was pioneered by churches, and in many places it retains these links, partly for practical reasons. Christian, and in some places other denominational, schools are often state-supported. Continuing cooperation with government in education is due also to the religious ethos of the people, among whom “Western” secularism is not widely adopted. (P.83)

Similarly, Robert Carr (2009), for example, surmises that the importance that is bestowed on Christianity within Jamaica may be attributed to the significant gaps filled by this institution within the society. He notes that,

[C]hurches’ role in providing] education to newly-freed slaves – including the use of religious primers and hymnals as reading texts and the link, still often unbroken, between churches and the public and private educating system – means that the ideas of the world

³ This is also the case in several other Anglophone Caribbean societies. Barbadian journalist Correy Worrel (*The Nation*, November 17, 2011), for example, writes that he has “heard the term ‘Barbados is a Christian nation’ used on many occasions; and each time it baffles me” (p.8). Whilst there seems, as in the case of Jamaica, to be no clear definition of what this means, he states that some “define a Christian nation as one where the majority of citizens are Christians. Another defines it as a country that is run by a Christian government” (ibid.). Worrel, however, emphasises that he does not believe Barbados is a Christian nation, but rather, he believes that it is a nation of religious people, which obviously skirts around the connection between religion and the state.

inculcated in the public psyche always come back to religious fundamentals, themselves imported from Europe or the United States. (P.78)

This perception of Jamaica being a Christian-saturated society or ‘Christian nation’ remains in spite of recent data collected by the Statistical Institute of Jamaica that shows that about one fifth (or twenty percent) of the population indicate no ‘religion and/or denomination’ in the 2011 Population and Housing census (Nam, Mantock and Campbell 2012:xiv-xvi).⁴ Anna Kasafi Perkins, in her forthcoming work on Christian conversations on sex/gender diversity and difference in Jamaica, explains this continuous importance assigned to Christianity and the logic behind the notion that the country is a Christian nation. Perkins (N.d.) writes,

In the Jamaican context, religion equals Christianity and eighty percent profess to be Christians (Forbes, 2010). Accordingly, “religiosity can play a salutary role, helping believers cope with adverse conditions, confident in the knowledge of salvation and a better deal in the afterlife” (Forbes, 2010:12)... In the context of the Jamaican society, “the Church has used the tool of evangelism as the major means of encouraging proper values. It has transformed Jamaica into a country wherein Christian values are pervasive” (Dick 2000:58). (Pp.7-8)

Moreover, Christianity, and particular versions of it, still critically informs the ways certain gender and sexuality related issues are understood and spoken about within the society. For example, even where people are not practicing Christians, “the manner in

⁴ Interestingly, although the majority of people (80%) identified with some form of Christian religion/denomination, there were “increases seen for the small non-Christian religious groups. The number of responses for Islam was 1,513 in 2011 compared with 1,024 in 2001 while for Hinduism and Judaism the increases in numbers between 2001 and 2011 were from 1,453 to 1,836 and 357 to 506 respectively” (Nam, Mantock and Campbell 2012:xiv).

which Christianity has permeated the society [through such roles as educators] leads to certain beliefs or practices, such as the naturalness of heterosexual identity, going unquestioned” (Kasafi Perkins N.d.:7). Other scholars, such as Boxill (2011); Carr (2003) and Gutzmore (2004) argue that the heteronormative opinions and understandings of gender and sexuality that are held by many Jamaicans have been strongly shaped by certain Christian and particularly ‘fundamentalist’ readings of Biblical Scriptures.

Second, although Jamaica has a similar history of colonisation, conservative post-independence nationalist projects and the retention of colonial laws on sexuality to other Anglophone Caribbean countries, it, unlike the others, has gained a highly problematic reputation, largely externally, of being one of the most homophobic places in the world (Human Rights Watch 2004a). This reputation is associated with the numerous reports, by local and international groups, of horrendous violations of the human rights of lesbian, gays, bisexual and transgender peoples and others who do not conform to restricted gender norms. Such violations range from “bullying to extortion to brutal attacks to home invasions to murder, and everything in between” (Aids-Free World 2012a, under “1”).

Unlike the other countries in the region, homophobia in Jamaica is considered palpable, everyday. It is explicitly expressed and celebrated in such dominant cultural arenas as Dance Hall, where popular musicians call for the ‘burning’ and killing of homosexuals, and legitimised by the teachings and actions of some influential members of the churches.

It is important however to clarify here that the saturation of Christian values within a society or the perception of being seen as a 'Christian nation,' though marred by a politics of inclusion or exclusion (Senior 1991:12), does not necessarily equate to rigid societal acceptance of heteronormativity or homophobia. Moreover, homophobia in Jamaica is also considered to be state-sponsored, not merely because of the existence of anti-sodomy laws, but because of the reports of abuse of lesbian, gay, bisexual and transgender (LGBT) peoples by the police and the recent public denigration of and objection to homosexuality, in both local and international arenas, by some prominent politicians such as Bruce Golding, who explain their position as a 'cultural' stance.

However, there have been a number of legal reform processes that appeared to offer some opportunity to redress or at least begin discussions about not only these human rights violations and the general treatment of (LGBT) peoples in the citizenship machinery, but also the country's laws regarding women's human rights, especially as these relate to their sexual rights and reproductive health. First, for a little over two decades (from roughly 1991 to April of 2011) Jamaica had been engaged in the process of constitutional reform, which is, as legal scholar Tracy Robinson (2004) writes "the longest running in recent period" (p.595) within the region. Indeed, although the process of constitutional reform began roughly around the time leading up to the 1991 Budget debate, the House of Representatives did not conclude debate on the Bill shortly entitled "The Charter of Fundamental Rights and Freedoms (Constitutional Amendment) Act" until Tuesday,

November 17, 2010 (*Jamaica Gleaner*, March 27, 2011). The amendments to the Bill were later passed by both houses of Parliament on March 22, 2011 and by the Senate in April of that year (*Jamaica Gleaner*, March 23, 2011). This newly passed Charter of Fundamental Rights and Freedoms (2011) has thus now – finally – replaced Chapter Three of the country’s 1962 constitution. Second, the country not only reviewed its *Sexual Offences Act* – the amendments to this act being passed into law by both houses of Parliament in 2009, addressing matters such as incest, grievous sexual assault and rape, including marital rape – but also its *Offences Against the Person Act*, which deals with, amongst other issues, criminalisation of buggery (often associated with the criminalisation of homosexuality per se) and abortion.

Although there were a number of factors at play, it may certainly be argued that the mobilisation of conservative Christian churches and activists, in particular, ultimately exerted a demonstrable constraining influence on the Jamaican Constitutional reform process and the reassessment of the country’s laws relating to abortion, specifically in regards to matters relating to the rights of homosexual peoples and the configuration of abortion as a matter of women’s reproductive rights. Consequently, sexual orientation was not included in the amended Charter, marriage became defined as a heterosexual institution and no changes were made to the legislation on buggery and abortion at the conclusion of both legal reform processes.

In order to document this influence I focus on the debates amongst various interest groups, including prominent Christian leaders and alliances, around the amendments to the Charter of Rights in the Jamaican Constitutional reform process and the reassessment of the country's laws relating to abortion in the Charter of Rights and, specifically, Sections 72 and 73 of the 1864 *Offences Against the Person Act*. These reform processes were placed on the country's political agenda as they were largely viewed as necessary in order to provide, where relevant, critical updates to vague, inadequate as well as outdated laws and ways of thinking (see Munroe 1999; Ministry of Health, Jamaica 2007). Thus, the primary reasons given for constitutional reform and, to a lesser extent, the review of the country's legislation on abortion were not directly linked to concerns about 'sex', 'gender' and 'sexual orientation', even though it may be argued that the latter is inevitably about these issues. Nevertheless, my research interests demand that I explicitly centre these concepts (and related issues) in my analysis. Furthermore, I am interested in the ways in which Christian leaders and groups participated in the two processes of legal reform, as this may arguably be one example, in more recent years, of the intimate relationship between religion and state in Jamaica. Of course, this relationship is observable in the active involvement of Christian leaders in party politics (for example as Political Ombudsman or appointments to state boards), as well as the visible support of churches by the country's current Prime Minister, the Honourable Portia Simpson Miller. As seasoned journalist Ian Boyne notes,

never has a Prime Minister been as favouring to the church as has been our present Prime Minister. Never has a Prime Minister been so open about her own faith in God and never has any been so openly fundamentalist, with a strong born-again flavour. None has ever attended church as regularly. All previous Prime Ministers have been associated with churches of the upper and middle classes. Portia Simpson Miller's religious bent is distinctly of a Pentecostal, rootsy type; the type which is favoured by the mass of the Jamaican people. Yet, she is clearly respectful of facilitating to the mainline churches. (*Jamaica Gleaner*, April 16, 2006)⁵

RESEARCH INTERESTS

My doctoral research, in general, asks **how are members of various Jamaican Christian churches or self-proclaimed Christian groups and/or their representatives actively participating in and thus shaping the construction of knowledge and debates around sexuality and sexuality-related issues over the last decade (2001-2011)?**⁶ The the ten-year period of 2001 to 2011 is the chosen timeline because of the various developments discussed above. Specifically, although addressing injustices around sex, gender and sexual orientation were not the main reasons given for Jamaican Constitutional reform, in 2001 the Joint Select Committee, which was put in place in July 20, 1999 to consider Charter Provisions for the Jamaican Constitutional reform process, invited various interest groups to make recommendations on Charter amendments regarding such matters. In 2009 the issue of reviewing, with the possibility of amending,

⁵ The intimate relationship between “church and state” can also be deduced from news headlines such as “Church backs state! Leave the laws alone – ministers say” (*Jamaica Gleaner*, November 21, 2004), “PM Golding Pledges Support for Church” (Jamaica Labour Party 2009), and “Church to play key role in election” (*Jamaica Gleaner*, November 12, 2011).

⁶ There will be some inclusion of the years 2012-2013, because discussions around certain issues, for example around human rights and homosexuality, are still receiving much public attention in this time frame.

the laws on abortion was laid to rest and by the end of April 2011 a newly amended Charter of Fundamental Rights and Freedoms was put in place, thus formally ending this round of legal debate about both the issue of homosexuality and abortion. Additionally, this was, as stated above, a critical time for developments around sexuality in Jamaica as well as other regions of the Anglophone Caribbean.

Primarily, I ask, how do they shape various discussions and discourses in the public media (that is, the print media, internet and broadcast media) and legal system (particularly in processes of constitutional reform and abortion legislation review) around such issues as the decriminalisation of buggery (sometimes loosely referred to as the decriminalisation of homosexuality) as well as the definition and protection of sexual and reproductive rights? Secondly, I am interested in the issue of granting specific constitutional rights and protection to homosexual peoples and more generally, the debates around the decriminalising of practices such as abortion and buggery (homosexuality) that are commonly labelled – in part from a fundamentalist Christian heteronormative perspective – as ‘immoral’, ‘sinful’ and ‘unnatural’ within Jamaica.⁷ In particular, I ask, how are these gender and sexuality-related issues linked, directly and indirectly, to wider concerns over human rights, public (national/cultural) morality/values, and ‘postcolonial’ citizenship? Additionally, in moving beyond the

⁷ In this thesis I predominantly use the words “homosexuals” or “gays”, but distinguishing, at times, between gay men and women. This reflects the general usage in the literature and by local as well as regional activists.

scope of the two specific processes of law reform, this thesis asks, what are the more general ways in which Christianity intertwines with the society at large, participating and informing discussions around these issues?

In pursuit of my primary research agenda, I also considered the following questions:

- Are there specific Christian group(s) and/or denominations at the forefront in the public discussions about Caribbean sexualities?
- What sexuality-related issues receive the most attention?
- What types of ideas about sexuality, gender, culture, human rights, morality, nationhood and citizenship are being (re)produced and circulated by these institutions?
- Are there competing discourses about these sexuality-related issues within and between Christian groups and/or denominations?
- What kinds of tensions may arise between groups due to competing and contradictory discourses?
- Are there any Christian groups and/or denominations creating progressive and subversive spaces for discussing and understanding sexuality and what are some of the more progressive and subversive views about sexuality being put forward?
- How do the various groups' contributions to the public discussions support, strengthen or challenge the dominant organised principle of heteropatriarchy?
- How does the Jamaican case compare to other Caribbean countries?

THESIS STATEMENT

I make three interconnected arguments. Firstly, I propose here that the influence of Christianity within the Anglophone Caribbean and Jamaica, to be more specific, cannot be excluded or seen as marginal in serious analysis of nationalist projects within the twenty-first century, particularly in regards to the ways in which the nation is continuously being gendered and sexualised in a manner that supports and normalises a heteropatriarchal discourse and structuring principle. Others such as Alexander (2005) and Lewis and Carr (2009) have made similar arguments; however, I focus on the ways certain conservative interpretations of Christian values and doctrine are not only continuously being appealed to by state managers and/or agents, but more so by certain self-proclaimed Christian representatives in their efforts to manage and rein in certain perceived 'transgressive' and 'unruly' sexual identities and practices. Drawing on M. Jacqui Alexander's (2005:22-23) theorisation of heteropatriarchy (that is, the twin processes of heterosexism and patriarchy) as a normalised structuring principle within much of the Anglophone Caribbean, I argue that this persistent appeal to and careful interpretation of Christian values and doctrine are done in ways that often support, reinforce and normalise, unequivocally or at times obliquely, a heteropatriarchal discourse and status quo.

Consequently, various church leaders, individuals and groups, specifically from the conservative right are, secondly, influencing or seeking to influence the construction and societal understanding of what I am choosing to call sexual citizenship. I am aware that this particular concept is not widely used within the Anglophone Caribbean beyond the arenas of academia and activism.⁸ However, local and regional sexual and women's rights activists and academics have long been highlighting the linkage between gender, sexuality and citizenship in their work, to the extent that one can argue that there is a sufficiently increased awareness of such voices within Jamaica and the Anglophone Caribbean in general that members of the conservative right feel the need to respond to them directly.

Though the concept of sexual citizenship may not necessarily capture the complex ways in which Caribbean people, specifically, view the interconnection between sexuality, gender and citizenship, I nonetheless use it, partly for want of a more regionally constrained concept and also because it does in fact speak to many of the issues and

⁸ It is important to note that across the Anglophone Caribbean there are scores of local and national organisation working on sexual citizenship and that most of these groups evince a nuanced understanding of the intersections between sexuality, gender and citizenship as well as with other social justice issues. These include feminist groups such as the Development Alternatives with Women for a New Era (DAWN), SISTREN, CAFRA, Red Thread and ASPIRE. Others, for example Jamaica Forum for Lesbians, All-Sexuals and Gays (J-FLAG), Trinidad and Tobago's Coalition Advocating for Inclusion of Sexual Orientation (CAISO), United Belize Advocacy Movement (UNIBAM) and Guyana's Society Against Sexual Orientation Discrimination (SASOD), focus mostly on gay, lesbian, bisexual and transgender concerns; yet, there are others, like the Caribbean Vulnerable Communities Coalition and Jamaica AIDS Support, that focus on marginalised and vulnerable groups. There are even regional networks like the recently revitalised Caribbean Forum for Liberation and Acceptance of Genders and Sexualities (see Robinson 2012).

realities that Caribbean activists and academics have been illustrating. That is, sexual citizenship, which includes sexuality and gender concerns and their intersections with other categories such as 'race' and class, alerts us to,

new concerns, hitherto marginalised in public discourse: with the body, its possibilities, needs and pleasures; with new sexualised [and gendered] identities; and with the forces that inhibit their free, consensual development in a democratic polity committed to full and equal citizenship... It has a positive content, in the articulation of new claims to rights and 'sexual justice' (Kaplan 1997). But it also offers a sharp critique of traditional discourses on citizenship, and on the occlusions and hesitations of contemporary debates. (Weeks 1998:37-8; see also Richardson 1998, 2000 for related analysis of these concepts)

Similarly, one prominent Caribbean sexual rights activist, Colin Robinson (2012), recently defined sexual citizenship as,

how autonomy over one's sexuality becomes part of the core promise of dignity guaranteed by states to every human being; how consensual erotic pleasure and relationships and their expression in privacy and in public are protected from violence and the interference of the state and others; and how society and nation recognised that sexuality is a precious part of personhood. (P.3)

These definitions move analysis of citizenship more generally beyond traditional approaches such as T. H. Marshall's evolutionary triad of civil, political and social rights and by extension duties, to encompass, as Mimi Sheller (2012) emphasises, a complex set of private and public performativity and interrelations,

a set of intertwined practices and collective repertoires for defining, legitimating, and exercising the rights of some bodies against others: who can occupy public space, who can speak in public, who can bear arms, who can vote? Who does the state have an obligation to protect, and who is empowered to judge, punish, and imprison others? Who can own property, protect their privacy, or make contracts, oaths, and wills? And just as significant, who can marry whom, who can be a legal parent or guardian of a child? Who can have sex with whom, and what sex acts are proscribed? (P.21; see also Smith 2011)

I am claiming, however, that conservative Christians tend to adopt and offer a more problematic notion of sexual citizenship. Specifically, their approach to dealing with issues around sexuality as it relates, implicitly or explicitly, to citizenship is to lump bodies, based on sexual identities and perceived practices, into the socio-political categories of desirable, acceptable and intolerable citizens. Also, underlying their concerns about citizens' sexuality and perceived practices are warnings of what they consider to be perilous to the health and survival of the society. Therefore, for the conservative Christians, the understanding of sexual citizenship, particularly for homosexuals, lesbians and heterosexuals who do not live up to their standards of respectability, is oftentimes equated to sexual irresponsibility, moral decay, foreign impositions and ultimately societal degradation and destruction, rather than access to equal rights as well as full inclusion and the freedom to participate equally in all levels of society. This understanding of sexual citizenship is communicated to churchgoers, non-believers, citizens and non-citizens alike through the various mobilisation strategies employed by some conservative Christians in response to such issues as the proposed decriminalisation of buggery and abortion and general discussions about human rights, especially as they relate to reproductive and sexual rights.

Although some Christians from the conservative right are seeking to exert much power and sway in shaping discussions and even actions around matters relating to sexuality within the Jamaican society, as I seek to demonstrate below, their positions are also

consistently being called out and publicly challenged by other segments of society, including sexual and women's rights activists as well as other Christians and members of the less conservative clergy. This emphasises the point that there is in fact neither one agreed upon role for Christianity within the society, nor is there a distinct uniform Christian position being put forward in the public and legal debates about sexuality within the Anglophone Caribbean and Jamaica, specifically.

Thirdly, it is often the case that within nationalist projects, certain religious voices, together with those of other interest groups, are only occasionally heard, or are deliberately marginalised and even 'silenced', while others seek dominance by being the loudest and most vocal, thereby implicitly claiming to represent the majority. Specifically, in the debates relating to matters of sexuality – in particular the decriminalisation of buggery and the definition and protection of sexual and reproductive rights – Christians belonging to various segments of the conservative right are amongst the loudest and most visibly mobilised groups, consistently seeking to have their voices heard and represented within the public media and processes of legal reform. Thus, although there are less conservative individuals and organisation, including the Caribbean Conference of Churches (regionally) and the United Church of Jamaica and the Cayman Islands, engaging in the ongoing public debates around sexuality and reproductive practices within Jamaica, certain conservative segments that are clearly expounding a heteropatriarchal discourse appear more visible. A sociological premise that underlies

this thesis is therefore that one cannot fully grasp the influence of Christianity in Jamaica unless one pays adequate attention to the very complex ways in which various church groups and leaders mobilise in their efforts to inform public opinion and state decisions, and to the way in which the relative conspicuousness of views that appear to offer a radical – or a reactionary – certainty in the face of this complexity may cause the debate to seem more schematised and less sophisticated than it in fact is, both from the outside and even from within.

THESIS OUTLINE

In developing my thesis relating to the examination of the influence that various manifestations of Christianity are having on the sexual politics within the Anglophone Caribbean and Jamaica in particular, the ensuing chapters will explore the following: 1) various appeals to particular Christian teachings and Biblical interpretations by agents of the state; 2) the direct participation in legal reform processes through the written and oral appeals to the state made by local and regional self-proclaimed Christian groups and church representatives, and 3) the direct participation by church representatives in wider public debates, which were, and are still, unfolding in national newspapers and other media sources including the broadcast media and worldwide web. Importantly, although the focus is predominantly on the influence of Christianity specifically in its various Jamaican manifestations, the thesis also considers the ways certain international Christian groups participated in the legal and national debates through, for example, their support

of local organisations during the time of constitutional reform and the review of the abortion laws.

The thesis is divided into seven chapters. Chapter one lays out the theoretical frameworks informing my analysis, examining the existing literature on sexuality within the Caribbean, particularly the Anglophone Caribbean. Moreover, I also offer an explanation of the concepts ‘fundamentalist’ or ‘Christian conservatism’, examining their positioning in the Jamaican context as well as exploring some of the characteristics of the broader concept of Caribbean Christianity. In this chapter I close by showing how my work contributes to the valuable scholarship on sexuality and sexual citizenship through an in-depth analysis of the significant cultural influence of Christianity on a specific contemporary process of post-colonial national reconfiguration like the Jamaican constitutional reform process. Chapter two details my methodology and research methods: feminist critical discourse analysis of primary documents and ten in-depth interviews. In so doing, I briefly point up the feminist methodological frameworks that influence my research – mainly in regards to issues of gaining access to research populations as well as seeking ‘truths’ and constructing knowledge while avoiding doing preventable harm. Secondly, I scrutinise the advantages and disadvantages that accrue from doing research from an insider/outsider position, attempting also to locate my own specific relationship with Jamaica and the Caribbean.

The remaining five chapters are dedicated to the in-depth development of my three previously identified interconnected arguments, serving to define and explicate some of the key discourses, themes and areas of contention that were observed in the documents analysed and interviews conducted. Because the thesis focuses primarily on two processes of law reform, it is natural that there will be some degree of overlap in these chapters, as essentially the same processes are examined under different, but related, lenses. In keeping with my methodological aim of undertaking a feminist-informed research, I will at times also include in these chapters, alongside my own analysis, sometimes lengthy quotations from interview respondents as well as excerpts from various materials that were examined as part of my discourse analysis. I will highlight in the respective chapters, by way of bold subheadings in quotation marks, some of the major themes that emerged from my textual analysis.

Chapters three and four detail, respectively, the specific processes of constitutional and legal reform that this thesis considers, examining some of the key reasons for both constitutional reform and the review of the legislation on abortion as well as particular issues and problems that manifested before and in these recent legal reform processes. Specifically, chapter three examines the ways sexual orientation was configured by some key players within the discussions around constitutional reform, especially as this process relates to ideas about human rights (from discrimination to equality, privacy and

protection) and cultural preservation. Drawing on the writings of M. Jacqui Alexander and Andil Gosine, this chapter shows how a re-(hetero) sexualisation of the nation-state was both, directly and indirectly, being contested and reaffirmed within the Jamaican Constitutional reform process. Chapter four looks at the review of the abortion legislation in Jamaica, arguing that this process highlights an intimate connection between concerns over gender and sexuality. In these two chapters I analyse the ways in which certain conservative manifestations of Christianity were being used to shape discourses around certain sexual and gender related issues. That is, it was being used to justify certain conceptualisations of ‘appropriate’, ‘respectable’ and ‘acceptable’ gender and sexual identities and practices, including those posited by lawmakers and state managers. Further, conservative Christian folks, acting in the name of their respective churches or Christian-based organisation, were directly involved participants in these law-making processes, with some exerting more sway than others.

Chapter five examines more explicitly the mobilisation strategies of Christian conservatives in Jamaica and in a number of other Anglophone Caribbean countries. In particular, it takes a closer look at the significance, strengths and weaknesses of disparate groups of Christians coming together to shape the outcome of the processes of constitutional reform and the review of abortion laws in Jamaica. In doing so, it offers a more in-depth analysis of the perceived outcome of the debate, which was laid out in the

previous chapters, and the impact that the coming together of conservative Christians had on these law reforms.

Whilst chapters six and seven also consider the two legal processes discussed in the previous chapters, the discussion moves somewhat beyond the focus on these two processes alone, especially in the latter parts of these chapters, to consider the complex and ambiguous ways in which the notion of ‘human rights’ is being viewed in general, in relation to wider discussions around certain sexuality-related issues. In particular, chapter six looks in more detail at the deliberate and nuanced appeals to, specifically, international human rights discourses and strategies in the legal reform processes, on the part of both defenders of the status quo and those with a genuinely reformist agenda. I highlight that although constitutions, for example, are assumed to be ideal sites for translating and, in turn, interpreting rights, including those rights that are identified in such treaties as the Universal Declaration of Human Rights, this process is in practice a highly contestable one for a number of reasons. Without a doubt, there are many pragmatic and socio-cultural specific challenges that make defining and acquiring equal rights difficult for some groups in Jamaican society, particularly those whose interests and demands challenge the values of the heteronationalist state and its more ‘acceptable’ conservative ‘Christian’ citizens.

Chapter seven seeks to paint a broader picture of the more general influence of Christianity on the emergence and future of human rights discourses and activism within Jamaica, moving beyond the scope of the specific legal reform processes that form the empirical core of the study. Specifically, this chapter highlights the multifaceted roles of Christian churches in not only limiting but also sometimes defining and safeguarding human rights within Jamaica. Whilst churches in Jamaica have undoubtedly been complicit in the marginalised of minorities, including sexual minorities, they have also traditionally provided many services not offered by the state that would today be considered important for the realisation of people's human dignity and the actualisation of certain social rights. As a result of their continuing importance within the society, positing the exclusion of Christian churches in general from 'rights talks' and interpretations in Jamaica would be both impractical and insensitive to their sometime role as a source of empowerment and safeguarding of rights. Caution, however, needs to be exercised so as to ensure that they do not monopolise these processes and to prevent their co-opting by reactionary sectors from within their midst. It is critical to highlight that though issues of both sexual orientation and abortion are the core of the analysis in the earlier chapters, the former is predominantly referenced in chapters six and seven. This disparity of coverage does not reflect my research bias, but rather the unequal ways in which these issues were, and continue to be, taken up in the local context of Jamaica as well as the wider Anglophone Caribbean region. Also, the lengthier discussion presented

in chapter three on the constitutional reform process and the issue of sexual orientation, especially as it relates to homosexuality, in large part reflects this unequal general interest as well as the interconnections that are continuously being made between (homo) sexuality and such issues as HIV and AIDS and international funding. Also, it speaks to the longer period, relatively speaking, over which these issues of sexual orientation have been publicly and continuously discussed. Finally, the concluding thesis chapter briefly summarises the main research findings and issues raised and points up areas for further research.

CHAPTER ONE

Theoretical Frameworks: Analysing the Workings of Heteropatriarchy

Every society has its 'priests' and priestly classes who act as guardians and defenders of the status quo. Because the status quo implies the possession of rights and privileges, there is always the possibility of a 'prophetic' element with a perspective on reality that is necessarily different from that of the 'priestly' class. This leads to the conclusion that there is correlation between one's approach to reality, one's way of knowing, one's use of knowledge, and one's life situation.

There is no such thing as disinterested knowledge or learning. One's conceptual model corresponds with what one wants to know and make known, and inevitably where one is on the social scale. (Smith 1991:28)

This chapter serves to develop the sociological theoretical framework that elucidates the relationship between the seemingly very different issues of the stigmatisation and criminalisation of homosexuality (more particularly buggery and acts of gross indecency) and abortion within the Jamaican society. More generally, this framework maps the ways in which gender, sexuality and an array of other social categories intersect and shape people's realities and experiences as well as the sexual politics of a society in very complex ways. By sexual politics I mean not only the ways gender and sexuality intersect with each other and are embedded in a number of power relationships within the society but also the ways in which these matters are configured in wider public discussions, including around the implementation and/or revision of policies and laws relating to such

issues as health, rights and citizenship This conceptualisation of sexual politics differs somewhat from the traditional and sometimes heteronormative feminist usage, particularly as it was defined in Kate Millett's 1968 article "Sexual Politics" and book of the same name that are today considered feminist classics. Millett's conceptualisation privileged the power relationship between the sexes, specifically, the exploitation and oppression of women in all sectors of society. To the extent that this power relationship between the sexes is a political relationship, "whereby one group of people is governed by another, one group is dominant and the other subordinate" (Millett 1968:1), this focus is still valid. However, the overwhelming focus on men and/vs. women is now regarded as overly reductive, as other socially constructed categories such as sexuality and race and ethnicity also shape relationships between and amongst men and women. This chapter is thus aimed at configuring a theoretical lens through which to discuss and make coherent analytical sense of the events and processes that are the focus of my thesis.

It is important, firstly, to stress what will become obvious: that the various incidents of moral panic about the legalisation of abortion and of homosexuality within Jamaica and some other areas of the Caribbean highlighted in this thesis are far from disconnected. Rather, they not only demonstrate but are kindled by and complicit with an ideology that has been pervasive in the Caribbean region since independence, namely heteronationalism; that is, the ways in which Caribbean nation-states get constructed and imagined, through processes of law-making and reform, socialisation and the various

national stories that citizens use to name who they are and represent (communities made up of men and women who are not only heterosexual but gendered and raced in very specific ways).⁹ Heteronationalism has its conceptual roots in the earlier notion of heteropatriarchy, discussed in the following section.

HETEROPATRIARCHY

Many scholars, particularly those who write from and about the ongoing nationalist projects within previously colonised states and the effects of globalisation, transnational migration and neo-imperialism on such processes, have long argued that certain sexualised, gendered, racialised, religious and ethnic bodies benefit more in specific nationalist projects than others. This includes Caribbean scholarship linking sexuality, nationalism and citizenship within the region, which stresses that early anti-colonial and postcolonial nationalist projects have failed to deliver upon independence promises of equality and recognisability of *all* people.¹⁰ Instead, some bodies, particularly gays,

⁹ “Nation-state” in this thesis refers to a particular historical formation resulting from the intertwining of the nation and the state. I am aware that the state cannot be viewed as a singular body consisting only of politicians. Rather, it comprises a complex repertoire of administrative controls and institutions, including bodies of government, the legal system and police force, as well as bodies administering areas such as culture and political economy. The nation-state is today self-evidently the dominant form of societal organisation, to the extent that we commonly hear of societies that do not follow this formation referred to as “failed states”, because they seemingly cannot manage to form around a national identity (dominant view) or the national identity does not congeal with the state apparatus. These societies may be marked by internecine strife and persistent civil unrest.

¹⁰ Similarly to Benedict Anderson (1991), Caribbean scholars, such as Alexander (1994, 2005) and Sheller (2012) also agree that nationalism requires homogeneity; however, this in most cases is not arrived at democratically. In fact, a common view tends to be that such a homogenising force as culture is frequently determined by the elite beneficiaries or inheritors of the nation and then 'imposed' on others. Consequently,

lesbians, prostitutes, and even unwed mothers (Alexander 1994), become, within these newly formed nations, the oppressed others, the markers of internal difference, against whom the nation and by extension its citizens are constructed. Alexander (1994), for example, recalls that,

Born in Trinidad and Tobago on the cusp of anti-colonial nationalist movements there, I was taught that once we pledged our lives to the new nation, 'every creed and race [had] an equal place'. I was taught to believe 'Massa Day Done,' that there would be an imminent end to foreign domination. Subsequent governments have not only eclipsed these promises, they have revised the very terms of citizenship to exclude me. (P.5)

M. Jacqui Alexander and Chandra Mohanty (1997) further personalise this sentiment when they argue that "... nationalism at this stage had done little to transform the practices of colonial education, nor had it necessarily imagined us (in Jacqui's case, daughter now lesbian; in Chandra's, woman not mother) as the legitimate heirs of the nation" (p.xiv). In other words, there was a deliberate move to redraw the symbolic boundaries of the nation and rewrite the terms of citizenship around gender and sexual differences. Through an examination of the *Sexual Offences Act* of both Trinidad and Tobago and the Bahamas, Alexander (1994) further asserts that citizenship was not only written around gender and sexual differences and "about the kind of sexuality that presumably imperils the nation" (p.6), but became bound up with morality, that is, Christian morality, ideas about 'appropriate sexuality'. Consequently, heterosexual sex

post-colonial nationalism is often criticised as signifying not an erasure of hierarchy, but instead a transformation of power and a remarking of both external and internal differences.

within marriage with the intended procreative goal was implicitly reinscribed as the norm. The state's peoples were therefore subsequently "sexualised and ranked into class of good, loyal, reproducing, heterosexual citizens, and a subordinated, marginalised class of noncitizens who, by virtue of choice and perversion, choose not to do so" (Alexander 2005:46). This reveals, as Alexander states, the working of "heteropatriarchy", which includes the twin processes of heterosexualisation and patriarchy, as the dominant organised principle within the Caribbean region.

Building on Alexander's work, Kempadoo (2004) notes that heteropatriarchy refers to a structuring principle that signals the distinction and relatedness between the ways in which gender and sexuality are socially, legally and politically organised within our societies: "It privileges heterosexual, promiscuous masculinity [and heterosexual men's overall "experiences, definitions and perceptions of sexuality"] and subordinates feminine sexuality, normalised relations of power that are intolerant of and, oppressive toward sexual desires and practices that are outside of or oppose the dominant sexual and gender regimes" (p.9; see also Ingraham 1994; Lorber 1999; Rich 1988).

Heteropatriarchy, as implied in the Introduction, still holds true in most Anglophone Caribbean countries where citizenship "continues to be premised within heterosexuality and principally heteromascularity" (Alexander 1994:7). In other words, several of these countries, including Jamaica, uphold constitutions that position homosexuals and lesbians

as 'foreign' or 'threatening' to the nation (ibid.:5), with a noticeable lack of any acknowledgement of transgender or bisexual peoples, and women as second-class citizens to men (Robinson 2004). According to Tracy Robinson (2003),

the renewal of a meaningful discourse about citizenship in the Caribbean will show that, notwithstanding the gender neutrality of many citizenship laws in the Caribbean and the language of equality implied in Caribbean constitutions, men remain the paradigm of a (or ideal) citizen and, in significant measure, women are included as citizens through their relationship to men. (P.232)

Still, Robinson argues that Caribbean feminists have mainly “adopted a pragmatic response, more concerned with addressing Caribbean women’s specific social and economic issues than with challenging how citizenship is constructed” (ibid.:231-261). In other words, they have “tended to view the question of women’s citizenship as uncontroversial ... as having been resolved by the independence enfranchisement of women and by independence and post-independence constitutional provisions” (ibid.).

It would, however, be misleading to assume that these failures are somehow unique to the post- or rather, neo-colonial experience. In fact, though there are signs of change in many countries, unequal and gendered access to citizenship is often still the reality, even within, supposedly, some of the most liberal, gender equal and advanced Northern societies. Consequently, like Alexander and Robinson, western citizenship theorists such as Ruth Lister (1995, 2003) critique androcentric theorisations for not acknowledging that the dominant idea of an ideal full citizen is both gendered and sexualised in specific ways – the citizen in question is taken-for-granted as the ‘male citizen’ – hence overlooking

gender inequalities within societies and assuming and normalised the idea of a heterosexual subject. Richardson and Turner (2001), for instance, note that within western societies such as Britain and the United States, “certain forms of citizenship status have as a consequence been connected with hegemonic forms of heterosexuality, especially in the institutions of marriage and the family” (p.331). This highlights that sentiments about the failure of nationalism are intimately connected to concerns about gendered and sexual citizenship in modern nation-states in general.

However, it is important to identify here that although there are general concerns over the inherent exclusions within nationalisms and citizenship machineries, much of the traditional hegemonic western Euro-American scholarship on citizenship tends to privilege certain forms of exclusion over others, hence at times tending to reproduce the very problem they are seeking to address. In particular, many have paid unequal attention, at best, to the ways in which issues of ‘race’, ethnicity, socio-economic class, countries of origin, culture and religion, for example, frequently interconnect with gender and sexuality to inform the definition of an ideal citizen (see Evans 1993; Ingraham 1994; Lister 1995; Rich 1988; Richardson 1998; Richardson and Turner 2001; Weeks 1998).

Unfortunately, some non-Euro-American theorisations have also tendentially privileged certain issues in their analysis of citizenship. Up until recently in the Caribbean, feminists and academics in general have traditionally been very slow in addressing issues of

“sexual desires, agency, and identity” (Kempadoo 2004:24) in their work. When these issues were indeed addressed they were oftentimes subsumed within discussions about gender relations, revealing the “inability to develop beyond fundamental masculine/feminine binaries, an unquestioning assumption of heteronormativity... [and] a failure to examine the prevalence and significance of transgressive sexuality...” (Nanton 2007:34).

The insidious operation of heteropatriarchy essentially meant that when sexuality was spoken about at all in the public arena, it was seen as something that only men possess or ought to publicly claim, an imbalance pointed up in works produced by male social scientists (such as Barry Chevannes and Linden Lewis, who focus predominantly on masculinity) or those that focus on the construction of Caribbean families (principally Afro-Caribbean families). Lewis (2003), for example, states that, “In the Caribbean we have tended to treat gender as the preserve of women. Women have gendered identities, men are sexed” (p.3). He further explains the tendency to link men with sexuality when he states that, “...sexuality seems to be something that men have and are free to explore, while women are expected to relate to it only defensively” (ibid.:7). This thinking results in “women’s sexuality being policed by [rigid] social and gender conventions in ways that do not seem to constrain the behaviour of men” (ibid.). As such, while women may be forced to conceal expressions of their sexuality, men are allowed and positively encouraged to make visible or public display of theirs.

Equally, many of the studies on 'transgressive' sexualities tend to focus predominantly on those men – not women – whose expressions of sexual desires or identities are deemed marginal, abnormal and abhorrent or even, to borrow from Judith Butler (2004), unrecognisable and thus unintelligible (see Crawford 2012). Shana Calixte (2005) states that “it seems that Caribbean studies that do focus on same-gender sexual relations have a preoccupation with men, and are also absorbed in discussions of a homophobic and violent Caribbean society” (p.130). Jamaican anthropologist and masculinity specialist Barry Chevannes provides some insight into why men’s sexualities gain pole position in studies about sexuality and homosexuality in particular. Chevannes (2002) notes that homosexuality within the Anglophone Caribbean is considered primarily a 'male disease'. Of course, such attention reveals that even men’s sexual autonomy is limited, in that their display of sexual agency and desire is only encouraged and expected so as long as it is projected towards the opposite sex; in other words, as long as the expression of their sexual desire and agency remains within what Butler calls the confines of the 'heterosexual matrix', that is “the dominant understanding that normal sexual desire arises out of sexual biological and gender difference. It also imports a presumption of reproductive sex, reinforcing the naturalness of heterosexuality” (Atluri 2001:8). Besides, this idea of homosexuality being a 'male disease' is not to suggest that women cannot and do not participate in same-gender sexual relations, but rather, the very idea reflects

the general patriarchal assumptions about what women can and cannot do. In concurrence to this latter point, Chevannes reasons that it is not enough to suggest that it is the unnaturalness of homosexuality that causes the anxiety around men's sexuality. If this were in fact the only reason it would translate into a similar policing and anxiety around women's sexuality. Rather, Chevannes (2002:489) states, but does not trouble the idea, that it is because men's sexuality (both heterosexuality and homosexuality) "is 'seen', public; it belongs to the realm of the day" and "women's sexuality is 'unseen' and 'private', belongs to the realm of night" and there is thus a tendency to pay more attention to the former.¹¹

Obviously, one cannot simply read the traditional silence, within academia, around Caribbean women's sexualities or the general public's misconceptions about their abilities to participate in sexual relations that do not include men as evidence of women's general lack of agency. Indeed, various theorisations, literary works and ethnographic studies have explored the nuanced ways in which Caribbean women have managed to generate and demonstrate meaningful agency in their daily lives, in spite of their implicit

¹¹ Although Chevannes is theorising about the differences in the intolerance and overall attitudes towards male and female homosexuality, it is possible to apply this very thinking to explain the tendency to focus on specific sexuality-related issues in the academic scholarship and policy literature of the region. Similarly, Makeda Silvera (1997:42) also speaks about this when she states that in addition to experiencing different forms of violence and harassment, lesbianism is not made visible, political or public in the same way as male homosexuality. In fact, it is not farfetched to state that it was and still is, to some extent, believed to be inconceivable that women, by themselves, could have any intimate relationships that are whole and not lacking. Indeed, it continues to be frequently assumed that one of the women must be 'taking on the role' of the man in these sorts of bonding arrangements. Additionally, these tensions around gender, sexuality and masculinity also play out in religious spheres.

role of subordination. However, these understandings of agency are in most cases negotiated within considerable structural and normative constraints. Their endeavours thus do not resemble a more liberalist understanding of agency as being the ability to pursue one's subjectivity and to make choices without undue external restrictions. Gloria Wekker (1997), for example, highlights that some Afro-Surinamese working class women express their agency in their quest for political participation and/or visibility, and in general, in their resistance to "hegemonic definitions of 'normal' social arrangements, [that is,] that heterosexuality is 'normal' sexuality and that organisations are necessarily male endeavours" (p.332). Many of these women express their critical agency through their involvement in *mati* work, which refers to a complex practice of women openly engaging in "sexual relationships with men and with women, either simultaneously or consecutively.... 'Mati work' is called work by insiders because it involves mutual obligations between two female partners in nurturing, social, sexual and economic spheres" (ibid.:336). For Wekker, agency must therefore be read "as a crystallisation of women's subjectivities in conjunction with the possibility to act. From the nooks and crannies of a bleak landscape where constraining, hegemonic realities systematically disadvantage women, women seek possibilities to enlarge their choices, to enhance their positions" (ibid.:332).

This performance of critical agency and the challenge it poses to heteropatriarchy (as well as to the Christian-based, middle-class respectability that also underlies

heteronationalism) are not unique to Suriname; indeed, similar acts are reported in other regions of the Caribbean (Silvera 1997; Tinsley 2010) and its Diasporas (Calixte, 2005). Scholars such as Kempadoo (2004), Denise Brennan (2004) and more recently, Omise'eke Natasha Tinsley (2010) and Mimi Sheller (2012) "show how men and women who inhabit marginal sexual spaces assume an active agency over their sex lives, sometimes rebelling against narrowly defined sexual regimes" (Sharpe and Pinto 2006:249).¹² In *Thiefing Sugar*, Omise'eke Natasha Tinsley (2010) critically engages with the questions posed by Michelle Cliff in *No Telephone to Heaven* (1987) of what would it mean "for a woman to love another woman in the Caribbean, who would it mean, and how would it mean in this sea of islands in which names and histories multiply volcanically?" Tinsley, like Wekker, highlights the complexities around naming and defining these relationships as well as the circumstances under which these kinds of women bonding occur. For example, she argues that,

Like Trinidad's *jamettes*, Jamaica's *man royals*, Haiti's *madivines*, and Barbados's *wicca*, many involved in same-sex relationships here have done so openly in the context of working-class Afro-Caribbean traditions called *mati* in Suriname, *zammi* in Grenada, and *Kambrada* in Curacao. These last terms can refer without distinction to female

¹² Unfortunately, such displays of critical agency have often been left unexamined within academia, even amongst feminists, despite Wekker's empathetic and rigorous example, together with increasing attention from creative authors (see Crawford 2012). Needless to say, this contributes to the further silencing of women and may support, as some postcolonial scholars outside the Caribbean region have also argued, a false, uncritical, homogenous representation of these women by cultural outsiders. In speaking about the representation of Third World women, Chandra Mohanty (2003) argues that within mainstream western feminisms, an image of the average Third World woman is assumed:

This average Third World woman leads an essentially truncated life based on her feminine gender (read: sexually constrained) and her being 'Third World' (read: ignorant, poor, uneducated, tradition-bound, domestic, family oriented, victimised, etc.). This... is in contrast to the (implicit) self-representation of Western women as educated, as modern, as having control over their bodies and sexualities and the freedom to make their own decisions. (P. 22)

friends or lovers: *mi mati* is like *my girl* in African American English, maybe my friend or maybe my lover... (Tinsley 2010:7)

Identifying these creolised names and relationships they describe are important in that they clearly draw attention to complex Global South sexual formations that do not neatly overlap with ‘women loving women’ formations in other places, particularly the Global North, nor are they dependent on any form of external recognition for their legitimacy. In fact, similar to “Martin Manalansan’s *Global Divas*, Megan Sinnott’s *Toms and Dees*, Gayatri Gopinath’s *Impossible Desires*, and Joseph Massad’s *Desiring Arabs*” (ibid.:6) these names challenge “northern theorists to recognised why, in addition to positing that *queer* means many things, they must take seriously that *queer* is only one construction of non [-] heteronormative sexuality among many – and that listening to other languages, and others’ historically specific sexual self-understandings, is crucial to broadening the field” (ibid.).

Additionally, the use of these creolised names to describe ‘women loving women’ within the Caribbean is therefore also a significant step in understanding these women’s non-heteronormative sexual and erotic agency. Moreover, the very act of naming is linked to a desire for subjectivity, visibility or recognition, to fight against cultural unintelligibility, that is, “the laws of culture and language that find your identity and desires to be an impossibility” (Butler 2004:30). However, the other less benign consequence of bearing a name and hence a collective identity is to “become the other against whom (or against

which) the human is made” (ibid.). For “to be oppressed” as Butler writes, also means “that you already exist as a subject of some kind, you are there as the visible and oppressed other for the master subject, as a possible or potential subject... To be oppressed you must first become intelligible” (ibid.). Similarly, Charmaine Crawford (2012) argues that in the Barbadian society, the "approach of de-silencing" lesbianism, through increasing media coverage in 2010 of 'schoolgirl lesbianism,' "was purposeful in simultaneously denouncing and de-legitimising same-sex female sexuality" (pgph.1).

Nonetheless, because Caribbean women who love women are not, or certainly no longer, fundamentally unintelligible or invisible they can rightfully say they are oppressed because they exist as subjects in some way. In other words, while there may no doubt be apparent, short-term benefits to remaining invisible, Butler (2004) – amongst other scholars (namely, Richardson 2000; Weeks 1998) – also underscores the importance of having recognition and visibility for the struggle to claim and obtain rights including sexual rights, and by extension, the construction of fully realise personhood. Recognition and intelligibility have thus proven to be crucial in discussions of acceptance and inclusion within the nation, and of full and active membership within the citizenship machinery of the state (see Alexander 1994, 2005; Lister 1995, 2003; Richardson 1998; Robinson 2000, 2003, 2009).

Clearly, then, although some Caribbean scholars evidently pay attention to sexual and erotic agency – particularly to those that were traditionally silenced and labelled taboo or impossible – the theorisation on sexuality, in particular on sexual citizenship, still needs developing within the region. Moving beyond the exclusive issue of same-sex unions altogether, there is, for example, very little talk about transgender citizenship or the relations between reproductive rights and citizenship.

It has been postcolonial scholars, specifically, including Caribbeanists who engage in sexual citizenship theorisations, who have been most inclined to unambiguously link processes of unequal access to citizenship to interconnecting ideas around gender, sexuality and other factors such as ethnicity and ‘race’, as an indication of failed anti-colonial struggles or as manifestations of neo-colonisation or new forms of imperialism.¹³ They note that failures to critically consider the interconnection of categories such as ‘race’, gender and sexuality, amongst copious others, result in monolithic subject constructions as well as inadequate understanding of the ways experiences of multiple oppressions result in very complex differential experiences and positioning of people within the citizenship machinery. Put otherwise, not all women experience marginalisation from full participation in the political, civil, economic, cultural and social structures of society in the same way. In the same way, “lesbian sexuality and practices in

¹³ By Caribbeanist I mean people interested in, and who do work on, the Caribbean. This category includes a wide range of academics and researchers. Those who were born and still live within the region to those who have migrated to other places, comprising the Caribbean Diaspora. It also includes those who were neither born nor ever lived within the region. However, the uniting factor that makes such people “Caribbeanist” is the centrality of various aspects of the Caribbean in their work.

many sites have to struggle against patriarchal formations, while gay male sexualities may not” (Grewal and Kaplan 2001:670). Or, as Carr (2003) notes, within the context of Jamaica, violence against men on the basis of sexual orientation affects men who belong to working class communities differently than middle and upper class men.

Equally, not all gays, lesbians and transgender peoples experience marginalisation and access to rights, evidently, in the same way in any given society. Wesley Crichlow (2004:32) speaks to this when he states that, “In Canada, bullers [gay men] experience a triple form of oppression: racism and heterosexism within white society; racism and the sexualisation of racism within the white gay community; and heterosexism within the Black community” (cited in Wahab and Plaza 2009:5).¹⁴ Such narratives reveal the complicated and somewhat darker side of migrating to the North at the same time as they trouble the monolithic image that some oppressed people in the global South have of the North – “as a space of utopia” (Calixte 2005:132) – an image that is no doubt based upon the North’s political construction of itself as the liberal, tolerant saviour of prosecuted minorities, asylum seekers and migrants from the oppressive global South.

These analyses illustrate that sexuality, like gender, race and ethnicity, is “interactively elicited through encounters between bodies and sexual geographies, which include spaces of belonging and safety, ethnosexual borders and frontiers, and modes of normalised,

¹⁴ Gopinath 2003; Kim-Puri 2005; Manalansan 2003; Namaste 2005 and Walcott 2006 also examine these issues.

policing, and surveilling sexualised bodies and places” (Sheller 2012:242). Furthermore, as Sheller (2012) elaborates, “Sexuality is rooted in place, politics, relations of power, and access to or exclusion from the rights of citizenship” (ibid.). Likewise, citizenship is also based on and performed through sexual relations, which thus emphasises the intimate interplay between the private and the public and reaffirms the feminist mantra of “the private as political.” Sheller astutely sums this up when she writes that,

Claims to citizenship are rooted in and enacted through sexual relations, including relations of domination through which those subjects with access to the legal protections and rights of citizenship can use their position to exploit non-citizens, as well as disciplinary state relations in which non-normative sexualities are criminalised. Sexual citizenship is about the relationships between sexuality and politics; between bodies and governments; and between forms of embodied power and national and transnational biopolitics. To think sex and citizenship together is to assert the insistently embodied corporeality of citizenship in everyday *practice*, as against the disembodied, abstracted, juridical citizens of constitutional law who in fact are semantically and symbolically coded as white [and in the context of the Caribbean this may be expanded to include brown and black], propertied and heterosexual. (Ibid.)

Heteronationalism

Drawing on the analyses of these above scholars of sexual citizenship and particularly the theoretical framework on heteropatriarchy that was introduced by Alexander within the region, Andil Gosine argues that “heteronationalism” is a suitable concept that highlights racism, ethnocentrism, patriarchy (male dominance and sexism) and heterosexism as foundational imperatives of neo-colonial nation building within the Caribbean.¹⁵ In particular, Gosine (2009) stresses that this concept reveals that, “Nations must always be

¹⁵ Heterosexism refers to the belief in the inherent superiority of heterosexuality over all other expressions of sexuality and thereby the right to dominance (Lorde 1984:115).

heterosexualised to ensure the reproduction of citizens, just as they may also be racialised and gendered to ensure the construction of national boundaries and bodies” (p.98). Hence, it is important to focus attention not only on individual behaviours but also on problematising the nation and in so doing, to reveal the various ways the very conceptualisation of the nation may be shaped by and in turn create power imbalances between various groups of people.

The heterosexualisation of the nation, as Gosine writes, is evident within most of the Anglophone Caribbean, including Jamaica, where women’s bodies – including those of prostitutes and lesbians – as well as men’s bodies have been important sites for moral regulations and discipline, since at least the colonial era, thus illustrating the ways in which heterosexism and patriarchy intermingle with and are inseparable from each other in heteronationalism. Indeed, heteronationalism and the anxieties around sexualities are, as Gosine (2009) emphasises, “a production of patriarchal power that collapses gender with sex and inscribes male and female bodies with fixed functionalities” (p.99). According to Gosine, this normalisation and naturalisation of heterosexuality and male dominance within societies is based on the assumption that one’s (superior or inferior) biological sex will always determine one’s (superior or inferior) gender and consequently one’s sexual desires and preferences. Furthermore, this assumption is also based on and in turn reinforces a binary or hierarchal structuring amongst people into categories of

‘good and bad’, ‘desirable and undesirable’, ‘moral and immoral’, ‘superior and inferior’, ‘insider and outsider’ and ultimately, ‘human and nonhuman’.

Others, such as Aaron Kamugisha (2007) have also contributed to this critique of heteronationalism, or rather as he calls it, the “coloniality of citizenship” in the contemporary Anglophone Caribbean, arguing that “Citizenship has been constructed not merely on the denial of the experiences of the black and Indian masses but also on the denial of the experiences of women and homosexuals – in short, everyone who did not fit the template of ‘white bourgeois heterosexual man’ in its now brown/black male Caribbean configuration” (p.35). Furthermore, Kamugisha notes that this construction of (middle-class) citizenship left intact the “desires for ‘respectability’ and ‘decency’ that are completely based on a western epistemological frame of reference – and, more specifically, on a colonial, pseudo-Victorian mutation of this order” (ibid.), which contributes to the general failure of the Caribbean postcolonial state to dismantle the old oppressive regime and introduce new perspectives on citizenship, government and rights and freedoms.

Similarly to Kamugisha’s thesis, Deborah Thomas (2004) identifies the privileging of a (middle-class) construction of citizenship that draws on certain ideals of respectability in Jamaican nationalist projects in the late twentieth- and early twenty-first centuries.

Thomas (2004) further provides valuable insight into how churches operate in conjunction with the state and dominant classes to establish a hegemonic ideal of respectable and valuable citizens, which should be aspired to by all blacks and poorer classes of people. This connection, for example, is evident in the Jamaican hegemonic creole multiracial nationalist project, consolidated by intellectual, middle class and political elites, which began to surface in the post-emancipation years but came to full dominance in the post-independence era (1960s). Particularly, creole multiracial nationalism was built on a “vision of cultural ‘progress’ and ‘development’ that prioritised ‘respectability’” (Thomas 2004:5). This respectability places an emphasis on “the cultivation of education, thrift, industry, self-sufficiency via land ownership, moderate Christian living [adherence to the tenets of the Church], community uplift, the constitution of family through legal marriage and related gendered expectations, and leadership by educated middle classes” (ibid.:6). Although this project tends to privilege specific racial and class identities, namely the brown (mixed people of black and white descent), creole and middle classes, this vision was circulated and successfully inculcated within the wider population. Today, this vision or definition of respectability is still embedded within the society, though facing increasing challenges, and surfaces, as subsequent chapters show, in debates about ‘appropriate’ sexual and gender behaviours.

To date, academic discussions within the Anglophone Caribbean about sexualities, especially as they relate to matters of rights, belonging and exclusions are still

predominantly focused on the role of the state, despite the well-known far-reaching influence of, for example, religious institutions on Caribbean people's lives. Indeed, generally speaking "the Church in Jamaica [and many other regions in the Anglophone Caribbean] is the most powerful non-governmental organisation in this nation" (*Jamaica Gleaner*, January 03, 2010). Likewise, Olive Senior (1991) asserts,

Even a passing knowledge of Caribbean culture shows what a potent force religion is and always has been on the everyday lives of women, especially on their socialisation and behaviour. Religion can significantly affect male-female relationships and modify community norms and expectations, for example, in relation to childbearing and marriage. We are referring here to both orthodox religions and the newer and faster-growing unorthodox churches and sects, both imported and indigenous. (P.185)

Furthermore, this predominant analytical focus on the state continues although some scholars of modernity, or rather post-modernity, have argued that there is an imminent decline/erosion in the power and importance of the state and by extension the nation-state (Appadurai 1996), or even that the notion of the nation-state in itself is already "becoming ambiguous and uncertain" (Bhavani 1993 cited in Lister 1995:2) within an increasingly interconnected and globalised world.

However, many Caribbeanists, amongst other postcolonial and transnational scholars, underscore that the continuing power of the state cannot be ignored. After all, the vast majority of people still live within actual nation-states and do depend in varying degrees upon, and are in turn constructed as subjects – or non-subjects – by the state. Consequently, it seems self-evidently premature to downplay the influence of the state

and the significance of national (or state) boundaries, both literal and metaphorical, in discussions of personhood. Moreover, the role of governments and local legal systems may not necessarily be as eroded as some would claim, as we often rely on these state institutions to translate, acknowledge, protect and distribute human rights in local contexts (Gosine 2009; see also Richardson and Turner 2001). This dependence on the state – paradoxically more acute for those commonly disenfranchised by it – through its legalistic avenues, as a major site for translating, transferring and protecting rights, may result in a narrow interpretation and transference of rights, as the following chapters will show.

Law and social change

Law, as an instrument of the state, is seen by many as mainly an “inherently coercive and violent domain” (Robinson 2007:128) that is an ineffective avenue for ensuring deep societal change or dialogue. Some scholars also argue that the law within ‘postcolonial’ societies like those of the Anglophone Caribbean in general fails to understand these societies and peoples on their own terms. In other words, the instruments of law, as it is made and practiced, in these societies are often more reflective of the old colonial master’s rules and societal constructions than any contemporary societal needs. Barry Chevannes, for example, argued this point in his 2002 essay, “If the Shoe Doesn’t Fit: Law and the African-Caribbean.” Tracy Robinson (2009a), in a response, succinctly summarises Chevannes’s argument as follows:

The law, he argues, fails to recognise people as they are, see themselves and live (Chevannes 2002:81). The law, lawmakers and jurist betray gross indifference to and lack of understanding of the relationship between law and society (ibid). The result, the argument continues, is a lack of congruence between the cultural practices of Caribbean people and laws in the region; his analogy, the shoe (law) does not fit the foot (the culture). (Ibid.:89 cited in Robinson 2009a:1)

For Robinson, however, Chevannes provides an excessively simplistic “resolute division between law and Caribbean society” (ibid.:2). Indeed, she argues for a more complex analysis, one where law is not simply treated as ‘foreign’ and outside and distinct from Caribbean culture, but rather as often intimately connected to and reflective of everyday life and culture within the region. Put differently, although many find it convenient to imagine law and processes of legal reform as being entirely alienated, externally imposed or as sitting on the “distant horizon of our lives, remote and often irrelevant to the matters before us” (Ewick and Silbey 1998:15), in actuality, they often have a “commonplace materiality pervading the here and now of our social landscape” (ibid.:16).

Despite these important limitations, I believe, like Robinson, that the on-going engagement with the state and its administrative tools is a risky but absolutely necessary ‘closeness.’ After all, we must “still rely on the state to ensure some of the basic conditions that would make inter-subjective relational living more realisable – such as the repeal of laws criminalising same sex relations, laws allowing adoptions by same sex couples, and protections against domestic violence” (Robinson 2007:128). The Jamaican

Forum for Lesbians, All-sexuals and Gays (J-FLAG) explained, in a 2012 petition aimed at gaining the inclusion of sexual orientation in the then still not passed Charter of Fundamental Rights and Freedoms, their continuous engagement with law along similar lines, stating that,

J-FLAG continues to observe and articulate the implications of the absence of a specific legal instrument to protect and promote the human rights of lesbian, gay, bisexual and transgender Jamaicans. While the enactment of laws alone will not change the engrained discrimination within our society, the presence of discriminatory laws coupled with the lack of specific protections continue to contribute to the high incidences of stigma, discrimination, harassment and other forms of abuse as well as death of Jamaicans who are, and in some cases perceived to be gay or lesbian. (Jamaica Forum for Lesbians, All-Sexuals & Gays 2011: pgph.2)

Although the intended goals may not always be achieved, engagement does open doors for other possibilities. For instance, J-FLAG did not gain the inclusion of protection from discrimination on the grounds of sexual orientation as a constitutional right in Jamaica's new Charter of Rights, which was passed in April of 2011. However, "by presenting themselves before the committee [Special Select Parliamentary Committee that was established to consider Charter revision], gays lesbians defined norms of circumspectness and invisibility, repudiated suggestions that they were nobodies, and used the hearings to enunciate a collective vision of their imagined lives" (Robinson 2004:129). Similarly, by participating in drafting constitutional reforms, Guyanese feminists, as Robinson mentions, "subversively slipped in expansive protection against discrimination on the basis of 'race, place of origin, political opinion, colour, creed, age, disability, marital

status, sex, gender, language, sexual orientation [which was later removed from the list when conservative groups and lawmakers caught up], birth, social class, pregnancy, religion, conscience, belief and culture” (ibid.).

Regardless of the potential opportunities, some sexual rights activists and feminists are still wary of the reliance on law and essentially the state for implementing change. In a recent opinion piece, “Decolonising Sexual Citizenship: who will effect change in the south of the Commonwealth”, Colin Robinson (2012) warns that it is “ill-judged to place too much emphasis on law and litigation as a means of advancing sexual autonomy in the Global South of the Commonwealth” (p.3). Besides, C. Robinson argues that “[t]he heavy focus on litigating sodomy laws is in itself questionable, when there are several much more fruitful fronts for policy change and opportunities for including sexuality in frameworks of gender justice, kinship and humanity” (ibid.:4). In a nutshell Robinson emphasises the point that the “...old Empire solutions won’t work in a new Commonwealth. Furthermore, nothing, not even the strongest Charter, will end at a stroke the criminalisation and stigmatisation of same-sex intimacy across so much of the Commonwealth” (ibid.).¹⁶ While many may share C. Robinson’s frustration and acknowledge the strength of his argument, this does not constitute a reason for dismissing

¹⁶ Yet still, others have identified an important paradox, that is, “in the “very struggle toward enfranchisement and democratisation,” argues Judith Butler (1992:14), “we might adopt the very models of domination by which we were oppressed, not realise that one way that domination works is through the regulation and production of subjects.” (cited in Sheller 2012:41). In other words, “...recognition by the state and the granting of rights comes at the price of ever deeper inscription into the hegemonic social order” (ibid.).

engagement with law altogether in the context of the Anglophone Caribbean. For, as Alexander succinctly argues, (1994) it is through legislation that the state “reinscribes inherited and more recently constructed meanings of masculinity and femininity” (p.6; see also Alexander 1991, 1997, 2005), but also ideas about sexuality. In other words, “the law then, intimately linked with the processes of governance and ordering of society, has been, and increasingly in new ways has become, a site of discursive contest regarding sexuality” (Tambiah 2009:4).¹⁷

I do not believe Colin Robinson is in fact proposing this either; rather, his is a call for implementing local and sub-regional strategies, which may very well include various forms of critical and innovative engagement with law, including with constitutional law, that move away from reproducing or legitimising colonial and neo-colonial imposed agendas and relations of domination (C. Robinson 2012:5). What I would add, is that the same care needs to be applied even when adopting what may appear and may very well be local and regional strategies (as against the reductively legislative strategies sometimes associated with “one-world” liberalism). That is, whilst going to the

¹⁷ Moreover, Alexander points out that the state fuels a heteropatriarchal re-colonisation, which “operates through various material and ideological processes initiated by the state, both inside and beyond the law” (Alexander 1997:67), and which serves certain ruling classes and global economic interests (see also Sheller 2012). This point is particularly important, as it reveals that frequently the debates and anxieties about sexuality within the law and by extension the state are not always just about sex and sexuality. Rather, “legal processes of regulating sexuality and female decorum become convenient sites for displacement for social and political tensions or accommodations” (Tambiah 2009:16), such as the failure of the state to fulfil its anti-colonial promises or to work in the interest of all its citizens instead of in neo-colonial and imperial interests (see Alexander 1994, 1997, 2005; Kapur 2005). These debates may thus also serve as a vehicle to talk about other issues, such as colonisation, anti-colonialism, nation-building and the preservation of tradition (see Katrak 1992; Moghadam 1992).

grassroots is necessary and may be fruitful, advocates need to be mindful of the agendas of nationalists who are very much in favour of not only maintaining but refashioning a heterosexist, patriarchal status quo through these local and regional strategies, like constitutional reform, that are supposed to be ‘of the people and for the people’. Additionally, based on the arguments presented by Alexander, T. Robinson and Tambiah, it appears that one possible goal for researchers and activists alike is to reveal the ways in which certain ideological discourses of gender and sexual relations – for example heteropatriarchy – are ‘privileged’ in the construction of law. This kind of work and what it reveals (that is, areas of social exclusions) may potentially result in changes to the law.

Constitutional Reform

Unlike ordinary law reform, constitutional law reform is characterised by “its extended conversation, the protracted character of the debates and its unexpected turns and concerns” (T. Robinson 2004:595). In other words, in constitutional reform processes, “[a]gendas are carefully crafted and terms of reference constructed, but the character of a constitution anticipates subversion of these goals because the law of the constitution is a self-conscious dialogue addressing the fundamental questions about the organisation of social and political life” (Macklem 1988:118 cited in T. Robinson 2004:595). Simply put, there are no easily defined agendas or outcomes, in part because the constitution, above other laws, is not only “the act that founds the nation and the sign that marks it” (Morrison 2004:2), but also ... “an act of signification: an expression and annunciation of

collective identity” (ibid.). Because constitutional reform represents a critical collective national act of self-identification and remaking, it involves, at least in theory, dialogue with a wide range of key interest groups, including the general citizens, religious leaders and groups, sexual, gender and children rights activists, academics and representatives from various professional bodies, amongst many others.

However, there is frequently an underlying disingenuousness in the call to ‘determine our own political will’ by engaging in the process of constitutional reform, and its results are often disappointing to a very significant proportion of even the enfranchised, let alone the disenfranchised. That is, it is not uncommon, as this thesis highlights, for some voices to seek and even gain dominance within the process, to the detriment of others. In fact, within the Anglophone Caribbean, sexuality and gender have traditionally hardly received serious attention in the authorship and legitimacy of the constitution, though concerns around these categories are among the most contested in the process of reform, highlighting the relative absence of a meaningful societal appreciation of the notion of sexual citizenship. The lack of such attention emerges from a failure to engage with the broader implications of gender and sexuality in the drafting process. Tracy Robinson (2004), for example, speaks to this when she writes that “constitutional reform has not evolved from an abandonment of the philosophical underpinnings of the discriminatory provisions – the assumption that men are the archetypal citizens and women their subordinates” (p.602). Additionally, Robinson (2009:12), like Alexander (1991, 1994,

1997), further confirms that the construction of the archetypal citizen through law is not only about being male or female, but also about sex and sexuality; that is, the type of sexual practices one enjoys and participates in or is perceived to participate in and their alleged contribution to reproducing the nation also plays a part in defining and determining your worth as a citizen.¹⁸

Christian Citizenship

Whist on-going engagement with the state may thus seem unavoidable in analysis of matters relating to sexuality and the construction of sexual citizenship especially, my thesis emphasises that in certain contexts non-state institutions, such as religious ones, may also play decisive roles in these processes. In the case of the Caribbean, religious institutions also shape and are invested in the heteronationalist construction of citizenship, both at the micro and macro levels of societies. Leading Caribbean feminist, Peggy Antrobus (2004), for example, links religious institutions to the perpetuation and dominance of patriarchy and by extension heteronationalism. Antrobus writes that religion, as “an important factor in most societies and as an aspect of socialisation,

¹⁸ In view of the complexities around matters relating to sexuality as well as the obvious power of the state in regulating, constructing and policing various identities in many parts of the world, it is therefore not surprising that other theorists such as Grewal and Kaplan (2001) argue that, from an international perspective,

... we need to focus on the ways in which state becomes involved in producing sexual identities [even] in an era of globalisation.... a cultural or psychoanalytic understanding of so-called global lesbian and gay movements is inadequate. Nation-states, economic formations, consumer cultures, and forms of governmentality all work together to produce and uphold subjectivities and communities. (P.670).

...reinforces the subordination of women within the patriarchal household, conditioning women and men to accept and internalise asymmetric gender relations, and robbing women of agency” (p.100). On the macro level, this can also explain why, as Antrobus argues, “many women act in accordance with societal norms that restrict their agency, thereby reproducing their own subordination” (ibid.).

On the one hand, Caribbean feminists and activists, such as Antrobus, have often acknowledged the ways in which religion, including Christianity, may work in restricting women’s agency. However, on the other hand, they, as Judith Soares (2001) critiques, have too often ignored or paid little attention to “understanding, in a fundamental way,” women’s complex religious experiences or,

the role of religion and Christian theology in women’s lives and the spirituality of their quotidian existence. In a formal sense, therefore, women’s organisation and feminists groups have been mainly concerned with the socio-economic and political aspects of women’s lives. Their main concerns have centred on women’s participation in politics, women at the level of decision making, women and poverty, women and domestic violence, women’s role in the media, and women’s reproductive rights, to name a few well aired areas of concern. (P.104; see also Senior 1991)

A serious analysis of the role and importance of religion provides new and enriched understandings of how women and Caribbean people in general experience an array of issues, not least around gender, sexual relations and social belonging (see Kasafi Perkins N.d.; Soares 2001, 2005; Senior 1991; Sheller 2012). For example, Mimi Sheller (2012), in her more recent analysis of “citizenship from below,” emphasises that spirituality and religion, including Christianity, are very important in shaping not only experiences and

expressions of patriarchy, but women and men's complex and differential experiences and understandings of freedom and citizenship within post-emancipation Caribbean. It is therefore "necessary and urgent to encompass religion and spirituality in any discussions of freedom and citizenship," Sheller states, "[e]specially when Christianity is being mobilised in Jamaica and other parts of the Caribbean for the criminalisation of some sexualities, and even for condoning the occurrence of violence against gay men and women" (p.46).

Although the literature on the impact of religion on Caribbean peoples' lives, and particularly on their constructions of sexual identities, relations and rights, has until relatively recently been somewhat underdeveloped, it is important to add here that in addition to Antrobus there are a number of other scholars who have begun to examine the influence of religion, particularly of Christianity, on peoples' lives (Alexander 1994, 1997, 2005; Boxill 2011; Dick 2002; Carr 2003, 2009; Curtis 2009; Gutzmore 2004; Kasafi Perkins N.d; Lewis and Carr 2009; Thomas 2004; Wekker 2006;). A commonality in this existing scholarship is that the various scholars and researchers identify the significance of Christian teachings, and specifically a certain fundamentalist approach, in shaping people's attitudes towards sexuality and sex-related issues, whether it is among youth, politicians, lawmakers or dancehall artistes.

Additionally, a number of recently published studies, for instance, identify that although multiple and sometimes contradictory influences shape the production of sexuality amongst youth in the Anglophone Caribbean, churches nevertheless still function as powerful sources of moral guidance as well as key players in local governance and the delivery of certain social services. Consequently, they potentially influence “a range of decisions about sex-related issues such as abstinence, birth control and abortion” (Crawford, Rawlins, McGrowder, and Adams Jr. 2010:2). Still, Crawford et al. note that, young adults are dealing with “contradictory values and fewer guidelines regarding sexuality” (ibid.:3). That is, just as churches and Jamaican family educators may stress the importance of abstinence before marriage, at the same time there is also an erosion of these traditional value systems as a result of both other pervasive and compelling cultural influences through media, on the one hand, and churches’ perceived failure to adequately comprehend a range of matters relating to youth sexuality.

Such observations regarding contradictory values and their shaping of the production of sexuality amongst youth in the Anglophone Caribbean are made by a number of other scholars, such as Ian Boxill (2011) and Debra Curtis (2009). Similarly, a 2011 research report, which addressed issues of gender, sexual culture and HIV/AIDS in the Caribbean, and Trinidad and Tobago in particular, concluded that,

Young people are negotiating an increasingly complex social, technological and confusing sexual and gendered space. They exist in a context of powerful globalised and western directed youth cultures, which challenge hegemonic societal sexual expectations and expected religio-social norms. They seek to negotiate their own paths within new and

constantly changing systems of governmentality that shape their social and sexual practice. What is clear is that sexuality is much more fluid and less bounded than commonly understood. (P.95)

This research, like the preceding ones, also highlights that “religious feeling is very strong although not all Avenue participants [the research participants] may be active practitioners. There is an awareness of moral codes governing sexuality and sexual behaviour. Patrons express knowledge of these moral and religious codes and also imply a willingness to adhere...” (ibid.:78). Even more telling, this research also found that,

Religious discourse generally, emphasises heteronormativity and serves as a critical justification for the non-acceptance of non-normative sexualities and identities. In this context, gays on The Avenue expressed their continuing struggles to accept their own sexuality, even if The Avenue accepted it. Although they may be comfortable on The Avenue, acceptance of themselves as gay males was an ongoing internal, religious and spiritual process they were working through. There is a general perception that for members of the gay community, there is a need to reconcile their sexuality with their religious beliefs, and in some instances, it appears as though they strongly desire acceptance from their faith of their sexuality and sexual practices. (P.79)

Likewise, Debra Curtis (2009), captures this contradiction when she points out that girls living in Nevis are similarly “caught between conflicting discourses of Christian teachings about chastity, public health cautions about safe sex, and media enticements about consumer delights” (foreword). Amidst these contradictions, Curtis acknowledges that it is still evident that the dominant moral discourse on sex and sexuality, which is “intended to guide and control sexual behaviour” (ibid.:54) can still be “characterised as mirroring the teachings of the Bible” (ibid.:53).

Arguably, Alexander's work on sexuality, citizenship and nation-building in the postcolonial nation-states of Bahamas and Trinidad and Tobago offers the most critical and comprehensive analysis to date into the power and use of religion, particularly specific Christian Evangelical Biblical interpretations to support the heteropatriarchal structuring principle. Alexander thus highlights the influence of Christianity in terms of not only its individual or informal influences but on its influence on formal institutions such as the law. Indeed, her work has begun to show that the "law is empowered to lie comfortably with other systems of moral policing in order to determine who can be constituted as a fit or unfit citizen" (Tambiah 2009:16). For example, Alexander (1997) argues that in consolidating hegemonic heterosexuality as the prerequisite of full and absolute citizenship, "state managers relied heavily on Biblical testimony in order to fix the specter [of 'appropriate' citizen], using reiteration and almost incessant invocation to God and Sodom" (p.88). In other words, state managers are required and empowered to police and criminalise practices such as homosexuality and lesbianism and deny those who partake in such 'unnatural' acts full citizenship (through rights, protections under law, and even freedom) in order to prevent their countries from facing destruction like that wrought on the cities of Sodom and Gomorrah. Certainly,

The power of Sodom in providing "the most important defence" for state managers makes it possible for the sexual destruction of Sodom to operate as truth, in spite of contentious ecclesiastical debate about the impetus for destruction. Sodom requires no point of reference other than itself; it can assert authority without comparison, evidence, or parallel. Its power lies in its ability to distort, usurp, or foreclose other interpretative frameworks, other plausible explanations for the destruction of Sodom, or other formulaic and experiential

dimensions of homosexuality that oppose and refuse state constructions of the criminal presumably reinforced by Biblical authority. (Ibid.)

Following in Alexander's footsteps, scholars such as Lewis (2003), Gutzmore (2004), Lewis and Carr (2009), Kasafi Perkins (N.d.) and Mimi Sheller (2012) give more critical attention to problematising the impact that certain Christian teachings are having on the sexual politics and gender relations in contemporary Jamaica. One cannot downplay, as the following chapters show, the emergence of resistance as well as human rights ideologies and movements based on a number of affiliations – including class, gender, 'race' and even sexuality – from amongst people who openly identify as Christians and may even be regular church-goers or theologians and church leaders. However notwithstanding, these works also point up the importance of paying critical attention to the ways some Jamaican churches are broadly complicit in the reinforcement of a heteronationalist narrative in contemporary Jamaica. Namely, like Alexander (1997), Gutzmore (2004) as well as Lewis and Carr (2009) examine the influence of fundamentalism or Christian conservatism.

Throughout this thesis I also focus on the workings of Christian conservatism. Although I use the concepts Christian right, conservative Christians, Christian conservatives or fundamentalists interchangeably, it must be emphasised that there are variations even amongst those Christians who are being lumped under these categories. In my study, it quickly became apparent that the people who constitute the conservative right belong to

various Christian denominations, from various Evangelical and newer Protestant denominations and non-denominational churches, many originating in the United States of America, to, depending on the issue being debated, more traditional Roman Catholic groups. This complexity, and hence the limitations of such broad labels, is also captured by Soares in her explorations in Caribbean Christianity and fundamentalism. Soares (2001), in fact, includes Roman Catholics in her definition of the 'liberal' churches; others include the Anglican, Methodist, Moravian, "and others in similar traditions that subscribe to a hermeneutical understanding of the Scriptures" (p.116). Interestingly, although the Roman Catholic Church possibly represents the most organised and vocal Christian lobby against such issues as the legalisation of abortion in Jamaica as well as in other countries such as the United States of America, Christian conservatism or fundamentalism is nonetheless greatly associated with Protestant Evangelical Christianity, with its charismatic leaders and large congregations. In the context of the Anglophone Caribbean this includes a number of Evangelical, non-denominational or Pentecostal-type churches (Austin-Broos 1997, 2001; Soares 2001).

In the United States of America, for instance, followers of Christian conservatism are today labeled "collectively as the 'New Christian Right,' 'Evangelicals,' or 'Christian Fundamentalists'" (Church 2011:9). The concept of the Christian right or Christian conservatism, according to Nathan Church, has been "intermittently used by academics and journalists [in the United States] alike since the 1980's" (ibid.). Indeed, though

conservative Christians existed within the United States, and in other regions of the world, before the 1980s, many make a connection between their rise in influence, under the leadership of charismatic pastors such as Pat Robertson and Jerry Falwell, and the political as well as economical conservative politics associated with Ronald Reagan and the US Republican party (Church 2011; Lambert 2008).¹⁹ Moreover, Kelefa Sanneh argues that for many casual observers “the aughts [2000-2012] seemed like a triumphant era for evangelicals” in the United States, with the crucial support garnered for President Bush by evangelical voters in the 2000 and 2004 elections (*The New Yorker*, November 26, 2012). However, “the popularity of evangelical Christianity probably peaked sometime in the early nineteen-nineties” (ibid.). Despite geographical, socio-political and cultural differences, Christian conservatives in both the Caribbean and the United States of America share common moral agendas and vested political interests in certain issues, including the public education system, the traditional family, sex, homosexuality, same-sex marriage and abortion.

The labels Conservative Christians or Christian conservatives, Christian right, and fundamentalists are thus used, notwithstanding their inadequacies, to identify those groups of Christians who view the Bible as the “direct and inerrant word of God.” In other words, they regard the Bible as comprising God’s true plan for humankind, thus as

¹⁹ Indeed, Soares (2001) points out that the term “‘fundamentalism’ was coined in the 1920 to describe the conservative wing of North American Protestantism” (p.106).

a moral compass that must be strictly followed. Soares (2001) astutely sums this up when she writes that,

[f]or Fundamentalists, therefore, the Bible is the sole and absolute authority on all life. It is the infallible word of God and the Biblical message is regarded as clear and unchanging and unchangeable. For them, all aspects of human life are subject to religious laws, which are based on Biblical text and, consequently, believed to be of divine origin. It is this belief that the Bible is an unquestionable authority that does not require interpretation that has implications for women [and we could add homosexuals and lesbians] and their role and status in the family, marriage, and Church ministry and, indeed, society. (P.106)

Based on this view, the Scriptures and teachings of the Bible are not seen as representative of the voices (and viewpoints) of the different original authors and various interpreters at different points in time. Rather, there seems to be, to summarise the views of one Jamaican theologian whom I will call Diane Jackson, at best, an under-appreciation of the fact that the writers of Biblical texts did not simply sit down under the influence of the Holy Spirit and recorded things as God dictated them but instead, these texts were recorded over various periods and by different people living under specific circumstances and as such the stories of the Bible cannot and does not speak to every context or situation that people currently meet (Diane Jackson, in discussion with the author, June 13, 2012).

In addition to insisting on the infallibility of the Bible and on a literal interpretation of its Scriptures, Soares (2001) notes that Fundamentalists share common beliefs in “personal experience of religious conversion, the virgin birth, and the Bible as the only source or

explanation of the origin of life and humanity” (p.106).²⁰ Furthermore, they see themselves as “protecting the ‘old time gospel’” (ibid.), and doing “‘battle for the Lord’ against enemies of the Kingdom” (ibid.).²¹ Similarly, Frank Lambert (2008) argued in “The Rise of the ‘Religious Right’: The Reagan Revolution and the ‘Moral Majority’”, whilst “critics label the Christian Right as narrow and backward, supporters see the movement in a more positive light – as born-again, evangelical Christians who take seriously Christ’s charge to spread the gospel to the entire world” (p.184). As this thesis reveals, the charge to spread the gospel to the entire world is not restricted to ministering to congregants but may also constitute mobilising, locally and internationally, against what are seen to be morally corrupting and dangerous practices and ideologies that are being put forward by (atheist) humanists who are waging war against Christianity.

CHRISTIAN CONSERVATISM IN JAMAICA

Although manifestations of the sorts of Christian conservatisms described above are also observable in Jamaica and the wider Caribbean, such groups comprise only one aspect of Caribbean Christianity. Indeed, Soares (2001) points out that even though Christian fundamentalism has become somewhat indigenised within the English-speaking Caribbean over time, these religious experiences and the related fundamentalist

²⁰ According to Soares (2001) the “sine qua non of fundamentalism can be enumerated as: (1) the inerrancy of the Scriptures; (2) the virgin birth of Jesus; (3) the resurrection of Christ; (4) the substitutionary atonement of Christ; and (5) the second coming of Christ” (p. 106).

²¹ In 1980, George Marsden in his text, *Fundamentalism and the American Culture: the Shaping of Twentieth Century Evangelism, 1870-1925*, described Fundamentalists as “evangelical Christians bent on driving modernism out of church and culture (cited in Soares 2001:109).

movement in general are nonetheless not native to the region. Rather, they are “[a]n offshoot of American fundamentalism” (Soares 2001:105), which “began its exodus to the Caribbean from as early as the turn of the century, a period that coincided with the emergence of monopoly capitalism in the United States and the spread of imperialism in the Caribbean” (ibid.). In spite of this, the 2011 census by Jamaican Population Census Report highlights that membership in fundamentalist denominations, though not representative of all of Christianity, is on the increase in Jamaica. In particular, such churches as the Anglican, Baptist, Brethren, Methodist, Moravian, Roman Catholic and United Churches have seen a decline in their membership, with the Anglican suffering “the greatest, losing almost 20, 000 members” (*Jamaica Gleaner*, November 04, 2012). Whilst these churches experience declining membership, however, other less traditional, evangelical churches experienced some growth (ibid.). According to the census data, the “largest single denomination is the Seventh-Day Adventist, with 322,228 members now, up from 281,353 in 2001” (ibid.). This is followed by, as the Reverend Chisholm characterises, “the nebulous group called ‘Pentecostal’ at 295,195, significantly up from the 2001 figure of 247,452. Next in line is another unclear group, ‘Other Church of God’... The New Testament Church of God follows with 192,086, swelling from its 163,912 following in 2001” (ibid.). See Appendix A for Table 1 showing the extensive breakdown of the distribution of the population by religion and/or denomination for the years 2001 and 2011 respectively.

Howard Gregory, the Lord Bishop of Jamaica and the Cayman Islands, attributed the decline in membership of the traditional churches to a number of reasons. He proclaims,

Various reasons have been advanced for this situation. It is true that the traditional churches have been more staid in their approach to matters of worship and teaching, and have a sense of connection with the church through the ages. As is true of a nation at 50, a people without a sense of their history, but with eyes only for the present, are a people without identity and integrity of being.

But is the decline indicative of some inherent failure in the proclamation of the gospel and in living the faith? The Christian faith is one which seeks to embrace the whole person, body, mind and spirit, and all the human senses. The contemporary preoccupation with emotion and feeling, as that which drives the moral and religious life of persons, is not consistent with the gospel as understood by Christians of a historic tradition.

Additionally, when the religious feelings have worn off, with what is the individual left? Emotional expression serves a cathartic end, but does it lead to social action and responsibility as it recedes? The mandate of Jesus to His disciples is that of preaching, healing, exorcising the things which lead to distortion in the life of the people, and feeding those who are hungry. It is interesting that among those religious groups that understand the gospel in this holistic way and are most involved in the life of the nation in these ways are those on the decline. (*Jamaica Observer*, November 04, 2012)

The Reverend Gregory not only points out the differences in the interpretation of Christianity amongst churches but highlights, as others in this thesis have done, the long-standing important role played by the more traditional churches in holistically advancing people's standard of living (and human rights) within the country.²² Such good deeds

²² Conversely, the Reverend Dr. Wellesley Blair, the New Testament Church of God's Administrative Bishop for Jamaica and the Cayman Islands, in an interview with Tyrone Reid, a journalist with the *Jamaica Gleaner*, credited the growth to the ways in which his organisation presents the gospel...

We make the real things real ... somebody else may make the real things look false... People want real things. They are tired of the fake things. Those are strong statements but I can back them up... (cited in *Jamaica Gleaner*, October 21, 2012)

According to Reid, "Blair also had strong words for those who accuse the evangelical movement of sheep stealing. 'That is not a fair statement and it belittles the ability of the Jamaican people to think for themselves.'" (ibid.). Similarly, "Pastor Everett Brown, president of the Jamaica Union Conference of

however, are not reflected in the questions and findings of the census, which as the Reverend notes is already “being used to pit one religious group against another and to make certain moral and religious judgments about the various religious groups based on the numerical strength of their membership” (ibid.). Despite the evidence from 2011 census data that shows the growing dominance (in terms of the number of churches and congregation sizes as well as their representations in public and political life) of the less traditional (and somewhat more conservative) churches, it is essential to emphasise that traditional churches have not been completely marginalised. Indeed, the Jamaica Council of Churches, which was established by and still has in its membership most of the country’s traditional or mainline churches, remains an important social and political interest group, commenting on various issues within the society (see Callam 2004).²³

Interestingly, the explanations presented above, as well as those offered by some individuals that I interviewed, for the rise of the conservative right are void of any analyses of class and race/color relations in the country, particularly, of how class, race/color and politics may intertwine with religion and various manifestation of

Seventh-day Adventists (SDA) said he was encouraged by the [census] numbers because it showed that the preaching and teaching of his church has not been in vain” (ibid.).

²³ Similarly, historical churches also do not escape public scrutiny as a result of their perceived failures to act according to Scriptures and as a moral compass: consider for example such newspaper article headlines as “Hypocritical Jamaica Council of Churches,” *Jamaica Gleaner*, May 20, 2010, accusing the JCC for its bias in condemning the former Prime Minister of the Jamaica Labour Party (which was once headed by Seaga, who it is argued courted the conservatives) whilst overlooking the many indiscretions of the rival People’s National Party (that, as the above respondent pointed out, is traditionally aligned to the Left and the historical churches who espoused a version of Liberation Theology).

Christianity, in particular, in the Jamaican context.²⁴ However, various academic explorations into the connections between politics and religion within the region point up these connections (Austin-Broos 1981, 2001; Chevannes 2001; Griffith 2010; Seaga 1969; Sheller 2012; Shuler 1979). Additionally, there have obviously been other challenges to and changes within Christianity in the region, and Jamaica in particular, which arose prior to the dates suggested above and show up the interconnections between matters of ‘race’, class and gender.

Smith (1991), for example, writes that since “the thirties however – due in large measure to the influence of folk heroes like Marcus Garvey of Jamaica, Buzz Butler and C.L.R. James of Trinidad and Tobago – there has been increasing boldness in casting aside much of the puerile credulity of the past. This awakening is manifested in two major phenomena, Pentecostalism and Rastafarianism” (p.56). Whilst the latter represents “an acute reaction to European domination” (ibid.:57), the former is basically seen as the “new Christianity of black people which refutes the claim that divinity can only be perceived through European eyes, interpreted in their mythology and their language” (ibid.). This former movement, though initially associated with North American

²⁴ It is relevant to bring attention once again to Thomas’ analysis of Jamaica’s competing nationalisms: where the creole multi-racial nationalism was linked to traditional churches such as the Anglican Church that were mainly attended by “big people” (meaning the middle and “upper sets”), whereas modern blackness, the counter-hegemonic discourse and movement, was linked with the marginalised urban, lower class black. Though Thomas does not explicitly state this, one can nonetheless also point up modern blackness’s connection to the introduction and popularity of North American-associated Evangelical churches such as the Church of God, Pentecostals and Seventh-day Adventists. Indeed, these churches, based on Thomas’ analysis, were traditionally predominantly attended by the “poorer sets” who were seeking God, community and doubtless some measure of respectability (Thomas 2004:119, 144-5).

evangelism, has become indigenised in Jamaica and has grown rapidly since its inception. According to Austin-Broos (2001), the popularity of this ambiguous denomination is in part linked to the fact that it is “very critical of the denominational churches” (p.588) and proclaims itself to be the religion of the poor (and arguably, a source of empowerment for many politically disenfranchised working-class women). Moreover, Austin-Broos notes its “success must be placed beside the failure of the denominational churches over the past 100 years to increase the proportion of the Jamaican population they claim as affiliates” (MacGavran 1962:35 cited in Austin-Broos 2001:588). In spite of the variations in origin, spiritual and gender ideologies, Rastafarianism similarly offers alternative visions of morality, spirituality and respectability for working-class black Jamaicans (Austin-Broos 2001; Chevannes 2001). Unsurprisingly, both Pentecostalism and Rastafarianism were consequently met with much scrutiny and outright rejection in their onset years from mainstream traditional churches as well as from the middle and upper classes, many of whom comprised the intellectual and political elites of the country. Unlike Rastafarianism, however, Pentecostalism gradually gained acceptance by mainstream churches, many of which, as Smith (1991) notes, even began imitating this group in a desperate effort to “prevent losing adherents, especially among the young” (p.57).

CARIBBEAN CHRISTIANITY

When I speak of Christianity in its various Caribbean and particularly Jamaican manifestations I am thus seeking to draw attention to the diversity of Christian denominations, with distinct, though at times overlapping values, morals, spiritual beliefs, teachings and attitudes towards sexuality and gender within Jamaica and the rest of the Anglophone Caribbean. In fact, recent public stances by certain Christian representatives and the work of scholars such as Diane Austin-Broos (1997) highlight that Christianity, at least in certain forms, may also provide avenues for the construction of alternative discourses on gender and sexuality, an area that my study also explores in some detail. It would therefore be clearly erroneous to group all manifestations of Christianity within the region under the umbrella of ‘fundamentalism’ or right wing ‘conservatism’.

Moreover, Christianity within the Caribbean, as elsewhere, is also largely characterised by the differential attitudes that Christians have about the role, position and sanctity of their religion within the society. For example, I have always heard and known – from my personal experiences living in Jamaica, reading Caribbean literature and social science writings, and lately, through interviews with self-identified Caribbean and Caribbean-Canadian youth for my Master’s thesis on sex and gender socialisation – that for many Anglophone Caribbean peoples, religion, and particularly, specific forms of Christianity, has a far-reaching influence in their everyday lives. For such people, religion appears to

function as a background sensibility that is in symbiotic relationship with their experience of the world: their religious faith informs experience, which in turn informs their ongoing interpretation of Scripture and their relationship with God, in a process of perpetual negotiation. However, Christianity has long been imagined by some of the more conservative groups in the Caribbean as elsewhere to be purely sacred, with unquestionable and immutable rules that stand in unidirectional relation to worldly experience and action: the rules ideally determine all worldly endeavours, which has no bearing on the rules, since these are considered atemporal. Consequently, it is seen by such people as being outside the reach of scrutiny, interrogation and theorisation. To transgress by questioning how it is that we arrive at certain ‘truths’ and privilege some knowledge is therefore to sin against God. This speaks to an underlying tension in the relationship between religion and politics, where religion is often argued to be a force or belief system that is separate from – and in this conception, above – politics.

Nevertheless, there are others, including some Caribbean Christians, who have begun and continue to engage in critical dialogue about the role, function, influence and even ‘failure’ of Christianity in Caribbean societies. Some such critiques have emerged from regional feminist or womanist theologians; indeed, Nadine Wilson records that in a recent visit to Jamaica for the launch of the book, *Righting Her-Story: Caribbean Women Encounter the Bible Story*, Professor Sarojini Nadar, programme director for Gender and Religion and Academic Co-ordinator of Postgraduate Studies for the School of Religion

and Theology at the University of KwaZulu-Natal in South Africa, stated that “Caribbean feminist theologians are often suspicious of the patriarchal nature of the Bible” (*Jamaica Observer*, May 23, 2011). Nadar further explained that “[t]hey[Caribbean feminist theologians] are suspicious of the maleness of God, they are suspicious of the whiteness of God, they are suspicious of nameless Biblical women; why are so many Biblical women nameless? They are suspicious about the interpretations of the Bible which contributes (sic) to the oppression” (ibid.).²⁵

Also illustrative is Jamaican Theologian Anna Kasafi Perkins’ stance that the “church is also responsible for people’s attitude to sex” (N.d.:3). Following Baptist pastor Devon Dick (2000:xiv), mention of ‘the church’ here, as in the rest of thesis, “refers to the collective presence in society. It encompasses each individual Christian, as well as the clergy, congregation, spokesmen of denominations [as well as faith-based institutions] and national bodies that represent the Church” (cited in Kasafi Perkins N.d.). Specifically, Kasafi Perkins (N.d.) writes that within some Christian circles in Jamaica patriarchy is rooted in the ‘truth’ of the Scriptures, that is, that God is male and that this “divine male made female subordinate to male...” (p.3). She further identifies that, based on some of the key interpretation of Scriptures, “Sexual desire raises its head early in the

²⁵ Such suspicion and the corresponding social critiques reflect a more general worldwide tendency by feminist and womanist theologians who are, “in their research efforts in theological reflection, Biblical hermeneutics, and ‘creative liturgical experiences’” (Ortega 1995:ix cited in Soares 2001:104) challenging what they regard to be the “rigid structures of the church” (ibid.). Soares (2001) argues that the heart of such theological challenges and reflection is “the demand for social justice for all women and all people” (p.104).

stories and women are punished by and for that desire (Gen. 3.16). Homosexual practice is outlawed in the Holiness code (Leviticus 17-26). Heterosexual and patriarchal identity is assumed and canonised” (ibid.). By identifying a connection between the assumption of patriarchy and heterosexuality Perkins contributes another layer to Nadar’s argument about Caribbean feminist theologians’ suspicions of the maleness and whiteness of God. Certainly, in what appears to be a conversation with other Caribbean scholars, who are not theologians –namely M. Jacqui Alexander (1991, 1994, 2005), Anthony Lewis and Robert Carr (2009) and Ian Boxill (2011) – Kasafi Perkins maintains that “[t]he heteronormativity and heteropatriarchy of the Christian Scriptures has impacted the development of Jamaican culture in a fashion that does not allow for any consideration/acceptance of gender variance in the norms of society” (ibid.:4). This point also connects to my proposed arguments for this thesis, particularly, my first two claims that the appeals to Christian values and doctrine by state managers as well as self-proclaimed Christian representatives, who seek to manage and rein in certain perceived ‘transgressive’ and ‘unruly’ sexual identities and practices, are done in ways that often support, reinforce and normalise a heteropatriarchal discourse and status quo and that certain Christian groups are having an influence – and perhaps a disproportionate one – on the understanding of the ways sexuality connects to notions of citizenship.

The critique that certain key interpretations of Christianity tend to support a particular male- centred and -privileged worldview is also made by non-feminists or female

theologians, such as Ashley Smith, who is a Jamaican pastor and lecturer on “Church and Development” at the United Theological College of the West Indies. Smith (1991) implicates Christianity among other religions in maintaining various forms of social and political manifestations of patriarchy that seek to contain, marginalise, trivialise, exclude or tokenise the contributions of women. He argues,

Objection to the removal of restriction on the participation of women invariably has not merely the complicity of the religious establishment but also its active support. This is true of the world of Christianity as it is in those of Islam and Hinduism. In fact, the participation of women where this is not merely token, could be embarrassing to those who represent administrative authority in the Church since this represents the possibility of the eventual termination of the domination of the male in the exercise of clerical power in the Church. (Smith 1991:64)

In addition to identifying the possible personal embarrassment of those who represent clerical authority, Smith explains that religious traditions and myths are also behind the “tardiness in accepting the principle of equality between the sexes in the sphere of politics, representation and decision making” (ibid.).

For Smith (1991), sins of both omission and commission are responsible for the continuing subjugation of women in many of the churches, in the ways that “facts are twisted and truths suppressed in the endeavour to maintain the status quo” (p.65). Furthermore, “where the facts contradict the argument for continuing the tradition, divine support is claimed” (ibid.). For example, the notion of an androcentric God is, as Soares (2001) explains, often rooted in the creation narratives of Genesis 2 – where God created

woman (Eve) not only after, but as a dependent help mate for man (Adam) – and Genesis

1:

And God said, let us make man in our own image, after our likeness: and let them have dominion over the fish of the sea, and over the fowl of the air, and over the cattle, and over all the earth, and over every creeping thing that creepeth upon the earth. And God created man in his own image, in the image of God created he him, male and female created he them. (Genesis 1:26 cited in Soares 2001:106)

For fundamentalist Christians, in particular, the creation story, which has greatly influenced the “Judeo-Christian patriarchal form,” plays a critical role in shaping their views on the hierarchal relationship between men and women (ibid.:107). That is, they tend to,

accept the view that the role of woman is first and foremost as wife and mother. So while a wife should enjoy the love and honor of her husband, she is essentially the bearer of children [which undoubtedly influence perspectives on abortion] and a provider of sexual pleasure to her husband and is subject to his authority as defined in the book of Genesis. (Ibid.)

Although Soares does not discuss this, others highlight that the creation narrative – where God created a woman (Eve) out of and for the man (Adam) – amongst a number of other scriptural texts, including the story of Sodom and Gomorrah, is also often used as justification for the disapproval and intolerance of same-sex unions (see Alexander 1997; Boxill 2011; Gutzmore 2004; Silvera 1997).

Though it is now more widely accepted that patriarchal ideologies and practices are embedded within some churches (both ‘liberal’ and ‘fundamentalist’ alike), there is also a nuancing of this knowledge. Soares (2001) herself distinguishes between traditional

fundamentalism and the kind that arises in non-denominational churches. She notes, for instance, that it is usually the case that social change, namely feminism and its programmes, are not supported by traditional and non-denominational fundamentalism, as these things are seen as against God's will and as "injustices to both men and women" (ibid.:109). However, in a Caribbean country like Barbados, the leaders in the latter churches appear to be more willing to relax the strictness of traditional fundamentalism, acknowledging that the fight for women's empowerment does not necessarily mean going against God's divine plan (ibid.:108). As such, Soares declares that as a result of this paradigm shift – from a strict fundamentalism to more relaxed manifestations – which occurred in the 1990s, fundamentalism may be seen as "both an oppressive ideology, justifying or legitimating positions of the hegemony of [heterosexual] men as they relate to the concept and practice of patriarchy, and as a potential liberating force for women" (ibid.:105; see also Taylor 2001:9-10; Soares 2005).

Austin-Broos (1997, 2001) also identifies a similar complexity around the ideological transformations regarding traditional female roles in her analysis of the indigenisation of Pentecostalism in Jamaica, which, as Patrick Taylor (2001:10) suggests, challenges traditional feminists' analysis of Christianity. Specifically, Austin-Broos (2001) argues that though "Pentecostalism like Rastafarianism is not in essence a gender specific religion" (p.600), it would be nonetheless "fair to use [Max] Weber's [1958:56] term and speak of Pentecostalism's elective affinity with the economic and domestic position of

working-class women” (ibid.).²⁶ Such characterisation runs counter to the earlier “North American missionary enterprise” of Pentecostalism, which is perceived “to be consistent with a conservative political stance and aspiration for upward mobility” (ibid.:588). Arguments that there are certain complexities in Christianity’s approach to gender roles, and that there are in fact female theologians and practitioners, in both ‘fundamentalist’ as well as more ‘liberal’ churches, who have influential voices, “should not,” as Taylor (2001:9) rightfully cautions, “allow us to romanticise the lot of women in many Caribbean regions” including Jamaica and Barbados.

Although there may be progressive elements within Christianity, it must not be forgotten that certain ideological aspects of this religion “[were] often used to reinforce ideologies of oppression” (Taylor 2001:9). As Taylor (2001) further explains,

This was true of most Christian denominations, both Catholic and Protestant. Salvation in heaven was the compensation if not the actual reward for hard physical labor on earth. Women were subordinated to men. The contemporary international surge in Pentecostalism and related ‘fundamentalist’ phenomena has tended to reinforce this conservative practice of Christianity in the Caribbean. (Pp.9-10)

This critical historical observation has been expounded on by other scholars on Caribbean Christianity or ‘Church History.’ Smith (1991), for example, offers a developed evaluation of this point in his assessment of Christianity within the Caribbean, arguing that Christianity’s role in supporting and bolstering patriarchy must tie in with a more

²⁶ Austin-Broos (2001) notes that Pentecostalism, rather than Rastafarianism, is more likely “to be seen as akin to the female domain” (p. 600), whilst, “Rastafarianism in its idiomatic expressions is more amenable to the aspiration of youth and young men” (ibid.).

general critique of the tendency of traditional Western-oriented Christianity – the religion of the colonial conquerors and controllers of the Caribbean region – to ignore or overlook cultural diversities and biases:

Throughout its history the Church has been prone to become imprisoned by social and cultural forces. The Western oriented Christian, sometimes unconscious of cultural biases, is too often slow to see the hand of God in anything that seems contradictory to the ideals and predictions of Western man. Because of these tendencies the Church often responds to each event [of change and ideological revolution] with panic, and not infrequently, in words that betray impatience and lack of faith. (P.32)

This tendency to “become imprisoned by social and cultural forces” also affects the Scriptures and their interpretations. To some degree, obviously, the prison-house of temporal subjectivity is inescapable, in that “there is no part of the Scriptures that is completely without bias and no interpretation of Scripture that is not tainted with the bias of the interpreter” (ibid.:9).

Moreover, organised religion, including traditional, Western-oriented Christianity also tends to favour the social, political and economic status quo. In the same way facts are twisted and divine support is claimed to justify patriarchy, inequalities in these spheres may be treated not as human problems to be solved by collective engagement, but rather, as “rooted in the divine plan of the world” (Smith 1991:35), with Scriptures being ‘found’ and used as proof in support of this position (see also Bryan 2001). It was this official or traditional theology, Smith (1991) and others (Griffith 2010; Lewis 1968; Nettleford 1970; Patterson 1967) argue, that has played a role, since 1492, in the cultural

denudation especially of Afro-Caribbean people and provided “the means by which the socio-economic system and its underlying ideology are given sanctity and the domination of the majority rationalised” (Smith 1991:11). Smith offers several examples of the influence of the Christianity of Western Europe, Great Britain and, more recently, North America on the region, two of which I will recount here. First, he draws on Gordon K. Lewis who characterises the early role of religion in the region as follows,

Altogether, the influence of organised religion was thrown into support of the status quo, as reflected in the 1816 instructions given to John Smith that he was sent out not to relieve the slaves from their servile condition but to afford them the consolation of religion. (Lewis 1968:62 cited in Smith 1991:53)

Secondly, Smith (1991) specifies that the accusations of manipulation and complicity with the status quo that are often levelled at the earlier mainstream churches whose histories within the region coincided with colonial rule – Roman Catholic, Anglican, Reformed, Moravian, Methodist, Presbyterian, Baptist and Congregational – can be equally, as Taylor (2001) also suggests, applied to some North American Evangelical Christians,

Evangelicalism (especially the North American brand), contrary to the claims of its defenders, is born not so much out of a desire to ‘convert’ the sinner of Christendom and the ‘benighted’ of the pagan world, as out of a determination to justify the prevailing relationships between rich and poor, white and non-white, powerful and powerless... Any planned attempts to shorten the tenure of oppressive regimes [are] thought by some Christians to be contrary to the will of God. That God would violently destroy the Canaanites of the Bible is accepted without question. That he could care to readjust the relationship between rich and poor families is another question altogether. (P.36)

The above views – on the one hand, the perspective that Christianity is purely sacred with unquestionable rules and on the other, the less fundamentalist viewpoint that encourages critical dialogue both internally and externally – demonstrate the complexity within Caribbean Christianity. However, one may ask, is there anything uniquely Caribbean about the manifestations of Christianity within the region, considering the historical and contemporary influence of Western-oriented Christianity? The spectrum of faith positions described above, after all, seems to correspond roughly to that of the United States today, for example, with the contrasting religious sensibilities of the last two presidents as eloquent expressions of the contested role of religion in political life in that country.

Smith's (1991) response is that,

Caribbean reality has a number of features which constitute its uniqueness as a historical, sociological and cultural phenomenon. These include the dominance of the culture of the plantation; external political and economic control; the enduring spiritual and psychological consequences of slavery and indentureship; transitoriness and “missionary” Christianity. (P.10)

A number of specific characteristics thus emerged from the experience of plantocracy that are now salient to the uniqueness and complexities of Caribbean, and in particular Jamaican Christianity and theology, which Smith illuminates in his analysis.

Firstly, Smith (1991) argues that “Caribbean theology attempts to clear the name of the God of the Bible so that Christianity can be preserved in its essence in the region” (p.12). In other words, Caribbean theology attempts to portray God, as evidenced in Biblical history, as being on the side of justice, the weak, the oppressed, enslaved and poor.

Interpreting God in this light means that God is available to and for the majority. Taylor (2001:4) also identifies Caribbean ‘indigenised’ interpretations of Christianity, on a whole, as a more liberatory force as well as a vehicle for social change. Specifically, he notes that in the Jamaican context, for example, “the oppositional process strongly expressed in events such as the 1831 Jamaican Rebellion led by ‘Native’ Baptist preachers such as Sam Sharpe” was greatly reinforced by “Christianity, indigenised and reinterpreted in a Caribbean context as a struggle for human dignity, freedom, and equality...” (ibid.).

Secondly, Caribbean theology is characterised as consequently aiming to “save that which is authentic in Christianity from the scandal of elitism and eurocentrism” (Smith 1991:12); in so doing, the Caribbean person has to remove the belief that in order to become a true Christian one has to renounce one’s cultural origins, whether African, Indian, or other, in favour of adopting ‘honorary’ European identities. Therefore, as Patrick Bryan (2001) writes, although the Afro-Jamaican population was to be persuaded to adopt ‘Anglo-Saxon’ Christianity and separate from the orientation of African religious thought, historians such as Monica Schuler show that “the experience of Christianisation revealed that the Afro-Jamaican religious tradition... had consistently reinterpreted Christianity in African, not European cultural terms” (p.545; see also Austin-Broos 2001 for her discussion of the ways in which this is manifested in Rastafarianism and indigenised Pentecostalism). This interaction, as Bryan elaborates,

between African and European religion “showed itself in the adoption of ‘subtle’ tendencies in the theological doctrine and erratic practices with regard to the ecclesiastical discipline” (ibid.).

This interaction between Christianity and African religious experiences only identifies, as Taylor (2001) argues, one dimension of the intimate mingling of Caribbean religions. To elaborate, such mingling or overlapping, has been read, on the one hand, as representing the formations of new religions and cultures at large by the “bearers of a new Caribbean nationality” (Taylor 2001:3) through the process of “syncretism” or the reordering of differences into “unity and synthesis” (ibid.). On the other hand, it has been more recently argued that the term “symbiosis” is far more appropriate as it allows for “the dance of difference that characterises” (ibid.) the interaction. Indeed, “symbiosis refers to the spatial juxtaposition of diverse religious traditions from two continents, which coexist without fusing with one another” (Desmangle 1992:8 cited in Taylor 2001:3). This concept, as Taylor reasons, “pulls together two apparently opposing schools of Caribbean social and cultural thought: the creolists [similar to the syncretists who focus on emerging unity in the new nation] and the pluralists [who stress the social and cultural differences that continue to divide]” (ibid.). However, Frederick Ivor Case’s (2001) argument for adopting an “intersemiotic approach” to the enquiry and understanding of Caribbean religions, including Christianity, tends to be more in line with the analysis put forward by scholars such as Austin-Broos (2001), Bryan (2001) and Smith (1991). Specifically, the

term “intersemiotic” highlights the “intersection of the codes of two different cultural and spiritual traditions that contribute to the creation of a dynamic of ritual and belief” (Case 2001:40).

Thirdly, the ‘indigenisation’ or “[t]he Caribbeanisation of God-talk proceeds from the understanding that Christian communication tends to use the imagery and myths of the European missionary” (Smith 1991:12). It has been critical, therefore, for Caribbean Christianity to create something different. Consequently, “Caribbean theology aims at producing a new Caribbean person with a more healthy self-concept” (ibid.:13) that not only challenges but entirely rewrites colonial ideologies about her/his self-worth and potential. Specifically, this is a person who is equally worthy to claim and receive rights to self-determination and dignity as well as self-governance within his or her community. This person is also deserving and capable of forming and maintaining healthy responsible relationships, whether sexual, marital, familial, social, economic or political. It is in this third category that we might infer a degree of absorption of modern-era human rights discourse into Christian theology in postcolonial scenarios, an appeal to autonomous and individual subjectivity in the service, implicitly at least, of a self-determined national project.

Although Smith’s (1991) conceptualisation of the new Caribbean theology and Christianity doubtless adds to the complexity of what I am calling Caribbean, particular

Jamaican, manifestations of Christianity, it may also appear, at least at first glance, to offer a somewhat romanticised vision of what Caribbean theology and Christianity means, as remarked above in relation to point three of Smith's characterisation. In fact, a part of the complexity of Caribbean Christianity, as my thesis seeks to illuminate, is that it also has its own internally generated biases, based on denominations, regionalism and various understandings of 'Caribbean-ness'; it is also not in fact entirely free from the influence of Western-oriented Christianity and perspectives and, like traditional Christianity, it too may be used to justify and even support, implicitly and explicitly, the discrimination, marginalisation, oppression and underdevelopment of some people within the region.

SUMMARY

Following in Alexander's intellectual footsteps, particularly her focus on the ways in which certain Evangelical Biblical interpretations are used to support heteropatriarchy, the following chapters engage with the ways in which the heteropatriarchal discourse is also being strengthened and reworked in the twenty-first century. While Alexander predominantly focuses on the ways specific Caribbean states deploy religion to support and maintain heteropatriarchy, I am interested also in the involvement of 'non-state' participants in this process, particularly self-proclaimed Christian individuals, groups and leaders. These people are not formal state representatives, but their voices are nonetheless heard by the masses, not only through ministering in churches but in their community

outreach, engagement with the media and organisation as special interest groups lobbying to have their political and moral positions represented in processes such as law reform.

Moreover, similar to Gosine and Alexander, this thesis also privileges heterosexuality and patriarchy over the other above-named components of the discourse of nation-building (racism, ethnocentrism, classism etc.), not because these are necessarily the most important ones, but rather because of the specific nature of the two processes of law reform under examination (abortion laws and the constitutional reform process in the area of gender and sexuality). In reality, the discourse intertwines all of these various components, which are thus not always easily distinguished or separated; as such, these other vectors of influence on postcolonial nation-building projects will inevitably also be at issue to some degree in the ensuing analysis. Discussions around gender and sexuality also thus reveal anxieties about class through notions of respectability, for example, or about 'race', (neo) colonialism and ethnocentrism.

Whilst both heteropatriarchy and heteronationalism are useful and very intimately connected concepts, I frequently reference heteropatriarchy, specifically, in the ensuing chapters. This concept, unlike the latter, does not privilege the relationship between people and the nation (in its name) and it has been more commonly used to understand certain types of interactions between people, nation and state, but also people and wider socio-cultural processes. Nevertheless, both these concepts are clearly invaluable to this

thesis as they provide insight into the densely intertwined character of various strands of a broadly accepted national self-image and narrative in a country such as Jamaica. In doing so, they point up the difficulty of allowing for provisions that will include lesbian, gay, bisexual and transgender (LGBT) peoples as equal citizens and human beings deserving of protection and assurance of rights: such a move is seen as a threat not just to a constituent aspect of a multifarious societal organism, but as a potentially deadly blow to the very nation itself, in the context of postcolonial states whose nationalism is particularly self-conscious and strident as a result of both their relative youth as sovereign territories and pervasive concerns about neo-colonial subjugation. Equally, the heteronationalist narrative requires that women's bodies fulfil preordained roles as biological reproducers of future citizens, thereby constituting abortion as another potential mortal threat to national survival.

However, like Alexander, I also recognised that even though heteropatriarchal discourse, which underlies heteronationalism, is an important cultural and political organised principle within the Caribbean, it is also in profound crisis, a reality that is made evident by the increasing anxieties and debates around sexuality and sexuality-related issues within the region and Jamaica in particular. Consequently, I am also interested in the ways in which this discourse may work in conjunction and/or in opposition with other discourses on, for example, morality, citizenship and rights as well as how different groups strengthen, reject or nuance this dominant discourse.

In the specific case at hand of the Jamaican Constitutional reform process and the review of the laws pertaining to abortion, this thesis builds on Gosine's theoretical framework in arguing that although heteronationalist objectives were not always unconditionally fulfilled, they remain a very dominant force within the Anglophone Caribbean and Jamaica in particular. In spite of the challenges to its dominance, there was thus an overwhelming support and reinforcement of a heteronationalist agenda within Jamaica's recent Constitutional reform process by Committee members, Parliamentarians, church representatives and other like-minded ideologues. This is the case even though the process overtly claimed to be committed to preserving and creating a culture of respect for all people's human rights.

CHAPTER TWO

Methodology

This chapter elaborates on the methodological framework that underlies this thesis and in particular the qualitative research methods, that is, feminist critical discourse analysis of primary documents and in-depth semi-structured interviews, which I used to explore the ways members of various Jamaican Christian churches or self-proclaimed Christian groups and/or their representatives have continued to actively participate in and thus shape the construction of knowledge and debates around sexuality and sexuality-related issues in Jamaica over the last decade (2001-2011). Firstly, I briefly describe my particular methodological approach, revealing some anxieties and concerns of being a relatively inexperienced researcher. Secondly, I scrutinise the advantages and disadvantages that are connected to doing research from an insider/outsider position. In closing, I focus on the two specific research methods or strategies that were employed, examining, amongst other things, the strengths and weaknesses of each approach as well as some emerging ethical issues in the study.

CARIBBEAN FEMINIST METHODOLOGIES

I utilised more than one feminist methodology – theories and analyses or “accounts of [how] research should proceed” (Harding 1987:2) – throughout the various stages of this

research, from its conceptualisation, to analysis and composition. Specifically, I adopt, what I am calling, a 'Caribbean feminist standpoint' with elements of social constructionism in my analysis of how knowledge gets constructed and embedded in 'truths'. This approach to research is not at all unusual, as feminists in general, draw upon multiple methods that allow them to approach a research interest from their dominant epistemological standpoint or worldview. Indeed, although there are divergences between feminist methodologies, they share several crucial commonalities in terms of concerns and visions about doing research, which makes it possible, as I am doing, to combine approaches. Namely, feminist methodologies in general and Caribbean feminist methodologies in particular include: (1) recognising that there is no one 'Truth', but rather, that knowledge is based on individual's locations, positionality and situatedness; (2) increasing awareness of differences; (3) identifying and seeking to address a range of methodological issues that draw attention to the working of differential power within research contexts and, (4) viewing research as empowering (see Massiah 1986). These four broad approaches take into account a number of ethical issues, which also arose in this doctoral study, around gaining access to a research population, and assigning authority to speak whilst avoiding doing harm through the (mis) representation and the appropriation of voices and texts.²⁷

²⁷ Obviously, the above-identified anxieties or concerns are by no means now unique to feminist researchers. Rather, social researchers have in general become more attentive to these ethical issues, especially as they relate to marginalised populations. Nevertheless, feminists have made tremendous contributions in highlighting these ethical issues long before they were seen as common practice in mainstream social science methodologies. They continue to highlight these and other issues in their research, teachings and collaborations within and across academic disciplines and institutions. In fact, their

Gaining access to research populations

Throughout the years, feminism, in general, has impressed on us that research must begin with gaining and maintaining trust as well as developing good rapport or relations between the researcher and participants. Both of these issues may cause, as in my doctoral research, some apprehension for researchers seeking access to a potential study population, especially if they have no previous relationship or contact with this population. Kamala Kempadoo (2001) in her study on Caribbean sex workers, for instance, emphasises this point when she noted that, “the issue of gaining trust among sex-workers was critical. Rapport had to be established and confidentiality ensured before work could begin” (p.44). Consequently, “highly trusted gatekeepers” may become crucial to making such studies viable. In other words, one may have to rely on those individuals who are in a position to “permit access to others for the purpose of interviewing” (Miller and Bell 2005:55) or facilitating first introductions and interactions between researcher and respondents.

It is also important to note here that reliance on a gatekeeper may also be essential even when ‘studying up’, that is, even when doing research with people who have some degree

commitment to starting research from the situated location, or with the problems, of any particular group of peoples in order to gain understandings of their concrete experiences as well as their anticipation and expansion of what may be considered harmful, even unintentionally, arguably make them better attuned than more traditionally oriented social science researchers to some of the ethical concerns that cause much anxiety and apprehension for researchers (Reinharz 1992:27; see also Wolf 1996).

of prominence, affluence or authority within the society. Whilst these persons may appear to be better positioned to negotiate informed consent and the gatekeeper's influence on their decisions, it would be naive to assume that their ability to consent is always an uncomplicated matter or that the gatekeeper's power is minimised in these kinds of research contexts. Rather, this adds another layer to the power dynamic within the research context, as researchers have to also contend with the possibility of these respondents trying to assert dominance over the research agenda, process and goals. Studying up may nevertheless contribute to the understanding of various forms of inequality within the 'ruling apparatus' of culture and/or society (Aguilar and Schneider 2012).

Although researchers may be dependent on the assistance and knowledge of gatekeepers, at least in the initial stages of our projects, we must be aware that often there are various degrees of power imbalances in the relations between us, the gatekeepers, as well as our potential participants. Specifically, feminists have cautioned us about the "potential exercising of power by some individuals over others" (Miller and Bell 2005:55).²⁸

²⁸ For example, Tina Miller and Linda Bell (2005) state that there is often an assumption that providing consent is a voluntary process. But the reliance on a gatekeeper, particularly one who can assert power within a group, problematises ideas around access, coercion, participation and most importantly, voluntary informed consent. Indeed, "some potential participants may find resistance more difficult" (Miller and Bell 2005:56), especially where issues of gender, ethnicity and, I will argue, sexuality manifest. As such, James and Platzer (1999) as well as Miller and Bell (2005) therefore caution that even as we go about accepting the help of 'valuable insiders' who can ostensibly minimise our anxieties around gaining access and the trust of potential research participants, consent should be ongoing and renegotiated between the researcher(s) and researched throughout the research process (ibid.). This gives participants the chance to re-evaluate their involvement in the study and withdraw if necessary, which may provide participants with some degree of protection against earlier unforeseeable discomforts, exploitation and general harm.

Moreover, feminist researchers have also warned against the control that gatekeepers may try to assert over researchers themselves, particularly, in regards to their research goals, in exchange for facilitating access. Kempadoo shares her experience of this particular manifestation of power within the Caribbean research context. Kempadoo (2001) writes,

In some instances, however, officials acted as gatekeepers, attempting to censor the information collected and to control the researchers' movements. The fact that prostitution was by and large an illegal activity yet lined the pockets of many a businessperson, police officer or government officials... meant that probes and investigation by, in particular feminist researchers into the field could be viewed as a challenge to state or male complicity in the sex trade. (P.44)

Needless to say, it is extremely important for first-time as well as more experienced or seasoned researchers to practice much circumspection even as we eagerly pursue our research goals. Care and caution, as Kempadoo argues, were “thus needed on the part of the researcher or teams to avoid placing themselves in a situation where they would be perceived as a threat by the authorities [even if these people were acting as facilitators] or where their investigations would harm sex workers” (ibid.). Kempadoo’s appeal for care and caution is not, of course, an encouragement to kowtow to powerful gatekeepers nor is it a dissuasion from doing potentially risky and important, research; rather, it is a reminder to take heed of (though not be crippled by) some of our anxieties, namely around gaining access, trust and the likelihood of causing harm.

Unfortunately, the potential for breaching trust and causing some form of avoidable harm to our participants can be intensified as research progresses from one stage to the next: as

one digs deeper, so the stakes may rise for participants and researchers alike. For example, in seeking information the interviewer may ask questions that require the respondent to recall memories that she or he may feel uncomfortable sharing or even recalling. Even worse, some respondents, as I experienced in this research, may also interpret a question as a judgment on their beliefs and character. In such cases, respondents may show obvious signs of discomfort, choose not to address the question or become more guarded and impatient in subsequent conversations. Fortunately, I was able to quickly rephrase my question when it became apparent that my respondents were becoming uncomfortable or defensive, based on the changes in their facial expressions, posture and in one case the clearing of the throat as well as a declaration that the views being expressed were not necessarily reflective of their affiliated organisation.

Issues of misrepresentation and appropriation of voices

The advice to proceed with care and caution is not solely relevant to our interactions with influential gatekeepers, and respondents or to those earlier phases of seeking access. In fact, many researchers, including myself, develop justifiable concerns about misrepresenting or appropriating the voices of those they speak to, once they gain access and go about their business of doing data collection and analysis. Michelle Rowley (2002:23), for example, expresses her moment of anxiety in regards to “scribing and translating” in final documentation the complex expressions and representations of Caribbean women’s identities that surfaced within the research context.

The anxiety around representation and re-presenting the words of others raises a number of methodological questions, including “[w] here does the respondent end and the researcher begin?” And, “[i] n what ways do my choice of words and selection of narratives reflect my own concerns rather than the issues of the subjects being interviewed?” (Rowley 2002:23). Although these questions may not always be easily answered, they are nevertheless pertinent to consider as they draw attention to the fact that knowledge, as Rowley identifies, is co-constructed and socially derived (thus blurring the divide between the researcher and the research). Consequently, in this research, I approached the interviews as an opportunity to engage with knowledgeable persons who were not only sharing their experiences, but also, through our interaction, co-constructing knowledge about particular issues. This co-construction involved respondents and I sharing first- and second-hand experiences as well as personal thoughts and wider ideological viewpoints. This kind of interaction had, as discussed in more detail below, implications for the types of questions I asked and the ways in which I asked them (as well as on the ways in which I went about analysing non-interview textual materials). However, I had to accept that in the end I was in charge of the final analysis, with, of course, an accepted responsibility to represent my voice as well as that of my respondents.

Moreover, in attending to the representation and appropriation of voices one must also critically reflect on the underlying issues of how we determine who has the authority to speak and how a person's situated locations shape this process. A number of feminists, such as Lorraine Code (2008), Judith Roof (2007), Michelle Rowley (2002) and Joan Scott (2008), have in fact, problematised not only the goal of seeking 'truths' about an individual's experiences, but also how the manifestation of power within the research context influences who gets trusted to speak accurately. For example, Roof (2007) – similarly to Rowley's (2002:28) critique of "whether one talk can be seen as more legitimate or authentic than another" – astutely highlights the complication in assigning some people the role of 'authentic' informants who have the unquestionable right to speak not only for themselves but for everyone within the group, noting that,

Because it is their experience and because speakers have most often been disenfranchised in one way or another, these experiences and feelings are presumed to be genuine and unmediated – that is, oppressed people are more capable than others of communicating their experiences without inflecting these experiences with dominant ideologies or self-interest. They are imagined to speak from the heart.... Situating such testimony as unassailable displaces issues of authority into the identities of those often deemed to be 'other.' (P.436)

This critique is crucial in that it warns against failing to recognise the partiality of people's knowledge based on their limited locations, as well as blindly assuming only similarities and not seeing significant differences, based on self-interests or relations to power, amongst those who claim – even if only implicitly – to be insiders or valid speakers of a group.

This failure, mainly as it relates to wider matters about misrepresentation and appropriation of voices in research, has long been identified by feminists of colour, in particular, who problematise the role of authenticity in traditional sociological 'truth'-seeking processes (see Ansari 2008; Hill-Collins 1991; Minh-ha 1989; Mohanty 2003; Narayan 1997; Tuhiwai Smith 1999). Chandra Mohanty (2003), for example, writes that Western feminists have long produced a homogenised, essentialist image of Third World women, which has consequences for how these subjects are expected to speak and represent themselves in research, sometimes causing, as Trinh Minh-ha (1989) also states, testimony that may fail to meet such expectations to be excluded or overlooked by researchers, whether consciously or not. Therefore, the construction of the authentic representative who is empowered to speak the 'truth', unfortunately, erases multiple identities and situated positionalities of individuals within any given group as well as masks varied power inequalities.

The above sentiments illustrate that it would be misguided to assume that dominant, essentialising and potentially damaging ideologies, discourses and language have no influence on the ways in which persons belonging to historically marginalised and oppressed groups understand and talk about their experiences. Thus, even as researchers set out to historicise experience and write about identity, we must take care to encourage

dialogue that is aimed at hearing multiple voices and the smaller, more tailored 'truths' about experiences versus the more essentialised 'Truth' of grand theory and master narratives. Equally importantly, researchers should recognise that the risk of misrepresentation is not only connected to the respondent's "lack of authority" to speak about or represent the experiences of others. Instead, the danger of misrepresentation is also connected to the fact that "experiences are not simply reported; rather, they must be heard, read, understood and interpreted" (Code 2008:271).²⁹

'Feminist' strategies for avoiding misrepresentation and appropriation are therefore concerned broadly with addressing differential power relations within the research context, specifically, between the 'researched' as well as between the 'researcher' and the 'researched'. In fact, researchers must be recognised (as was apparent in this doctoral study) that not only might there be similarities, but significant differences between themselves and the people they do research with and that this will greatly impact the research process. In addition, other solutions to the problem of misrepresentation range from avoiding interpretations altogether to including multiple interpretations or seeing research as a collaborative process (see DeVault 1999; Opie 2008; Reinharz 1992). The former, however, seems to be the least attractive choice amongst many feminists, including myself, who argue that "to be consistent with the feminist principle of empowerment, one

²⁹ These concerns have long been connected to researchers' apprehensions about the danger of misrepresenting what people say in the final write up or analysis, particularly on the part of those who work with any marginalised and oppressed group (see Alcoff 2008; Borland 2004, 2007; DeVault 1999; Hesse-Biber and Yaiser 2004; James and Platzer 1999) or textually appropriating the voices of others for their own interests (Opie 2008).

cannot discard the interpretative work” (Sprague and Zimmerman 2004:49) of the researcher.

However, instead of speaking for, the researcher, as was the aim in this doctoral thesis, must aim for “speaking to, in which the intellectual neither abnegates his or her discursive role nor presumes an authenticity of the oppressed but still allows for the possibility that the oppressed will produce a ‘counter sentence’ that can then suggest a new historical narrative” (Alcoff 2008:491). Similarly, Anne Opie’s (2008:365-6) preference for a “deconstructive textual practice”, which, essentially, refers to the ability to recognise the constraints of certain ideologies on the data as well as the various insights to be gained when researchers and participants share the interpretative work. This may mean, for example, including direct quotes or participants’ interpretations alongside that of the researcher (ibid.), a practice I have tried to incorporate in my own analysis. These approaches are somewhat in line with Rowley’s preference, on the one hand, for “the act of voicing” – that is allowing women to “speak for themselves, name their experiences and make their own connections” (Massiah cited in Rowley 2002:25) – and on the other hand, her analysis of the “talk of the narrative” (ibid.:28-29). The latter, refers to the approach of treating the performance of talk, and by extension the act of voicing, as both an individual and collective activity that is also informed by the social, interactional site of this talk production and not by notions of authenticity.

RESEARCHING THE CARIBBEAN FROM AN INSIDER/OUTSIDER POSITION

The discussion thus far has referred only tangentially to the important methodological issue of the benefits and disadvantages of doing interviews and fieldwork in general from the insider or outsider position. This is a methodological issue that continues to garner much attention by many researchers across a wide range of research methodologies, including those identified as feminist. For this reason, it is not surprising that for Caribbeanist researchers, like many others not connected to the region, the concern over the insider or outsider position, as highlighted in previous paragraphs, is linked to wider methodological debates about the feasibility of doing certain research and more generally, the complication of 'truth' seeking.

There is a consensus amongst many researchers that both insider and outsider positions have various strengths and limitations attached to them; in fact, one only has to browse through the pages of most undergraduate methodologies or methods textbooks to see this being argued. For example, whilst the outsider may have some degree of desirable distance that allows her or him to critically examine certain taken for granted assumptions, the insider may likely have more ongoing socio-cultural connectedness to, or 'on the ground knowledge' of, development within the region of study. It is, however, also important to emphasise here that there is often not a clear division between the

insider and the outsider, as a result of the fluidity of people's identities, and interactions as well as movements within and between cultural and national spaces. Therefore, even the supposedly local Caribbean researcher may find themselves simultaneously occupying the role of an insider/outsider, depending on a number of interconnected factors including gender, sexuality, age, ethnicity, 'race,' colour, education, religion, rural or urban location, nationality and mobility. In discussing the insider/outsider debate, Nancy Naples (2006) claims that, "[i]nsiderness or outsidership are not fixed or static positions, rather they are ever-shifting and permeable social locations that are differentially experienced and expressed by community members" (p.140 cited in Chavez 2008:476). Therefore, "researchers must negotiate rapport within the spectrum of social identity. Her perspective suggests that whether insider or outsider, neither has a monopoly on advantage or objectivity" (Chavez 2008:476).

Correspondingly, some researchers have further complicated our understandings of these roles by not only noting the advantages and disadvantages of being either an insider or an outsider, but also those of being both simultaneously.³⁰ On the one hand, being seen simply as an outsider may not only impede research but also pose a problem in the later stages of presenting the findings to an 'insider' audience, who may tend to be dismissive or overly critical of the researcher's ability to comprehend and empathise with a

³⁰ Caribbeanists, in particular, have also made tremendous contributions in interrogating this latter position of being both an insider and an outsider or an "outsider within", thus contributing to, and drawing on, an existing body of knowledge developed by feminists of colour such as Patricia Hill Collins (1991), and Third World feminists like Uma Narayan (1997) and Linda Tuhiwi Smith (1999).

particular experience. On the other hand, however, Odette Parry (2002) complicates the insider/outsider binary when she notes that while there are advantages of being perceived as a 'cultural insider',

... At the same time there were conversations, which occurred between myself and respondents, which happened precisely because I was seen as different, foreign, and "temporary." These characteristics made me less "threatening" or "important", and hence topics were raised which would have seemed dangerous to share with a Jamaican researcher. (P.99)

Despite this however, Parry acknowledges that though being an "outsider did afford me privileged access to some areas of some women's lives, it compensated poorly for what was lost through the fact I had little experience in common with the participants" (ibid.:101).

Thus, the position of the simultaneous insider/outsider may be the most advantageous of the three roles (that is insider, outsider or insider/outsider) when doing certain types of research within the Caribbean. Certain types of research, particularly those involving marginalised, oppressed and hidden groups or those investigating certain taboo, 'controversial' and/or highly sensitive matters (such as the influence of Caribbean churches on sexual politics, particularly in regards to issues relating to abortion and homosexuality, within the region), may thus require both familiarity but also some degree of distance or detachment from certain aspects of the participants' lives or from wider cultural norms. Without these things, researchers may find it difficult, if not impossible, to gain access to potential participants, gain their trust, get them to talk without feeling

judged and avoid causing serious but likely preventable harm (see Kempadoo 2001:45). More generally, simultaneously occupying this unique position of “nearness and remoteness...”, as Patricia Hill Collins (1991) argues, has the advantage of the “tendency for people to confide in a ‘stranger’ in ways they never would with each other; and... the ability of the ‘stranger’ to see patterns that may be more difficult for those immersed in the situation to see” (p.36).

Similarly, this complexity was also revealed in this doctoral research process in that my identity as a Jamaican person who identified as a Christian believer greatly contributed to the rapport I was able to build with some respondents who may otherwise have been sceptical of an ‘outsider’ perceived to be simply coming to scrutinise their way of life for personal rewards. Rather, I was accepted as somewhat of a kindred spirit (or perhaps in terms of ‘the return of the prodigal daughter’) seeking to engage in critical dialogue with our Christian leaders. This manifested itself in the willingness of some respondents to share resources besides their participation in an interview as well as to readily identify, introduce and even recruit other potential respondents. However, my positionality as someone who is living outside of Jamaica undoubtedly also impacted the process. Certain persons, for example, went to great length to explain developments that they felt I would be unaware of or not apprised of because of my absence from ‘home’. I was also able to make certain comparisons between the way things were at the time of my childhood to what I observed during my returns, which in many cases prompted respondents to

elaborate on certain issues (such as recent controversies in politics and the media), make their own comparisons or to comment on issues (like churches' mobilisation as special interest groups or the erection of anti-abortion billboards across the city) that they had not previously thought about in any great detail because these were now so commonplace in their lives or had arisen so gradually as to be taken for granted.

Of course, others refused to participate in the research, which may have also been related to their assumptions about my connectedness, or lack thereof, to Jamaica. Obviously, the indeterminate differences that exist between people even of the same nationality may have also resulted in some persons choosing not to participate in this study. In other words, some persons who have different ideological viewpoints from the researcher or an objection to the premise of the research and its goals may have refused to participate on this basis. For instance, I failed to obtain, a face-to-face interview with one member of the Lawyers' Christian Fellowship, who stated that she "will not be able to help. All the best."³¹ This short and prompt response was received just hours (approximately six hours) after I emailed her introducing my research interests and goals. More interestingly, this was her reply though she is one of the most prominent figures, making her opinions known within the country in regards to matters of 'sexual immorality' and particularly the legalisation of abortion and buggery. Fortunately, as a result of utilising a mixed methods approach, I was still able to take into account her viewpoints through my

³¹ E-mail message to author, March 12, 2012.

analysis of, for example, newspaper articles, blogs and interviews that were conducted with her on certain television talk shows.

This research experience further complicated my understanding of the insider/outsider position. Specifically, how do those who claim cultural authenticity view the status of being insider/outsider? Or rather, how is the subject position of being an insider/outsider problematised and challenged by those who are concerned with issues of cultural authenticity and the right to represent? These are important questions to consider, especially as they relate to wider research anxieties about gaining access to research settings and populations, building trust and producing work that will be read not as appropriations or misrepresentations but as legitimate representations by others, particularly by those who make claims to being ‘authentic insiders’ or ‘cultural experts’ (see Alexander 2007).

As an example of how confounding questions around authenticity can become, we might consider my own trajectory as a researcher. I left Jamaica aged seventeen and resided in Canada for around ten years until I moved to Barbados two years ago. I have therefore ‘returned’ to the *region* I had left – but to a specific *territory* I had never visited before. From being an insider/outsider as a Jamaican resident in Canada, with relation to Jamaica I might now be described as an insider/returnee/outsider, since some will consider that I have ‘returned’ – that is, been received back into the bosom of the Anglophone

Caribbean – but I am still self-evidently outside Jamaica and in some senses more removed from it than in Canada, as I no longer reside with Jamaican family members and am around other ‘diasporic’ Jamaicans more than before.

Further, my sense of my ‘Jamaican-ness’ now has different parameters: the inputs that trigger discussion of my Jamaican identity or self-reflection on it are now generated from an intra-Caribbean source, which views that identity somewhat differently from its extra-Caribbean, North American counterpart. For all ‘diasporic’ subjects, the sense of origin is always emotionally lived as well as intellectually formulated; where the context changes, the emotions and self-formulations are also likely to change. When planning research in and about Jamaica, then, I asked myself such questions as: how has my own history predisposed me to think about Jamaica, Jamaicans and my own Jamaican-ness? Is my viewpoint nostalgic? Do I feel any hint of unwarranted superiority over those who have not had as much opportunity to see Jamaica through the eyes of outsiders? Conversely, might I feel undue anxiety about being a ‘deracinated’ Jamaican, causing me to over-identify in order to belong again? To what extent might I have unconsciously absorbed the ideological and political viewpoints of certain North American academia, media and public debates towards Jamaican sexual politics? Whilst it is unreasonable to ask anyone to identify the origins of all of their ideological positioning(s), it is reasonable that they should at least pose such questions to themselves and include such self-analysis transparently in their work so that others may draw their own conclusions.

On reflecting on these questions I decided, from the onset of my research, that it would be beneficial to discuss these concerns, whenever possible, with other Caribbeanists, both from within and outside the region. This opportunity was made possible through my attendance at various conferences, including the yearly Caribbean Studies Association (CSA) event, as well as by intentionally contacting some individuals. Specifically, as explained in more detail below, I sought out the help of more ‘knowledgeable individuals,’ a category determined by individuals’ research and theoretical experiences and/or cultural as well as on-the-ground knowledge. Of course, whilst I sought out their guidance and assistance, especially in the interviewing stages of my research, I always heeded the above-raised methodological (and ethical) concerns and advice, particularly in regards to being aware of various manifestations of power imbalances as well as the need to practice care and caution when relying on gatekeepers as well as those perceived to be ‘authentic insiders.’ These interactions were still tremendously useful, as I was given advice on a number of issues, including possible literature to read, questions that may be seen as especially relevant or, in some cases, irrelevant to respondents, as well as recommendations about potential respondents and how to go about the business of recruiting these persons.

RESEARCH QUESTIONS

My doctoral research, as stated in the Introduction, has two broad, but interconnected, objectives. These are:

1. To investigate the ways in which members of various Jamaican Christian churches or self-proclaimed Christian individuals and/or groups shape various discussions and discourses in the public media (that is, the print media, internet and broadcast media) and legal system (particularly in processes of constitutional reform and abortion legislation review) around such issues as the decriminalisation of buggery (sometimes loosely referred to as the decriminalisation of homosexuality) as well as the definition and protection of sexual and reproductive rights?
2. To examine the issue of granting specific constitutional rights and protection to homosexual peoples and more generally, the debates around the decriminalising of practices such as abortion and buggery (which is commonly conflated with homosexuality). I ask, how are these gender and sexuality-related issues linked, directly and indirectly, to wider concerns over human rights, public (national/cultural) morality/values, and 'postcolonial' citizenship? Moving beyond the two processes of law reform, I also ask, what are the more general ways in which Christianity intertwines with the society at large, participating and informing discussions around these issues?

QUALITATIVE RESEARCH DESIGN

To explore these objectives, and the eight related questions posed in the Introduction, I conducted feminist critical discourse analysis and in-depth semi-structured (open-ended) interviews. These qualitative methods or “techniques for gathering evidences” (Harding 1987:2) are in keeping with feminist methodological approaches to doing research; specifically, research that recognises differences, the possibility for multiple truths based on individual’s locations, positionality and situated-ness, and the potential for causing harm as well as seeks to address and remedy the power imbalances within the research context and the wider society. Moreover, this particular mixed or multi methods approach was adopted because it gave me (1) the opportunity to analyse written as well as spoken words, (2) to ask questions that would complement the pre-existing texts and, (3) to interact with persons with experience or more knowledge about the issues as well as about the two processes of reform that are the focus of this thesis. As with methodologies, combining research techniques is of course not unusual; rather, increasingly more feminists are recognising the benefits in multi-method research or ‘triangulation,’ namely, compensating the weakness in one method “by the counterbalancing strengths” (Jick 1979:604 cited in Jayaratne and Stewart 1991:91) of the other.

DATA AND ANALYTIC STRATEGIES

Discourse Analysis

In this thesis, I use discourse to mean the various ways of “referring to or constructing knowledge about a particular topic of practice: a cluster (or formation) of ideas, images and practices, which provide ways of talking about, forms of knowledge and conduct associated with, a particular topic, social activity or institutional site in society” (Hall [1997] 2003:6). Discourses are more than the production of meanings; rather, they “constitute the 'nature' of the body, unconscious and conscious mind and emotional life of the subjects they seek to govern” (Weedon 1987:108). Stuart Hall ([1997] 2003) summarises as follows:

Discourses are ways of referring to or constructing knowledge about a particular topic of practice: a cluster (or formation) of ideas, images and practices, which provide ways of talking about forms of knowledge and conduct associated with a particular topic, social activity or institutional site in society. These *discursive formations*, as they are known, define what is and is not appropriate in our formulations of, and our practices in relation to, a particular subject or site of social activity; what knowledge is considered useful, relevant and ‘true’ in that context; and what sorts of persons or ‘subjects’ embody its characteristics. ‘Discursive’ has become the general term used to refer to any approach in which meaning, representation and culture are considered to be constitutive. (P.6)

Examining discourse, as Michel Foucault argues, is a means of analysing “how human beings understand themselves in our culture and how our knowledge about ‘the social, the embodied individual and shared meaning’ comes to be produced in different periods” (Hall [1997] 2003:43). I am also interested in analysing discourses because I believe that existing and emerging discourses have a tremendous impact on an individual’s life and

social interactions. Indeed, analysis of discourses may reveal the various relations of ruling and dominance that are woven within them, which shape and are in turn shaped by various material, social and institutional structures and locations. For discourse not only refers to ways of producing knowledge, but also to the “power relations which inhere in such knowledge and the relations between them” (ibid.; see also Lazar 2007:142).

Similar to feminist scholar Nancy Naples, I too am drawing on some aspects of a Foucauldian understanding of discourse (though not his actual methods of analysis), which emphasises that discourse is not simply “the property of individual actors and is itself a ‘practice’ that is ‘structured and.... has real effects’” (Ferguson 1994:18 cited in Naples 2003:10). Indeed, discourses not only reveal particular groups’ interests, but they also determine what can be known and is considered possible to achieve and implement through, for example, legal reforms. I am therefore least concerned with the biases of individuals, but rather, in “the assumptions generated by ‘ways of life’ and generated in discursive frameworks, conceptual schemes, and epistemes, within which entire dominant groups tend to think about nature and social relations, and to use such frameworks to structure social relations for the rest of us...” (Harding 2008:334).

Moreover, what I most appreciate in Foucault’s theoretical perspective on discourse is the importance placed on understanding “regimes of truths” and the relation and workings of “power” (see also Fairclough 1992). In *Power/ Knowledge*, Foucault (1980) argues that,

Truth isn't outside power. ... Truth is a thing of this world; it is produced only by virtue of multiple forms of constraint. And it induces regular effects of power. Each society has its regime of truth, its 'general politics' of truth; that is, the types of discourse which it accepts and makes function as true, the mechanisms and instances which enable one to distinguish true and false statements, the means by which each is sanctioned... the status of those who are charged with saying what counts as true. (P.131 cited in Hall [1997] 2003:49)

Prior to that, Foucault ([1978] 1990), in the *History of Sexuality: An Introduction, Volume 1*, explains how power-knowledge-pleasure, sustain the discourse on human sexuality in the western part of the world through various periods in its history. To uncover these regimes of truth Foucault ([1978] 1990) proposes undertaking a version of critical discourse analysis, arguing that,

The central issue, then (at least in the first instance), is not to determine whether one says yes or no to sex, whether one formulates prohibitions or permissions, whether one asserts its importance or denies its effects, or whether one refines the words one uses to designate it; but to account for the fact that it is spoken about, to discover who does the speaking, the positions and viewpoints from which they speak, the institutions which prompt people to speak about it and which store and distribute the things that are said. What is at issue, briefly, is the over-all "discursive fact," the way in which sex is "put into discourse." Hence, too, my concern will be to locate the forms of power, the channels it takes, and the discourses it permeates in order to reach the most tenuous and individual modes of behaviour, the paths that give it access to the rare or scarcely perceivable forms of desire, how it penetrates and controls everyday pleasure – all this entailing effects that may be those of refusal, blockage, and invalidation, but also incitement and intensification: in short, the "polymorphous techniques of power." And finally, the essential aim will not be to determine whether these discursive productions and these effects of power lead one to formulate the truth about sex, or on the contrary falsehoods designed to conceal that truth, but rather to bring out the "will to knowledge" that serves as both their support and their instrument. (Pp.11-12)

Although I draw on some important aspects of Foucault's theorisation, and acknowledge his great influence on discourse analysis in general, his approach, however, does not completely suit my research goals of actually analysing how and what is being said in

various texts (from government reports to newspaper articles) and dialogue or in the very act of talking. Specifically, Foucault focuses on the “non-linguistic analyses of statements, more precisely, with developing a strategic model (a ‘theory of practice’, if one wishes) that could account for discourse, knowledge, truth, and relations of power simultaneously” (Foucault 2003 cited in Blommaert 2005:241). It is this lack of attention to linguistic analyses or, as Fairclough (1992:57) argues, to the detail of text or “real instances of people doing or saying or writing things,” that results “in the totality of his [Foucault’s] work and in the major analyses, the dominant impression is one of people being helplessly subjected to immovable systems of power” (ibid.).³² That is, whilst Foucault “certainly insists that power necessarily entails resistance... he gives the impression that resistance is generally constrained by power and poses no threat” (ibid.). This view of power does not appear to make room for the occurrences of processes of social change and/or agency, which though not always achieved remains a significant focus in feminist methodologies.

Somewhat in keeping with these interconnected definitions of discourse and the justifications for its analysis – which is generally an “overtly political stance and is concerned with analysis of various forms of social inequality and injustices” (Lazar

³² Fairclough (1992) acknowledge that Foucault does in fact pay some attention to textual analysis, through his concept of ‘discursive practice.’ He nonetheless argues that Foucault defines this in “a confusing way as ‘rules,’ which underlie actual practice: a discursive practice is a ‘system of anonymous, historical rules’” (Foucault 1972: 117 cited in Fairclough 1992:57). Thus, Foucault’s focus, it would seem, tends to be more on ‘structures’, accounting “for what can and does actually happen” (ibid). Consequently, Fairclough notes that, “[t]he questionable assumption is that one can extrapolate from structure to practice, that one can arrive at conclusions about practice without directly analysing real instances of it, including texts” (ibid.).

2007:142) –, Michelle M. Lazar, for example, makes the case for specifically doing and studying “feminist critical discourse analysis”. The aim of feminist critical discourse analysis, would therefore be to,

show up the complex, subtle, and sometimes not so subtle, ways in which frequently taken-for-granted gendered assumptions and hegemonic power relations are discursively produced, sustained, negotiated, and challenged in different contexts and communities. Such an interest is not merely an academic de-construction of texts and talk for its own sake, but comes from an acknowledgement that the issues dealt with (in view of effecting social change) have material and phenomenological consequences for groups of women and men in specific communities. (Ibid.)

Thus, feminist critical discourse analysis includes examining the various discursive framings (language, visual images, gestures and practices) that are being used to talk about the relevant issues at hand, as well as deconstructing the particular embedded taken-for-granted ideas and meanings in order to reveal (with the aim of addressing) not ‘truths’ per se, but rather, various relations of power and the ways in which these constitute our subjectivities and group relations, indeed the “regimes of truth” that govern social life. This approach is in many ways in line with Norman Fairclough’s conceptualisation of critical discourse analysis, as both seek to transcend the divide between work that focuses on social theory (the more traditionally inspired Foucauldian approach) and those that pay detailed analysis to the linguistic features of text (Fairclough 2003:2-3).

Similarly to Lazar (2007:143), my analysis and theorisation were also guided by “feminist principles and insights,” particularly those identified in the above paragraphs as

well as in chapter one, about the “innocuous” and yet sometimes oppressive nature of both gender and sexuality as “omni-relevant” categories in many social interactions and practices. This explains my explicit reference to the concept ‘feminist’ in this approach to critical discourse analysis. In this research, I also analysed an array of discursive framings, from written text, images and spoken words, dealing with a number of gender and sexuality-related issues. Specifically, the primary documents that were analysed included local and regional newspaper articles, published predominantly within the 2001 to 2011 time frame. I also examined other news articles, blogs and reports that are available through various Internet websites.

The analysis of various media sources is particularly useful and interesting in that meaning, which as Hall ([1997] 2003) argues, “gives us a sense of our identity, of who we are and with whom we ‘belong’” (p.3) – which is tied up with the ways in which “culture is used to mark out and maintain identity within and difference between groups” (ibid.) –, is constantly being produced, exchanged, reinforced and challenged in different media and especially in the modern mass media. Of course, certain media sources function, more than others, “to reinforce normative meanings and values” (ibid.:353) in the types of product or text that they produce and distribute. They therefore sustain, through their discursive formations, a regime of truth on such issues as homosexuality, abortion and human rights, which is not based on any absolute unchanging knowledge or ‘Truth’ per se, but on certain dominant constructions that are accepted and treated as

‘true’ and are thus ‘true’ in that they come to have real effects, even if they have never been conclusively proven (ibid.:49). For example, there are those who make the claim that a comparison between Jamaica’s two leading newspapers, the *Observer* and the *Gleaner*, will reveal that the latter is the more progressive in terms of its reporting on such issues as homosexuality, a sentiment that was commonly expressed following the publication of an editorial titled “End Discrimination Towards Gays Now” in the newspaper on the 1st of April 2011.³³ Of course, one would have to undertake a rigorous analysis of these two newspapers in order to conclude that this is definitely the case.

Besides mass media sources, I reviewed relevant legal documents, such as the 1962 and amended 2011 Jamaica Constitution as well as the *Offences Against the Person Act* that are accessible to the public, as well as government and non-governmental reports that seek to make recommendations for legal reforms around sexuality and gender. Specifically, relevant documents concerning the Jamaican Constitutional reform process and the review of the country’s abortion laws were critically analysed. These documents included: the 2007 *Abortion Policy Review Advisory Group Final Report*, the 2001 and 2006 *Report of the Joint Select Committee on its Deliberations on the Bill entitled “An Act to Amend the Constitution of Jamaica to Provide for a Charter of Rights and for*

³³ Larry Chang, a prominent rights activist, responded to this editorial by saying, Thank you, *Gleaner*. That is the strongest position you have taken to date in protection of the rights of sexual minorities since the time in the 70s when you published my first letter on the subject and when you could only print the word gay in quotation marks. Kudos to Dane Lewis for bravely continuing the struggle. The evolution of Jamaican social consciousness is slow and painful but there is hope (cited in *Jamaica Gleaner*, April 01, 2011).

Connected Matters” and “Parliamentary Submission: The Jamaica Forum for Lesbians All-Sexuals and Gays’ (J-FLAG) ‘An Act to Amend the Constitution of Jamaica to Provide for a Charter of Rights and for Connected Matters’” as well as “Submissions to the Joint-Select Committee of Parliament Considering Abortion From the Coalition of Lawyers For the Defence of the Unborn.” Such examinations were useful for my study as processes of legal reforms or challenges influenced the increasing attention to certain aspects of sexualities (Tambiah 2009), but also provided insight into who are some of the key players in these debates, the arguments being made and the sources of support and opposition.

Overall, in this research I analysed approximately:

- Forty-one local and international blog posts.
- Nine Jamaican government reports (including laws).
- Twenty-eight non-governmental reports and other types of documents (such as submissions to the Government of Jamaica in regards to issues of homosexuality and abortion).
- Thirty-five online news reports from websites and twenty-eight newspaper articles from other Caribbean countries, including six from non-Caribbean sources.
- Two hundred and forty-three articles from local newspapers, one hundred and

sixty-four of which were from the *Jamaica Gleaner* and seventy-two from the *Jamaica Observer*.

- Eight television talk shows, seven of which were aired on local television networks.

These sources predominantly dealt with the issues of homosexuality, abortion, constitutional reform, human rights (sexual and reproductive rights included), as well as the opinions of church leaders and self-identified Christians in Jamaica on these issues. In addition, some of these sources also addressed other gender and sexuality-related issues, namely, the perceived threat of lesbianism within the society, the decriminalisation of prostitution, response to HIV and AIDS, the role of religion and the mobilisation of churches within the society as well as laments about moral decay and colonial interventions (see Table 2 in Appendix B, for a basic breakdown of the corpus of sources that were analysed for this thesis).

It is also important to identify here how I went about analysing the collected sources. First, for each document or media source I identified the following: the names of author(s), the date it was drafted and published, the various issues that it takes up, the types of languages used in discussing these issues and the connections being made, implicitly and/or explicitly about these issues. Second, I kept track of various author(s) or contributors to particular debates, identifying, for example, the number of times specific issues were raised by certain bloggers or columnists. I was thus able to begin identifying

not only important issues around gender and sexuality that were being taken up, especially within the local media sources, but also certain individual and/or organisational voices that contributed to and played important roles in these debates. As a result of these initial observations, as well as my ongoing discussions with more knowledgeable persons on the broader topics of sexuality, policy and law within the Caribbean, I narrowed my archival search to focus in on specific voices and themes related to this thesis topic. Additionally, I was also guided to and at times given other useful materials during the interviewing process. Steps one and two were continuously repeated in these later stages of my discourse analysis. Thirdly, in moving beyond these primary descriptive linguistic analytical methods I also looked at the ideological, political and theoretical underpinnings in people's talk and texts, which shape the nuanced ways wherein matters such as sex, sexuality, gender, marriage, reproduction, morality, citizenship/nationhood and human rights are understood and discussed. This approach to critical discourse analysis is based on the premise, as Fairclough (2003) argues, that two of the causal effects of texts are meaning-making and ideological effects, that is, the "effects of texts in inculcating and sustaining or changing ideologies" (p.9). Consequently, textual analysis needs to consider "bodies of texts in terms of effects on power relations" (ibid.).

The ideological, political and theoretical underpinnings of texts were obviously not always overtly visible, but rather, at times emerged in subtle and even quite contradictory

ways. Identifying and naming these more subtle ideological, political and theoretical perspectives thus required some amount of judgment on the part of the researcher; such subjectivity may call into question the reliability of the analysis. However, to offset this possible shortcoming I used the existing academic literature, interview conversations, other more informal dialogues with knowledgeable individuals and of course, close attention to the various debates (who is saying what and why) as well as the sheer breadth of the material analysed to guide (and support) my interpretations.

Nevertheless, one must also come to terms with the reality that critical discourse analysis or any form of textual analysis “is also inevitably selective: in any analysis, we choose to ask certain questions about social events and texts, and not other possible questions” (Fairclough 2003:14). Indeed, there is “no such thing as an ‘objective’ analysis of a text,” even when the goal is simply to describe “what is ‘there’ in the text without being ‘biased’ by the subjectivity of the analyst” (ibid.). As Fairclough (2003) stresses, “our ability to know what is ‘there’ is inevitably limited and partial. And the questions we ask necessarily arise from particular motivations which go beyond what is ‘there’” (p.15). It is therefore natural that in this research, the questions I chose to ask, the things I observed and the kinds of interpretations that I eventually formed were in large part influenced, as stated before, by not only my cultural insider/outsider status but by a worldview inspired by feminisms.

Moreover, whilst it is crucial not to misrepresent others' voices in my analysis and authorship of this study, I also believe, like many feminist scholars, that I should not cede my interpretative authority. As such, my interpretations, as the following chapters will reveal, often exist alongside those of my interview respondents and others whose contributions to the debates are taken under consideration. One notable way in which this is evident is the use of direct quotes, as Opie (2008) recommends, as well as the presentation, where applicable, of research subjects' alternative and even counter interpretation and/or analysis of the issues.

In-Depth Interviews and Analysis

Over the spring of 2012, between the months of February to June, I visited Jamaica with the purpose of doing further research including conducting interviews. I conducted ten interviews with some knowledgeable and active players in the public debates about sexuality and its related issues.³⁴ Initially, I sought to conduct at least fifteen interviews; however, this did not come to fruition. Other attempts to contact alternative respondents also failed, as these individuals did not respond to email and telephone requests; a few

³⁴ Ma. Dolores C. Tongco (2007) states that, [there] is no cap on how many informants should make up a purposive sample, as long as the needed information is obtained... Seidler (1974) [for example] studied different sample sizes of informants selected purposively and found that at least five informants were needed for the data to be reliable. It is important to lessen bias within the sampling population and to have some idea of the variation in the data. If unbiased informants are scarce, finding informants that are biased in both ways allows for finding the middle ground and cancelling out extreme biases during data interpretation. (P.152)

suggested that they heard about the study from colleagues but had nothing new to contribute.

The ten individuals who participated as respondents varied in, gender, job descriptions as well as religious beliefs:

- The first respondent is male and an educator at one of the country's leading seminaries who stated that he is a pastor and a member of the Jamaican Baptist Union.
- The second respondent is female, a women's rights activists and identified as an Ife, J'Aufait (which is an African inspired religion). However, she attended an Anglican high school and now attends Christian churches occasionally for weddings, funerals and Christenings. She grew up Rastafarian but had some Anglican influence on her up-bringing.
- The third respondent is female and worked as a gender activist. She identified as Christian belonging to a Pentecostal, charismatic type of Evangelical doctrine.
- The fourth respondent is female, a lawyer and academic, who stated that she has neither a strong religious identity nor a particularly spiritual one. She however, attended an Anglican girls' school and now occasionally attends Christian churches for weddings and funerals.
- The fifth respondent is female, an educator and a trained feminist Christian theologian, who identified as a practicing Roman Catholic.

- The sixth respondent is male, and a prominent Roman Catholic leader.
- The seventh respondent is male, chairman of an organisation dealing with various issues of ‘sexual depravity’. He identified as a Christian who attends a non-denominational church that operates like Brethren.
- The eighth respondent is male, a leading sexual rights activists who stated that he is Christian, even though “there is a lot of baggage” attached to this label. Nevertheless, he is a believer in a supreme being and in Jesus Christ, having grown up in the Anglican Church, but now occasionally attends a Bible-based ministry.
- The ninth respondent is male. He is an educator at the United Theological College of the University of the West Indies, a health activist and an Anglican Minister.
- The tenth respondent is female, a women’s rights activist and a believer in a supreme being.

In addition to the above mentioned characteristics, the respondents all lived in an urban area, particularly in the capital city of Kingston. They were all of African-Caribbean descent, with some likely to be classified as ‘brown’ within the Jamaican context, on the basis of having lighter skin tone. In addition, based on their current professional positions and educational backgrounds, these respondents may be classified as middle-class. Such characteristics obviously have some influence on their experiences and the perspectives shared for this project.

The majority of these respondents were selected through the use of purposive sampling. In other words, knowing that there are certain Christian groups and other individuals that are not only knowledgeable about my research areas but are more vocal and apparently more influential than others, I actively sought out interviews with them. This is a non-random selection tool that is also known as judgment sampling, as the researcher deliberately selects respondents based on the qualities, experiences and knowledge that they possess. That is, the “researcher actively seeks the most productive sample to answer the research question. This can involve developing a framework of variables that might influence an individual’s contribution and will be based on the researcher’s practical knowledge of the research area, the available literature and the evidence from the study itself” (Marshall 1996:523; see also Tongco 2007). Based on the prior knowledge garnered from the available literature and more so, the analysis of various key documents and non-print media sources, I comprised a list of most desirable respondents. These persons met at least two or all of the following conditions: (1) they actively participated in the public discussions (in the media and/or legal forums) about constitutional reform and/or the review of the country’s abortion laws; (2) they entered these discussions as interested citizens or as representatives of an organisation (whether a church, a governing body of churches, other faith-based institutions, women’s as well as sexual rights groups); (3) they participated in broader discussions or work around other sexuality-related matters (such as HIV and AIDS, sexual rights activism or research matters

relating to sexuality) within the country and/or region on a whole; and (4) they are either self-identified Christians, or know, based on their participation in the various activities and/or interactions with others who have first-hand knowledge, of the ways in which Christian groups and individuals shape sexual politics and ongoing debates around sexuality in Jamaica and/or the Anglophone Caribbean in general.

Additionally, in using the purposive sampling technique it may be advantageous to, amongst other things, include a broad range of respondents (a maximum variation sample) or respondents with special expertise (a key informant sample). The key informant sample, which this study utilised in varying degrees, involves the researcher recruiting one or a few individuals “to act as guides to a culture” (Tongco 2007:147). Ideally, these “key informants are observant, reflective members of the community of interest who know much about the culture and are both able and willing to share their knowledge” (ibid.), as well as “recommend useful potential candidates for study (snowball sampling)” (Marshall 1996:523).³⁵ For example, through two knowledgeable, well-situated individuals who consented for the study, I was later able to contact others with more knowledge and experiences in the areas of interests. This latter technique (snowballing) is considered appropriate in situations that do not allow for the kinds of probability samples that are commonly used in, and arguably, more suitable for, large-

³⁵ Snowballing may be distinguished from judgment or purposive sampling in that the latter “does not necessarily use the sources of an informant as an informant as well” (Bernard 2002 cited in Tongco 2007:125).

scale quantitative surveys. Furthermore, as most introductory methods textbooks will state, snowball sampling “is useful in situations where the members of the special population are difficult to locate, such as homeless individuals, prostitutes, or undocumented immigrants” (Babbie and Benaquisto 2002:166).

Likewise, snowballing was useful for my own research, as it proved more difficult to find (as a insider/returnee/outsider) a range of persons with knowledge and experience who were willing to participate in the study. Specifically, I initially had some difficulties finding church leaders who had nuanced opinions about sexuality-related issues, particularly in matters around homosexuality and abortion; that is, most of the persons, particularly the Christian leaders and individuals, who were initially contacted had similar conservative views on these issues. Moreover, these people’s opinions were regularly reported in the local newspapers and blogs as well as in the various documents summarising deliberations over the matters of constitutional reform and the review of abortion laws. Whilst there may have been some amount of bias in terms of whose opinions the media and bloggers chose to focus on, for example, I nevertheless, contacted (through email or telephone) some of these individuals, particularly those whose names were also mentioned by other respondents including the two key informants (see Appendix C for an example of the information that was e-mailed to potential respondents upon initial contact. However, through my key informants I was able to make other

useful connections, thus enriching my data collection and more importantly, my understanding of the complexity of the research area.

Although purposive sampling and snowballing has its advantages, there are obvious disadvantages attached to these techniques. Foremost is that, unlike random sampling, there are inherent biases attached to these non-probability techniques, such as the fact that participants are chosen based on selected qualities, experiences and knowledge also contribute to this bias. Moreover, Tongco (2007) explains that this is the case as often informants “may be chosen out of convenience or from recommendations of knowledgeable people” (p.153). The reliance on knowledgeable people or key informants as both participants and gatekeepers also adds another layer of potential weakness, that is, as expressed in earlier paragraphs, various manifestations of power imbalance may arise in the research setting and the researcher has to take much care to deal with these. This may include drastic measures such as refusing the help of this knowledgeable informant and seeking instead alternative means for gaining entrance into a community or recruiting individuals. Luckily, no such drastic measures were needed in this research; however, much care had to be taken so as to not be diverted from the research interests. On more than one occasion, I had to remind informants, including those who acted as gatekeepers, of my particular research interests and goals.

Additionally, the researcher must also manage issues of informant reliability and the overall validity of the study. As the researcher makes a judgment on the participant's knowledge and ability to make useful contributions, she or he must always contend with the possibility of participants providing inconsistent or "unreliable data voluntarily or involuntarily because they are eager to please" or because they may "have hidden purposes and intentions and have their own emotional issues, principles and viewpoints" (Tongco 2007:154). This is especially daunting when relying on key informants, who, if inappropriate, may "render the data meaningless and invalid" (ibid.).

Of course, as stated previously, there are a number of checks and balances that researchers may put in place to avoid, or at least manage, this situation. Feminist researchers such as Shulamith Reinharz (1992) suggest that although researchers should start their interactions with the intention of trusting what is being said, when information seems incoherent, inconsistent and plainly implausible, cross-checking and validation methods such as asking respondents to explain something, or engaging in further dialogue with not only the selected participants, but, as Hill Collins (1991) advocates, the extended community, may be required. Such triangulation is by no means aimed at excavating for a grand 'Truth' but are ways to check for validity of people's recollection of, say for example, historical facts, as well as a means of not simply giving voices to a few or having a few become the sole representation of a community. It is also a means of

learning about issues that may be of importance to the community and for the researcher to show their general accountability to this grouping.

This kind of triangulation was frequently deployed in this research, where other respondents, as well as a few persons who were not participating in the study but were knowledgeable about the area, were asked to confirm or elaborate on what was said in one interview about a specific historical or recent factual occurrence. The information obtained from this kind of cross-checking was sometimes used to bolster or to check the accuracy of the data. While this was not always feasible, other sources, such as reputable published texts, were also turned to as a means of checking the validity of certain factual information. It is important to stress here that though these precautions were taken to ensure the reliability of respondents' statements, this doctoral study, particularly the interview data, has limited generalisability.³⁶ Rather, this study aims to produce a robust body of knowledge that will jumpstart further dialogue amongst academics, activists, students and policy-makers and possibly identify areas for further research. For example, because of the specific focus of this study, the relationship between various media bodies and the voices and types of materials they choose to publicise has been largely under-analysed.

³⁶ Purposive sampling, like other non-probability methods, contributes more to internal validity [representative of the sample population] than external validity [the sample is valid over the realm that it represents]. In purposive sampling, interpretation of results is limited to the population under study. To be valid over a greater realm or to form the basis for a theory, the study may be repeated for confirmation in a different population, still using a non-probability method. (Bernard 2002 cited in Tongco 2007:154)

Specifically, the purpose of the interviews was to address the gap in the literature in regards to whether, for example: (1) people believe churches have an influence on public opinion and the course of the (public and legal) debates about sexuality; (2) what should be the role of public morality in defining criminal offences and justifying restrictions on personal conduct; (3) should the criminal law be used to enforce public morality; (4) who should define morality; (5) what should be the relationship between the 'Church' and state, and (6) what are the perceived threats against both institutions in light of increasing sexual activism in Jamaica and the region in general? Towards exploration of these questions, I decided to undertake in-depth, semi-structured, open-ended interviews, a method which is commonly used by many feminist researchers. Many feminists, in general, see interviewing, as a potentially empowering method, for if one avoids the androcentricism of positivist, masculine research, interviews can serve the purpose of giving voices to those who were traditionally marginalised or silenced in research. For instance, Marjorie DeVault (1999:57) argues that the researcher should not dismiss the utterances and various speech habits of certain groups as simply trivial. Instead, these particular usages of language and style of communication may reveal useful information about individuals and communities.

In paying close attention to my respondents' use of language, I was able to learn more about their feelings towards certain things. For example, the ways in which some church

leaders made a distinction between wayward churches and historical ones highlighted the differences between and even within Christian communities and alliances as well as the need to be treated as separate entities. In addition, the pauses and tendency of some persons to provide lengthy elaborations or explanations illustrate in most cases the sensitivity of the issue being discussed, respondents' complex and even ambiguous positions as well as their deliberate efforts not to be misunderstood.

Moreover, in-depth, open-ended questions or semi-structured interviews in particular are especially desirable, for many feminist researchers, as they create the atmosphere of a dialogue, where respondents get to share their experiences and knowledge and the researcher can follow up on issues that are being raised and cues from what is being said to ask additional questions that may be of more relevance to that particular individual, community or context.³⁷ Indeed, feminists researchers such as Smith (1987) and Kempadoo (2001) suggest that in this process of dialoguing and paying close attention to what is being said and in some cases asked for, researchers may learn more about what issues or problems are important to the respondents and the extended community, which may eventually shape and guide the research in the next stages.

³⁷ In this study, the interviews also resembled a conversation or dialogue between the respondent and myself, as I was also asked questions and shared my perspectives on topics. I therefore use the labels 'discussion' and 'interview' interchangeably to refer to these interactions throughout this dissertation.

This kind of minimal collaboration of course also requires a degree of flexibility, which may not be ideal for some researchers. However, I aimed to listen to and take cues from respondents in order to produce a nuanced account. For example, I entered each interview setting, as Blackwood (1995) and Tuhiwai Smith (1999) encourage, by disclosing information about the project and what the data will be used for (See Appendix D for copy of Informed Consent Form), as well as about myself, to build rapport based on shared experiences as well as differences. Respondents were then encouraged to ask questions of their own, which, as Edwards (1990) states, not only builds rapport but also minimises the visible division between the researcher and the respondent and the possible feelings of personal invasion. In doing so, several respondents made recommendations on such things as the title of the thesis and on the issues that were more pertinent to them as individuals as well as members of a particular community. In fact, although I had, on at least three occasions, pretested the questionnaire guide and refined it accordingly, after the first three official interviews, the semi-structured open-ended questionnaire that was constructed to guide the interviews was further re-worked to include previously absent issues, such as the challenges facing churches in their efforts to educate congregations and publics on matters of sexuality. Additionally, it quickly became evident that I needed to construct three tailored interview guides, instead of a single broad one, so as to focus in on the matters that were not only of most interest to particular respondents based on their community affiliation(s) and expertise, but were likely to be those that they could provide the most reliable in-depth information on (see Appendix E for sample

Questionnaire Guides). In general, the interviews, like the various other primary sources that were critically analysed, covered a number of issues relating to homosexuality, lesbianism, abortion, HIV and AIDS, human rights, legal and constitutional reform, as well as the mobilisation, role, challenges and failures of churches within the society.

The interviews as well as most of the other sources were analysed using QSR NVivo, a qualitative analysis software tool.³⁸ According to Elaine Welsh (2002),

Using software in the data analysis process has been thought by some to add rigour to qualitative research (Richards and Richards 1991). One way in which such accuracy could be achieved is by using the search facility in NVivo, which is seen by the product designers as one of its main assets facilitating interrogation of the data. This is certainly true when the data are searched in terms of attributes, for example, how many women from the Labour party self-identified as feminist? Clearly, carrying out such a search electronically will yield more reliable results than doing it manually simply because human error is ruled out. This kind of interrogation of data is important in terms of gaining an overall impression of the data, which has not been unduly influenced by particularly memorable accounts. (P.7)

Unfortunately, however, the reliance on this software may be somewhat more difficult if one desires a more in-depth interrogation of texts, as in the case of conducting this form of critical discourse analysis (ibid.). Consequently, even though I was using NVivo as an organising tool, I still had to manually go through each uploaded interview and other data sources in order to analyse the different ways things are expressed as well as the underlying ideologies and themes, rather than simply focusing on concepts and phrases.

³⁸ A few sources, for example, television talk show interviews, were only analysed manually.

At first, I analysed a number of textual and media sources, including newspaper articles, materials posted on the internet, as well as governmental and non-governmental reports, dealing with the issues of sexuality, gender, homosexuality, abortion and law reform in Jamaica. Based on this initial research, I was able to identify certain recurring topics and themes, which helped to refine my later searches. These searches, in part, also informed the types of respondents I initially sought out, as well as the types of questions I chose to ask. It is important to clarify here, that my analysis of text and media sources did not cease when I began interviewing. Instead, I was oftentimes simultaneously analysing various texts and conducting interviews. Indeed, respondents would, as alluded to above, direct me to other sources and I would often ask these individuals their opinions on the materials I had previously, or was at that moment, analysing. My analytical strategy might therefore be seen as structured along a spiral: I moved from textual analysis to interview and back to textual analysis through a number of cycles, all the while advancing along an axis of increasing detail and sophistication in the emerging themes that became encoded in the study. This mutually reinforcing strategy thus proved both an effective means of cross-checking information I was receiving in interviews, on the one hand, and of continually testing the validity of the themes, connections and codes that I was forming through the textual analysis, on the other.

Throughout this process, I actively decided on the ways in which to code my data. I selected codes based firstly on key terms or topics, such as 'abortion', secondly, on what

was being expressed or rather the meanings that were being transmitted, for example ‘abortion as killing’ and thirdly, the possible ideological underpinnings: Christian conservatism, heteropatriarchal worldview or a combination. Because of the complexities in language use, no two persons will necessarily use the same words even when they are naming and describing the same thing. As such, I had to analyse for the nuanced ways in which persons, based on an array of factors, use language and draw on an ideological framework. Although this may be less ideal for some researchers who are wary of human error(s), manual coding of the data was in this research nevertheless essential so as to highlight the subtle nuances that would have been missed without the informed and organised vision of the human researcher.

I was thus able to extrapolate a number of recurring, and somewhat interconnected, themes pointing up various ideological and political perspectives, many of which feed into the broader and more far-reaching dominant heteropatriarchal discourse that Caribbean scholars of sexuality and gender, as explained in the previous chapter, have identified within the region. While the heteropatriarchal discourse appears to remain dominant, there were however, existing perspectives that highlight grey areas that do not seem to readily support or at first sight have anything to do with this particular discourse. However, based on my analysis, these grey areas represent the contradictions within this discourse (especially where various contradictory ideas exist alongside each other) as

well as outright challenges to it (usually in the form of people adopting new world views that calls into question the dominant discourse's relevance and overall validity).

SUMMARY

The methodology and research techniques outlined above are thus intended to answer my research questions in the most nuanced manner possible. Whilst commonalities and patterns across sources are given due attention, care has also been taken to avoid excessive generalisation by highlighting the voices that are most relevant to this research endeavour and taking into account the particular subjective positions from which they speak. This thesis identifies and develops a necessary area of focus that has been relatively unexplored thus far in Caribbean social science scholarship on gender and sexuality-related issues; however, the subsequent chapters will point to avenues of further exploration in the relationship between religion, the law (nation-building) and sexuality.

CHAPTER THREE

Heteronationalism: Positioning Sexual Orientation in Constitutional Reform



Jamaica Gleaner, March 04 2011 cited in Paul 2012.

This chapter is concerned with the ways in which sexual orientation was configured within the discussions around constitutional reform – particularly around amendments of the Charter of Fundamental Rights and Freedoms within Jamaica, especially as these issues relate to ideas about human rights (from discrimination to equality, privacy and

protection) and cultural preservation.³⁹ In laying out some of the main arguments that were presented in regards to these issues, I argue that there was either resistance to or support of the re- (hetero)-sexualisation of the nation-state by the various interest groups in this legal process. It is therefore also my claim that the adamant recommendations for the continuing exclusion and criminalisation of such ‘transgressive’ practices as buggery were not merely a matter of preserving ‘respectable’ heterosexuality for a conservative majority, but rather reinforced Gosine’s (2009) notion of *heteronationalism*, discussed in chapter one, namely a reinscription of carefully demarcated sexual and gender norms in the service of a broader national narrative. Re-heterosexualisation thus speaks to the way in which certain already existing heteronormative gender and sexual relations were, as Robinson (2004) similarly argues, reproduced and, at times, made even more explicit through these processes.

Furthermore, as asserted in the Introduction, above, I am proposing, based on a critical textual analysis of two crucial reports from the Joint Select Committee that was appointed to deliberate on the bill entitled “An Act to amend the Constitution of Jamaica to provide for a Charter of Rights and freedoms and for Connected Matters”, as well as numerous newspaper articles and blogs, that the events around constitutional reform reveal that the influence of Christianity, and particularly a conservative manifestation of

³⁹ This chapter is an amended version of my earlier published journal article: Lazarus, Latoya. 2011. “Heteronationalism, Human Rights and the Nation-State: Positioning Sexuality in the Jamaican Constitutional Reform Process.” *Canadian Journal of Latin American and Caribbean Studies* 36(71): 71-108.

it, must be seen as central in serious analyses of Jamaican nationalist projects in the twenty-first century, particularly in regards to the ways in which the nation is continuously being gendered and sexualised in a manner that supports and normalises a heteropatriarchal discourse. Specifically, a certain fundamentalist interpretation of Christianity, which by no means speaks for or represents the viewpoints of all Jamaicans or Jamaican Christians, was not only being used to influence societal attitudes, but also some lawmakers' and state managers' views and conceptualisations of 'appropriate', 'respectable' and 'acceptable' gender and sexual identities and practices. This was done through the active participation of certain conservative Christian folks in these law-making processes, with some parties exerting more sway than others.

To develop the interconnected arguments adumbrated above, I will first examine the reasons that were given for constitutional reform and provide a brief overview of the kinds of concerns, being raised locally, regionally and internationally, about the negative experiences of homosexuals in Jamaica, which, to some extent, informed how the issue of sexual orientation was taken up in the constitutional reform process. Secondly, I focus on how various state actors and interest groups – including the Parliament, members of the Joint Select Committee, as well as Jamaica's Forum for Lesbians, All-Sexuals and Gays (J-FIAG) and the Lawyers' Christian Fellowship (LCF) – addressed or voiced concerns about sexual orientation, particularly homosexuality, in their recommendations, deliberations and overall efforts to shape the Bill shortly entitled "The Charter of Rights

(Constitutional Amendment) Act”, which was the instrument created to materialise the amendments finally decided upon after the several decades of debate. Although a more nuanced examination of the discourse of human rights will be developed in chapter six, I begin to underline here how the language of human rights, particularly as they are identified in such treaties as the Universal Declaration of Human Rights, was used and/or rejected by the various interest groups in their efforts to advance their competing claims.

JAMAICAN CONSTITUTION

The Jamaican Constitution came into force in 1962 with the passing of the Jamaica’s Independence Act, which marked the country’s political independence from Great Britain and the beginning of the ‘postcolonial’ period. However, for a little over two decades (from roughly 1991 to April 2011), as previously stated, the Jamaican Parliament and peoples had been debating over a bill that sought to amend chapter three (the Charter of Rights, intended to improve on the Fundamental Rights and Freedoms) of the fifty year-old constitution. Chapter three of the 1962 Jamaican Constitution named, discussed and interpreted a series of fundamental rights and freedoms guaranteed to citizens; specifically, it pertains to the:

13. Fundamental rights and freedoms of the individual.
14. Protection of right to life.
15. Protection from arbitrary arrest or detention.
16. Protection of freedom of movement.
17. Protection from inhuman treatment.
18. Compulsory acquisition of property.

19. Protection for privacy of home and other property.
20. Provisions to secure protection of law.
21. Protection of freedom of conscience.
22. Protection of freedom of expression.
23. Protection of freedom of assembly and association.
24. Protection from discrimination on the grounds of race, etc.
25. Enforcement of protective provisions.
26. The interpretation of Chapter III. (Jamaica 1962 Constitution, Chapter III)

On May 21, 1991 the matter of constitutional reform “was placed on the parliamentary and public agenda by then leader of the opposition political party, the Jamaica Labour Party, Edward Seaga,” (*Jamaica Gleaner*, March 27, 2011). This followed, as Gary Spaulding records, “much talk in the lead-up to the Budget Debate about the need for a Charter of fundamental Rights to replace Chapter Three of the Jamaican Constitution” (*ibid.*). The Most Honourable Edward Seaga argued in his 1991 budget presentation that the need for constitutional reform was crucial as Jamaica did not have any provisions in its existing constitution that were “peculiar to its circumstances”; although “the framers of the constitution of our great neighbours to the north (the United States) [,] provided for the enjoyment of fundamental freedoms as they saw them – freedom of speech, assembly, worship, among other things” (*Jamaica Gleaner*, March 27, 2011). Furthermore, Seaga declared in this presentation: “Conquer this problem and we [Jamaicans and Parliamentarians especially] remove a vast area of conflict in society, unleash a great fund of goodwill, create a real basis of personal security and build new foundations of true justice for all” (*ibid.*).

It is crucial to note here that although there had been amendments to the country's 1962 constitution before this proposed reform process, none had been as significant as this. In fact, Gary Spaulding writes that it represented the "first major amendment to the Jamaican Constitution in more than 40 years" (*Jamaica Gleaner*, March 27, 2011). Moreover, as the then Attorney General, Minister of Justice to the Senate and Chairman of the Joint Select Committee that was established to consider Charter of Rights Provisions, A. J. Nicholson, noted in 2007, this process entails "removing from our constitution the last remaining vestiges of colonial status" (Nicholson 2007:2). Likewise, in 2002, this process was also described, by the People's National Party, as a step to "complete the decolonisation journey with a reparation of our justice system" (*Jamaica Gleaner*, May 03, 2013).

Of course, various politicians and people within the society saw the need, at that time, for constitutional reform somewhat differently. Edward Seaga recalls that for some this was seen as "a routine review after more than three decades; an opportunity to close gaps and generally tie up loose ends; a change of system of government from monarchical to republican; or a complete review of earlier thinking, with an open mind" (*Jamaica Gleaner*, November 01, 2009).

In Renewing democracy into the millennium: the Jamaican experience in perspective,

Trevor Munroe, one of the Caribbean's leading public scholars on governance, senator in the Jamaican Parliament between 1998 and 2007 and member of the Joint Select Committee established to consider Charter provisions during the constitutional reform process, similarly identifies that between 1990 and the general election of 1997 a consensus was reached that the 1962 Jamaican Constitution had to be reformed. Munroe (1999) sums up the reasons for constitutional reform in his statement that,

At the symbolic level this had to do with the need to abolish the monarchy inherited from the colonial period and move to a republican status. More substantively, there was agreement on the need to effectively protect and extend political and civil liberties. Most of all, there developed a consensus with and outside the political elite that there was an overwhelming dominance of the executive within the political system and any reform had to deal with this imbalance as a vital element. The fundamental disagreement centred on the issue of not whether but how this objective should be achieved. By the middle of the decade, the critical question had become: Should Jamaica retain the Westminster parliamentary system or should Jamaica adopt a presidential system with the separation of powers? (Pp.50-51)

Based on the above accounts, it is evident that engagement with matters around sexual orientation and abortion, which are the focus of this thesis, was not, as clarified in the Introduction, amongst the primary reasons given for the justification of this process. However, such issues were nonetheless drawn into and shaped certain aspects of the process and connected debates, especially in relation to the larger reform aims to “protect and extend political and civil liberties” (ibid.).

Prior to May 21st 1991, the “Michael Manley’s [People’s National Party] administration... [had also] indicated that it would open discussions to the public on the matter...”

(*Jamaica Gleaner*, March 27, 2011). Indeed, as far back as 1974, the People's National Party's government declared that,

it was time to review and reform the Jamaican constitution in light of 12 years of experience since independence. That necessity is more urgent today after a longer period of time by which lessons of the Westminster model have been learnt throughout the Caribbean. The political experience here refers especially to the way that power is balanced between the structures of government; the way government is managed; and the role and functions of representatives. (Buddan N.d., under "Political Experience")

However, it was Seaga [in 1991] who, as Spaulding writes, "called for the establishment of a forum to be called a Constituent Assembly, comprising representatives of varied interest groups in addition to the political trade unions, business, church, professional bodies, teachers, and rural community leaders" (*Jamaica Gleaner*, March 27, 2011). The then Prime Minister, the Right Honourable Michael Manley agreed and the "multi-dimensional talk shop" that was established "to discuss and deliberate on constitutional reform was called the Constitution Commission of Jamaica" (ibid.). This initial Assembly was dismantled and in fact, it was not until July 20, 1999 that the Most Honourable Percival Noel James Patterson, the then leader of the People's National Party, "moved a resolution titled: 'An Act to Amend the Constitution of Jamaica for a Charter of Rights and connected matters'" (ibid.) and a Joint Select Committee was put in place to consider Charter Provisions for the Bill shortly entitled "The Charter of Rights (Constitutional) Amendment Act" (Robinson 2004). Nevertheless, the initial vision of a democratic process involving a "wide cross-section of citizens" (*Jamaica Gleaner*, November 01, 2009) or inclusive of varied interest groups remained – at least ostensibly – the guiding

principle for reform. This was, as Munroe (1999) suggests, in keeping with the goal of engaging in a form of participatory democracy, which was an “outgrowth of a more active public[...] and reflected a wider global tendency on constitutional and political reform” (p.49).

One form of participatory democracy involves the carrying out of national referendums and/or opinion polls to decide upon issues of importance such as whether or not to embark on constitutional reform. Such a strategy reflects the general meaning of democracy that dictates that ultimate authority should lie in the hands of the people and that this “authority ought to be brought to bear directly on fundamental questions and exercised more frequently than at periodic elections for representatives [since this] carries much more persuasiveness” (Munroe 1999:50). Moreover, underlying its use is the increasing need “to lend greater popular legitimacy to decisions of states on important matters” (ibid.). Of course, one cannot, as Munroe cautions, romanticise this process of direct democracy, as referendums may of course be called by governments to suit their own political needs and convenience, rather than popular demands (ibid.). However, participatory democracy also includes other strategies; as in the Jamaican case, it may also entail public consultation as well as the establishment of special committees charged with the responsibility of reviewing the concerns and written as well as oral recommendations of members of the public and civil society, such as churches, women and sexual rights groups, trade and labour unions.

In addition to the reasons identified above for constitutional reform and an aspiration for some sort of participatory democracy, this reform process occurred in a particular regional context. Legal scholar Tracy Robinson (2004) highlights that Jamaica, along with “almost every independent Commonwealth Caribbean country has entered the twenty-first century contemplating or engaged in some structured process of constitutional reform” (p.593). Significantly, these various constitutional reform processes [which at times address various issues around sex and gender equality (Robinson 2004)], “though lacking formal regional coordination,” (ibid.) have been occurring in a shared social, economic, cultural and political context; one marked by “the net effect of globalisation, trade liberalisation, privatisation,” (Andaiye 2003:74) as well as a proliferation of misogynistic and homophobic sentiments, expressed in various arenas, including popular culture and the formal legal system. Of course, the increased references to ‘rights’ by various advocates and marginalised groups within the region cannot be overlooked. Indeed, the principles and vocabularies of a number of international human rights movements are having an undeniable influence on the reform processes, at least in terms of how some people understand their relationship to the state and its duties and obligations to them and vice-a-versa.

Interestingly, the inclusion of the international human rights vocabulary is in no way distinctive to this recent constitutional reform process within this country. In fact, the

original 1962 constitution was greatly shaped by key international drafted agreements on human rights. Specifically, it incorporated the Bill of Rights and was also shaped by the Constitution of Nigeria, which was in turn influenced by the European Convention for the Protection of Human Rights and Fundamental Freedoms (1953). This convention, which was “greatly influenced by the United Nations’ Universal Declaration of Human Rights of 1948...was signed and ratified by the United Kingdom and applied to dependent territories” (see *Minister of Home Affairs and Another v Fisher* 1979:5; Morrison 2004:3), including Jamaica. According to Dennis Morrison (2004) this “enshrinement of rights in the constitution had the effect of providing an authoritative, normative statement of the standards of conduct expected by the society of the state in its relationship with its citizens” (p.3). Consequently, the 1962 constitution and chapter three in particular, which deals with fundamental rights and freedoms, can be seen as an instrument for translating universal human rights discourses from a ‘global’ to a ‘local’ or national context, at least in theory. This translation of rights in the earlier constitution is perhaps most evident in section 13 of chapter three, which reads,

Whereas every person in Jamaica is entitled to the fundamental rights and freedoms of the individual, that is to say, has the right, whatever his race, place of origin, political opinions, colour, creed or sex, but subject to respect for the rights and freedoms of others and for the public interest, to each and all of the following, namely-

- a. life, liberty, security of the person, the enjoyment of property and the protection of the law;
- b. freedom of conscience, of expression and of peaceful assembly and association; and
- c. respect for his privacy and family life, [...]. (Jamaica 1962 Constitution, Chapter III, Section 13)

However, although over sixty years have passed since the formal adoption of such human rights treaties as the Universal Declaration of Human Rights in Jamaica, it can certainly be argued that practical translation and preservation of these rights within the country, especially as they pertain to certain groups, including gay men and lesbians or women wishing to procure an abortion, remain problematic. This dilemma, which is highly apparent in the deliberations over the Charter of Rights and the review of the laws around abortion, exists even as the country claims to be committed to respecting and preserving human rights. Indeed, the ensuing paragraphs, and more so chapter six, will reveal the objection of some interest groups and Parliamentarians to the inclusion of sexual orientation into the proposed Charter of Rights and an interpretation of women's reproductive and sexual rights that includes such things as access to safe and legal abortions. Some members of the conservative Christian community, for example, warned that failure to guard against the legalisation of abortion and the creation of any avenue that would pave the way for such things as the legalisation of same-sex marriages within the Charter would be detrimental to the society and the human rights of many.

CONCERNS ABOUT (HOMO) SEXUALITY

Although the issue of sexual orientation, was not a primary reason for embarking on the process of constitutional reform, it is important to add here that Charter discussions around this issue, particularly as it related to homosexuality, same-sex marriage and gay rights, did not occur in a vacuum, as during this period a number of related issues and

developments were unfolding locally, regionally and internationally, which also shaped, implicitly or explicitly, the kinds of concerns being raised by gay and anti-gay rights activists during the constitutional reform process. In fact, the start of the twenty-first century witnessed, on an unprecedented scale, growing tensions and a proliferation of discussions, advocacy work and campaigns around issues relating to sexualities, particularly same-sex desires and practices. Indeed, I will suggest that the constitutional reform process, in regards to the discussions and anxieties around rights and inclusion based on sexual orientation, was in part influenced by much of what was taking place internationally in regards to sexuality generally and homosexuality particularly, as well as by local and regional vectors of influence.

Locally, the proliferation of anti-gay lyrics and sentiments in a number of Jamaican dancehall music hits, as well as an increase in the number of reported physical and verbal abuses and even deaths of well-known and suspected homosexuals within the country, were two of the most crucial developments that undoubtedly had an impact on the trajectory of the reform process.⁴⁰ These developments did not go unnoticed; rather, they were widely followed, documented and condemned by local human rights and sexual rights advocates, such as Jamaica Forum for Lesbian All-sexuals and Gays (J-FLAG) (see J-FLAG 2008), as well as by various international bodies concerned with the

⁴⁰ The brutal murder of one of the country's leading gay rights activists and founding members of J-FLAG, Brian Williamson, in his home on June 9, 2004, is one such incident that garnered much attention amongst local, regional and international activists and human rights supporters.

barbarous violation of lesbian, gays, bisexual and transgendered (LGBT) peoples' fundamental rights to life, dignity, respect, equality, and freedom from discrimination and inhumane treatments (see Carr 2003; Gosine 2009; Human Rights Watch 2004a, 2008; Lewis and Carr 2009; Ottosson 2007; *Time World*, April 12, 2006; *The Economist*, September 17, 2009; Wahab and Plaza 2009). Significantly, the condemnation and outrage have not only been in reaction to such specific violent and inhumane behaviours nor to the country's existing buggery laws, but also more broadly against the actions and opinions of public figures, including members of the police force, various dancehall artists and even the past Prime Minister, Bruce Golding. As a result, the entire country, as stated in the Introduction, has been identified by some, particularly by international organisation such as Human Rights Watch and the International Lesbian Gay, Bisexual, Trans and Intersex Association (ILGA), as being one of the world's most homophobic places or cultures.

In November 2004, for example, Human Rights Watch published a seventy-nine page report entitled *Hated to Death: Homophobia, Violence and Jamaica's HIV/AIDS Epidemic*. This report, which is frequently referenced by both local and international activists and academics alike, describes various forms of violence and discrimination that are perpetuated against Jamaican men who have sex with men and women who have sex with women (Human Rights Watch 2004a:11-12). Furthermore, the report emphasised that the laws that criminalise consensual sex between adult men violate internationally

recognised rights to privacy and non-discrimination. In addition, these laws and the general homophobia “undermine HIV/AIDS prevention work by impeding health ministry efforts to work directly with men who have sex with men and contributing to the impunity with which police harass men who have sex with men and those who provide HIV/AIDS outreach to them” (ibid.:73). Consequently, Human Rights Watch recommended, amongst other things, the following areas for law reform: (1) repeal sections 76, 77, and 79 (the so called ‘buggery laws’) of its *Offences Against the Person Act*, which criminalise sex between men; (2) adopt legislations to protect the rights of sexual minorities and those living with HIV/AIDS and, (3) include “sexual orientation and gender identity” as well as ‘sex’ in section 13 (2)(j) of the Charter of Rights and Freedoms in the amendments to the Jamaican Constitution (ibid.:6). It is worth highlighting that these recommendations were also put forward in the proposal presented to the Joint Select Committee by the local sexual rights advocacy group J-FLAG, and have subsequently been at the centre of many heated debates around the “rights and wrongs” of the country’s constitutional reform.

On November 30, 2004, the same month and year as the above published report, members of Human Rights Watch also wrote a lengthy letter entitled “Letter Urging Jamaican Government to Protect Rights Defenders and Address Violence and Abuse Based on Sexual Orientation and HIV Status”, which was addressed to the then Prime Minister and Leader of the People’s National Party (PNP), P. J. Patterson. This letter

framed its appeal for reform and protection as an urgent human rights matter that the Jamaican government is obligated to address based on its international agreements. For example, the letter concludes by stating that,

Human Rights Watch does not call on Jamaica to breach its cultural values. Violence, police abuse, and arbitrary killings are not cultural values. ***They are human rights violations.*** Nor do we call on Jamaica to abrogate its sovereignty. We call on it to live up to its obligations that it voluntarily assumed under human rights treaties that it ratified. Human Rights Watch urges Jamaica to join ***the roster of progressive and democratic countries that have extended basic protections to include sexual orientation....*** (Human Rights Watch 2004b:7, emphasis added)

Significantly, similar sentiments about rights are echoed in the constitutional reform process by local advocates (J-FLAG) seeking the inclusion of sexual orientation. However, it is worth noting straight away that these appeals by Human Rights Watch, though they garnered some attention, did not result in the overhauling of the buggery laws nor instantaneous changes to the constitution nor, apparently, to the general public's attitudes and reactions towards homosexuals and lesbians. It is also the case, that while this kind of intervention may be viewed somewhat favourably by organisation such as J-FLAG (who publish human rights findings and reports on their website), others may be more resistant to these groups, even viewing them, as will be discussed in later chapters, as symbolic of new forms of 'Western' imperialism. Additionally, there are those, as stated in the Introduction, who question or categorically reject the label of Jamaica as one of the world's most homophobic places.

In addition to these developments, the growing concerns over the spread and control of the HIV and AIDS epidemics within Jamaica and the Anglophone Caribbean as a whole are equally significant to the reform process and the growing discussions around sexual orientations and sexual practices within the region in the spheres of academia, public health and politics. The rapid spread and high rate of HIV and AIDS resulted, for example, in a noticeable increase in the number of public figures making appeals and recommendations to overhaul those laws that criminalised both prostitution and homosexuality within the countries of the region.⁴¹ Significantly, some of these calls, made from a public health perspective, couched their appeals in terms of redressing a violation of the rights to freedom from discrimination and abuse, and of the right to equal access to health care against men who have sex with men.⁴² However, it would be naïve to suggest that the primary goal for all was to advocate for the generalised recognition and translation of human rights in the various local settings. Instead, for many, particularly those who adopt a public health approach, the main concern was, and still is,

⁴¹ According to UNAIDS statistics, although the Caribbean “accounts for a relatively small share of the global epidemic – 0.7% of people living with HIV and 0.8% of new infections in 2008” – it “has been more heavily affected by HIV than any region outside sub-Saharan Africa, with the second highest level of adult HIV prevalence (1.0%)” (UNAIDS 2009:53).

⁴² I point up the emphasis placed on men who have sex with men because of the tremendous focus on their health, risks and sexuality within the discourse. In fact, with the exception of those who engage in sex work (which may include both men and women) no other group is given as much attention, especially when issues about rights and autonomy are included in the conversation. Moreover, it appears that even when speaking about vulnerability, sexuality is still understood and spoken about in patriarchal terms, thus reinforcing the idea that ‘decent’ women do not have or ought not to make claim to sexuality, whether this be heterosexual or same-sex desire. This is sadly ironic, considering that: “the Caribbean has a mixture of generalised and concentrated epidemics. Women account for approximately half of all infections in the Caribbean. HIV prevalence is especially elevated among adolescent and young women, who tend to have infection rates significantly higher than males their own age” (UNAIDS 2009:54).

with securing the health of the general public in the nation and the region by trying to prevent infection and provide care for those considered to be for the most part 'vulnerable', 'at risk' or the most likely carriers of the perilous diseases.⁴³

Despite the fact that the HIV and AIDS pandemic has "opened a space for more public discussions and analysis of issues of gender and sexuality and even for the tentative consideration of decriminalising formerly illegal sexual practices" (Reddock and Robert 2009:xi), there are obvious limitations in arguing that the need to break the silence around sex and sexualities as well as tackle laws that criminalise sodomy are exclusively matters of HIV and AIDS prevention. Notably, in addition to assuming a Western model

⁴³ This is apparent, for example, in a printed statement that,

"There is a rampant homophobia in the Caribbean; a lot of it has its origins in the concept that HIV/AIDS was a disease of homosexual males, which of course it is not," declared health expert Sir George Alleyne, who believes stigma and homophobia are obstacles in the fight against HIV/AIDS. (*Jamaica Gleaner*, November 11, 2008)

Sir George's statement reveals more general concerns of many public health officials, that is, the problems of stigma and discrimination, as well as ignorance about HIV and AIDS in regards to who may be considered 'at risk' or 'vulnerable'. Similarly, Keril Wright reports that Dr. Peter Figueroa, who was at the time Jamaica's Head of Epidemiology and AIDS in the Ministry of Health, made an appeal for the "urgent repeal of Jamaica's buggery law, stating that this would greatly help in the fight against the HIV/AIDS epidemic" (*Jamaica Observer*, November 04, 2008). Dr. Figueroa explained to nearly 200 delegates at the Pan Caribbean Partnership on HIV/AIDS (PANCAP) meeting his position by stating that "the 'outdated law', which has been cited by legal advocates as serving no useful purpose, serves only to push stigmatisation of homosexual men and drive the spread of the dreaded HIV. [...] When we stigmatise men who have sex with men, it drives not only the epidemic underground, but it also moves men who have sex with men to disguise their sexuality" (ibid.). It is essential to note here that,

[he further] cautioned social advocates, who mainly want gay acceptance and religious groups that oppose legalising homosexuality, that he is in no way speaking from a moral standpoint. "We are looking at it from a public health perspective, affirming the human rights of people to choose their sexuality and also recognising that this will help to reduce the spread of HIV. (*Jamaica Gleaner*, November 11, 2008)

It is thus evident that, from the public health standpoint, the repeal of the buggery laws, above anything else, "could be the boldest step yet" (ibid.) in fighting HIV and AIDS within the Caribbean. Nevertheless, recommendations to legalise homosexuality and prostitution garnered much public criticism and even outrage from certain groups and individuals within the Commonwealth Caribbean societies, being interpreted in these quarters as incitements to moral degradation.

of sexuality, this approach, amongst other things, results in: “the confinement of sexuality matters to HIV/AIDS policy discussions only; the invisibilisation of women, particularly queer women; and, finally, the racist characterisation of Third World people” (Gosine 2005:60).

Furthermore, as Robert Carr (2009) has argued, though debates on law, ethics and human rights are indeed taking place, there is also an “absence of respect for individual rights, and a deep ambivalence among the public – mass and elite alike – regarding whether ‘progress for the nation’ (and its very survival) means an increasingly tolerant society, and whether sex workers, gay men, or drug users even have rights” (p.78). Indeed, various appeals to the state and general public, from local and international human rights activists as well as from highly respected health officials, to recognise the human rights of gay citizens were and are still seen by many, as the ensuing chapters expound on, as a threat to a certain conservative interpretation of the ‘Christian’ way of life in Jamaica. In this narrative, they are seen as evidence of the decay of (Christian) morality and the growing economic, cultural and political power of the global and local ‘gay community’. This is captured, for example, in the article “Immoral Jamaicans promoting self-destructive, anti-God lifestyle says pastor.” In this article, *Gleaner* writer Claudia Gardner reports that Pastor Astor Bowers, President of the West Jamaica Conference of Seventh-day Adventists, “has criticised Jamaicans, including persons from the two major political parties,” for “promoting a self-destructive and anti-God lifestyle” (*Jamaica*

Gleaner, August 23, 2011). In addition to gambling, crime, greed, corruption and illegitimate parents, Pastor Bowers “condemned same-sex relationship – which he said were becoming commonplace in the country” (ibid.) as part of this lifestyle that is aiming to “undo what God did at Creation when he made Adam and Eve and joined them together” (ibid.). He further stated that,

I want to use the opportunity to commend the prime minister on the resolute stance he took with excluding homosexuals from his Cabinet. I have to commend Television Jamaica for refusing to air that advertisement promoting a lifestyle contrary to scripture, opposed to God [...]. I often wonder, if all of us should adopt the homosexual lifestyle, the society would become extinct. Who would produce the babies? And I wonder if the persons who embrace these lifestyles understand where they would want to take us... (Ibid.)

Moreover, according to this discourse, if Jamaicans are not alert and fail to hold true to their values they too could succumb to what journalist Ian Boyne termed “the obnoxious”, “undemocratic”, intimidating tactics and “bullyism of the gay community” (*Jamaica Gleaner*, May 25, 2008). Considering these deep-seated local anxieties about the threat of the supposedly ‘gay community’ or ‘global male gay agenda’, as Bowers and Boyne highlight, it is of little surprise that discussion of homosexuality, whether it is in reference to the Charter of Rights, international human rights or the attitudes towards gay peoples within the society, remains difficult. To say the least, these conversations are far from dispassionate, rational or apolitical.⁴⁴

⁴⁴ It is for this reason that Boyne argues that then Prime Minister Bruce Golding made the correct political decision by stating in his 2007 interview with BBC Hardtalk that “I do not know that that is necessarily the direction in which I want my country to go” (*Jamaica Gleaner*, May 25, 2008), in reference to the prospect of having homosexuals serve in his or any future Cabinet in Jamaica. In stark contrast to the obvious

INCLUDING SEXUAL ORIENTATION IN THE CHARTER

“The heterosexualisation of society”

Although the process of constitutional reform thus began roughly in 1991 with the creation of the Joint Select Committee of Parliament and a Constitutional Commission the following year (Robinson 2004:595), issues around the inclusion of sexual orientation in the Charter of Fundamental Rights and Freedoms did not always garner as much attention nor provoke such heated debates in these earlier years. The increased attention to matters related to sexual orientation, at least as it spilled over into discussions within the general public, became progressively more noticeable at the beginning of the twenty-first century. In fact, it was not until 2001, and after, that the Joint Select Committee, which was put in place in July 20, 1999⁴⁵ to consider Charter Provisions for the Bill shortly entitled “The Charter of Rights (Constitutional) Amendment Act”, began hearing presentations from interest groups, including representatives of various Christian churches, LCF and J-FLAG in regards to issues related to the inclusion/exclusion of sexual orientation within the Charter of Rights. Ideally, these presentations and the resulting recommendations would then be subjected to ‘vigorous’ discussions and ‘careful’ considerations.

disapproval by British elites, gay supporters, as well as human rights advocates, this political position was nevertheless locally deemed by many as appropriate, in light of the masses’ general attitudes towards homosexuality (ibid.).

⁴⁵ See Jamaica, Report of the Joint Select Committee on its Deliberations of the Bill Entitled An Act to Amend the Constitution of Jamaica to Provide for a Charter of Rights and for Connected Matters, 2001.

The recommendation by J-FLAG to include sexual orientation in the Charter of Rights as one basis on which persons cannot be discriminated against sparked a number of heated discussions and expressions of outrage, resembling those already occurring within the society. In their recommendation, J-FLAG critiqued the laws of Jamaica, particularly the *Offences Against the Person Act*, for reflecting a “manifestly heterosexual worldview, illustrated not only by the absence of any kind of protection based on sexual orientation, but also by the criminalisation of male homosexual intimacy” (J-FLAG 2001:2). Specifically, under the category of ‘Unnatural Offences’ article 76 reads that: “Whosoever shall be convicted of the abominable crime of buggery, committed either with 'mankind or with any animal, shall be liable to be imprisoned & kept to hard labour for a term not exceeding ten years” (Jamaica 1864 *Offences Against the Person Act*, Article 76:26). Article 79 further criminalises the crime of ‘Outrage on Decency,’ that is:

Any male person who, in public or private, commits, or is a party to the commission of, or procures or attempts to procure the commission by any male person of, any act of gross indecency with another male person, shall be guilty of a misdemeanour, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for a term not exceeding two years, with or without hard labour. (Ibid.)

It is J-FLAG’s argument that the social effect of these laws is that homosexual persons, especially men, are seen by the society as “perverse/bent”, not necessarily solely because of what they do, per se, but because of who they are. Based on this, it is obvious that laws against buggery or acts of gross indecency sanction discrimination against “gay men, for

being gay men” (J-FLAG 2001:2), and as such violate their fundamental human rights to have their inherent human identity protected from abuse.

Accordingly, J-FLAG strongly recommended that though discrimination or institutionalised prejudice based on sexual orientation mainly affects the minority gay, lesbian and bi-sexual ‘community’ (and in different ways), sexual orientation is nonetheless a neutral term (that speaks to a person’s individuality and personality) and as such an anti-discrimination clause that includes this category will “protect all persons from injury to their person, property or interests on the basis of the fact or perception of their sexual orientation” (J-FLAG 2001:1). Perhaps in an effort to show their awareness and understanding of a nationalist fear of a “global gay lobby or agenda”, J-FLAG further stressed that their proposal is in no way aimed at the “removal of heterosexual norms in favor of homosexual ones” (ibid.:3), as that would only be replacing one normalised/homogenising structure with another and creating an avenue for a different basis of discrimination in this regards. Instead, by drawing on the Canadian and South African Constitutions (fellow Commonwealth countries) and the arguments of Justice Albie Sachs of the South African Constitutional Court, in particular, as both a point of reference and inspiration, J-FLAG suggested that what they are in fact seeking is a “normative framework of law”, one which acknowledges difference, and ensures respect for, “all types of differences – political, ethnic, cultural, religious, sexual, social, economic and physical” (ibid.). Such broad-based anti-discrimination clauses, in their

view, are in keeping with prevailing international human rights standards and perspectives.

J-FLAG claimed to have no interest in seeking to overturn or replace heterosexual norms. However, it is still obvious that by relying on the principles set out in the Universal Declaration of Human Rights (namely the right to equality before the law, equal protection from discrimination under the law, to dignity and to have one's inherent human identity protected) and the 1994 United Nations Human Rights Committee interpretation of the Optional Protocol of the International Convention on Civil and Political Rights (ICCPR) – in regards to challenging sections 122 and 123 of the Tasmanian Criminal code, which is similar to Jamaica's gross indecency law – ⁴⁶ they, in common only with, as will be shown in the next chapter, the challengers of the abortion laws, implicitly confronted the dominance of heteronationalism. It is important to note that J-FLAG has been doing this since its inception in 1998, but never in this capacity. In this present example, J-FLAG, by seeking the inclusion of sexual orientation in the Charter of Rights, is openly questioning the constitutionality of those colonial inherited

⁴⁶ “In 1994, the United Nations Human Rights Committee, under the Optional Protocol of the International Convention on Civil and Political Rights (ICCPR) had occasion to consider sections 122 and 123 of the Tasmanian Criminal Code... The Committee found that the provision violated articles 2 and 17 of the ICCPR, which, respectively, prohibit discrimination and protect privacy. It also rejected Tasmania's claim that ‘moral issues are exclusively a domestic concern’ and interpreted ‘sex’ in the non-discrimination clause of the ICCPR as including ‘sexual orientation’. A growing number of countries are being guided by these principles: South Africa and Ecuador have recently incorporated into their constitutions explicit protections against discrimination based on sexual orientation, while dozens of countries and jurisdictions have eliminated sodomy laws in the last decade.” (IGLHRC 2000, under “Broad-based anti-discrimination clauses”)

buggery and gross indecency laws (that the British themselves have now abrogated) that are protected by or “constitutionally preserved” by general saving clauses,⁴⁷ which effectively make it impossible for all people to have equal treatment before the law. For example, although everyone is guaranteed the right of privacy as part of the legal framework for protection of the dignity of person, the presence of saving clauses at section 26 (8) and (9) in the constitution makes interpreting and hence transferring this right a very complicated matter, since these clauses sustain the presence of laws governing private sexual activity.

Second, and in addition to addressing the failures and responsibility of the state and of law in this area, this group denounces the human rights violations that are being committed on a widespread basis within the general population, implicitly supported by not only the state and the current legal framework, but also by others institutions, specifically the Christian churches. These violations, in the form of blatant and sometimes violent discrimination against same-sex desired peoples, as the earlier

⁴⁷ A saving clause is a clause that protects certain laws, such as the 1864 *Offences Against the Person Act*, which were passed prior to the 1962 constitution. These laws thus cannot be the subject of constitutional challenge on the ground that they discriminate against a right. The clauses read:

26 (8) Nothing contained in any law in force immediately before the appointed day shall be held to be inconsistent with any of the provisions of this Charter; and nothing done under the authority of any such law shall be held to be in contravention of any of these provisions.

26 (9) For the purposes of subsection (8) of this section a law in force immediately before the appointed day shall be deemed not to have ceased to be such a law by reason only of –

- a. any adaptations or modifications made thereto by or under section 4 of the Jamaica (Constitution) Order in Council, 1962, or
- b. its reproduction in identical form in any consolidation or revision of laws with only such adaptations or modifications as is necessary or expedient by reason of its inclusion in such consolidation or revision. (Jamaica 1962 Constitution, Chapter III, Section 26[9])

paragraphs highlight, further normalise heterosexuality within the society by demanding that all expressions of sexuality be fundamentally heterosexual – what Adrienne Rich (1988) calls “compulsory heterosexuality” –, as well as disseminating ideas that reinforce discriminatory binaries such as perversion vs. normal. Although J-FLAG is in no way proposing that these undeniably complicated matters will be easily solved by the inclusion of sexual orientation in section 13 2(J) (section dealing with freedom from discrimination) of the new Charter of Rights or by the removal of saving clauses, buggery and gross indecency laws, they were however making the compelling claim that a democratic state and the constitution of a country, as an expression of its values and ideals, should at the very least *seek* to protect the human rights of *all* its citizens. Moreover, they are also implicitly pointing to the power and duty of the state and law as chief sources for ‘jump-starting’ the much-needed societal change.

Significantly, in their attempt to further undermine and de-naturalise heteronormativity within the constitution and within the body politic in general, J-FLAG not only questioned the constitutionality of buggery and gross indecency laws, but also made a point of locating Jamaica in a global context that increasingly embraces human rights perspectives. In fact, they challenge Jamaica to follow the steps of such other countries as South Africa, Namibia and Ecuador as well as the European Union to include human rights conditions, with a focus on sexual orientation and gay rights, within their legal framework. This, they reasoned, will be a regionally exemplary and internationally

beneficial strategy considering that Jamaica not only depends “heavily” on international trade and aid from those countries that have embraced human rights principles, but also because the country “prides itself on being a leader in the Caribbean” (J-FLAG 2001:4).

J-FLAG’s position is not a new one; in fact many others have advanced versions of the above argument in their efforts to advise the Caribbean, in general, on how it should best respond to international human rights movements. In the “Feature Presentation” of the 2000 Commonwealth Caribbean Human Rights Seminar that was hosted in Belize, for example, the Honorable Godfrey Smith (2000) – an attorney-at-law and the then Belizean Attorney General – in special reference to the death penalty argued that the Caribbean cannot ignore human rights realities as “Human rights have today, in a real sense, become the new theology of the modern world” (p.17). Moreover, he also emphasised that this new theology is not simply a matter of importance within states but also in determining the relationships between states: “The respect for and observance of human rights have become a kind of litmus test to gauge the good governance and legitimacy of a government. This in turn, has come to exert an increasing leverage between a government and its interaction with the governments of other states in the international community” (ibid.).

In comparison to J-FLAG, Smith (2000), however, more unequivocally addressed the influential power or dominance of international human rights movements and discourses. In fact, he posits that whether the nations of the region like it or not, their sovereign independent statehood cannot endure the “battering of global trends” such as the international human rights movements. Indeed, the region’s particular economic realities and its reliance on trade and aid from more powerful international states that are followers and leaders of this ‘new theology’ make it impossible or at the very least unwise to isolate itself in regards to this new international trend. Instead, Smith not only urges the region to accept and even manipulate the current global rights discourses for its own development, he also proposes that the Caribbean take an active role in order to determine or influence the nature and content of international human rights thinking. The latter of Smith’s proposals seems to be in line with J-FLAG’s vision for Jamaica’s involvement both regionally and internationally.

Despite their careful and calculated use of certain interpretations of international human rights vocabularies (particularly the appeals to the rights to life, liberty and security of the person) and conventions (ICCPR), as well as their well-intended vision for Jamaica – establishing itself through its new constitution as an independent progressive nation-state, like South Africa, with an active/leading role in shaping human rights discourses and developments within the region – and overall appeal for ‘tolerance’, J-FLAG’s proposal met with vehement opposition (Jamaica 2001). This was the case in spite of the

comparative moderateness and circumspection of J-FLAG's argument, which might be summarised as an appeal for tolerance of alternative sexual identities. Such an appeal to 'tolerance' in hostile societies may have the advantage of making certain issues, such as the inclusion of sexual orientation into the Charter of Rights, appear less threatening to those who are against them; that is, reactionary interlocutors are allowed the option of saying that they respect the others' choices, but this does not mean they believe these are either 'right' or necessarily the subject of 'rights'. In the end, their belief system may thus be challenged to some extent, but without completely being dismantled. While such an appeal may open up some spaces for dialogue or an acknowledgement that this is needed, it nonetheless does not guarantee, as explained further in chapter seven, ultimate acceptance or even change. For example, the refusal, in August 2011, by one of Jamaica's major and oldest television stations, TVJ, to air a J-FLAG public service announcement (PSA) calling for tolerance and encouraging families to embrace their gay family members illustrated this point (*Jamaica Observer*, August 11, 2011, *Jamaica Observer*, August 17, 2011). While the general manager of the television station argued that more "amicable dialogue" is needed on the issue of homosexuality, she, as Ainsworth Morris reported, conceded that the station could not air the PSA because "the culture of good, moral and ethical Jamaicans does not support homosexuality at this time..." (*Jamaica Observer*, August 21, 2011). Thus it may seem that sufficient changes had not taken place within the society, even though the attempt to air this public service announcement occurred some four months after the new Charter of Rights was passed

and spaces, as Robinson (2004) argues, had already been nominally created to discuss issues around sexual orientation.

“Construing Jamaica as a ‘Christian’ society”

In the event of constitutional reform, the Joint Select Committee expressed grave concerns over the likely effects of implementing J-FLAG’s proposals, specifically as they relate to the Marriage Act and the institution of (heterosexual) marriage and to parenting. They argued that an inclusion of sexual orientation, as J-FLAG also conceded, would not only have effects on existing buggery and gross indecency laws, but would make the current Marriage Act, which only recognised unions between people of biological opposite sex, inconsistent with the constitution. The Committee also averred that some of its members believed J-FLAG’s proposals posed challenges for a “Christian society like Jamaica” (Jamaica 2001:28). This is a crucial statement, as it illustrates the fact that at the “heart of the political struggle over whether progress means tolerance” – for gay peoples or anyone who fails to abide by the strict moral codes dictating appropriate expressions of sexual desires and practices – “are the exponents of religious strictures which define the public political universe in which these issues are debated” (Carr 2009:78).

Moreover, in keeping with their explicit support of heteronationalism and a rigid idea of morality and ‘appropriate’ sexual practices, the Committee went on to state that some members strongly opposed the group’s proposal on the grounds that they believed that

since “heterosexuality is what assures the perpetuation of the human race, homosexuality could be regarded as a challenge to the existence of the human race” (Jamaica 2001:28). Consequently, and in no way surprisingly, the Committee concluded that it could not at present include for parliamentary consideration in the Charter of Rights a “guarantee of protection from discrimination on the ground of sexual orientation” because of the far-reaching and disruptive influence that this would have on the treasured values and order of this “Christian” society (ibid.). In other words, the Committee, like the then Prime Minister, made it very clear that they were in no way ready or even interested in overturning the entrenched belief that sexuality should and must only ever be fundamentally heterosexual. But more interestingly, it may be seen that these representatives of the state are justifying their adamant refusal of the rights of these ‘unruly citizens’ on the grounds that their decision is not only democratic but also more so, deeply ‘Caribbean’. As such, it would be contrary to the Jamaican or “Caribbean psyche and its own ‘natural’ cum ‘national’ identity” (Carr 2009:79), if such rights were recognised. Implicitly, then, there seems to be a belief or suspicion that the presence of human rights discourse is merely a sign of “our Caribbean losing its way” (ibid.). This argument runs in direct opposition to the centrality of specific human rights discourses in various historical movements within the region, including the abolition of slavery and anti-racist socio-political and legislative movements such as anti-colonialism (ibid.) and constitutional formation itself.

The commitment to upholding compulsory heterosexuality and heteronationalism is further revealed in the meticulous efforts made to define precisely the usage and meaning of the term *sex* as it is to appear in the revised sections 13(2)(j) (i) – subsequently sections 13(3) (i) – and 24(8) of the Charter of Rights. This step was taken after the Committee’s acceptance of a written recommendation, submitted by the Coalition for Community Participation in Governance and signed by its chairperson, feminist Linnette Vassel, that the term ‘gender’ should not be used as a replacement for the existing term ‘sex’ (Jamaica 2001).

This recommendation was well intentioned in noting that ‘sex’ and ‘gender’ cannot be used interchangeably. However, the resulting retention of the term ‘sex’ may be critiqued on various grounds, including the following. First and foremost, it obviously does not remedy the legal as well as practical inadequacy in addressing issues relating to gender inequality within the society. Implicitly and in the lay understanding of these matters, however, it may tend to conflate sex with gender, or rather, support a heteronormative assumption that one’s sex always dictates one’s gendered identity, two sexes (male and female) translate to two genders (masculine or feminine). Simply put, sex is seen as a “passive, natural state or condition, a blank surface (male and female) upon which gender (masculinity and femininity) as social identity and role is assembled” (Kempadoo 2004:25). As such, protection based on the biological identity is deemed to be sufficient.

This is a dangerous perspective as it renders those who do not perform the gender they are expected to identify with, based on the biological sex, unintelligible and unrecognisable before the supposedly highest law in the land by removing any possibility for naming their realities or the possible harms they may face. In other words, the recommendation might in fact serve to deny those who do not conform to the rigid heteronormative ideas about appropriate expressions of sex and gender the right to equal protection from discrimination and abuse. It might also exclude those whose biological categorisation is problematic, that is, those who cannot be easily categorised as either male or female.

Second, it does not address the reality that although sex is identified in the existing Charter of Rights as a prohibited ground for discrimination, in the past this has been very ineffective. It was seen as non-enforceable and as such did not give anyone the right to litigate in court. Furthermore, it was often “conservatively interpreted by the courts and the obligations it places on decision-making have not always become part of the consciousness of legislatures and policymakers” (Robinson 2004:603).

The intent to continue to uphold a conservative interpretation of the term ‘sex’ in the reformed constitution is made explicit by the Committee’s insistence, in the December 2001 Report, that the term ‘sex’ be defined as strictly meaning biological male and female. This, they stated, would remove any ambiguity or possibility of the term being

broadly interpreted to include sexual orientation and thus pave the way for such scenarios as the legalisation of same-sex marriage and, though not blatantly stated, the ruling of buggery and indecency laws as unconstitutional. In other words, a definition of 'sex' meaning male or female offers a limited interpretation and hence a specific transference of rights that does not and cannot extend to those 'undesirable' homosexuals within the population. This conceptual and legal definition therefore, not only subsumes gender under 'sex' and offers a limited and restrictive possibility of there being only two sexes (and genders), but also firmly sets out to separate issues relating to sexual orientation and differences from more acceptable discussion about biological sex and gender. This creates not only a strategic divide between issues related to identity but also a hierarchy as to which ones are more deserving of serious consideration and protection.

It must be stressed here that although the 2001 Committee Report, which I have been focusing on extensively up to this point, recommended the substitution of the proposed concept of 'gender' with that of 'sex' and the explicit definition of the latter as being either male or female, there was not unanimity on this issue, as illustrated in a later Committee Report. Indeed, the dissenting members of the 2006 Joint Select Committee made it clear that they preferred the word 'gender', which they felt should replace the word 'sex' that had been retained earlier, in the proposed amendments. They stated that the words "that is to say, male or female" were "inelegant and, in any event, unnecessary if the word 'gender' were to be used in replacement of the word 'sex'" (Jamaica

2006:41). Furthermore, it was subsequently argued at the Consultation Group, by Dr. Barnett, that the decision on which word to be used should be guided by the standards of International Human Rights Instruments. It was eventually ascertained that the word 'sex' and not 'gender' was used in both the Universal Declaration of Human Rights, Article 2 and in the American Declaration of the Rights and Duties of Man, Article 11 (ibid.). Somewhat confusingly, however, it was ultimately agreed, and now appears in the amended Charter (which will be further scrutinised in chapters five and six), that 13(3)(i) should include neither an explicit reference to gender nor sex but should state:

The right to freedom from discrimination on the ground of-
(i) Being male or female; (Ibid.)⁴⁸

Interestingly, in the 2006 Report no explicit explanation is provided as to why the final decision was not to follow the wording set out in International Human Rights Instruments. However, it is far from implausible to infer that the categorical continuous refusals to allow any avenues in the constitution that could allow for the possibility of the legalisation of same-sex marriage, by certain Committee members, public interest groups and Parliamentarians, including the Chairman of the Joint Select Committee, Senator A.J. Nicholson, formed the basis for this decision. Furthermore, this decision suggests that a country's, at least this country's, constitution is not necessarily expected to include all the

⁴⁸ It is also important to note that the amended Charter of Rights does not include the adjective 'biological' before the words male and female, as some Committee members had initially proposed. It would be interesting to see if this creates any unplanned future opportunities for persons who identify as male and female, despite not being biologically assigned these roles.

human rights provisions that are included in the international conventions and treaties that a country is party to and this may be the case when inclusion would influence redress in regular law.

It therefore seems evident that there is a marked discrepancy between what the Committee, both in 2001 and 2006, accepted and ultimately did, as against what they initially claimed to be one of their primary commitments or goals. Thus, in the 2001 Report they explicitly stated that they, the Joint Select Committee, were,

committed to the principle of ensuring that the constitution encompass(es) the widest possible deposit of rights with the most open and liberal form of justifiability for those rights. The Committee agrees that, in order to have respect for human rights, a culture of respect for human rights has to be created, and that can only take place when all persons are treated as being obliged to respect the constitutional provisions. (Jamaica 2001:14)

However, in a somewhat unconvincing, perhaps even desperate effort to appear genuinely tolerant or interested in properly preserving and translating human rights for all citizens, the Committee advised J-FLAG to do more 'in-depth' research on the legal effects of including sexual orientation in the Charter of Rights as well as on the 'spread' and causes of homosexuality, a recommendation that can be seen as aimed at deflecting attention away from the continuing marginalised of these people from the benefits of equal citizenship. In turn, the Committee would also "bring to the attention of the government", of course purely as a matter for consideration, the issue of repealing those sections of the *Offences Against the Person Act* that criminalise buggery between consenting adults in private (ibid.:28).

The opposition to J-FLAG's effort to begin to dismantle and challenge heteronationalism by questioning and offering an alternative to heteronormativity within the constitution was obviously not confined to this committee meeting. It is worth noting that even the seemingly slight victory in the form of the concession on the part of the 2001 Committee to advise Parliament to at least consider the issue of abrogation of buggery and gross indecency laws was fleeting. In fact, similar to the proposal to include sexual orientation in the Charter of Rights, the matter of decriminalisation met with unequivocal rejection by Parliament (*Jamaica Gleaner*, February 16, 2006; *Jamaica Observer*, January 22, 2002; *Jamaica Observer*, February 11, 2006), which remains adamantly opposed to the transference of rights, particularly as they pertain to marriage, to homosexuals even in the more recent deliberations on the Charter of Rights. In 2006, for example, Senator Nicholson (then Attorney General and Minister of Justice) issued a statement that,

There is no intention whatsoever on the part of the Government or the Joint Select Committee of Parliament that any door should be opened by provisions in the proposed Charter of Rights and Freedoms, or otherwise, to decriminalise homosexuality or to pave the way for same-sex marriages to be accepted as lawful in Jamaica. (P.2)

Of course, when "The Charter of Fundamental Rights and Freedoms (Constitutional Amendment) Act" was eventually passed in 2011 by the two houses of Parliament, not only were the concepts 'gender' and 'sex' abandoned in favor of the categories 'male' and 'female', but marriage was, for the first time explicitly, defined in the amended

Charter as legally occurring only between people of biological opposite sex, sexual orientation was not included as a grounds for protection and the saving clause protecting the laws against buggery and acts of gross indecency remained under section 13 (12) of the new act. These concerns over and steps taken to prevent allowing any opening for homosexuality to be decriminalised and gay marriages, for example, to be lawfully recognised were predictably popular within a heteronationalist society where heteronormative values and ways of life remain dominant. These legislative ‘developments’ thus tended to reinscribe a hierarchy according to which people are, as explained, assigned differential worth and degrees of respectability as well as positioned differently in the status quo based on such factors as their sexual identity, practices and gender as well as their marital status or other relationships to the archetypal citizen, who is male (and of course, as discussed, compliant across an array of other categories such as color, ‘race’, ethnicity, religion, political ideologies, economic class, educational attainment, linguistic capabilities, (dis)ability and even physical appearance). This was illustrated by the overt worry that if it were stated in the definition of marriage that other unions beyond the traditional ‘heteronorm’ were to be given marriage-related benefits, it would elevate common law unions to “a constitutional concept” and give them “constitutional recognition and protection” (Jamaica 2006:55). In fact, it is stated in the 2006 Committee Report that,

the [Committee] members would not like it to be inferred from what was being done that the common law union between a man and a woman was being promoted over and above what is regarded as a more traditional definition of marriage. The Committee was advised, however, that the intention was not to elevate the common law union or equate it

with marriage but to focus on the heterosexual nature of the union that is regarded in Jamaica as a marriage and to make it clear that Jamaican law will not recognise same-sex marriage. (Ibid.:56-7)

The Committee's and Parliamentarians' (who voted in favor of these amendments) decisions may thus be seen as somewhat blurring the divide between church and state, evidenced by some members' reference to Jamaica as a Christian society and the eventual inclusion of what may be considered to be a markedly Judaeo-Christian definition of marriage. In the event, a clear message was sent to the state's internal and external 'Others' (specifically those seeking a more liberal constitution that gives equal rights to gay peoples) about what the state and its people represent, value and consider to be the boundaries of acceptable citizenship. The narrative that is being told about the nation, I would argue, is that it is a fair and democratic society largely comprising of God-fearing heterosexual people.

'RACE', LESBIANISM AND SEXUAL ORIENTATION

Noticeably missing from J-FLAG's as well as the Committee's discussions on the issue of sexual orientation were any explicit connection to race. This is somewhat surprising considering that post-colonial nationalist projects, including the process of defining the nation through laws, are often closely bound up with anxieties about race. Indeed, discussions about morality, sexuality and ideas about the body on the whole are intimately linked to other socially constructed categories such as gender, socio-economic

class and race (Alexander 1994, 2005). Although further research will be needed to explain the specific ways these connections were made in this particular nationalist project, one can nevertheless infer that the Committee's imagining of the nation as heterosexual and Christian is also connected to racialised ideas about who belongs to and has claims to the nation. In other words, the inclusion of sexual orientation and the bestowing of rights to gays are seen to threaten and run counter to the values and national identity of a predominantly Black Christian society. As previously stated, scholars such as Lewis and Carr (2009) note that there is a "close association between Jamaican national identity, 'blackness', religiosity (Judaean-Christianity in its various manifestations, including Rastafari) and patriarchy" (p.2). Similarly, Deborah Thomas (2004) argues that although the idea of a multi-racial creole vision of Jamaican-ness was dominant among intellectual and political elites in the post-independence period, by the end of the twentieth century it "became publicly superseded", or at least has been significantly challenged, "by a racialised vision of citizenship" which she terms "'modern blackness'" (p.11).⁴⁹ Arguably, though modern blackness disrupts some colonial and Christian notions about respectability, it continues to draw on and reinforce certain (heteropatriarchal and somewhat Christian fundamentalist) ideals of appropriate sexual

⁴⁹ According to Thomas (2004), modern blackness, as exemplified in such avenues as dancehall and roots play, is based on 'radical consumerism' and 'ghetto feminism', which both eschew middle class values of respectability and modesty. It represents a form of transnational, deterritorialised nationalism, as it is "co-produced with urban and primarily working-class African Americans who live in Jamaicans' social worlds – both real and imagined" (p. 260). Moreover, modern blackness should not be read as a crisis or a threat to the nation; rather, it is more complex. It reflects the failure of the state and creole racial nationalism in general, to "turn all subjects into citizens in post-independence Jamaica, late-twentieth century transformations in global capitalist development, and the creative 'anancyism' of Jamaicans worldwide" (ibid.:270).

and gendered behaviours, practices and identities, especially in regards to the celebration of heterosexual sex (and male 'conquering' of the female body in particular) and the denouncement and ridiculing of homosexuality, particularly amongst men (Lewis and Carr 2009; Sheller 2012).

This differential treatment of gay men and lesbians reflects a more historical tendency, as discussed in chapter one, to treat lesbians as largely invisible within the society and the nationalist project, as reflected in the recent arguments for the inclusion of sexual orientation in the Charter and even in the submission by J-FLAG. In other words, the patriarchal dichotomisation also has an influence in determining what contestations relating to sexuality get prioritised and interrogated in 'serious' public debates and analyses. Caribbean lesbians have thus seen the need to speak out against the ways in which they have often been ignored and pushed to the sides in nationalist and sexual rights projects within the region, as well as in analyses, which focus predominantly on the plights of homosexual men in heteropatriarchal systems (Crawford 2012; Tinsley 2010).

It is still commonly believed that although lesbians, on the one hand, are seen as non-procreative and therefore an impending threat to feminine 'purity'; they are, on the other hand, less threatening than their male counterparts in heteropatriarchal nationalist projects that privilege hetero-masculinity, and are thus constantly anxious about threats to its hegemony. At a panel discussion focusing on stigma and discrimination in the

Commonwealth Caribbean against persons based on their sexual orientation and gender identity at the University of the West Indies, Cave Hill on October 11, 2012, a distinguished legal scholar and human rights commissioner from the region proposed that unless these women occupy positions of power, in their work for example, they are not seen as much of a threat to the patriarchal system (Antoine and Wickham 2012). However, being seen as less threatening to the patriarchal order evidently does not equate to being free from discrimination and persecution (Crawford 2012). Recent anxieties regarding 'lesbians on the prowl' targeting 'innocent' schoolgirls shows quite the opposite (Jaghai 2011; *Jamaica Gleaner*, March 09, 2012; H 2012), prompting anti-gay activists such as Shirley Richards from the Lawyers' Christian Fellowship to call for the criminalisation of lesbian sex on a par with buggery. Appearing on Reverend Clinton Chisholm's popular Christian radio talk show, Richards expressed that she sees,

nothing wrong with pushing for such a law... not an amendment of the current one but an additional bit of legislation which criminalises unnatural acts between women, at the same time however I want to say I certainly want to recommend that the existing sodomy law that's there be not amended in anyway, what we possibly can look at is actually putting in a bit of legislation that covers these practices between women. (H 2012:pgph. 3)

CONSERVATIVE CHRISTIANS' CONCERNS ABOUT THE CHARTER OF RIGHTS AND HOMOSEXUALITY

Perhaps unsurprisingly, my textual analysis of the 2001 and 2006 Reports by the Joint Select Committee as well as of a number of relevant newspaper articles and blogs showed that the concerns by some Parliamentarians and members of the Joint Select Committee

were raised also and most vocally expressed by various representatives from a number of conservative Christian churches and groups, who are doubtless greatly invested in maintaining the current morally rigid and heterosexist status quo in which they occupy positions of privilege, respectability and moral dominance. Notably, in the March 2006 review meeting the issue of allowing same-sex marriages in relation to the proposed section 13(3) (i), which identifies grounds on which a person cannot be discriminated against, was raised in submissions to the Committee made by the conservative Lawyers' Christian Fellowship, the National Church Alliance and Concerned Citizens. They feared that if the language of the constitution remained too vague or included sexual orientation as a ground for freedom from discrimination, Jamaica may in the long run end up on the same path as Canada (Jamaica 2006). In other words, if the Committee was not careful, the legalisation of same-sex marriage might become a reality in Jamaica's future (Jamaica 2006:41-4). Of course, all Christians did not share such anti-gay views. Indeed, some members of the clergy argue that sexual orientation, like 'race', gender, creed and religion, should be recognised as a basis on which a person can legitimately make claims to certain rights and that sexual orientation should thus have been accepted by the Joint Select Committee and Parliament as a category for the right to freedom from discrimination under sections 13(3)(i) of the amended Charter of Rights.

Moreover, a few Christian leaders have gone even further to denounce heteronationalism. Reverend Oliver Daley, the moderator of the United Church in Jamaica and the Cayman

Islands, has, for example, made it clear to the public, through an article written by Gary Spaulding, that he does not support the anti-gay position of many other church leaders, arguing that nobody should deny people the privilege to actively participate in “the life of society based on their race, gender or sexuality” (*Jamaica Gleaner*, December 25, 2011). Reverend Daley also rejected the argument that laws must be kept in place to deal with homosexuality, arguing instead that “tackling this explosive issue through moral suasion should be the way forward, rather than seeking to legislate morality. ‘Moral suasion is preferred to a court of law’” (ibid.).⁵⁰ Interestingly, it was also emphasised in the Sunday *Gleaner* article in which these views were publicised, that further consultations by the newspaper had revealed other church leaders who share Daley’s opinion (ibid.).

Nonetheless, my examination of a number of documents covering the Jamaican Constitutional reform process not only reveals the appeal to a certain interpretation of Christian morality and the emphasis placed on maintaining a ‘Christian society’ by state agents (Jamaica 2001:28), but also sheds light on the ways self-proclaimed Christian individuals, churches and groups, particularly, the very vocal Jamaican Lawyers’ Christian Fellowship,⁵¹ engaged in the struggle to shape the trajectory of the nation in

⁵⁰ It is important to clarify that the Reverend Oliver Daley, in this same article, also contended that while he cannot find anything in Scriptures that supports ‘the practice’ (not ‘identity’ or ‘orientation’), he is nevertheless appealing to all Jamaicans not to treat homosexuals differently from those who commit other ‘moral wrongs’ such as adultery, which is neither illegal nor receives great public scrutiny. In his view, not everything that is immoral should necessarily be made illegal within democratic societies (*Jamaica Gleaner*, December 25, 2011).

⁵¹ The Lawyers’ Christian Fellowship of Jamaica is one branch of a large, and still expanding, international organisation that was founded in the United Kingdom:

regards to morality and what may be deemed ‘good laws’. This highlights the important point that in certain nationalist projects, it is not simply the reality that certain (conservative) interpretations of Christian teachings are being used loosely by just anyone to further their heteropatriarchal agendas; rather, some so-called concerned Christians with various ideological and political viewpoints also actively participate in these processes in a concerted manner. Certainly, the various conservative Christian churches, individuals and groups who mobilised as special interest groups to have their voices heard during the processes of constitutional reform and review of laws concerning abortion, as discussed in the next chapter, were of course exercising their unquestionably legitimate rights as citizens to organised and participate in debates. However, difficulties arise when certain voices in the debate are prioritised in the service of less explicit agendas held by those with direct access to power.

In 2006, for example, the Lawyers’ Christian Fellowship wrote a letter to Nicholson, requesting that the Joint Select Committee of Parliament, responsible for reviewing the

Founded in 1852 as the Lawyers’ Prayer Union, the subsequently renamed Lawyers’ Christian Fellowship has a long history of uniting and equipping Christian lawyers and witnessing to members of the legal profession. For over 150 years LCF has sought to impact both individual lives and the wider legal landscape through an uncompromising commitment to the Bible’s teaching.... Today LCF has an expanding membership of more than 2000 Christian lawyers, with a network of regional groups spanning Britain, and international links[,] which are particularly strong in East Africa. (Lawyers’ Christian Fellowship N.d., under “History”)

In 2009, the then president of the Jamaican Lawyers’ Christian Fellowship, Stokeley Marshall, wrote that this organisation is “an ecumenical body of Believers who also happen to be practicing attorneys, has the distinction of bringing lawyers of different Christian groups and denominations together to achieve common purposes” (Lawyers’ Christian Fellowship Jamaica 2009:pgph.1). Although the Jamaican body has existed for over twenty-five years, it was not until about 2005 that their “national profile emerged with the advent of discussions on a proposed Charter of Fundamental Rights and Freedoms for all Jamaican citizens” (ibid.:pgph.2).

final recommendations to amend the Charter of Rights, hear their concerns.⁵² This conservative right-wing ecumenical Christian group, like some members of the Joint Select Committee and Parliamentarians such as Senator A.J. Nicholson, had several concerns about possible avenues in the Charter that would benefit the ‘ungodly’ and homosexuals, namely those rights pertaining to the freedom of conscience, privacy for the home and communication and protection of privacy including respect for private and family life, which they suspected would pave the way for the decriminalisation of homosexuality and abortion (Jamaica 2006:53). Specifically, they (that is, the Lawyers’ Christian Fellowship), as La Tonya Linton writes, feared that the Charter, if not further amended, would legalise or pave the way for the following scenarios to be realised:

1. Pastors could be exposed to personal risk and liability for preaching the Gospel.
2. The preaching of the Gospel could be described as hate speech.
3. Homosexuality could be made legal without the buggery law being repealed by Parliament.
4. Judges could be forced to make homosexual marriage legal.
5. The new Charter of Rights will allow the judiciary to take activists’ positions and create policy without public accountability.
6. Could create conditions under which the preaching of the Gospel could be severely curtailed. (*Jamaica Gleaner*, February 15, 2006)

In expressing such concerns, the Lawyers’ Christian Fellowship communicated to the general public and Parliament in particular, through a letter dated February 1, 2006, circulated to the members of the Committee on the meeting on February 9, 2006 (ibid.), that further considerations and rewriting were needed to remove any implicit mechanism

⁵² Parliament had the final task of reviewing the recommendations presented to them by the Joint Select Committee appointed by the House of Representative in 1999 to consider and report on the Bill shortly entitled “The Charter of Rights (Constitutional Amendment) Act”.

being put in place that might undermine not only Christianity, but also, I am arguing, heteronormative ideas about appropriate sexual/gender partnering and family formation, thus, revealing as Mimi Sheller (2012) argues the continuation of “Christian citizenship” within colonial societies such as Jamaica. That is, a conceptualisation of citizenship that intertwines Judaeo-Christian values of respectability, ‘Christian living’, monogamy and childbearing in the context of patriarchal, heterosexual marriage with being a responsible and worthy citizen.

Arguably, the numerous concerns publicly voiced in the media, including the above mentioned letter to the then Minister of Justice and Attorney-General Senator A. J. Nicholson in 2006, were indeed essential to the emergence of the Lawyer’s Christian Fellowship’s national profile as one of the leading Christian groups lobbying against various forms of moral depravity including the legalisation of homosexuality, same-sex marriages and abortion. In his message as president of the LCF, Stokeley Marshall noted, that,

Whilst the pitfalls in the current administration of justice have been visibly egregious, we became concerned at those sections of the proposed Charter, which had the potential of restricting Christian religious freedom. It was then that Section 21 of the Jamaican Constitution, which provides a wide and expansive freedom of conscience and religion, became clear to many of us. So wide is the freedom that it even provides for religious instruction in grant aided schools run by churches to students in the school of that churches’ religious faith. Prior to the public discussions on the draft Charter, many of us may have taken our freedom of religion for granted. The draft also had a few clauses that opened up societal debate on controversial issues such as same-sex relations and abortion.... Like David who had been tending the sheep, we were ready for the battle. However, we are mindful that the battle is not over. (Lawyers’ Christian Fellowship Jamaica 2009:pgph.1)

Due to the controversial nature of these issues within Jamaica, it is not at all surprising that the organisation's visibility increased within the general public and government, as well as the legal community, as they spearheaded the public discussions through such vocal and trenchant interventions.

However, it must be noted that when this group voiced the above stated concerns in 2006 and requested permission to make a formal submission to the Joint Select Committee, the Committee, as journalist Robert Hart reports, was technically no longer accepting recommendations from the public since it was in the process of concluding its almost 15 years of Charter deliberations (*Jamaica Gleaner*, February 10, 2006). Therefore, some members of the Committee initially did not support the allowance of a late recommendation because of fear that this would further delay an already long overdue process (*ibid.*). In fact, *Jamaica Observer* reporter Balford Henry writes that the Chairman of the Committee, Senator A.J. Nicholson, for example, argued that their concerns had already been dealt with during the years of discussion, a point that seems to contradict his later stance that he hoped that "...the members of the committee will agree that these submissions [from the church groups] are extremely important..." (*Jamaica Observer*, June 18, 2006a).

Nevertheless, this request to make a late submission was, from the outset, greatly supported by some committee members, particularly those from the country's opposition

political party (*Jamaica Gleaner*, February 10, 2006.). For example, Senator Anthony Johnson argued that "If there is any possibility that we are passing anything that is permitting homosexual behaviour, let me make it clear, I am not in dat!" (ibid.). In the end, the Christian Lawyers' Fellowship as well as the National Church Alliance and Concerned Citizens got to make their formal submissions and presentations to the Committee in March 2006. Ian Boyne argues that while these Jamaican conservative Christian institutions and groups have

nothing of the type of organisational acumen or even consciousness of the American evangelical and conservative Christian movement. The nearest they came to it with great effectiveness was recently with the Charter of Rights when the Christian Lawyers Fellowship and other Christian leaders organised to suppress the rights of gays to their own privacy. They were very effective in getting the Government to draw brakes and consider them. (*Jamaica Gleaner*, April 16, 2006)

This allowance, as discussed later in chapter five, was also interpreted by some sexual and women's rights activists as a successful 'hijacking' of the process by these groups (see for example Maurice Tomlinson letter to the editor in *Jamaica Observer*, May 02, 2010).

Although the Lawyers' Christian Fellowship was undoubtedly one of the most visible and well organised Christian groups, Patrick Foster reminds us that other groups, making up Jamaica's influential church community, including the National Church Alliance – which "comprises the Jamaica Council of Churches, the Association of Evangelicals, Jamaica Full Gospel Churches, Western Union of Seventh-day Adventists and the Church of God in Jamaica" (*Jamaica Observer*, February 15, 2006) – also warned against gay marriage,

stating that the “vague language in the Charter could lead to the acceptance of consensual homosexual acts and allow judges [as was the reality in places like Canada] to take activist positions and create policy without public accountability” (ibid.).

Like some members of the Committee, many of the above mentioned conservative Christian leaders and groups cloaked their fears over certain constitutional amendments as concerns over preserving the ‘values’ of the Jamaican society at large. For example, at the Committee meeting held on March 21, 2006, the chairman of the National Church Alliance, Major Richard Cooke, commended the Committee “for its long and arduous effort in developing the proposed Charter of Rights ” (Jamaica 2006:27). He however,

expressed the concern of the groups [LCF, National Church Alliance and Concerned Citizens] which presented the Submission that if the proposed Charter was not carefully worded a door would be opened for the erosion of our value systems and, possibly, for an ideological change in the underpinning tenets of our Jamaican society. (Ibid.)

Furthermore,

he also stated that those groups were keen to ensure that religion [clearly Christianity in this context] could continue to be propagated freely in public and that the Church could continue to speak freely and publicly without fear or favour on any issue which it considered critical to the good health of society. The present Constitution, he said, now specifically protects those rights. (Ibid.)

These statements, like some members of the Committee's description of Jamaica as a Christian society, highlight the assumption that certain Christian concerns and values are at the heart of the Jamaican society in general, thus reasserting the notion of a ‘Christian nation’ (see Jamaica 2001:28).

Needless to say, the worry over the degradation of societal norms and values led members of the Christian conservative groups to argue that the modelling of other country's constitutions as a normative scheme, as was being proposed by groups such as J-FLAG, could potentially be dangerous for the Jamaican society and to the right to freedom of religion, as guaranteed by the Universal Declaration (Jamaica 2006). To call attention to this point, the Committee heard a submission from Dr. Janet Epp Buckingham, attorney-at-law, Director of Law and Public Policy of the Evangelical Fellowship of Canada, on the adverse effects of the Canadian Constitution on the country's laws and on people's right to freedom of religion (Jamaica 2006; *Jamaica Gleaner*, March 20, 2006). In particular, Dr. Buckingham pointed out some detrimental similarities between the wording in various sections of the Canadian Charter of Rights and the proposed amendments to the Jamaican Charter, highlighting that in Canada the unforeseen, and in her opinion unfavourable, consequences included,

- (a) the Court struck down Canadian Sunday-closing laws on the basis that requiring shops to be closed on a Sunday coerced non-Christians into observing the Christian Sabbath, meaning that the Canadian courts would strike down any law that they felt might cause persons not of the Christian faith to participate in a Christian observance;
- (b) the reciting of the Lord's Prayer at the start of the school day and the periods of religious instruction during the school week were struck down because they subjected non-Christians to either observing or participating in, or requiring to be excused from, Christian religious observance or instruction; and pointed out that State funding was removed from schools which had religious observances or instruction following a court ruling that it was up to the State to decide whether or not to fund such schools. (Jamaica 2006:28)

Additionally Dr. Buckingham also mentioned an incident in which the Canadian Court “required books on same-sex parenting to be approved for kindergarten school classroom use on the basis that religious parents (Christian, Muslim and Sikhs) could not object to their use if the effect would be to exclude other minority groups from the classroom” (Jamaica 2006:28). Interestingly, based on these submissions, as well as my analysis of interviews, television talkshows, conference proceedings, and newspaper articles, the conservative right, as I discuss in more detail in chapter six, appeared to have no compunction about referring to International Human Rights Instruments, such as the freedom of religion that is guaranteed in the Universal Declaration of Human Rights, when it suited their cause. In other instances where such sources failed to mesh with their ideological position, however, the rights that are set out in such instruments are called into question or altogether ignored (Jamaica 2006). Tellingly, this submission by a Canadian citizen was not treated as evidence of an outside, possibly ‘colonial’, intervention into a national process by members of the conservative right who also share these constitutional fears, which is in stark contrast to the testimony of those international outsiders whose recommendations are seen as a hostile and unwanted intervention because they oppose the dominant heteropatriarchal discourse (see *Jamaica Gleaner*, May 25, 2008; *Jamaica Observer*, June 18, 2006a; *Jamaica Observer*, August 24, 2011).

“Claims of ongoing colonialism”

Throughout the discussions of constitutional reform, homosexuality and the interpretation of human rights, I am asserting that colonialism, or accusations of cultural imperialism, remained a lurking presence in the imagination of some people and was often entangled with discussions of religion and culture, as well as the complexity around sexuality, as being both a private and public matter. In fact, former Prime Minister Bruce Golding, for example, publicly stated that notwithstanding the “aggressive” pressure by the international gay rights lobby, and cultural imperialist “we [Jamaicans, specifically Parliament] remain steadfast in our determination that the values and culture must be protected and preserved” (AFP, October 13, 2009), further stating that he makes “no apology in saying decisively and emphatically that the government of Jamaica remains irrevocably opposed to the recognition, legitimisation or acceptance of same-sex marriages or same-sex unions” (ibid.).

My textual analysis of various, newspaper articles as well as commentaries, blogs and television talk shows, focusing on, specifically, the *Offences Against the Person Act*, as it pertains to buggery and abortion, also revealed that the questions of whether or not current calls to review these laws equate to neo-colonial impositions, or that these laws are a colonial inheritance and should therefore be reviewed, tended to characterise the debate. The following remarks made by bloggers and activists provide additional insight into how these kinds of discussions typically unfold in the media:

There are numerous pressure groups attempting to infiltrate Jamaica's culture by asserting their lifestyles as normal practice. Besides homosexuals, these groups include the pro-abortionists, the ganja lobby, the polygamists and the polyandrous protagonists, the believers in euthanasia, the supporters of decriminalisation of drugs and those lobbying to legalise male and female prostitution. This is happening in parallel with the media concerning lewd and sexually explicit public expression, which had developed unfettered over the years until it has reached critical and culturally damaging proportions, resulting in the recently publicised reprimand issued by the Broadcasting Commission. Any attempt to enshrine non-discrimination in the Charter of Rights on the basis of sexual orientation would be fallacious, as the male lifestyle includes illegal associations, which do not conform to the national standard of natural behaviour. (*Jamaica Observer*, August 24, 2011)

Western nations have consistently pursued a line that cultures which are different from their own are not only primitive but unenlightened and in need of the light they bring to bear on our situation...So beyond the issue of violence, we must decide what constitutes a "marriage" or "civil union", and we must decide what constitutes "a family" and what is the appropriate environment within which to raise our children. Beyond the issue of sexuality, however, I have a great sense of unease, if not repugnance, at the notion that international aid from donor nations, which by its very nature has to do with the bread and butter issues of a nation's life, will be used as a means of gaining submission. Actually, some persons may be wondering about the relevance of this subject at a time when we are caught up in the political campaign leading up to a general election. The truth is that it has much to do with our understanding of our nation as an independent one, shortly to embark on the celebration of 50 years of independence, and the extent to which our democracy allows us self-determination... For external nations to add to that situation the use of aid as a big stick to control how our culture, values, and religious beliefs can influence the laws and way of life in our nation is another matter. So may all our people vote as we go to the polls in the maintenance of our democracy and sense of self-determination, and may we elect leaders who are prepared to engage others with a similar commitment to the preservation of those values dear to us and not compromise us for a "mess of pottage." (*Jamaica Observer*, December 18, 2011)⁵³

⁵³ Similar outcries about hostile and unwanted foreign and even (neo-) colonial interventions are captured in news articles with titles such as (for full references see Bibliography):

- "Buggery Laws Firm— PM Says Life or 15 Years for Some Sex-offence Breaches", March 04, 2009 (*Jamaica Gleaner*),
- "Gay people, get real!", December 07, 2009 (*The Jamaica Star*),
- "Calls for region to repeal anti-gay laws", November 02, 2010 (*Jamaica Observer*),
- "Sustain Buggery Laws!", August 24, 2011 (letter to the editor in *Jamaica Gleaner*),
- "The Simple Truth about Homosexuality and Same-sex marriage", July 01, 2012 (*Jamaica Observer*),
- "The Rebellion against Christianity", August 29, 2011 (*Jamaica Gleaner*),
- "The Discrimination Debate", April 20, 2011 (*Jamaica Observer*),
- "Don't Force Gay Values on Others", July 13, 2011 (letter to the editor in *Jamaica Gleaner*),
- "Gay TV Advert Angers Clerics: 'Part of A Wider Plan by Militant Homosexuals to Desensitise Jamaicans'", August 07, 2011 (*Jamaica Observer*),

I agree. It's very distasteful. When Europe was 'Christian', the entire world had to be Christian on pain of death and slavery. Now that they are becoming increasingly atheist, the whole world must also follow suit or be threatened economically. They ought to be reminded that Jamaica's 'buggery laws' (and similar laws elsewhere in the English-speaking Caribbean) are British colonial laws. Their present-day protest against these is a testimony to their own lack of a stable moral foundation. (Blogger jamjedi cited in *Jamaica Gleaner*, January 09, 2012)

Whilst the above quotations link demands for decriminalisation or the adoption of more liberating human rights agendas, especially by outside powers, to cultural imperialism, societal degradation and the re-colonisation of an independent Jamaica, there are, on the contrary, also numerous suggestions that the time for change has been long overdue, especially since much of what is being held on to and claimed as 'our' own is nothing more than a remnant of our colonial past:

The discriminatory laws in Sections 76 and 77 referring to "Unnatural Crime" and 79 – "Outrages on Decency" of the Offences Against the Person Act that remain on the books as relics of our British colonial past are often used by persons to silence, suppress and

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- "Jamaica Must Not Surrender Sovereignty", November 12, 2011 (*Jamaica Gleaner*),
"Should Jamaica Repeal Its Buggery Law to Maintain British Aid?" November 14, 2011 (*Jamaica Gleaner*),
"Why the British PM can Wield a Big 'Homosexuality' Stick", November 04, 2011 (*Jamaica Observer*),
"Jamaicans Will Decide on Gay Sex Law, Says Holness", November 06, 2011 (*Daily Herald*),
"Cultural Imperialism behind Gay Message", August 19, 2011 (letter to the editor in *Jamaica Gleaner*),
"Issue: Jamaica's Anti-buggery Law", July 09, 2011 (letter to the editor in *Jamaica Gleaner*),
"We Must Reject UK's Dictates", November 12, 2011 (*Jamaica Gleaner*),
"Pro-gay Bully Ignoring Grave Health Impact", November 12, 2011 (*Jamaica Gleaner*),
"Money, Power and Sexuality", December 18, 2011 (*Jamaica Observer*),
"Don't Sacrifice Our Values for a Few Shillings", December 22, 2011 (letter to the editor in *Jamaica Observer*),
"Don't Give In", January 09, 2012 (*Jamaica Gleaner*),
"The Gay Agenda and Rights of Christians", February 05, 2012 (*Jamaica Gleaner*),
"Watch Out, Jamaica", January 13, 2012 (letter to the editor in *Jamaica Observer*),
"Dealing with the Gay Rights Issue", January 13, 2012 (*Jamaica Observer*).

intimidate gay Jamaicans or those offering much needed services and support. (Jamaica Forum for Lesbians, All-Sexuals & Gays 2011, under “Petition”)

Unfortunately, the [Jamaican] Constitution restricts the scope of its own protections in reservations clauses in Section 26 (8) and (9): these provisions preserve and exempt laws that predated the Constitution. Jamaica is thus committed to the enforcement of laws which were a colonial imposition, a vestigial survival left intact after Jamaica attained independence--for these provisions criminalising private acts were transplanted from British common and statute law. Today, the United Kingdom itself has long since eliminated 'buggery' as an offense. But similar legislation remains in force in all English-speaking Caribbean countries, with the exception of the Bahamas, where buggery laws were repealed in 1998. (International Gay & Lesbian Human Rights Commission 2000:pgph.5)

It's rather amusing to hear Jamaicans saying they don't want the British imposing their immoral laws on them when they ARE living under a lot of laws conceived by the British. Yes, most of the laws on the statute books in Jamaica are actually British. The same law against homosexuality was imposed by the British in 1533, who then abolished it in England in 1965. Educate yourselves people, it's a medieval law. Stop looking like idiots to the outside world. (Blogger Andrew Lavine cited in *Jamaica Observer*, August 24, 2011)

Jamaica celebrates 50 years of political independence in August of this year; the Offences Against the Person Act is over a century old, an inheritance of our colonial past. The time has come to do away with the parts of the law, which take away from our women their right to choose. (Ricaadoe 2012)

These quotations provide insight into a number of pertinent issues. First, they draw attention to the colonial linkage of Jamaica's controversial buggery laws and more generally to the *Offences Against the Person Act* that are often used by international groups such as Human Rights Watch as evidence for Jamaica state-sponsored homophobia (see Ottosson 2007). In so doing, these quotes are not dismissing that this manifestation of homophobia exist, but are, and importantly, embedding it in a specific historical context marked by discrimination and violence. Secondly, they highlight, that as a public matter sexuality thus becomes a vehicle through which issues of not only

morality and rights, but also citizenship, culture and national sovereignty get debated and fought over in the local and international arenas. It is therefore important for sovereign states to be able to represent the views of their subjects on these issues internationally. Equally essential is that all subjects, including sexual and gender rights advocates as well as religious groups, be given an opportunity locally to voice their opinions whether in processes of legal reforms or other public forums.

SUMMARY

This chapter illustrates that although there are challenges to or calls to dismantle heteronationalism by regional and international and, importantly, local sexual rights advocates such as J-FLAG, it is still being clung to as an idealised form of nation formation for those, like some Committee members as well as certain conservative Christians, who see themselves as the guardians of heteronormativity. This is not only about the need to regulate and control sexualities, but also reflects an ongoing struggle between various state managers and special interest groups, both within and outside the country, over the symbolic borders of the nation and its citizens. In this struggle, it appears that the underlying fears of many religious leaders seem to be not only about the threat of foreign impositions, the creation of 'new rights' within the society and societal degradation, but also the infringement on their universal rights to the freedom of religion and the threat to their role of guardians of respectable culture or as the moral compass of society.

CHAPTER FOUR

Gender and Sexuality in Abortion Legislation Review

This chapter is concerned with the ways in which issues of gender and sexuality were configured, implicitly or explicitly, within the discussions around the review of laws dealing with the criminalisation of abortion – specifically the relevant sections in the *Offences Against the Person Act* – within Jamaica, especially as these issues relate to ideas about and societal preservation, values and rights (that is reproductive and sexual rights).⁵⁴ Moreover, based on critical textual analysis of documents, such as the 2007 Report by the Ministry of Health, minutes of the meeting of the Joint Select Committee on the Report of the Ministry of Health and several newspaper articles, I show that from the perspectives being put forward by some conservative Christians about the legalisation of abortion, the nation should not merely be constructed as heterosexual, but heterosexual in very particular ways.

First, this chapter briefly reviews earlier attempts to amend the Jamaican laws dealing with abortion, identifying some pressing social worries that informed this and the most recent debates about abortion laws. Secondly, I seek to show the intimate interconnection between notions of gender and sexuality in this process of law reform. In so doing, I seek

⁵⁴ This chapter is an amended version of my earlier published journal article: Lazarus, Latoya. 2012. "This is a Christian Nation: Gender and Sexuality in Processes of Constitutional and Legal Reform in Jamaica." *Social Economic Studies* 61(3):117-143.

to demonstrate that different interest groups placed varying degrees of importance on construing abortion review in terms of gender and sexuality, versus morality, through an examination of some of the issues raised regarding the amendment of Jamaica's restrictive abortion legislation by various interest groups, including feminist organisation such as Development Alternatives with Women for a New era (DAWN) Caribbean Working Groups on Women's Health and Reproductive Rights, local community groups such as Sistren and religious bodies such as the Lawyers' Christian Fellowship (LCF), the Roman Catholic Church, Missionaries of the Poor, Mustard Seed Communities Ecumenical Pro-life Council, and the Coalition for the Defence of Life.⁵⁵ Consequently, I also highlight that nationalist projects such as law reforms may involve, as Alexander (1994) and Robinson (2004) also suggest, identifying and regulating, on the part of some groups, those practices, such as abortion, that are seen to imperil the nation.

⁵⁵ Although I will focus on these very vocal groups, it is important to state here that these interest groups, though some of the most resonant voices, were not the only ones who raised concerns and/or made submission to the sixteen member "Joint Select Committee on Abortion that was formed in February 2007 with a mandate to review the Government of Jamaica's *Abortion Policy Review Group Report* and make recommendations for legal reform to Parliament" (Heron, Toppin and Finikin 2009:57). Other interest groups included: CAFRA, ASPIRE, Women's Media Watch Jamaica, a group of International Feminists, Catholics for Choice, Nurses Association of Jamaica, Human Life International Pro-Life Missionaries of the World, The Jamaican Pentecostal Union, Jamaica Association of Evangelicals, Jamaica Council of Churches, United Church of Jamaica, the Swallowfield Chapel, Open Bible Standard Churches of Jamaica and Youth for Life Jamaica.

EARLY ATTEMPTS TO AMEND THE ABORTION LEGISLATION

In January 1975, the Jamaican Government identified “the practice of unsafe abortions and the high rates of maternal mortality in the island” as “a significant public health problem for women” (Maxwell 2012:101; see also Ministry of Health, Jamaica 2007:3).⁵⁶

This early concern would result in an attempt being made, on the part of the government, to review the relevant sections of the 1864 *Offences Against the Person Act* (based on the virtually unchanged 1861 act of the same name), particularly sections 72 and 73, which deal with and criminalise abortion in Jamaica (Maxwell 2012; Ministry of Health, Jamaica 2007). Section 72 of the *Offences Against the Person Act* reads,

Every woman being with child, who with intent to procure her own miscarriage, shall unlawfully administer to herself any poison or other noxious thing, or shall unlawfully use any instrument or other means whatsoever with the like intent; and whosoever, with intent to procure the miscarriage of any woman, whether she be or be not with child, shall unlawfully administer to her, or cause to be taken by her, any poison or other noxious thing, or shall unlawfully use any instrument or other means whatsoever with the like intent, shall be guilty of felony, and, being convicted thereof, shall be liable to be imprisoned for life, with or without hard labour. (*Offences Against the Person Act* 1864 cited in *Jamaica Gleaner*, March 02, 2008)

In addition, Section 73 of this act further states that,

Whosoever shall unlawfully supply or procure any poison or other noxious thing, or any instrument or thing whatsoever, knowing that the same is intended to be unlawfully used or employed with intent to procure the miscarriage of any woman, whether she be or be not with child, shall be guilty of a misdemeanour, and, being convicted thereof, shall be liable to be imprisoned for a term not exceeding three years, with or without hard labour. (*Offences Against the Person Act* 1864 cited in *Jamaica Gleaner*, March 02, 2008)

⁵⁶ Based on other reports, for example Neville Callam's (2004) review of the Jamaica Council of Churches interventions and mobilisation around socio-economic and political issues including abortion, it is evident that this particular attempt at amending the *Offences Against the Person Act* unofficially began prior to 1975.

Specifically, based on the observations that the practice of unsafe abortions and the high rates of maternal deaths posed a public health problem for women, Mr. Kenneth McNeill, then Minister of Health and Environmental Control, recommended in a proposal to Parliament a series of modifications to the 1864 act. These included clarifying “when an abortion would be lawful in Jamaica; that is to spell out in Statute Law, or to codify, what in effect is the existing Common Law position” and taking “steps to make rape, carnal abuse and incest lawful ground[s] for abortion” (M.P. No. HH 490/01 cited in Ministry of Health, Jamaica 2007:23). In regards to this latter recommendation, McNeill argued, that there were times when “common decency justifies the termination of a pregnancy. For example, in the case of statutory rape, that is rape of a person below the age of consent, decency and mercy require that the young child should not be obliged to bear a child resulting from the cruel and/or insane desires of a criminal” (M.P. No. HH 490/01 cited in Maxwell 2012:101).

However, the issue of amending the legislation dealing with abortion tended to divide people, as in the most recent attempts, into separate ideological camps. According to Maxwell’s (2012) historical analysis, “persons often separated into two distinct groups – those who are labelled as ‘pro-life’ and those who are categorised as ‘pro-choice’” (p.100). Of course, these labels present something of a false dichotomy, giving the impression, for instance, that those who support women’s right to choose are somehow 'against life', or that those at the other pole are against women's choice in general.

Furthermore, this binary, as Maxwell elaborates, downplays the crucial point that the issue of abortion is not simply about allowing women the right to choose between pregnancy or termination; rather, it is about attending to women's reproductive rights, which entail a broad range of issues affecting their life such as,

the right of individuals to bodily integrity and security of person, the rights of couples and individuals to decide on the number and spacing of their children and to have access to the information, education and means necessary to do so; the right to attain the highest standards of sexual and reproductive health; and the right to make decisions concerning reproduction free of discrimination, coercion and violence. (Jacobson 2000:22 cited in Maxwell 2012:100)

The polarisation between these groups thus fails to take into consideration the nuanced ways people within these camps approach the topic. Indeed, an examination of the stance of some seemingly pro-life groups will also reveal that their approach was often not as categorical as the label might suggest. For example, in the early 1970's one of Jamaica's leading and oldest Christian umbrella church organisations, the Jamaican Council of Churches (JCC), declared in two public statements, one explicitly addressed to then Prime Minister Michael Manley and copied to Minister Kenneth McNeil, that they were also in agreement that the laws on abortion needed to be reviewed because of their vagueness and unenforceability, but were not in favour of any attempts to legalise the particular practice of abortion-on-demand (see Callam 2004:128-131).⁵⁷ The practice of

⁵⁷ The genesis of the Jamaica Council of Churches can be traced back to May 30, 1922. The churches represented in this group include: "The Church of England in Jamaica, the Jamaica Baptist Union, The Presbyterian Church, The Congregational Union of Jamaica, The Wesleyan Methodist Church, The Moravian Church, The Jamaica Association of Christian Churches (Disciples of Christ), The Salvation Army, and the Society of Friends" (Callam 2004:viii). The group "was re-launched on July 30, 1941 when

abortion-on-demand, also known as abortion on request, constitutes the most liberal form of law on abortion, “where abortion is permitted without restriction as to reason usually for some specified period of gestation” (Ministry of Health, Jamaica 2007:16). Whilst this group called for more attention to the life of the unborn child, they nonetheless expressed, through their recommendations, concerns about the hardship experienced by some children and pregnant women. Indeed, in their letter to Prime Minister Manley, regarding the *Offences Against the Person Act*, dated April 24, 1974, the executive secretary of the JCC, C. Evans Bailey, listed five reasons they found the proposed amendments unacceptable, one of which was that the act did not require women’s consent for the termination of their pregnancy (Callam 2004:130).

On hearing their concerns about a number of issues regarding the amendment, including the lack of attention to the unborn child, the JCC was assured by Minister McNeil that he would “recommit the proposed Act to further drafting” (ibid.:131). Ultimately, however, the promised amendments to the 1864 *Offences Against the Person Act* did not occur, in

representatives of the Church of God in Jamaica [who are today no longer members of the Council] gathered together with representatives of the same denominations that had met in 1922” (ibid.). Since that time other churches have joined the association. Namely, “The Young Men’s Christian Association and The Young Women’s Christian Association in 1942, The British and Foreign Bible Society, later named the Bible Society of the West Indies, in 1949 [this group is no longer evident]. The African Methodist Episcopal Church joined the Council in 1962, the Roman Catholic Church in 1971, and the Ethiopian Orthodox Church in 1977” (ibid.:ix). Close examination reveals that this organisation’s membership mostly comprises of what are considered the traditional or mainline churches within the country. Many of these churches have a European origin and their emergence in Jamaica is tied up, in one way or the other, with the country’s colonial history.

part due to the lack of public support for the government's recommendations and of greater political will (Heron, Toppin and Finikin 2009; Maxwell 2012).⁵⁸

Although there were no amendments to the legislation on abortion in 1975, the Ministry of Health under the leadership of Kenneth McNeil authorised a clinic, which was established in 1976. This clinic, the Glen Vincent Clinic for Fertility Management was eventually closed in 1995 as a result of insufficient funding due to government cuts of social services. Since then, calls to review the country's abortion laws in an effort to respond effectively to the matter of high rates of unsafe abortion as well as the stigma and discrimination around this practice have been made by interested sectors of the public, including persons in the Ministry of Health, who also pointed out that the punitive laws not only made it impossible to efficiently address the problem but also even to collect accurate statistics about the prevalence of the practice and the deaths resulting from unsafe procedures (Heron, Toppin and Finikin 2009).

REVIEW OF ABORTION LAWS IN THE TWENTY-FIRST CENTURY

Similarly to the previous attempts at review and, more generally, to the issue of constitutional reform, the more recent attempts to address the issue of abortion in regards to the Charter and amendments to sections 72 and 73 of the 1864 *Offences Against the*

⁵⁸ Maxwell (2012) in her analysis of why there were no amendments made to the legislation in 1975, argues that this was also in part a result of mobilisation of the religious fundamentalists on the island, who "galvanised support and used moral persuasion to redirect the outcome" (p.101).

Person Act were thus largely influenced by a number of pressing social concerns: primarily, the rising number of unsafe abortions leading to maternal deaths and the ambiguity of the country's abortion laws, which were increasingly troubling to some persons in the country's Ministry of Health and various women's rights groups, as well as segments of the general public (Maxwell 2012; Ministry of Health, Jamaica 2007). Moreover, concerned individuals and women's organisation raised critiques about the ambiguity and overall ineffectiveness of the legislations on abortions. For example, in a public lecture on the issue Professor Stephen Vasciannies argued that although "Section 73 indicates further that it shall be a misdemeanour 'unlawfully' to supply or procure any implement 'knowing that the same is intended to be unlawfully used or employed with intent to procure the miscarriage of any woman'" (*Jamaica Gleaner*, March 02, 2008); in practice there are nonetheless certain conditions, as dictated under common law, under which abortion may be considered: 1) to save the life of the woman and 2) to preserve physical and mental health.⁵⁹ However, the spouse's consent is required under these conditions and in the cases of abortion on the grounds of mental health, fetal impairment, rape or incest, the approval of two specialists must be obtained, which in itself poses new challenges for many women. This gap between what is stated in the *Offences Against the*

⁵⁹ Jamaica, like a number of other Commonwealth countries, abides by English common law and thus the landmark decisions of the 1938 case of *Rex v. Bourne* in the United Kingdom. In this case, physician Alex Bourne was acquitted for performing an abortion on a 14-year-old girl who was criminally assaulted and raped in London. The ruling of the court was that "[i]f the doctor is of opinion, on reasonable grounds and adequate knowledge, that the probable consequences of the pregnancy will be to make the woman a physical or mental wreck, the jury are quite entitled to take the view that the doctor, who, under these circumstances and in that honest belief, operates, is operating for the purpose of preserving the life of the mother" (cited in Maxwell 2012: 99-100).

Person Act and what is actually practiced, based on common law, highlights what many regard as a highly problematic ambiguity in the country's laws on abortion.

Indeed, Shakira Maxwell (2012), in her analysis of the history of abortion in Jamaica, raises this very issue of the ambiguity of the existing legislation, noting that “while it states what is considered unlawful in the the procurement of an abortion, it does not indicate what is lawful. As a result, persons are left unclear if the service can be provided lawfully” (p.98). Similar critiques were raised by women's groups such as DAWN Caribbean. In an article to the *Jamaica Gleaner*, for example, this group pointed out that the definition laid out in sections 72 and 73 of the existing act,

... [t]hough speaking of the 'unlawful' administration, use or supply of abortions, fails to say what is lawful. This lack of a clear treatment of abortion within the current laws often leaves the right to perform such services to the discretion of health care providers, thereby failing to create a safe and standardised practice. The law's vague treatment of this issue ultimately serves to provide access to those women who can afford private care, while compromising the health and livelihood of those women who, primarily for economic reasons, must resort to making use of the services provided by unsafe, untrained and unregulated 'backstreet' providers. The unclear nature of the current legislation is evidenced in the fact that in Jamaica, general criminal law principles of necessity do, in fact, allow an abortion to be performed to save the life of the pregnant woman. (*Jamaica Gleaner*, July 26, 2009)

In addition to identifying the vagueness of the legislation and the social disparities related to this, others, including the Ministry of Health (which is a segment of the government), argued that the *Offences Against the Person Act* was an outdated law that neither deterred illegal abortions nor respondend to social and technological developments. According to the Ministry of Health (2007) *Abortion Policy Review Advisory Group Final Report*, such

laws are not only unenforceable but also fail to protect foetal life and imperil maternal life. Moreover, “in recent years, a huge change in technology that makes medication abortion cheap, accessible and private also makes our law not only archaic but obsolete” (p.20). However, this very report stated that “respective governments have declined to fast track their policies and necessary supportive legislation” on abortion due, in large part, “to the sensitive (political and religious) nature of the issue” (ibid.:3). This is in spite of the Government of Jamaica’s awareness, since 1975, that “unsafe abortion and rates of maternal mortality”, especially among adolescents were “significant public health problems affecting women and requiring legal reform” (Heron, Toppin and Finikin 2009:47).

Besides concerns about public health, the vagueness and ineffectiveness of the existing law, the *Offences Against the Person Act*, has also been scrutinised as a remnant of Jamaica’s colonial past. In an article entitled “Aborting Women's Rights” Carolyn Cooper, a renowned professor at the University of West Indies and public figure in Jamaica, for example, noted the irony of Jamaican governments and peoples, past and present, holding on to an antiquated colonial legislation. Specifically, Cooper wrote that the *Offences Against the Person Act* “was passed a mere 30 years after the abolition of slavery” (*Jamaica Gleaner*, September 27, 2009). This meant, as Cooper elaborated, that,

[a]ll of a sudden, a foetus (not a 'child') was much more valuable than millions of enslaved Africans who were seen as beasts of burden and therefore entirely fit subjects for protracted abuse. Their lives needed no protection. An unborn 'person' now had more

rights than actual persons, many of whom still had vivid memories of being brutalised by enslavement. Did this act have any moral authority? Or was it intended to ensure the availability of an unending supply of cheap labour? (Ibid.)

According to Cooper, these questions may not be so far-fetched considering what we know about the history of slavery, the period of emancipation and black women's reproductive experiences during these periods (ibid.). That is, "[h]istorians confirm that enslaved African women aborted fetuses or even committed acts of infanticide in order to ensure that their children would not be enslaved..." (ibid.). This ironically shows that "enslaved women claimed reproductive freedoms that their supposedly emancipated descendants are still denied in Jamaica today" (ibid.).

In a manner reminiscent of the earlier years, however, these more recent dissatisfactions as well as the growing public health concern about the high number of abortions and rising rate of unsafe procedures resulting in maternal mortality, especially among adolescents, were, in the opinion of some women's rights activists, not seriously addressed by the government, despite numerous public debates and calls for amending the laws, perhaps by developing a Medical Termination of Pregnancy Act to replace sections 72 and 73 of the *Offences Against the Person Act* (Heron, Toppin and Finikin 2009). It was not until 2004 that the government decided to review the issue of abortion through the formation, under former Health Minister John Junor, of an Advisory Group

on Abortion Policy Review.⁶⁰ This marked the first active response in the twenty-first century, on the part of the government, to the reality of inadequately regulated abortion as a significant threat to women's reproductive and overall public health in Jamaica. Specific areas of concern included the performance of abortions under poor conditions by unregulated as well as improperly trained medical and non-medical practitioners, which may pose a threat to the safety of women as well as result in maternal death (Henry 2008:10 cited in Lawyers' Christian Fellowship Jamaica 2008:10; Ministry of Health, Jamaica 2007). Consequently, the Advisory group made the following recommendations in their *Abortion Policy Review Advisory Final Report* to the government:

1. Repeal the relevant sections of the *Offences Against the Person Act*, and substitute it with a Civil Law, titled "Termination of Pregnancy Act" stating the conditions under which medical termination of pregnancy will be lawful...
2. Develop, maintain and staff specified centres in each health region for the provision of therapeutic abortions. Such centres should be registered by the Ministry, and monitored according to the Ministry's standards...
3. Doctors' private offices may be assessed, registered and monitored for the provision of abortion services for women who are less than 12 weeks pregnant.
4. Pregnancies up to 12 weeks gestation (calculated from the first day of the last menstrual period) can be performed in registered facilities by an authorised medical practitioner in consultation with the woman. The methods recommended are pharmaceuticals, and menstrual vacuum aspiration.
5. Pregnancies over 12 weeks gestation are to be performed by, or under the supervision of an Obstetrician/Gynaecologist in the formal setting of a hospital, equipped to effectively manage, utilising the best current medical practice, any complication that may arise.
6. Termination of pregnancies over 22 weeks gestation is **not recommended**, except under exceptional circumstances agreed by the woman and two authorised medical practitioners and performed in an appropriate setting authorised by the Ministry.
7. It is highly recommended that persons involved in the provision of these services receive specific training from a recognised institution.
8. Pre- and post-abortion counselling, including available options to termination and the use of effective contraception is highly recommended.

⁶⁰ It was not until September 16, 2005 that the group held its first meeting (see Ministry of Health, Jamaica 2007).

9. Special provisions are recommended for the mentally disabled.
10. Special provisions are recommended for minors, i. e. persons under age 18 years.
11. The right to conscientious objection is recognised.
12. In all matters pertaining to this Policy, confidentiality is paramount.
The establishment of a monitoring and advisory Board is recommended to oversee implementation of the policy. (Ministry of Health, Jamaica 2007:6)

Based on these recommendations, a Joint Select Committee on Abortion was then established in February 2007 by the Ministry of Health. This sixteen-member committee was charged with the task of reassessing the country's laws relating to abortion and to hear submissions from various interest groups – from members of the public, including several 'pro-choice' advocacy groups concerned with gender (particularly women's reproductive and sexual rights) issues, and various Christian churches, individuals and groups – regarding proposed amendments to the laws (Heron, Toppin and Finikin 2009). What followed, as ensuing paragraphs illustrate, was a heated debate about whether or not any of these recommendations could be adopted and more broadly, on the possible societal implications of legalising abortion. As in the earlier attempts to review the laws on abortion, one area of major tension naturally arose from the divide between those who took a strict 'pro-life' stance and those who supported the legalisation of abortion.

Christian identified 'pro-life' groups argued that abortion was an issue of morality and an act of killing that should never be legally sanctioned (Maxwell 2012:108-109); these groups included representatives from the Lawyers' Christian Fellowship, the Roman Catholic Church (including Missionaries of the Poor and the Mustard Seed Communities)

and the Coalition for the Defence of Life, which was formed in response to these recent deliberations on the possibility of legalising abortion and “allegedly received major funding from the Catholic Church” (ibid.:107-108). In contrast, the arguments put forward by the Women’s Working Group on Reproductive Health and Rights (WWGRH), which is an affiliate of DAWN Caribbean, was that the decision to have an abortion is rarely an easy or lightly made one and access to safe and legal abortion is the human right of every woman.⁶¹ DAWN Caribbean for example, wrote that,

Given the complexity of this decision [to have an abortion], the only person equipped to make it is the pregnant woman herself. Governments should respect a woman’s human right to make decisions regarding her reproductive life. A woman who decides to have an abortion – as 46 million women do annually – must have access to the facilities and care that will enable her to terminate her pregnancy safely. Governments that prosecute and punish women, who have had abortions, penalise women for exercising their basic rights. These rights are no less compromised when a woman who decides to terminate a pregnancy can do so only by undertaking a serious risk to her life and health. (*Jamaica Observer*, September 29, 2008)

ANALYSING ARGUMENTS FOR AND AGAINST LEGALISATION

“Abortion: human rights or detrimental to human life and society?”

The heteronormative views, identified in the previous chapter, that were expressed by some conservative Christians, particularly by such groups as the Lawyers’ Christian Fellowship, are also connected to certain patriarchal assumptions about women’s rights to their own bodies, sexualities and reproductive health and choice. For example, some

⁶¹ Other women’s groups that made submissions included CAFRA Trinidad and Tobago, Sistren Theatre Collective Jamaica, Woman Inc. Jamaica, Women’s Media Watch Jamaica, and ASPIRE St. Lucia.

members of the Lawyers' Christian Fellowship's fears over women being allowed to transgress prescriptive expectations of how they should relate to their bodies, roles as reproducers and by extension sexualities are unmistakably visible in their concerns about the government also making it possible to legalise abortion not only through the Charter of Rights (*Jamaica Gleaner*, February 15, 2006), but also the amendments to the relevant sections of the *Offences Against the Person Act* that deal with abortion. Such concerns were particularly clearly revealed in the argument by some 'pro-life' supporters that the act of abortion went against God's divine or 'natural' plan for human lives, which started from conception (*Jamaica Gleaner*, February 23, 2009).

As with the issues of decriminalising buggery and granting homosexuals rights with unpredictable consequences, the passionate concerns about the 'inevitable' dangers of legalising abortion, expressed by the Lawyers' Christian Fellowship, amongst other conservative Christian leaders and bodies, were presented to the Committee considering abortion review as well as to the public (through the media and meetings in various communities across the island) not, naturally enough, as bids to maintain the heteropatriarchal status quo, but rather as ominous warnings over legalisation of murder, devaluing of life and the deterioration of values or decay of 'Christian' morality (see *Jamaica Gleaner*, May 22, 2008; *Jamaica Gleaner*, January 03, 2009; *Jamaica Gleaner*, February 23, 2009; *Jamaica Gleaner*, June 17, 2009; *Jamaica Gleaner*, August 03, 2009; *Jamaica Observer*, November 30, 2008). In other words, these groups frequently did not

present their anti-abortion position as being explicitly about women being able to legally transgress normative heteropatriarchal gender and sexual ideals that position women as mothers and wives (see Jacqui Alexander and Chandra Mohanty 1997:xiv). For instance, one member of the Coalition for the Defence of Life, Reverend Donovan Cole, informed the *Jamaica Gleaner* that “it was unfortunate that some persons saw it necessary to put convenience over life. ‘It shows a real deterioration in values’” (*Jamaica Gleaner*, January 03, 2009). Perhaps not surprisingly, this deterioration of values, as explained further in chapter six, refers to certain Judaeo-Christian values that are assumed to be held by many, if not most Jamaicans, thus reaffirming this idea, as explained in the Introduction, of a quintessentially ‘Christian nation’. Dr. Wayne West, also a member of the Coalition for the Defence of Life, thus dismissed claims for legalising and viewing abortion as a woman’s reproductive right as emblematic of the wider aim, as explained in chapter six, for eroding within our society, in the “not-too-distant-future, lots of traditional values, a lot of things we hold dear to Judaeo-Christian morals...” (*Jamaica Observer*, June 17, 2009).

Furthermore, David C. Henry (attorney-at law, member of the Lawyers’ Christian Fellowship and pastor at the one of the most popular churches in Jamaica’s capital city, the Swallowfield Chapel) argued, more combatively, that the draft bill by the Ministry of Health to amend the laws on abortion was “manifestly disingenuous and insidious” (*Jamaica Gleaner*, February 23, 2009). He further noted that the bill “smacks of Nazi

Germany in which the practice of Eugenics was mastered” and that it “was moving in a direction that could determine the survival of ‘the superior race, so to speak’” (ibid.). The Jesuit Priest Father Richard Ho Lung painted an even more calamitous picture that would result from legalising acts of ‘murder’ when he argued that,

I believe that abortion would bring a curse upon our country. It is murder, and as John Paul II says, ‘any country that murders its children has no future.’ To legalise abortion is to make killing lawful; it will bring a curse upon our land. It is no less than the slaughter of the innocents in the Scriptures. (*Jamaica Gleaner*, May 22, 2008)

Individuals and groups residing outside of Jamaica also provided similar warnings. The article “Church vows to maintain pressure against abortion,” by Howard Campbell, features, for example, an appeal by a Barbadian-born woman, Ms. Murray, imploring the Jamaican public to heed the warnings of the Church and not to follow Barbados “and take that path of destruction” (*Jamaica Gleaner*, February 06, 2007), as this will destroy Jamaica.⁶² Likewise, a report by Human Life International, Pro-life Missionaries of the World, suggested that, “[n]ever before in the life of their nation have Jamaicans been under such a threat. The good, pro-life people on this island are struggling hard to convince their nation that abortion is a deal with the devil that will kill their national soul” (Euteneuer 2008:1).

⁶² Barbados and Guyana are the only two independent Anglophone Caribbean countries where abortion was made legal (*Jamaica Gleaner*, February 06, 2007) by the adoption of new legislation in the form of the Medical Termination of Pregnancy Act (Miller and Parris 2012:40-41). Anglophone countries such as St. Vincent and the Grenadines as well as St. Lucia “have amended colonial legislation on abortion to allow for the legal performance of abortion in a broader range of circumstance” (ibid.: 40).

It may be inferred from the above views that while those citizens, and women in particular, who have or will potentially reproduce future citizens – preferably in the context of a nuclear family or at least a heteronormative environment – are deemed to be of, in this regards, primary societal value, others who refuse this role, especially through the intentional act of abortion, are considered as perilous to the continuing viability of the nation and the values that are most cherished, at least by some groups. The confluence of both an adherence to a strict ‘pro-life’ stance and the espousal of a heteropatriarchal narrative in contributions to the constitutional reform process on the part of the same conservative Christian factions, namely groups such as the Lawyers’ Christian Fellowship, is therefore far from surprising. Instead, similar to the gay man and lesbian, the woman who chooses to have an abortion, thus failing to perform her expected role as biological reproducer, may be seen as refusing the heterosexual, gendered imperative of citizenship; according to the state, and other guardians of the heteropatriarchal status quo, her existence thus poses a profound “threat to the very survival of the nation” (Alexander 1994:6). This clearly underscores, as mentioned previously, that the “twin processes of heterosexualisation and patriarchy” (Alexander 2005:22-23) – heteropatriarchy – underpin and shape colonial and neo-colonial state formation in countries such as Jamaica.

This intimate connection between patriarchy and heteronormativity within some religious discourses, as explained in chapter one, is highlighted by a number of scholars, including

in the forthcoming work of Jamaican feminist theologian Anna Kasafi Perkins (N.d.). Similarly, in a 2008 article on “Abortion, women’s rights and religion”, it was observed that,

this dominance of men in religious leadership has often meant a male-dominated agenda with respect to human life, doctrine and living. Morality in this sense has been male-generated [...]. Often women among them who have unquestioningly accepted indoctrination are among those telling women ‘how to behave’ and define the moral components [...] The religious discussion on abortion [thus] betrays the heavy hand of misogyny in some religions. (*Jamaica Observer*, September 22, 2008)

The author then goes on to note that sometimes the patriarchal bias is subtle: “claiming to be concerned about life, that is the life of the foetus, while in the same breath disregarding the life of the woman as irrelevant and immoral” (ibid.).

On the other hand, the concerns over the legalisation of abortion, in common with the other fears expressed in public discussion of these issues, can also be read as reflective of a more '**general anxiety over respectability**', in this case, sexual and gender (as well as related socio-economic) respectability, that has always been attached to visions of ideal citizenship and nation-building. To borrow from Thomas’s (2004) observation, this particular conceptualisation of respectability is tied to a middle class, Christian vision that not only values “the cultivation of education” (p.5), “industriousness and self-sufficiency, but also Christian living and the constitution of family through legal marriage and related gendered expectations” (p.6). Indeed, in the fifty-four page jointly prepared report entitled *Submissions to the Joint-Select Committee of Parliament*

Considering Abortion from the Coalition of Lawyers for the Defense of the Unborn, attorney-at-law and immediate past president of the Lawyers' Christian Fellowship,

Shirley Richards writes that,

Isn't it the case that we need to empower women so that they can manage themselves [financially] without having to depend on the handouts from men in return for sexual favours? Thankfully it would appear that many more women are taking up tertiary training but obviously there is need for intervention at the grassroots level. (cited in Lawyers' Christian Fellowship 2008:3)

This statement assumes that women who have abortions are mainly only dealing with an economical power imbalance and not also an array of other issues that are in part caused by the embedded gender inequalities that have long been identified within the society. In addition, there seems to be an assumption that if this specific economic empowerment were achieved, the issue of abortion could be laid to rest, thus ignoring that there would still be women who may decide (and perhaps even feel compelled), for whatever other reasons, to have an abortion. Despite these limitations to her argument, Richard's statement nonetheless highlights that there are dire social and economic conditions that are experienced mainly by one group of citizens, which potentially impact or limit their rights to receive and make informed decisions about their own health, sexuality and reproduction.

This viewpoint is also reflected in the submissions made to the Jamaica Parliament by many pro-choice groups, who naturally seek, more than any other group, to explicitly underline the intersection between issues related to gender and sexuality in the matter of

abortion legalisation. Glennis Hyacenth of the Trinidad and Tobago-based group ASPIRE (Advocates for Safe Parenthood Improving Reproductive Equity), for example, attested as follows in her presentation to the Joint Select Committee,

The fact remains however, that in society as it exists today, conception does not always occur within favourable or wanted circumstances. Many women speak of their inability to convince partners to wear condoms, a suggestion that may even be met with violence, and the suggestion that they (the women) are being unfaithful, hence the request. Women are regularly raped, and in many communities, incest is a well-known secret. Both women and men continue to make unwise and unsafe sexual decisions, as reflected in other statistics on reproductive health (HIV/AIDS, STIs, teenage pregnancy). (*Jamaica Observer*, March 30, 2009)

Furthermore, Hyacenth linked the issue of abortion with concerns of maternal morbidity, stressing, that “maternal morbidity is first and foremost a public health issue, one that disproportionately affects the lives of young, and/or working class women” (ibid.), and “should [therefore] not be overshadowed by religious viewpoints” (ibid.). This means that even though “spirituality and religious beliefs are core parts of who we are as individuals, it must be determined whether public policy and legislative frameworks, which are intended to meet the broader development needs of the population, can be appropriately addressed by using the subjective concept of ‘morality’ as the primary consideration” (ibid.). It is important to note here that though Hyacenth’s carefully gauged presentation warns against strictly using religious viewpoints to analyse the issue of abortion, she is well aware of the “undeniably essential and supportive role played by the family and religious and spiritual institutions in shaping societies’ collective value systems” (ibid.). In fact, she noted that,

the family and the church have an important role to play in the reduction of the number of abortions which take place, which is in fact the end goal that we all wish to work towards. As such, active support should be given to efforts that seek to integrate stronger values of selfhood into young women and men. (Ibid.)

Other 'pro-choice' women's groups more unequivocally asserted that the matter of abortion was also a human rights issue and particularly about women's reproductive rights, which has a ripple effect on other aspects of their lives. A coalition of a number of International groups working on promoting the human rights and health of women, for example, argued in an open letter to Minister of Health and Chairman of the Joint Select Committee Reviewing the Abortion Policy Review Report, Rudyard Spencer that,

Access to abortion services is particularly important for women and girls who are victims of violence. Many women who are victims of sexual violence become pregnant as a result and wish to terminate their pregnancies. Unsafe abortion is not only a public health problem. It also represents a fundamental social injustice and violation of women's human rights [...]. By helping women to safeguard their health and manage their fertility, safe abortion enhances women's ability to participate in educational and employment opportunities, maintain their productivity, and contribute to their families and communities. We support policies that promote access to high-quality care for women who have complications from unsafe abortion, greater access to safe abortion and the decriminalisation of the procedure. (*Jamaica Observer*, March 27, 2010)

Regional groups such as DAWN (Development Alternatives With Women for a New era)

- Caribbean chapter similarly stated that,

Governments that prosecute and punish women who have had abortions penalise women for exercising their basic rights. These rights are no less compromised when a woman who decides to terminate a pregnancy can do so only by undertaking a serious risk to her life and health.

International legal support for a woman's right to safe and legal abortion can be found in numerous international treaties and other instruments that the Government of Jamaica has signed on to. The right to choose abortion has support in guarantees of life and health,

freedom from discrimination, and autonomy in reproductive decision-making. (*Jamaica Observer*, September 29, 2008)

The Sistren Theatre Collective, a grass-root women's organisation founded in Jamaica, also emphasised the message that abortion is "primarily a right-based issue, one in which the circumstances of a woman's life should be central to her decision" (Heron, Toppin and Finikin 2009: 46). Specifically, through their dramatic presentation in Parliament before the Joint Select Committee, this local group highlighted the point that "for a significant number of women sexual intercourse is not consistently voluntary and [that] the dynamics of power often unequally shape women's sexual experiences. As such, many pregnancies are not only unwanted but may actually pose real psychological trauma for the women concerned" (ibid.:47). In addition to emphasising the gendered reality around the issue of abortion, Sistren, amongst others, also shed light on the general socio-economic inequalities between not only men and women, but also amongst women within the society, which results in some women being more susceptible to the consequences of the denial of their right to choose and access safe reproductive care.

Although issues of women's reproductive and sexual rights were deliberately placed at the forefront as a justifiable cause for amending the country's laws relating to abortion by certain feminist-inspired pro-choice groups, in other arenas the matter of public health was prioritised. It was thus acknowledged that the reality is that many women who are

admitted to hospital – as indicated by such statistics as those collected from the admission records between March 1 and August 31st 2005 for the Victoria Jubilee Hospital, Ward 5 – are “young, poor, unemployed and live in economically and socially deprived communities” (Ministry of Health, Jamaica 2007:4).

However, from the standpoint of the predominantly Christian ‘pro-life’ activists, these unfortunate realities do not justify the act of abortion. For instance, while the Reverend Ho Lung, of the Missionaries of the Poor, “agreed that for many women it could be a burden to have another child”, he “has encouraged women to bear the burden, while simultaneously seeking to provide the means to make their burden lighter” (Millette 2011:5). In response to some Parliamentarians' question as to what should be done to address the abortion issue, the influential Reverend established the country’s only centre, the Holy Innocents Women in Crisis Centre, that attends to the needs of women who have an unwanted or unplanned pregnancy but do not wish to abort the unborn, thus adding to the countless numbers of ‘good deeds’ and services that his organisation provides for many of Jamaica’s poor and disenfranchised peoples (Millette 2011; *Jamaica Gleaner*, May 22, 2008). Therefore, although Ho Lung’s rigid pro-life proclamations might on the face of it appear to ignore or downplay women’s real life circumstances and interests, he, along with other supporters of this stance, has attempted

to provide an alternative to what he considers killing.⁶³ As one respondent in an interview informed me, the establishment of this centre sends the messages that we (persons such as Father Ho Lung) think abortion is wrong because we “fundamentally believe that this is a human life that needs to be guarded and respected...” (Diane Jackson, in discussion with the author, June 13, 2012).

Though this centre meets the needs of those women who do not wish to have an abortion, thereby providing one avenue of fulfilment of women’s reproductive rights, the inspiration (to stop women from murdering their unborn babies) for its establishment sends a clear message that those who ‘reject’ the help and choose abortion are ‘killers’; thus, one may argue that there remains a refusal by such pro-lifers to fully engage with the other issues relating to life, that is, the limits placed on the reproductive choices of women within patriarchal societies. In other words, when a rigid pro-life stance is presented as the only moral alternative, the “woman’s right and dignity as a person”, as the previous respondent stated, “gets lost and overshadowed and she gets pushed to the margins and her voice does not get heard” (Diane Jackson, in discussion with the author, June 13, 2012).

In addition to the influential LCF and the Roman Catholic Church, other prominent vocal pro-life activists, namely Dr. Brady-West and the Coalition for the Defence of Life in

⁶³ Other pro-life groups, such as the LCF, Mustard Seed Communities, Concerned Citizens and the Coalition for the Defence of Life in Jamaica, also joined in by recommending foster care and adoption as serious alternatives for Parliament to consider instead of the legalisation of abortion under any condition.

Jamaica, argued that the findings in the Report from the Ministry of Health and the concerns of such ‘pro-choice’ groups as Sistren and DAWN reflect two main invalid assumptions that are being put forward by non-Jamaican organisation, including international NGOs. These two perceived misconceptions are: “1) A falsely inflated rate of abortions, which are illegal in Jamaica and therefore labelled ‘unsafe’; and 2) the role of abortion in Jamaica as a ‘major cause’ of maternal mortality” (Brady-West 2011:195). Rather than implementing liberal abortion laws, it was argued that that the outcry should rightfully be focused on the lack of societal conscience in regards to the life of the innocent unborn child and by extension the irresponsible lifestyles of some people (see Lawyers’ Christian Fellowship 2008). In other words, the focus should be on preserving this nation through protecting the life of the unborn and the stability of the family, which in turn will require continuous and even stricter legal, and even non-legal policing, regulation and restriction of ‘undesirable’ citizens, as was vividly exemplified by, for example, the prominent Reverend Peter Garth of the Jamaica Association of Evangelicals who made it clear that “church leaders would thwart any move government made to legalise abortion” (*Jamaica Gleaner*, February 06, 2007).

Likewise, Ms. Angela Langer, from Mustard Seed Communities, a multi-denominational faith-based non-profit organisation founded in 1978, pointed out that the Committee should not only reject the passing of the abortion Bill, but that further action was needed, namely speaking out locally and internationally against the practice and “strengthening

measures to combat illegal abortion” (Houses of Parliament 2009:2) in Jamaica.⁶⁴ Mr. Vincent Bogle, a member of the Concerned Citizens group, similarly voiced such apprehensions in the meeting of the Joint Select Committee on the “Report of the Ministry of Health, Jamaica, Abortion Policy Review Advisory Group”, held on Thursday, February 5, 2009. At this meeting he argued, among other things, that what is needed is to “[c]lamp down on prostitution and encourage a better lifestyle” (ibid.:10). In other words, one may infer, based on the above views, that all efforts must be taken to rein in ‘unruly’ bodies who engage in sexually ‘immoral’ and loose practices, which not only increase the likelihood of having an unwanted pregnancy, and hence the need for an abortion, but also of introducing future citizens to these disreputable lifestyles.

“Legalisation of abortion and accusations of unwanted external interventions”

Predictably, pro-life activists such as Dr. Brady-West see the involvement of non-Jamaican organisations as reflective of a more general interference in Jamaica’s national sovereignty, a rhetoric that, as previously mentioned, is commonly heard in reference to the interference of the ‘gay lobby’ or of ‘colonial’ leaders in the country’s cultural way of

⁶⁴ It is important to identify here that the Missionaries of the Poor (founded in 1981 by Roman Catholic (Jesuit) Priest Reverend Richard Ho Lung and today with over 500 members worldwide) and the Mustard Seed Communities are faith-based organisations that fulfill an important role in Jamaica, a role that is inadequately performed by the state and by others within the society: “Relying exclusively on donations, the missionaries [of the poor] are dedicated to serving the poorest of the poor, the homeless, HIV/AIDS victims, mentally handicapped youth and adults, and the elderly” (Millette 2011:1-2). Likewise, Mustard Seed Communities serve various marginalised, disempowered and forgotten members of the society, offering various services (such as homes and skills training) for abandoned and disabled children, HIV-positive children as well as pregnant teenagers and their babies. (Mustard Seed Communities N.d.)

life. Brady-West, amongst other 'pro-lifers', felt – or at least argued – that any such reform of abortion legalisation would not arise as a consequence of the desire of the Jamaican people, but rather as an outcome of pressure from international groups allegedly seeking to exert their influence and 'foreign' values in Jamaica and the entire Anglophone Caribbean (Brady-West 2011). According to one report, "... in 2008, international organisations and lobbyists, such as the European Union, put heavy pressure on Jamaica to legalise abortion, with the promise of funding. Jamaican politicians responded by tabling an abortion bill to legalise killing the unborn" (Millette 2011:3; see also Tozzi 2007). The Reverend Ho Lung similarly sounded a warning regarding Jamaica's geopolitical prominence in the Anglophone Caribbean, making it a bulwark against the onslaught of 're-colonisation' from the international lobbyists: "Jamaica is particularly aimed at because we are the biggest English-speaking island in the Caribbean. If you get through Jamaica, you can get through the entire Caribbean region" (ibid.; see also *Jamaica Gleaner*, August 03, 2009).

Although this perception cannot be dismissed out of hand, one could also argue that the engagement between local, regional as well as international women's groups, and hence the involvement of the latter groups, speaks to an awareness that women's relationships to their respective states are not only embedded in and mediated by local patriarchal norms, but are shaped, as Antrobus (2004) states, by gender politics at both local and international levels (p.99). Conversely, Brady-West, like some of those who took a strict

anti-homosexual stance during the constitutional review process, does not address the possible perception of hypocrisy when adducing foreign support to her own organisation or to other 'pro-life' groups. For example, pro-life groups in Jamaica have, according to a report by Luke Douglas,

[been supported] by a high-powered team of 'pro-life' activists from overseas, including the niece of United States civil rights icon Dr Martin Luther King Jr [who] strongly urged Jamaicans to turn their backs on what they say is a renewed thrust to legalise abortion in Jamaica. The group also called on Jamaicans to reject all explanations to justify abortion, even in instances where a woman is raped or her life is in danger. (*Jamaica Observer*, February 07, 2007).

In addition, other support has come from outside groups such as the well-known Human Life International Pro-Life Missionaries to the World, who has long worked to stop the legalisation of abortion in various parts of the world, including Latin America (Euteneuer 2008).

Furthermore, Brady-West does not contend with the view, previously raised by individuals such as Professor Cooper (*Jamaica Gleaner*, September 27, 2009), that the existing laws on abortion, like those against buggery and acts of gross indecency, originated from a legacy of colonial jurisprudence (abortion in Jamaica is illegal based on the 1861 *Offences Against the Person Act*, which is based on the English act of the same title). It could therefore be argued that there was already an 'interference' that was overlooked or not properly addressed in previous post-independence law reforms, aimed

at delineating the boundaries and identities of this sovereign nation in the service of colonial control (see also Pheterson and Azize 2005). Rather, she notes that,

This interference in national sovereignty on the part of international NGOs occurs despite surveys illustrating that the vast majority of Jamaicans (64%) specifically reject the notion of a 'right' to abortion based on evidence rooted in biology, natural law and justice, women's health, sociology, and economics. The Jamaican legal protection of the unborn as an ethical and cultural norm necessitates its contextualisation in a triad [sic] which equally emphasises the stability of the family and support for women. (Brady-West 2011:195-196)

Moreover, Brady-West's stance that this is a case of external intervention and specific reference to the statistical findings of one poll downplay the complexity around how the issue of abortion is viewed within the society: although abortion remains a controversial issue, there are in fact nuanced public positions. In focus groups conducted by the Abortion Policy Review Advisory group there were a variety of responses on the issue, varying across such markers as "age and gender lines, religious beliefs and levels of sympathy felt towards social and economic problems" (Ministry of Health, Jamaica 2007:43). Specifically,

Participants who saw abortion as a 'sin' were the most adamantly opposed to the practice. They expressed their 'ideal' view as 'abortion never being allowed unless it meant death to either the mother or child.' Several of the persons in this category felt that rape did not constitute 'a good enough reason' to abort, because the child could be given up for adoption. However, they represented a minority opinion, as most participants felt that rape was 'a justifiable reason' to allow a woman to terminate a pregnancy. Although the word 'murder' was the most commonly associated with the description of abortion, the arguments used in this category were less adamant against abortion. Meaning all groups made reference to abortion being 'killing the unborn', yet, participants were open to the procedure being allowed under certain circumstances. (Ibid.)

Also, in these focus groups the “majority of participants said they would **agree** to abortion being legalised *within strict guidelines and under specific circumstances*” (ibid.; original emphasis).

In spite of the complexity revealed in response to this kind of individual questioning, one still cannot ignore that, similar to the Christian conservative right’s unwavering stance against the legalisation of buggery and the admittance of language that could result in equal rights to same-sex citizens, the strict pro-life stance also addressed a specific heteronationalist concern and therefore received significant public support and recognition. The concern in question was, again, that of an apparent threat to the nation as some groups, such as sexual and women rights advocates, were seen to be challenging its Christian and heterosexual foundations, the very essence of ‘Jamaican-ness’. According to this conception of the nation, churches and Christian advocates, as the speakers of ‘truth’, guardians of respectable culture, national morality and the ‘defenders of faith’ and Christ’s ambassadors have a responsibility to fight this battle, not from the sidelines, but rather, as highlighted in the next chapter, in the public spaces where the struggles over the trajectory of the nation are unfolding, in this case, the reform processes (Lawyers’ Christian Fellowship 2009; Millette 2011).

A NUANCED APPROACH TO SEXUALITY-RELATED ISSUES

As established, there are other important Christian voices that need considering. These other voices not only openly challenge some of the claims being made by the conservative right, but also add to the discourses available on the rights, worth, treatment and position of women within the society. For example, during the abortion review process not all Christian denominations adopted what may be considered to be a strict pro-life approach. Rather, some groups and individuals thought it was more important to nuance the divide between being ‘pro-life’ and ‘pro-choice’ in order to respond effectively to the life and rights of women and at the same time consider the unborn child. According to a *Jamaica Gleaner* report, Reverend Dr. Marjorie Lewis, who represented the United Church of Jamaica and the Cayman Islands at the Joint Select Committee meeting in late October 2008 and who is also the President of the United Theological College of the West Indies (UTCWI), pointed out, as one of her colleagues at UTCWI also stated to me in an interview, that “it might be justified that a pro-life stance does not prevent one from embracing the concept of pro-choice” (*Jamaica Gleaner*, October 31, 2008). Indeed, her “church had no problem with abortion in instances where a woman was raped or where incest was committed [or] in a case where medical opinion pointed to severe disability and where the potential mother or child was at risk” (ibid.). Hence, this was not a support for the practice of ‘abortion on demand’ (that is, the right for a woman to have an abortion performed solely on her request within the legally allowable gestation time period, an apparently irrelevant distinction according to the strict

pro-life stance [Ministry of Health, Jamaica 2007:16]). Instead, Lewis also encouraged considering and pursuing abstinence as well as the use of contraceptives as possible means to avoid unwanted pregnancies (*Jamaica Gleaner*, October 31, 2008).

Nonetheless, this position does begin to consider the complex situations of some women's lives and the possibility that adoption, though a much needed option for some, may still not be ideal for others; furthermore, requiring women to carry and raise a child may further contribute to some women's disempowerment or cause serious harm to them and possibly to the child. Therefore, it can plausibly be argued that the absolute validity of the heteropatriarchal discourse that ties women's worth to their roles as reproducers of the nation is being called into question by this position: are women simply the reproducers of the nation or are they in fact citizens whose real circumstances, needs and demands must be adequately addressed? In addition, by at least contemplating abortion as an option of last resort in cases of imperilment, this stance also points up the beleaguered position occupied by many women within the status quo, their continuing susceptibility to finding themselves so imperiled in more than insignificant numbers.

It is noteworthy that this submission by the United Church of Jamaica and the Cayman Islands, which blurred the divide between the strict 'pro-choice' and 'pro-life' discourses adopted by many, was presented by one of Jamaica's leading female theologians and a Reverend. It was brought to my attention in a conversation with a Roman Catholic

feminist theologian, Diane Jackson, who also shares Reverend Lewis's view, that this "brave and beautiful position" that "was not supported generally by other Christian churches", was without a doubt influenced very strongly by the Reverend Dr. Marjorie Lewis's "space as a woman that understands the concerns about reproductive health rights" (Diane Jackson, in discussion with the author, June 13 2012). Although circumstances ultimately prevented me from speaking personally with Reverend Lewis, it is worth noting that she has some relatively nuanced approaches on other sexuality related issues. She has long been critical of both patriarchy and heterosexism within Christian churches, taking another generally uncommon position, for example, of extending pastoral care to and engaging in open dialogue with gays and lesbians, as discussed further in chapter seven.

Although alternative voices do exist within the society, the sway of conservative Christians or the attention that is given to them in the media and the public spaces in general, as explained in the next chapter, cannot be ignored or downplayed. The Reverend Oliver Daley provided a similar critique, specifically of the media's inadequate coverage of the differing points of view amongst Christians, an opinion that was often expressed by some of my interview respondents. He was reported as asserting that,

there are differing points of view within the church that are not being thoroughly explored by the media. 'I have found that sometimes in the media, we don't speak across the church, we don't get a wide perspective on the issue,'... 'On this matter [of homosexuality], we have the same people expressing their views, but there are others of us with a different perspective' (*Jamaica Gleaner*, December 25, 2011).

The alternative views by Christian folks, such as Daley and Lewis (as well as some of my respondents) are important to attend to, as they further highlight the complicated ways in which people understand issues around sexuality and gender, ways that neither wholeheartedly reject nor embrace the heteropatriarchal discourse, as will be explained in more depth in subsequent chapters.

SUMMARY

This chapter examined the reasons that were given by the government for the review of laws relating to abortion, specifically of the relevant sections of the *Offences Against the Person Act*. It highlighted the similarities between earlier and more recent calls for review, namely, concerns over the vagueness and outdatedness of the law, the practice of unsafe abortions, corresponding high rates of maternal deaths and, in general, the public health of women, as well as the resulting division of some people into two camps: ‘pro-life’ versus ‘pro-choice.’ Whilst interest parties from both the country’s Ministry of Health and a number of women’s rights organisation supported the call for an updated and liberalised legislation, that is, one that allows for the legalisation of abortion, opposition came from other parties most notably from conservative Christian groups. These latter groups presented a number of reasons against such a move, particularly the possible danger to not only the unborn child but to the society in general.

Interestingly, there were some commonalities in the ways conservative Christians, including the Lawyers' Christian Fellowship, approached the issues relating to homosexuality and abortion. Notably, these issues were strongly tied to wider concerns about the preservations of certain Judaeo-Christian values and the safeguarding of society against not only moral decay but also unwanted interventions by national as well as cultural outsiders. Contrastingly, sexual rights activists such as Jamaica's Forum for Lesbians, All-Sexuals and Gays (J-FLAG) placed emphasis on the human rights nature of the issues at hand. Moreover, women's groups such as DAWN Caribbean and Sistren, like J-FLAG, sought to challenge the existing status quo in which abortion is made illegal by emphasising the socio-economic and sexual plights of some women within the highly class-based, heteronormative and patriarchal society of Jamaica. In so doing, they, unlike any other group, highlighted the ways in which certain constructions and experiences of gender and sexuality (and an array of other issues including class) intersect to restrict and even entirely suppress some women's sexual as well as reproductive decision-making powers.

CHAPTER FIVE

The Mobilisation of Christian Conservatives

Whilst chapters three and four examined the arguments that were being put forward by various groups, including some conservative Christian groups, this chapter assesses the significance of the self-identified Christian lobby and considers the ways Christianity and certain Christian values were enshrined within the Charter in order to bar so-called ‘transgressive’ and ‘unruly’ sexual identities, practices and behaviours from legal protection within the country’s constitution. Specifically, it examines the strengths and weaknesses of conservative Christian collaborations as well as the specific victories that were both claimed and assigned to them by some interview respondents and other members of the public. Moreover, this discussion is not restricted to the Jamaican examples. Instead I also cast a critical eye over similar scenarios in other Anglophone Caribbean countries, thus highlighting the increasing public visibility of a certain conservative opposition against the recognition of particular sexual practices and identities across the region, as well as, in some cases, shared forms of resistance or critique by those who refuse to remain silent or invisible.

I make extensive use of a variety of sources – newspaper articles, blogs, government documents and interviews– to develop the analysis in this section. This method of

analysis is somewhat different from that used in the previous chapters, which focused almost exclusively on discourse analysis of three government reports, the parliamentary submissions of some special interest groups and newspaper articles. However, the attention here, as in other parts of this thesis, to the statements of my interview respondents is in keeping with my methodological goal of allowing my respondents voices to be heard alongside my own. This is not a search for an authentic perspective or representation of the events being scrutinised, but rather, an attempt to underline some of their experiences, concerns and understandings.

PERSPECTIVES FROM OTHER ANGLOPHONE CARIBBEAN NATIONS

Abortion, the law and Christianity

As discussed, conservative Christian voices – including various representatives and groups from the Roman Catholic Church, most notably Father Ho Lung’s Missionaries of the Poor and the Mustard Seed Communities, amongst other faith based groups such as the Lawyers’ Christian Fellowship, the Coalition for the Defence of Life, the Christian Doctors’ Association and the National Church Alliance – had a tremendous impact on the debate (both in Parliament and the media) around constitutional reform and the legalisation of abortion. Although Jamaica has been used as an exemplary case throughout this thesis, the continuing aspiration to integrate and harmonise across the “cricket-playing” region, in recognition of its constituent territories’ enduring historical

and cultural commonalities, is apparent in phenomena such as the Caribbean Council of Churches, CARICOM or the more recent Caribbean Court of Justice – however partial and problematic the actual regional character and application of such bodies end up being. In matters of law and mores, then, it is still meaningful to look across national boundaries for parallels, notwithstanding the distinctions and divergences between sovereign territories.

The power that the conservative right has in shaping legal processes relating to abortion and homosexuality can thus also be observed in other countries in the Anglophone Caribbean invested in heteronationalism. In fact, only four independent countries within the Anglophone Caribbean, as previously referenced, have legalised, under certain conditions, the practice of abortion, Barbados being the first with the passing of the 1983 Medical Termination of Pregnancy Act, followed by Guyana with the passing of a 1995 act of the same title (Dame Miller and Parris 2012:40). The liberalised laws on abortion were largely implemented in these countries because of the realisation that there were a lot of abortions being performed but that the “unsanitary and unprofessional people who carried them out killed or left scores of women badly injured” (*Stabroek News*, April 29, 2008; see also Nunes and Delph 1995:18). However, even within these two countries there are strict guidelines as to under what conditions the practice may be legally carried out. Specifically, ‘abortion on demand’ is legally not recognised, perhaps partly because of influential religious, including Christian, groups as well as other segments within these

societies that view this practice as morally wrong. Indeed, Frederick Nunes and Yvette Delph (1995), in their analysis of the success of legalising abortion in Guyana, suggest that there was in the end a balancing of the abortion bill's liberalism and the societal, religious and medical conservatism.⁶⁵

As recently as August 2012, for example, one of the leading Barbadian national news sources, reported that,

There are mixed views from some of our readers to the recent call made by Executive Director of the Barbados Family Planning Association George Griffith for doctors to be allowed to perform abortions on underage girls once their parents give them the go-ahead.

Some agree with Griffith, who does not believe a 12-year-old should be permitted to carry a pregnancy full term, while others believe that termination of a pregnancy is just wrong. (*NationNews*, August 21, 2012)

Evidently, in this country there remain mixed views about abortion, in general, and specifically the terms under which it should be legally permitted, despite the fact that it has been legalised for roughly twenty-nine years. This controversy can be seen as reflective of the critique raised in chapter one about the overreliance on law to obtain freedoms and implement deep-rooted societal changes.

⁶⁵ The 1995 Guyanese Medical Termination of Pregnancy Act permitted “abortion on request up to eight weeks, with no need to show cause, and accommodated a wide range of indications up to 16 weeks. It also made counselling mandatory, with a 48-hour waiting period to facilitate that process” (Nunes and Delph 1995:13).

Fred Nunes (2012) points up a similar awareness in his analysis of abortion in Guyana. Nunes argues that even though abortion has been legalised for over seventeen years, it remains inaccessible within that society. This, he argues, is in part a result of the failure of the government, professional bodies, religious groups and civil society in providing any “leadership in implementing the law” or educating women about the legality of this practice and their reproductive rights. As Nunes (2012) states,

At the time of writing, almost seventeen years later, the situation is worse: poor women know that they cannot lawfully obtain an abortion at the major public hospitals. And hospital administrators are still uncertain of their obligation and authority to provide abortions in accordance with the law. So they don't: they are still awaiting clear instructions from the Ministry of Health. In all likelihood poor women probably do not know that abortion is very widely legal and should be readily accessible in Guyana. They certainly have no sense of their rights. In spite of the law, the towering stigma of abortion continues to cast a shadow over women and their rights to health care. (P.64)

Unsurprisingly, he demonstrates the hostility of far-right religious groups to the implementation of mechanisms, such as the establishment of an Advisory Board, that were intended to secure the effective operation of The Medical Termination of Pregnancy Act. Such groups, as Nunes writes, “worked hard to discourage religious leaders whom the Minister invited to join the Advisory Board. And they succeeded” (ibid:68).

In a recent study on abortion practice in the Northeast Caribbean, it was also observed that in Anglophone islands such as Antigua, Anguilla and St. Kitts abortion is a greatly stigmatised and taboo issue. Indeed, one physician in Anguilla reported that the social climate is such that many women flee home and nation if they need an abortion largely because they are afraid of being expelled from their church if it were found out they have

had an abortion. This was the case even though Anguilla, a British overseas dependency, has recently adopted a more liberalised abortion law. The Attorney General informed the study's researchers that,

The change in law was not intended to open up abortion for women here. It was recognised that there are certain circumstances that may be dangerous for the mother... the culture of Anguilla would not permit abortion on demand. This is a Christian society. Laws from Great Britain are not our laws. (Pheterson and Azize 2005:48)

Likewise, in independent Antigua, where abortion is still technically illegal, the researchers were also told that obstacles to law reform remained because this is a 'Christian society', a rhetoric that is repeatedly heard in places like Jamaica and even in Barbados, despite its more liberal law on abortion. The physician provides an explanation that, in some aspects, resembles the Jamaican experience described in previous chapters:

Technically abortion is illegal in Antigua, but the law hasn't been a problem... We (physicians) have gone to the government trying to seek legislation, and basically the government has backed off. They said, 'Look, it hasn't been a problem, what we do is turn a blind eye, but to legislate that abortion would be legal would cause too much problem with the Church.' This is a very Christian society. (Ibid.:48)

In other words the common sentiment is, if we push the issue of legalising abortion, "we are just going to push the Church, the conservatives, the whole society against us, and the safe abortions that are happening are going to stop..." (ibid.). Arguably, there is some logic to this, for since the most recent calls for the legalisation of abortion by pro-choice groups and some health officials, a prominent Jamaican doctor was, rather unusually, arrested and charged in June 2012 with performing an illegal abortion procedure on a twelve year old girl, based on the unchanged laws in the *Offences Against the Person Act*.

Religious conservatisms, homosexuality and law reform

Although there are these strong oppositions against the legalisation of abortion by various groups of the conservative right, including some Christians, it is their outrage against what they consider to be the spread of the powerful gay agenda that has, since the onset of the twenty-first century, garnered the most attention, regionally and internationally. Based on their rhetoric, efforts to decriminalise buggery, acts of gross indecency or acts against the order of nature symbolise the strength, determination and corrupting potential of international and local gays. Indeed, the Jamaican experience is far from unique, though it receives the most attention internationally: countries such as Belize and Guyana have also seen their share of legal struggles over the exclusivity of citizenship as well as the inhumane and unequal treatment of gay peoples.

In Belize, for example, a case was filed against the Attorney General's Office by the United Belize Advocacy Movement (UNIBAM) and its executive president, Caleb Orozco, seeking to have their country's law, which they claim criminalises homosexual relationships, declared unconstitutional. Specifically, they are challenging the constitutionality of section fifty-three of the criminal code, which reads that "carnal intercourse against the order of nature" with a person or animal is punishable by imprisonment of up to ten years. According to UNIBAM this law is "incompatible with the rule of law and with respect for international law and international obligations

enshrined in the Belize Constitution” (Channel5Belize, May 18, 2011). Unsurprisingly, this case has caused what appears to be a major cultural battle.

As in Jamaica, various Christian groups and individuals from the Catholic, Anglican, Methodist and Evangelical Churches have joined the case as interested parties, employing some of the country’s foremost lawyers to represent their interests. For example, the Belize Association of Evangelical Churches and the Council of Churches, which represents most of the major Christian denominations in the country, declared in a joint press conference on 18 May 2011, that they have not changed their views on human sexuality or on the institution of marriage as a union between man and woman. Further, they expressed their concern and deep belief that: “This [UNIBAM] lawsuit was filed to establish a new ‘right’ to engage in homosexual acts in Belize. In every country that has granted a new ‘right’ to homosexual behaviour, activists have promoted and steadily expanded this ‘right’ to trump universally recognised rights to religious freedom and expression” (*Amandala*, May 22, 2011). Like their Jamaican counterparts, they too argue that the ‘homosexual agenda’ allegedly being promoted through this lawsuit “demands that same-sex marriage be recognised” (ibid.). In addition, they also voiced the common rhetoric of standing up to ungodly foreign impositions, arguing that UNIBAM “has been heavily influenced by foreign interests who seek to impose a worldview that directly contradicts the supremacy of God as reflected in our laws, challenges our national sovereignty, and threatens our way of life, not least by targeting our children” (ibid.).

Though this constitutional challenge has not yet been fully resolved, it is important to stress that the conservative Christians have not given up their fight. Rather, they have increased their ‘public education’ efforts and some, as Orozco argued in an extensive statement in *The Belize Times*, have been “exploiting the power of the pulpit to misinform the public about the amendment to section 53 of the laws of Belize” (*The Belize Times*, August 05, 2011). The misinformation Orozco referred to relates to the tendency of some church leaders, amongst others, to correlate or even conflate homosexuality and pederasty, thus not only ignoring the evidence that shows that some heterosexual men also sexually abuse young boys, but also sending the erroneous message that all homosexuals are dangerous, especially to the weak and impressionable youth. This undoubtedly serves to manipulate the public’s views, or at least cast considerable suspicions on homosexual peoples’ call for respect and recognition of their human rights, as well as for full acceptance, equal access to resources, and the ability to fully participate as any other citizen within the nation-state. Despite the setbacks faced, Orozco, like his counterparts from Jamaica’s Forum for Lesbians, All-Sexuals and Gays (J-Flag), recognised the small victories that have been won thus far in terms of the greater public visibility achieved as well as the ability of gay Caribbean people to mobilise to claim sexual rights and politicise their treatment as citizens. He states,

Our case isn’t unique in terms of what we’re trying to do. We’re using a democratic tool. The tool is the Supreme Court and the use of the Constitution. We are not unique in terms

of bringing constitutional challenges. There are other groups, which have done that and have used the court for finding redress, so our case is not unique in that regard. Beyond them politicise the sexual rights of individuals that they know nothing about really is a dirty. What it means is that gay people or gay men in particular, bisexual men in particular, have stood up for basic human rights. What it means is that this case will and has generated a discussion on the basic consciousness of every individual in this country. How would you treat your own blood if they were gay? (Channel5Belize, May 20, 2011)

It is important to emphasise here that even though the cases in Jamaica and Belize mainly involve opposition from Christian conservative groups to claims for sexual (as well as reproductive) rights and full inclusion into the citizenship machinery, as in Jamaica there are other religious groups within the region making their voices heard on these issues. In Guyana, some leaders from the two other dominant religions, Hinduism and Islam, have also weighed in on the debates about legalising same-sex relations, in light of the country's Parliament sending a motion in regards to this issue to a Special Select Committee for deliberation. In an exclusive interview with Admin, the President of the Guyanese Hindu Dharmic Sabha, Pandit Reepu Daman Persaud, stressed that although Hindus will not "impede on persons' personal beliefs and democratic rights" nor "...intrude and discriminate" (*Guyana Times International*, August 23, 2012), they nevertheless have a strong aversion to homosexuality and as such an opposition to any efforts to legalise such relations. Similarly to his Christian counterparts in Guyana and other countries in the Anglophone Caribbean, he is reported as expressing the belief that,

the cultures and practices of the first-world countries are being forced upon third-world nations... Guyana should not allow itself to become a victim of this travesty. 'I have never read in any holy book of a man who marries man or a woman marrying a woman; this is immoral and something we should not let into our society...' (Ibid.)

Some members of Guyana's Muslim community also shared such sentiments. According to this *Guyana Times* report, Fazeel Feroze, the President of the Central Islamic Organisation of Guyana (CIOG), pointed out to the media that "the Muslim community will speak out against any such proposal, though he is not aware of the 'full ramifications of what is being proposed'" (ibid.). Feroze's anxiety, like that of the Jamaican Lawyer's Christian Fellowship and National Church Alliance, is that if the government of Guyana pass any law allowing people of the same-sex to be legally married, it would mean that a Muslim marriage officer who refused to perform such a practice could be found in breach of the law (ibid.).

The examples provided above illustrate not only the arguments put forward against the legalisation of abortion and homosexuality, but equally importantly, the ways in which conservative religious sentiments have come to shape the social context in which these matters are debated over and experienced. The paragraphs below concentrate on how certain conservative Christians in Jamaica mobilised, intentionally, to shape not only the outcomes of, but also the general socio-political context in which the two processes of law reform were unfolding. This occurred through their interactions with their congregations and involvement in their wider communities, as well as through their deliberate attempts to educate the larger society on the dangers of abortion and the legalisation of buggery (in practice used metonymically to reference homosexuality in

general). In examining this mobilisation, I ask: what is the significance and strength such a strategy? Did it really have an impact on the outcome of the constitutional reform process as well as the review of laws relating to abortion? And, were there any obvious weaknesses or dividing differences within the alliances formed?

REFLECTING ON CONSTITUTIONAL REFORM AND ABORTION REVIEW

The strong mobilisation of conservative Christians

According to the Reverend Ho Lung and Shirley Richards, two of the most vocal pro-life activists, the fight against efforts to corrupt the moral fibre of Jamaica entails educating the society about what is at stake if the amendment to the Charter of Fundamental Rights and Freedoms curtailed religious rights and allowed for the legalisation of abortion and the granting of equal rights to same-sex peoples. Such public education is considered necessary in order to counteract the on-going pressures from international pro-choice groups to change the country's abortion laws, as well as individuals from Jamaica's Ministry of Health, through the Abortion Policy Advisory Group, who were allegedly attempting to legalise abortion without properly informing the public of the dangers of such an act. Indeed, there are numerous newspaper reports of 'concerned' Christians warning about the great threats to the preservation of a Christian society if abortion were legalised and if certain amendments in the Charter were to be passed unchanged by Parliament (*The Love Herald*, March 22, 2006; *Jamaica Gleaner*, February 06, 2007;

Jamaica Gleaner, February 15, 2006). At a press conference held on Monday, February 05, 2007, for instance, Luke Douglas reports that Shirley Richards, from the Lawyers' Christian Fellowship, explicitly stated that we "want to make it clear that our laws should protect the unborn. To do otherwise would further compromise and cheapen the value of life in this country" (*Jamaica Observer*, February 07, 2007).

Besides the print media, additional mechanisms for educating the public about the perils of abortion and homosexuality included erecting massive anti-abortion billboards in a number of central areas in the country, including the capital city of Kingston (see Appendix F for one such example erected in Kingston outside a well-known girls' school), as well as appearances on television and radio talk shows, particularly through such channels as 'Love FM'. Face-to-face meetings with like-minded groups and citizens in various communities across the island were another popular means of communication and mobilisation used by both pro-life and pro-choice groups alike. The Reverend Ho Lung explains how he, in collaboration with other faith-based pro-life groups, took the abortion debate from the confines of Parliament to the streets,

Together with lead members of the 'Coalition for the Defence of Life' in Jamaica, he spearheaded a series of pro-life breakfasts designed to open the abortion debate and inform concerned parties. Gathering together pastors, teachers, doctors, students, professionals and entrepreneurs.

Over a period of six to eight months in 2009, the breakfasts were held almost every other week. Doctors Doreen West and Wayne West of the Coalition in Defence for Life would

show the reality of abortion and explain how, from a medical point of view, abortion would not solve any problems. (Millette 2011:3)⁶⁶

The Reverend further describes the success of such mobilisation in his proclamation that “[w]e initiated it, but it’s the people who are calling for more of these meetings because they don’t know much about abortion and they want to learn” (ibid.).

By the same token, another prominent Roman Catholic leader proudly recalled how disparate Christian groups, from various denominations, came together to shape the abortion debate. He states that, “the Catholics, in regards to abortion, more or less stand alone among the historical churches, or rather dominate the scene, but were able to come together with the Fundamentalist and Pentecostals on this issue” (Interview with Roman Catholic Minister, June 18, 2012a). These groups, the respondent remarks, make for “strange bed fellas” (ibid.), in that, they belong to different denominations and governing umbrella groups within the society. For example, he notes that prominent pro-life activists like Dr. Brady-West, who was actively involved in several of these breakfast meetings that Father Ho Lung mentioned, do not belong to the same overarching governing body, Jamaica Council of Churches (JCC), as the Roman Catholic Church. Instead, like many others in this alliance, Brady-West is a member of the alternative Evangelical body of churches. These distinctions are noteworthy in that these bodies have

⁶⁶ These breakfast meetings also included members from the Rastafarian community (*Jamaica Gleaner*, June 17, 2009), which, my research suggests, are not very vocal in debates on either abortion or homosexuality, although they are one of the most popular indigenous religious group in the country (Austin-Broos 2001).

significant differences between them in terms of their views on such key matters as spirituality, salvation and the churches' role in society, which in other contexts serve as dividing rather than uniting factors. This respondent is obviously aware of the history and implication of these differences, as he states that the JCC see,

...ourselves as influencing society... whereas the [Evangelical] umbrella group they're more intent on the personal development of the Christian, which we don't ignore but we don't just stop there. ...Whereas with the Fundamentalist group, personal salvation and, which I don't deny but we are saved in order to be of service see and so we make that distinction, so, but we agree to work in this area but we also don't even bring up these other areas which we do with other people, see?...That's the way it operates and... **we get on very well otherwise you know.** (Interview with Roman Catholic Minister, June 18, 2012a)

Undoubtedly, the ability to momentarily put aside or not discuss differences contributed to Christian churches and groups not only coming together but also organised as influential interest groups during these processes of legal reforms. Several interview respondents expressed this view in their comments that Christian groups, particularly from the conservative right, had a strong presence, in terms of being greatly supported in numbers, well-organised and funded, largely because they were able to focus on their common goals.

This may thus have been the first time, at least in the twenty-first century, that a number of seemingly divergent Christian individuals, churches and groups actively mobilised into special interest groups in an effort to shape the outcome of legal reforms in Jamaica, particularly around both homosexuality and abortion. Obviously, throughout Jamaica's history, Christians, from various denominations, as well as people from other religions

have united in support of common goals, such as, addressing issues of injustice, education, racial prejudice, political instability as well as crime and violence.⁶⁷ Respondents, such as the Reverend Minott, accentuated that churches have a long history of coming together; such a prominent institution as the United Theological College of the West Indies, for instance, “is a result of collaborations with churches coming together to act on particular issues, so that coming together for the constitutional review, in terms of churches is not new, in terms of the churches coming together” (Garth Minott (minister and educator), in discussion with the author, June 20, 2012).

However, this particular mobilisation can be seen as distinctive for a number of reasons. Firstly, for many sexual and women’s rights advocates, these kinds of mobilisation by churches and other Christian organisation are particularly significant because they have the power to potentially impact understandings of human rights as well as citizenship, in regards to influencing provisions that fail to recognised or treat all persons as equal before the law. Moreover, as Taitu Heron stresses, they can be viewed as symptomatic of the general rise of conservatism and fundamentalism that is sweeping other parts of the world (Taitu Heron (women's rights activist), in discussion with the author, April 05, 2012a). Additionally, in the specific context of Jamaica, this recent mobilisation is

⁶⁷ In *Voicing Concerns*, the Reverend Neville Callam (2004) composes a selection of public statements issued by the Jamaican Council of Churches on a wide range of issues, including governance, employment, health and education, gambling, international affairs, natural disasters, social protest, family life, and abortion [in the 1970’s], prostitution and Carnival. These selections, as Callam stresses, show the ways churches have “mobilised a great deal of human and material resources in the service of the people who are addressed in their statements” (ibid.:x).

marked by a rhetoric of self-preservation that by and large had no reason to appear in earlier Christian collaborations, at least in recent memory: (Jamaican) Christianity itself is seen to be under threat, giving both a defensive character and urgency to the resulting declarations that contrast with the self-assured and unquestioned moral authority of earlier Christian discourse in Jamaica.

Renowned educator, activist and legal scholar Marcia Johnson was particularly interested in understanding the significance of this kind of mobilisation by Christian churches, individuals and groups because of its relevance to her work as a sexual rights advocate. Like the previous respondent, Johnson does not seek to underplay the importance of Christianity within Jamaican politics and the psyche of the people; however, she stresses that the manner and effects of Christians' mobilisation reveals how they function as a special interest group; a significant lobby and that is reflected in the Charter as well as in other processes of legal reform throughout the Anglophone Caribbean. For example, Johnson notes that,

[she is] involved in litigation in Belize, which challenges the crime against the Order of Nature and the Church, the three main arms of the Christian Church – the Evangelicals, the Anglicans and the Catholics – have all joined as interested parties and have been actively presenting their views and their opposition in the court of public opinion. (Marcia Johnson, in discussion with the author, April 11, 2012)

The litigation that Johnson speaks of refers to the previously mentioned UNIBAM case against the Belizean government, challenging Section Fifty-three of the criminal code, which bars carnal intercourse against the order of nature (that is, heterosexuality and sex

for procreation). On April 27, 2012 the ruling by the Belizean court against the interest of UNIBAM illustrated, for many observers, the significance and strength of the churches' mobilisation as interested parties. That is, the courts struck out the sexual rights advocacy group as an interested party, a ruling which came about after the team of high-powered attorneys representing the Council of Churches submitted that "UNIBAM has no locus standing, and therefore asked for their application to be struck out" (Channel5Belize, August 27, 2012). After the court's ruling, Michael Chebat, one of the churches' attorneys, explained that,

The judge handed down her decision today and what she did was she allowed the application by the church interested parties, which were twofold. The initial application was to have UNIBAM struck from the case, which was granted and secondly to have the affidavits of the purported experts filed by the claimant for those to be struck out as having not complied with the rules. And so they were both granted. However, the judge has also granted leave for them to re-file in the event they wish to do so. (Ibid.)

As in the case of Belize, the Jamaican scenario also shows that there are some clear advantages of Christian representatives coming together as special interest groups. Reverend Clinton Chisholm, for example, explains that in coming together these groups succeeded in influencing processes of lawmaking by being fully represented in various spaces. Specifically, he declares that,

I think some groups, like for instance the Lawyers' Christian Fellowship, a group of trained lawyers who are actively Christians, their voice can be heard in influencing legislation in this country and the Christian, The Lawyers Christian Fellowship in Jamaica has played a significant role I gathered, I wasn't here when it was happening but I heard it since coming back, that they played a signal role in influencing the Charter of Rights that we now have as part of our constitution. And this is over the past 5, 6 years... They [the Lawyers' Christian Fellowship] have been involved in bits and pieces in the constitutional reform, especially in the Charter of Rights. Oh, because I know where they

almost had a watch, where somebody from the Lawyers' Christian Fellowship or some Christian pressure group was represented at the Senate hearings. And they watched the Senate hearings and they made their contributions live there and, to their credit they have signally influenced some of the aspects of the Charter of Rights through their activism [activities] and their presence at the Senate hearings. (Clinton Chisolm (minister and educator), in discussion with the author, April 03, 2012)

In corroboration, most respondents agreed that Christian groups like the Lawyers' Christian Fellowship and churches were able to have some amount of impact on the outcomes of both constitutional reform and the review of the country's abortion laws. Johnson suggests that there are about five or six specific moves that directly represent "this new era in which Christianity not just represents how people think but acts like a specialised lobby group" (Marcia Johnson, in discussion with the author, April 11, 2012). These moves, which also represent a departure from other Caribbean constitutions, include the provision with "the definition of marriage, in the description of sex or the lack of use of sex as a prohibited ground against discrimination" (ibid.).

Similarly to Johnson, other respondents as well as various correspondents in media sources identified that certain changes made to the country's Charter of Rights that reinforced the heteronationalist status quo were unequivocally a consequence of the churches' strong mobilisation, particularly that of the conservative right. Specifically, the commitment by lawmakers to uphold a rather conservative Christian notion of sex and sexuality is clearly reflected in various sections of the now passed Charter of Fundamental Rights and Freedoms. For instance, the definition of marriage or any form

of relationship resembling marriage under Section 18(2), which states that such relationships can only be contracted or legally recognised in Jamaica if they constitute a “voluntary union of one man and one woman,” obviated the much-feared possibility of allowing same-sex marriages (see Jamaica 2011 Constitution, Chapter III, Section 18). This definition of marriage, which did not previously exist, at least not overtly, in the country’s constitution (*Jamaica Observer*, April 08, 2011), invalidates not only same-sex marriages but also some non-Judeo-Christian unions. The Reverend Minott, for example, highlights that based on this definition, alternative unions, such as polygamy or arranged marriages, that reflect the cultural or religious viewpoints of other groups within the society, will not be recognised. In,

...for example... Hindu arrangements the couple can be married before they actually come to live together in which case the person can get married before you are sixteen years old, which is not legal in our context, so Christian marriage...from a western point of view, excludes that kind of arrangement and of course there are other forms of marriages, civil unions, for example, which do not fall under this category. (Garth Minott, in discussion with the author, June 20, 2012).⁶⁸

This provision, as the Reverend Minott also attests, thus not only exemplifies the vociferousness of the Christian right on the constitutional reform process but also had a ripple effect on other matters relating to marriage. Notably, the legal understanding of marital rape “was influenced again by that religious right, where the laws, based on the review, now say that rape cannot be carried out in marriage, because the marriage is the

⁶⁸ Some may argue that although the seemingly non-progressive definition of marriage that is enshrined within the Charter may be discriminatory in many ways, it may also serve to protect those who cannot legally give consent or may otherwise be forced into marriages, or unions resembling marriage, against their wishes.

relationship between the man and the woman and as a consequence it is consensual and therefore part of the critique, ... is that we defer as a Church that women cannot be raped in the context of marriage” (Garth Minott, in discussion with the author, June 20, 2012).⁶⁹ Likewise, Heron describes the initial oppositions to broadening definitions of rape to include marital rape as well as homosexual rape in the *Sexual Offences Act*, as a result of the conservative rights’ rigid understanding and acceptance of what constitutes sex. She states,

I do remember more clearly how opposed they were to broadening definitions of rape to include marital rape as well as including the possibility of penetration outside of the main, the penis and vagina, nothing beyond that. Actually no, we won a little bit ‘cause we spoke about implements and the fact that penetration implements can be used – stick, broom, all kinds of things – and there was enough evidence coming from the police to support that women have been raped with implements not just a penis and anal rape as well. And they didn’t even want to acknowledge anal rape, which to me was really hurtful. **I am not gay, but my God, I don’t care, anal rape is still rape, you know.** They could not wrap their heads around the fact that okay this is a homosexual act, even if it was not happening to a homosexual, anything to do with the anus, it was ‘stay away’. You know what I mean? It was so problematic because what it really meant was that you are willing to subvert someone’s humanity just for you to uphold your so-called morality. What is that, really and truly? That is not morality... so that was the first time you really saw them get active for the sexual offences, the whole debate surrounding sexual offences. (Taitu Heron, in discussion with the author, April 05, 2012a)

⁶⁹ This discussion on marital rape by the Reverend Minott refers to the 2009 amendments that were made to Jamaica’s *Sexual Offences Act*. Under the amended act, the offence of rape, including marital rape, is explicitly defined. However, many, including the new Anglican Bishop Gregory Howard, are critical that under this definition marital rape occurs outside of the context of a ‘functioning’ marriage, that is, where the couple are still living together and have not filed for a legal separation. The definition of marital rape “under Section 5 of the *Sexual Offences Act* of Jamaica only recognises the offence of marital rape where the spouses have separated and are living separately and apart; where there’s a separation agreement between the spouses; where either party has initiated divorce proceedings; where an order has been made against the husband for the protection of his wife; or where the husband knows that he is suffering from a sexually transmitted infection” (*Jamaica Gleaner*, April 11, 2011).

Additionally, the Christian conservatives' strength is evident by the fact that not only does the Charter not include sexual orientation as a category for accessing rights and the guarantee of protection, but also closes down any foreseeable avenues for more liberal interpretations in this regard. It does this, as described in some detail in chapter four, by explicitly referring to 'male' and 'female' as categories for protection rather than simply leaving it as 'sex/gender'. Importantly, while being 'male or female' are acknowledged as categories for receiving rights and freedoms, these are subject to certain conditions. This is clearly demonstrated by the 'care', as Shirley Richards calls it, that has been taken to retain saving clauses provisions, under Section 13(12), that are aimed at preserving certain laws, namely those that deal with sexual offences including buggery and marital rape, obscene publications as well as offences regarding the life of the unborn, which restrict the sexual and reproductive rights of some citizens (Jamaica 2011 Constitution, Chapter III, Section 13[12]). Correspondingly, in 2009, even before the current Charter of Fundamental Rights and Freedoms, with its saving clauses, was passed into law, the abortion Bill was quietly put aside by the Jamaican Parliament. For Heron, this was the,

second time you saw them [conservative right] get active ...when we were discussing abortion, the abortion bill, the draft abortion bill and the recommendations of the Abortion Advisory Group. And they really mobilised around that as well. Not just the Lawyers' Christian Federation [Fellowship] but the Coalition for the Defence of the Life of the Unborn, Jamaica Churches Evangelicals Association, that one, Father Ho Lung, all of the cliques, Youth for Life and the group from the, a small Catholic Coalition. (Taitu Heron (women's rights activist), in discussion with the author, April 05, 2012a)

According to one pro-life website, this kind of active mobilisation resulted in the protection of “the legal status quo in the country” (Millete 2011:4). In other words, the silencing of this Bill (and the protection of the unchanged abortion laws in the country’s amended constitution) can be categorised as a specific victory achieved by the guardians of the heteropatriarchal status quo, despite the growing challenges to their agenda.⁷⁰

Notwithstanding the importance ascribed to shoring up the heteropatriarchal status quo, the enshrinement of religious freedoms in the new Charter was an equally important victory for Christian lobbies, who expressed (as laid out in chapters four and six) concerns over the eradication of these ‘traditional’ rights and values that are the “underpinning tenets of our Jamaican society” (Jamaica 2006:27). Arguably, the struggles to secure the heteropatriarchal status quo cannot be separated from those for religious rights and freedoms. Indeed, based on the conservative right’s perspective the challenges to the heteropatriarchal order by sexual and women’s rights groups reflect the general moral warfare against Jamaica by cultural imperialists. It is therefore considered

⁷⁰ Although both pro-life and pro-choice groups identify the ultimate sidelining of any real changes to the abortion laws as a victory of sorts for the strong pro-life Christian lobby, not all interested parties may explicitly assign them the win. Indeed, the former Health Minister John Junor publicly dismissed, as reported by Trudy Simpson, an earlier accusation that the government feared changing the current abortion laws because of the church’s reaction. He suggested instead that the laws were unchanged because of “lack of evidence”: “Show me the evidence that indicates a major problem that cannot be dealt with by the current common-law policy. You must have some evidence base for decision-making. That’s an issue that would have to be debated in Parliament but I can’t go on the basis of what a medical practitioner says. Does it pose a serious threat to women’s health in a substantive way?” (*Jamaica Gleaner*, January 31, 2005). Interestingly, evidence of “serious threat to women’s health” were later provided by women’s groups as well as in the Report prepared by the Abortion Policy Review Group established by the Ministry of Health, under John Junor. Rather, such evidence, as explored in chapter four, was largely dismissed as erroneous by those, including the pro-life conservative Christian groups who opposed reform in favor of legalisation or liberalisation of the laws.

a great victory that religious rights and freedoms are ensured under more than one provision in the new Charter, even though initially it was feared that the freedoms of religion that were guaranteed under Section 21 of 1962 Charter of Rights were being pulled back. In other words, it seems that the new Charter in no way limits the religious freedoms enjoyed under the existing constitution, but rather effectively increases these rights.

Section 13(3)(i) thus identifies religion as one of the eight identified grounds on which a person cannot be discriminated against (Jamaica 2011 Constitution, Chapter III, Section 13(3)[i]). Section 13(3)(b) that deals specifically with fundamental rights and freedoms guarantees, “the right to freedom of thought, conscience, belief and observance of political doctrines” (Jamaica 2011 Constitution, Chapter III, Section 13(2)[b]); all of these categories except the last one were in the redraft proposed by the Lawyers’ Christian Fellowship, the National Church Alliance and Concerned Citizens. Although the word ‘religious’, proposed in said redraft (“political and religious doctrines”), was ultimately deleted from this section, Section 13(3)(s) now states that there is a right to freedom of religion as identified in the newly added Section 17 of the Charter, which appears immediately before the provisions on marriage. This new Section 17 deals at length with the protection of freedom of religion, identifying that,

17—(1) Every person shall have the right to freedom of religion including the freedom to change his religion and the right, either alone or in community with others and both in public and in private, to manifest and propagate his religion in worship, teaching, practice and observance.

(2) The constitution of a religious body or denomination shall not be altered except with the consent of the governing authority of that body or denomination.

(3) Every religious body or denomination shall have the right to provide religious instruction for persons of that body or denomination in the course of any education provided by that body or denomination whether or not that body or denomination is in receipt of any government subsidy, grant or other form of financial assistance designed to meet, in whole or in part, the cost of such course of education.

(4) No person attending any place of education, except with his own consent (or, if he is a minor, the consent of his parent or guardian) shall be required to receive religious instruction, or to take part in or attend any religious ceremony or observance, which relates to a religion or religious body or denomination other than his own. (Jamaica 2011 Constitution, Chapter III, Section 17)

The various sections identifying protection of freedom of religion in the Charter make no explicit references to Christianity even though these are being attributed by the respondents, amongst others, as representative of the influence of conservative Christians on the constitutional reform process. Indeed, on the popular national television program, *Religious Hardtalk*, journalist Ian Boyne described his guests Shirley Richards and fellow advocate against abortion and homosexuality Doctor Wayne West, as two strong Christian activists (*Religious Hardtalk*, September 25, 2012). Boyne reiterates the commonly held belief that the Lawyer's Christian Fellowship, which Richards is once again the president of, "had a major role in how the Charter of Human Rights [Charter of Fundamental Rights and Freedoms] was finally configured" (*ibid.*). The strong mobilisation by conservative Christian groups, such as the Lawyers' Christian Fellowship, and their visibility above any other religious groups, as well as their explicit persistence about the inclusion of these issues, account for this attribution.

Naturally, the accomplishments gained by the mobilisation of various conservative Christians were celebrated by these groups. The Lawyers' Christian Fellowship for example, has on their website a statement highlighting their role in the Jamaican nation, including their "defence of the unborn and the right to life" as well as their contributions to the Charter of Rights. This statement reads,

LCF is a voice to the nation of Jamaica on matters affecting the very fabric of our society. LCF has made valuable contributions in the form of position papers, articles, press releases and representation on matters such as the recently proposed Charter of Rights, proposed amendments to the Bail Act, the upsurge in crime and violence, the defence of the unborn and the right to life. (Lawyers' Christian Fellowship Jamaica N.d.)

More explicitly, in an address to the Lions Club of Kingston, Jamaica on April 7 2011, Shirley Richards argues that,

Knowing what was happening in so-called free and democratic countries, e.g. Canada, where consistently, the rights of homosexuals trumped rights to conscience, and where it has been declared that women have the right to take the lives of their unborn children, ought we to have sat by just getting on with our daily routine without, at the very least, warning the nation? We do no less than sound a warning. This we did, and thankfully, we received a favourable hearing. (*Jamaica Gleaner*, April 10, 2011; see also H 2011b)

Consequently, those, like Richards, who share particular concerns about the weakening of the churches' influence and the proliferation of immoral sexualities and sexual practices, may laud these kinds of mobilisation as a sign that "the Church is beginning to wake up. [That] there are individuals within our churches who are beginning to step up to the plate and be bold. They are realising that ... in many cases the destiny and future of the nation rest upon them speaking out or being silent" (Interview with a conservative Christian activist, June 18, 2012b).

Whilst many agree that Christian conservatives had some degree of influence on both the constitutional reform process and review of the abortion laws, there is no clear consensus on what this means for the trajectory of the nation, particularly, in regards to gender and sexual citizenship and rights. Indeed, there was a lack of consensus amongst interview respondents about whether these ‘wins’ that are being attributed to the right truly symbolised a general privileging of a conservative interpretation of Christianity in the newly amended constitution. The majority of the respondents (six out of ten), however, explicitly stated that they believed that there was some amount of privileging of a particular interpretation of Christian values and discourses in at least the specific areas identified above. For some of these respondents, Christian conservatives’ mobilisation and the victories they eventually claimed reflect the general dominance of this group and its ideologies within the society, which more generally, is linked to the wider regional and international developments around the rise of Christian fundamentalism.

In the United States of America, for example, Christian fundamentalists have similarly been adamant in their oppositions to abortion (since *Roe v. Wade* some thirty-nine years ago) and the legalisation of same-sex marriages, continuously influencing the positions taken by certain high-powered political leaders and parties, especially Republicans, who depend on the backings of these lobbies. Recent developments in that country have also revealed that there is well-organised opposition to these groups. Dan Gilgoff, a co-editor

for the CNN Belief Blog, writes that the influence of the Christian right has been called into question with “Barack Obama decisively re-elected” in November 2012, “[s]ame-sex marriage adopted by voters in some states” and “[r]igorously anti-abortion candidates defeated in conservative red states” (Gilgoff 2012:pgph.1). Consequently, some members of the American conservative right, such as Albert Mohler, who heads the Southern Baptist Theological Seminary, express the view that these occurrences mark a “fundamental moral realignment of the country” (ibid.). As the pendulum appears to be swinging back the other way, then, it can plausibly be assumed that the discourse of more fundamentalist and extreme sectors of US Christianity is likely to become increasingly embattled and strident, adopting a similar rhetoric of self-preservation to that of the Jamaican churches in efforts to rally the faithful.

This sort of local and international connection is also evident by the support given to the Jamaican Christian right by well-established international organisations like Human Life International’s Pro-Life Missionaries of the World, who view certain developments around sexuality in Jamaica and the Global South in general as a battle ground over morality. Having already largely lost this ‘battle’ in many developed western and northern countries, such groups see it as their Christian duty to warn against the ‘culture of death’ spread by pro-life groups, as well as the impending anarchy and destruction to family and marital relationships that will presumably be the inevitable result of the legalisation of same-sex marriages. Stephen Green, former member of the British

Conservative Party and the National Director of the British conservative pressure group Christian Voice, articulates this view in the following statement calling for Christian groups to resist expected pro-sodomy agenda at the October 2011 Commonwealth meeting:

Across the West, homosexual rights are now mainstream in every political party and is [sic] promoted by the whole public sector. The Church is fighting a rear-guard action in nations like Australia and the UK, and few are found who will support those countries in the world where homosexual acts are rightly against the law. Sex tourism is already a problem in African, Asian and Caribbean nations. Legalising sodomy and other obscene homosexual practices would make matters even worse. Young people across the world deserve to be protected from the moral and physical dangers of homosexual activity. The last thing the Caribbean needs is the neo-colonial imposition of homosexuality from countries like Britain whose society is described as 'broken' even by our own Prime Minister. And yet David Cameron's obsession with homosexuality even extends to promoting the abomination of 'gay marriage' and using foreign aid to export Western depravity. (Dominica News Online, October 20, 2011)

Locally, there are also those, like Richards, who believe that the gains by the Christian right in Jamaica only represent a fraction of what has to be done. Indeed, Richards informed the listeners at the Lion Club of Kingston that church folk should not get lost in their rejoicing of the constitutional wins as they have not secured their future forever. "It is only the spirit and vigilance of the people which will preserve those good things that are in the Charter of Rights" (*Jamaica Gleaner*, April 10, 2011; see also H 2011b). Echoing the concerns of the conservative right of a perpetual onslaught from the other side, one respondent suggested that the so-called victories cannot be counted as,

...an eternal victory, it's merely a comma, because all of the people [who are] involved in the abortion, and the, and the issue of marriage are people known to me, not all of them but most of them are known to me, and I am very aware that they realise that this is just

the beginning and that there is another wave that is coming and **it will continue to be** until, until Jamaica throws up its hands and say, okay we will just accept anything, we'll accept marriage to be anything and you know it's your right and you know and all that kind of language, then there will always be a battle. (Interview with conservative Christian activist, June 18, 2012b)

The Christian right is thus fully cognisant that although it may have won this particular battle, the wider war against the progressives has barely begun. Indeed, they will have to contend with various alternative discourses circulating within the society in regards to gender and sexual norms as well as the broader issue of morality. In a public lecture on the question of morality in Jamaica the Reverend Dr. Burchell Taylor (1992) addressed a decrease in influence and its implications on the understanding of morality and the role of churches. He argues,

The church, a long-standing source and centre of moral authority and influence, can no longer take for granted that it has any special right or privilege to be heard and to have its dictates respected and followed. No longer does it have the almost universally accepted role of being the predominant shaper of the public moral consciousness and chief guardian of public morality. It can no longer simply press for legislation and codes of conduct that presuppose everybody is religious and, more specifically, Christian or accepting Christian ethical convictions and codes. In addition, there are today areas of life, social, cultural and political, in which the church is no longer considered to have the competence or right to comment on or offer counsel and advice. Above all, there is a greater readiness as well as a sense of freedom to reject outright any religious opposition, which is considered to interfere with people's individual rights and private lives. (Pp.4-5)

Likewise, most respondents agreed that even though the influence and power of churches are still relevant within Jamaican society, for many young people there are clearly other non-religious sources of knowledge about sex, sexuality, gender and intimate relationships: local dancehall music, television, the internet and more general exposure to

other international norms. This knowledge obviously plays into the fears of the conservative right who, as seen in chapter six, believe that there are emerging dangerous discourses and values within the society, but more specifically, deliberate attempts, by internal and external militant secular groups, to weaken and even eclipse the influence of Christian churches in Jamaica. Consequently, one respondent even suggested that to counter these secular sources of knowledge about gender, sex and sexuality, Christians and churches have to act as a compass of morality, but more so, they should continue to actively define public morality (specifically in terms of what values and behaviours are ‘acceptable’ or ‘intolerable’ and ‘right’ or ‘wrong’) within the society. He goes on to state that conservative Christians should be the ones who define morality, seeing that “there are churches that are considered Christian churches but they are not conservative in their thinking” (Interview with conservative Christian activist, June 18, 2012b).

Despite these concerns, it is unmistakable that certain conservative interpretations of Christian perspectives on rights, family life, ‘appropriate’ gender and sexual identities as well as practices were part of, as Reverend Chisholm states, the general discourse that shaped specific areas of the constitution. This relationship between the law and Christianity is not a new one in Jamaica or other areas in the Anglophone Caribbean. Scholars such as Alexander (1991, 1997), Antrobus (2004) and more recently, Carr (2009) and Robinson (2009) have all shown how churches and particular Christian notions of morality have impacted on laws and policies regarding sexuality, gender,

reproductive rights and citizenship within the region. Robinson (2009:7-8), for example, notes how a certain conceptualisation of respectability, as Deborah Thomas (2004) defines it, were forced upon blacks and Indians in post-slavery period, who were strongly encouraged to have a Christian marriage and where this was not at all accessible, they were to engage in relationships resembling the ideal. Similar kinds of deployment of religious Scriptures about ‘appropriate’ sexual relationships continue, as Robert Carr (2009) observes, to be entangled in the political struggle over whether progress for the Jamaican nation means tolerance of all its citizens or policing of certain expressions of erotic autonomy or sexual agency (see also Sheller’s [2012] examination of Christian citizenship).

Comparable observations are made in Barbados, relating to, for example, the objections by influential ecclesiastical leaders to the Walrond report’s recommendations to rephrase legislations on homosexuality and prostitution in order to establish an effective response to the HIV and AIDS epidemics.⁷¹ Although conservatism is by no means universal, the “views of the leadership of these churches are important, not least because growth in their membership from small beginnings has shown a most dramatic increase in Barbados” (Nanton 2009:285). Popular resistance was therefore unsurprising, as the report’s

⁷¹ The Walrond Report refers to the consultation document, entitled *Report on the Legal, Ethical and Socio-Economic Issues Relevant to HIV and AIDS in Barbados*, which was commissioned for the Attorney General’s Office with the aim of bringing about legislative change and completed by Professor E. R. Walrond in June 2004. “The philosophy of the report was to be ‘reasonable and empathetic to the persons affected by HIV, eschewing judgement of lifestyle and behaviour, for in most instances those persons have had little control over what the wider society finds to be immoral or criminal’” (Walrond 2004:62 cited in Nanton 2009:283).

recommendations advocated “a radical departure from the existing norm” (ibid.:284) on state’s regulation of sexual practices. In fact, the author of the report, Professor E. R. Walrond, declared in an interview that he anticipated the resistance to and the ultimate rejection of his recommendations. He explained that despite “the widespread international agency acclaim for Barbados government policy”... the “government would rather see HIV and AIDS-related stigma and discrimination continue, than risk being voted against by a block of voters who oppose decriminalisation of homosexuality and prostitution” (ibid.:287).

Not unlike the above scholars, some respondents (five out of ten) also spoke of the ways in which Christianity has historically broadly influenced law making in the Caribbean, including around issues of gender and sexuality, which, as Alexander (1997) argues, have become euphemisms for concerns about respectability and morality. Particularly, Johnson explains that,

.... the, the language which you see in the criminal code in Jamaica, which talks about ‘the abominable crime’ or that language of abomination is very religiously loaded and coded as well, which is part of why it is so powerful. Ah, so, yes, there are some obvious ways in which you do see, but you know... the thing that the **laws don’t reflect is the variety of understandings of what it means to be a Christian**, which you see reflected in the society. If it does to the extent where the law reinforces one particular point of view, it does strengthen the voices of those who present that point of view. The example for instance, of a recent, I am told in Antigua, of a Bishop an Anglican Bishop who suggested that, you know, it may be time to rethink the buggery law. To the extent that the law already reflects a certain way of thinking about religion, even religious leaders who offer different ways of thinking find it difficult to find a place in the conversation and **so this is really about the powerful inter-linkage between religion and law**. (Marcia Johnson, in discussion with the author, April 11, 2012)

Again, certain manifestations of Christianity have always thus been more dominant in terms of its representation in the law and by extension in the societal imagination.

Johnson elaborates on this point, when she states that,

... it would probably be more eighteenth-nineteen century, maybe nineteenth-century notions of mainstream Christianity of the time because that is very much when criminal codes were developed in the Caribbean, and you know, the Caribbean in the context of Jamaica has been hegemonic, there was a long time you couldn't marry, for example, outside of a Christian church and by Christian rite and it took a long time for marriage to be a civil institution and it was not only Christian, it was Anglican. And so, I am persuaded that it was a very particular notion of religion at a certain time in the Caribbean, which has now, I think, become part of the fabric. (Ibid.)

On a similar note, one woman's rights advocate who works in an established gender-based organisation in Jamaica made it clear that the origins of Jamaican laws relating to gender are historically rooted in a particular colonial history that in part encompassed a certain manifestation of Christianity. Specifically, this respondents emphasises that,

... you must remember where our laws are coming from, right; coming back from, from the early days. Common law, UK and all of that, you know. We were a colony, a British colony and so our laws have been shaped by that and they also had certain Christian values at that time, which was much more entrenched and stronger, right, but as their [British] society evolved they have dropped off some of these areas and so they are more progressive or liberal, taking on humanism or whatever liberalism theology that they look at and so they are embracing other areas...[Christian values influenced laws related to gender] and the Christian values that we have are not just, did not just come to Jamaica, we did not just get up and have them either. The missionaries from the same UK and all of these countries [developed countries that are criticising Jamaican laws on homosexuality etc.] came and taught us this, these Biblical beliefs and so I would say that it does shape to some extent, it does and they [colonial powers] also help us to shape it. (Interview with women's rights activist, April 05, 2012b)⁷²

⁷² Both Johnson and this rights' advocate reference the *Sexual Offences Act* (2009) and the *Offences Against the Person Act* (1861) that speak of such things as "unnatural offences", the "abominable crime of buggery" and "offence of an obscene or immoral nature", as examples of Caribbean and, especially, Jamaica laws that have been influenced by certain Christian ideals.

In view of the references to not only the Christian but also the colonial past of these legislations, it comes as no surprise that those who call for the reviewing and in some cases repealing of these laws have, as pointed up in chapter four, cited their out-datedness or failure to fully address current Caribbean realities.

“Christian conservative lobbies ‘hijacked’ the reform processes”

Although many respondents agreed that conservative Christians, like any other citizens, have a right to be represented in the governance of the country, including its legal reform processes, most were equally critical of the ways in which they appear to dominate discussions as well as manipulate the outcome of events in key areas on sexuality and women’s rights. Heron, for instance, argues that,

...this last debate on abortion, which is not finish, you definitely saw how they interfered. And I use the word deliberately; they **interfered** in public policy, far more than any other citizens’ group. If we and how public debate goes and when you are contributed to debates towards law reform everybody has a right to say some, right. But what happened in that particular case, is that they really, and I am talking about the Jamaican Evangelical Association, I am talking about Lawyers’ Christian Fellowship, I am talking about Father Ho Lung, Missionaries of the Poor, distinct church groups mobilised and came together to consistently make a dent against women’s rights, right. In a way that was not socially realistic. In a sense, religious ideology (clears throat) trumped social realities. I mean you had debates that really polarised, and the thing is the position of the various church groups really polarised the debate. Because what end up happening is that those who had something to say, about the attitude about abortion and homosexuality, which is also a sexuality issue, because of the sensitivity issues if you supported abortion or a woman’s right to choice, if you supported the right of homosexuals to free expression (pause) you stood the chance to be singularised/ostracised. So it is almost as if, but **yet they could speak as loud and shouts as high as they wanted to because they had absolutely no risk. There were no social risk, no political risk on their part at all**, you know. So in a sense there was nothing rebellious about what they were doing, if anything it contributed

to, as you say, to anarchy in the policy debate. (Taitu Heron, in discussion with the author, April 05, 2012a)

The sentiment that such an organised presence contributed to anarchy in the abortion as well as constitutional debates or rather, worked to impede progress, is echoed in other analysed sources (see *Jamaica Observer*, June 18, 2006b; *Jamaica Gleaner*, January 31, 2005; *Jamaica Observer*, May 01, 2010, May 02, 2010, October 04, 2010; *Jamaica Observer*, February 11, 2006, February 17, 2006).

In a letter to the editor of the *Jamaica Observer*, lawyer and sexual rights activist Maurice Tomlinson claims that the Charter of Rights was “hijacked by narrow-minded people” (*Jamaica Observer*, May 02, 2010). He writes that,

In most democratic societies, it is the courts, which determine the validity of laws limiting human rights. This is the basis of the doctrine of separation of powers. Yet, in response to a question why sexual orientation was excluded from the grounds of non-discrimination in the Charter, Senator the Honourable Dorothy Lightbourne, minister of justice and attorney general, emphasised views expressed on radio talk-show programmes and submissions by the powerful lobby group Lawyers Christian Fellowship. By the same token, all laws regarding sexual offences, 'obscene publications' and abortion have been permanently saved from judicial review under the new Charter...There is also clear contempt for our courts, a complete disregard for the doctrine of separation of powers, and the supreme arrogance of the Lawyers' Christian Fellowship that they will always know better than judges regarding what is best for Jamaican society, even in an evolving democracy when they are long dead and gone. The Charter presents a unique opportunity for Jamaica to forge a new path of human rights recognition for all its citizens, as well as a new sense of respect for the rule of law. Instead, this wonderful experiment has been hijacked by a narrow-minded set of persons who have a perverse preoccupation with what consenting adults do in the privacy of their bedrooms. (Ibid.)

The Catholic Feminist theologian, Jackson, expressed similar views to Heron and Tomlinson on how conservative Christians and groups,

hijacked the process... to get us not to begin to dialogue around and include something like gender in our constitutional reform because they were afraid that that can get interpreted to sexual orientation and it, it, they totally hijacked the process, because their power, their resources that they had access to from abroad and so on and... this is my interpretation of it, there again we allowed ourselves to have our agenda set by persons outside of Jamaica, simple... They had external support from very right-wing groups in the U.S.; sadly, we don't see the irony of some of that kind of stuff. (Diane Jackson, in discussion with the author, June 13, 2012)

These statements, along with the opinions shared by a number of other interview respondents, critique conservative Christians' mobilisation for impeding progress as well as suggest that they were able to do so because of the ways in which they influenced the positions taken by others, including representatives of the state who are ideally expected to weigh equally the contributions made by all parties involved in the debates. Instead of doing this, a certain conservative version of Christianity gets successfully imposed on the discourses of rights and citizenship. Consider, for example, that the Christian right's initial concerns, as discussed in chapters three and four, that certain aspects of the Charter could, in the future, be used to promote homosexuality and abortion as well as restrict the teaching of religion in schools were not only considered but also openly supported by some influential Parliamentarians. Senator Nicholson (who was not only the attorney general and Minister of Justice but also the chairman of the Joint Select Committee) stated,

I hope the members of the committee will agree that these submissions (from the church groups) are extremely important... I tell you the truth, I personally am afraid that if you don't do something about it [address the vagueness in language that could support these things] and it goes to the court, sooner or later, the buggery laws are going to be ruled unconstitutional. I entertain no doubt about that. (*Jamaica Observer*, June 18, 2006a)

Moreover, Heron's, Tomlinson's and Jackson's respective observations point up the capacity of powerful conservative groups to sway the course of events through their ability to not only influence others' perspectives but to silence opposing voices in the debate. It is important to note here that it was not only secular or non-Christian oppositional voices that were being silenced. Heron, for example, explained that the far-reaching influence of Christianity in Jamaica meant that many local/regional women's rights activists also identified as Christians or believers and as a result were less willing to publicly voice opinions that blatantly challenged the dominant views of this institution. Indeed, it would appear that many felt intimidated and in fact, had much to lose, socially, in comparison to the more vocal representatives of conservative groups who were, apparently, echoing the beliefs of a large number of Jamaicans. According to Heron,

... if you had something that was not confining to the status quo or that was not confining to the religious ideology or I should say the dominant religious ideology, which was leaning more towards the theocratic continuum not the secular, then (pause) you really had to think about whether or not you are going to speak. I know a lot of women's groups thought about that. Because the women's groups in Jamaica, and not just women's groups but other NGOs, are divided on the issue at a certain level because religion is so important. Of course, because religion is a daily factor in people's lives, right. So, it really shapes whom they think themselves to be, it shapes their worldview, it shapes their morality. Everything is 'God say(s)' or 'the Bible say(s)', you know, even though it is open to interpretation, even though if you can think for yourself you might not go there. But, 'God say(s)' or 'the Bible say(s)', right? So even if the Bible was written how many thousands of years after Jesus, (laughs) 'the Bible say(s)', even if it was translated how many hundreds of time, 'the Bible say(s)'. You know it still has a certain amount of authority in people's minds, so and because it matters so much in terms of the directions that people use the Bible, for instance, for and in a very valid way, people are not always willing to take that risks, even when you talk to them one a way on the side, they are like, 'well you know, I think that they have a good, it is proper human rights practice, this one', but they are not going to say that in public. I found that a lot... (Taitu Heron, in discussion with the author, April 05, 2012a)

Heron focuses here on the use of the Bible or an appeal to “God say” as strategies for closing down discussions as well as a means of silencing lay person believers. However, she, amongst other respondents, underlined the deployment of these strategies to also silence and/or discredit any alternative interpretations of Christianity that run counter to conservatism. Simply put, it was assumed that in these debates, it was the loudest groups and individuals who got their say.

Reverend Minott, for instance, diplomatically recalled the ways in which two groups, the religious right and Roman Catholics, dominated the discussions on topics such as abortion, noting that “others of us from other denominations that held other views, where we got the chance, we indicated that our view is that there is both pro-choice and pro-life, and they are not black and white...” (Garth Minott, in discussion with the author, June 20, 2012). Two things stand out in this account. First, the ways in which the ideological or doctrinal variations between the various Christian churches and groups implicitly called into question the common assumption held by some conservative Christians and segments of the society that their defended values and morals represent the viewpoint of all Jamaicans or even all Christians. This was evident in, for example, the disagreement over the Lawyers’ Christian Fellowship and National Church Alliance’s proposal to include the words “and in keeping with the aspirations and norms of the Jamaican

people” as a qualification of the phrase “in a free and democratic society” in the Charter (Jamaica 2006:18; see also *Jamaica Observer*, June 18, 2006b).

According to the report prepared by the Joint Select Committee, in addition to Senator Trevor Munroe who argued that such an inclusion “would be a retrograde step and would reverse at least sixty years of advancement in civilization” (Jamaica 2006:18), opposition to this inclusion also came from the late Archbishop of Kingston, the Reverend Lawrence Burke. Reverend Burke shared the Senator’s fears that such an inclusion could,

easily have the outcome, in a country where the norms have now been impacted in such a way as to rekindle intolerance of certain kinds of religions and of political affiliations and vigilantism, not only of reversing the global understanding of universality of rights, but of opening the door for the Jamaican society to regress to the norms which we have moved away from, but which may be reappearing and which may therefore be regarded as norms which the courts would be required to take into account in interpreting those rights. (Ibid.:19)

More explicitly, declaring that such an inclusion would be ill-advised considering the “level of promiscuity in the Jamaican society, the number of children born out of wedlock, and the homophobic views of many members of the society, which now appeared to constitute norms of the Jamaican society” (ibid.). Interestingly, whilst this Roman Catholic Archbishop shared similar concerns about the general depravity of Jamaica’s sexual norms like those expressed by the Lawyers’ Christian Fellowship and the National Church Alliances, there are significant differences between them as well. Particularly, Archbishop Burke speaks out against homophobia, instead of perpetuating fears about a so-called ‘homosexual agenda’. In so doing, he highlights the kinds of

ideological variations and concerns between Christians, across denominations and even within groups (the National Church Alliances includes the Jamaica Council of Church, which comprises of the Roman Catholic Church).

Problematising the coming together of conservative Christians

Second, Minot's statement, as well as the above constitutional example, underscores the complicated business of Christians coming together as interest groups within the society. In fact, alliances, as stated previously, were not necessarily formed strictly between groups that belonged to the same umbrella organisation, such as the Jamaica Council of Churches, but rather based on shared goals, hence influential Roman Catholic activists such as Father Ho Lung joined forces with so called 'wayward' churches or members of newer Evangelical groups. Nevertheless, the ideological and doctrinal variations even amongst those with shared goals meant that certain weaknesses might have been attached to these alliances. That is to say, there may have been differential interpretations of the goals and steps to achieve them, which, as one respondent states, meant that "finding consensus sometimes makes [alliances] become inactive or not as vocal [nor do they respond] as rapidly as [they] should" (Interview with conservative Christian activist, June 18, 2012a). This respondent goes on to recall that there was this failure to reach consensus "regarding the Buggery law or homosexuality, it just didn't work, we [Jamaica Council of Churches] conference... and that's for months now" (ibid.).

In addition, there is also the potentially divisive dynamic of one group rising to dominance in spite of an initial consensual alliance. The use of massive anti-abortion billboards to spread the pro-life message across the country, for example, might be considered in this regard. These billboards were doubtless an effective means for getting across the anti-abortion message because of their sheer size, graphic images and novelty within the country, particularly to those who, for whatever reasons, are unable to read the national print newspapers or do not regularly follow events in other local broadcast media. Despite these apparent strengths and the impression of cohesiveness amongst Christian groups they may have generated, the Roman Catholic pro-life activist who earlier described the coming together of disparate Christians to form a strong pro-life interest group as “strange bed fellas”, made a point of separating himself and his institution from these dubiously ‘educational’ and moralistic policing strategies, declaring instead that such strategies were not the ways of the Roman Catholic Church, being rather associated with the Fundamentalists and Pentecostals, “who react that way with billboards and everything ... a quick reaction against the question being asked, ‘should we make abortion legal?’” (Interview with Roman Catholic Minister, June 18, 2012a).

In closing, it is important to note that although there was a consensus amongst most respondents as well as from other groups within the Jamaican society that the newly passed Charter of Fundamental Rights and Freedoms reflects certain conservative Christian values and norms, one may also argue that the very self-conscious mobilisation

of particular churches and Christians as stakeholder groups within the society also in a certain sense revealed, to some degree, their waning influence within the society. In order to understand the extent of this apparent ambiguity it is relevant here to examine in further detail Marcia Johnson's breakdown of the complexity around the role and positioning of religion in the new Charter of Fundamental Rights and Freedoms.

According to Johnson,

...the Charter is a good example, even though there was the influence of the religious lobby and that is what the Charter reflects, the tension and the compromise forged between wanting a new Charter and meeting the concerns of this particular special interest groups... **what is noticeably absent from the Charter are references to God.** You could go through virtually every other constitutional instrument before in the Caribbean, in the preamble they are talking about the supremacy of God, equal in the eyes of God and so on. And, I think it is significant that in spite of the rise in influence of a religious special interest group **what you don't see is what you saw thirty, forty, fifty years ago, which is repeated references to Christianity and God in constitutional instruments** and I think that reflects the growing shift and move away from thinking that the basis for human rights is, is only religious... **what the Christian Lawyers are, is for me, an interest group that functions as an interest group** rather than reflecting an ideology which reflects everybody else's, so there was a time we thought 'so we are a Christian nation and our constitution must mention that', and I think that was very much the thinking forty years ago, you don't hear that in current instruments as much. What you hear is on specific issues a particular interest group weighing strongly in on the debate and influencing how those rights are shaped, **but in the broader context of how we understand the instrument you see a retreat from religion.** [The reinforcement of religious rights in certain sections speaks to] how interest groups or groups that have strong lobby work. They are lobbying for a particular viewpoint, which you may say is all Jamaicans have an interest in, but the way they function and work is very much like an interest group, and you may say women do too and that then gets reflected in provisions that includes gender and sex and so do LGBT organisation. So, I think the sophistication that you see now, which is significant, is how faith-based groupings have translated from those who preach, who share views in usually a relatively disorganised way, but because churches are so many they have the force of the collective of all of these disparate articulations into an organised, specialised interest group representing a very specific point of view. So, that gets reflected in, in specific provisions on abortions and so on... [However, operating as a special interest group] also make them less powerful, because once you begin to represent a particular point of view I think that is immediately a recognition that, you represent some and not all and that is a new idea for the Caribbean in terms of Christianity. (Marcia Johnson, in discussion with the author, April 11, 2012)

This statement raises a number of pertinent issues. Specifically, there is a move within formal legal processes away from the traditional post-independence discourse of Jamaica being an essentially ‘Christian nation’, which formerly determined that it was acceptable and even expected for certain Christian values and norms to shape non-state as well as state actors’ responses on an array of topics including morality and human rights. This move, as Johnson states, is perhaps most starkly illustrated by the lack of reference to God in the constitution.

However, Christian groups, particularly those well-organised conservative lobbies, are still able to have a tremendous influence, not necessarily because of the taken-for-granted notion that they represent the interest of all Jamaicans, but on account of their undeniable ability to mobilise like other interest groups and in many ways even more efficiently. Still, it would be erroneous, as my research findings also show, to imply that there is a clean and complete departure, on the part of state representatives, from imagining the nation as Christian or predominantly made up of people who espouse or are sympathetic to Christian sentiments. Rather, the idea of a ‘Christian nation’ tends to be strategically marshalled, whether as an appeal to a sense of community, for social control or to justify and reinforce heteronationalist agendas. The decision by lawmakers to remove from the constitution any explicit reference to God may therefore be read as a symbolic act, in their attempts to create a seemingly ‘progressive’ document that interprets rights and

citizenship outside of a reliance on religion, which ultimately has little or no socio-legal effect on the religious lobby groups they also seek to appease.

SUMMARY

This chapter examined the mobilisation of conservative Christians and churches organised as stakeholders within the Jamaican society, emphasising that although these groups may not have achieved all of their intended goals, they nonetheless managed to have a considerable impact on both the processes of constitutional and abortion reform. The examples from other Anglophone Caribbean also reveal the influence that conservative religious groups are having, and may potential have, on specific processes of law reform around sexuality. Moreover, the positions that were analysed in this chapter, particularly the examples from the various Anglophone countries with more liberalised laws on matters such as abortion, illustrate that changes in law, although very important, do not appear to automatically result in changes in peoples' underlying socio-cultural attitudes and beliefs. Indeed, this seems to be especially the case when the laws are seen as foreign and particularly [neo] colonial impositions. Still, it is important to note that these emotional objections to law and processes of legal reform are often made even in light of the obvious local social realities that warrant them. If the above situations tell us anything, it is that, rather than simply being removed from life, law can have an important cultural presence, "occupying a good part of our nation's popular media,

providing grist for both news and entertainment” (Ewick and Silbey 1998: 16), shaping public and political debates, social interactions as well as potentially profoundly impacting the ways some life’s are lived and organised. Thus, processes of legal reform, including constitutional reforms and challenges, as pointed out in the Introduction, ought to be taken seriously, for although they may not always have the intended results, they have the potential to jump start serious reflections and discussions within society, politicise latent issues and even acting as a catalyst for further dialogue and/or political action, as the above experiences also illustrate.

In fact, one could certainly argue that although sexual rights groups as well as those concerned with the reproductive health of women did not gain the changes they hoped for, the review of the relevant laws at least created new openings for more serious discussions on the national stage. In addition, such discussions are bringing to the forefront an articulation of what women’s political and sexual citizenship might look like and include. For example, in September 2012, the Social and Economic Studies journal of the University of the West Indies published a special edition focusing on “Women’s Reproductive Health and Rights in Select Caribbean Countries,” namely, Jamaica, Guyana, Barbados and Trinidad and Jamaica. The articles therein all highlight the ways in which women’s desires and sexuality get bound up with struggles for rights and by extension citizenship, thus reinforcing Judith Butler’s (2004) argument that “when we

struggle for rights, we are not simply struggling for rights that attach to my person, but we are struggling *to be conceived as persons*” (p.32).

Furthermore, the various articulations (from both secular and Christian feminists) of women’s rights and responsibilities as political, gendered and sexual citizens pose serious challenges, in the long run, to the heteropatriarchal discourse that informs traditional notions of citizenship, including many of the current laws around gender and sexuality within the country. In a sense, the continuous mobilisation by women’s groups, such as that being done by sexual rights activists and organisation such as J-FLAG, UNIBAM, Society Against Sexual Orientation Discrimination (SASOD) and Coalition for the Inclusion of Sexual Orientation (CAISO) (to name a few), represents, what Mimi Sheller (2012) describes as struggles for “citizenship from below”. That is to say, many of these people are prepared to continuously blur the divide between ‘proper’ and ‘improper’ political engagement with the state and non-state actors through their creative and oftentimes highly contested efforts to draw serious attention to their abuses and demands for equal protection as well as representation in the nation-state.

CHAPTER SIX

Human Rights, Christian Conservatism and Heteronationalism

13. (1) Whereas—

(a) the state has an obligation to promote universal respect for, and observance of, human rights and freedoms;

(b) all persons in Jamaica are entitled to preserve for themselves and future generations the fundamental rights and freedoms to which they are entitled by virtue of their inherent dignity as persons and as citizens of a free and democratic society; and

(c) all persons are under a responsibility to respect and uphold the rights of others recognised in this Chapter...”, Opening statements in the new Jamaican Charter of Fundamental Rights and Freedoms. (Jamaica 2011 Constitution, Chapter III, Section 13)

In the case of the LGBT population it is not only violent expressions that count but discriminatory laws, which are embodied in the legal system of the nation. To this end, we must take note of the efforts of the lobby and subsequently, the Government, in passing a Bill of Rights, which intentionally excluded these persons from some of the rights, which are enjoyed by the rest of the citizenry. Such expressions of exclusion must be regretted and must, in time, be rectified. Jamaican Anglican Bishop Howard Gregory. (*Jamaica Observer*, December 18, 2011)

Although Jamaica is reported to have a poor human rights track record by many international organisations including Human Rights Watch (2004a), it should also be acknowledged that the country has made and continues to make significant human rights advances (Ministry of Justice, Jamaica 2009). Nevertheless, there are a number of obstacles or challenges that the country is confronted with that seriously hinder its

fulfillment of all its human rights obligations. In 2008, Jamaica's Ministry of Justice released a statement identifying that challenges such as crimes, including trafficking in firearms or persons, and terrorism, "threaten the very fabric of our society and seek to undermine the freedoms set out in that Universal Declaration" (ibid.). Moreover, rising poverty and other social as well as political dilemmas also create notable challenges. For example, the August 2006 report on Jamaica by the Committee on the Elimination of Discrimination Against Women, thirty-sixth session, noted concerns about the "intensity and prevalence of violence against women, especially sexual violence" (*Jamaica Gleaner*, April 21, 2008). This report similarly identified various factors that posed obstacles to the translation and fulfillment of human rights obligations as well as women's access to justice: "the inadequacy of response of the legal system, the persistence of stereotypes that devalue women, insufficient training of criminal justice personnel, and the lack of enforcement measures designed to combat violence against women" (ibid.).

This chapter examines in more detail one of the major themes that emerged across a variety of sources: interviews with respondents, the textual analysis of the 2001 and 2006 Reports by the Joint Select Committee deliberating on Charter amendments and the 2007 Report from the Ministry of Health as well as the submissions made by the previously discussed interest groups, a number of newspaper articles, blogs and television talk show programmes. The theme in question concerns the complexities around the understanding

of and relationship with human rights discourses within the Jamaican context, particularly in relation to the construction of the heteronationalist state and visible conservative expressions of Christianity in the nation.

Specifically, I underscore the point that although processes of legal reform, including constitutional reform, are assumed to be ideal sites for translating and in turn interpreting human rights, including those rights that are identified in such treaties as the Universal Declaration of Human Rights,⁷³ this process, in practice, is fraught with pitfalls and frustrations. As Sally Engle Merry (2006) explains, “in order for human rights ideas to be effective, they need to be translated into local terms and situated within local contexts of power and meaning”; that is, they need to be “remade in the vernacular [local language and contexts]” (p.55). This becomes difficult as some local communities understand fairness and justice in quite different ways than human rights activists and global human rights reformers (ibid.); indeed, in translating and interpreting rights locally it may be the case that not all ‘rights’ will be seen as carrying equal weight or as even being ‘rights’ at

⁷³ While I am aware that there is not a singularised human rights discourse, this thesis frequently uses the phrase ‘international human rights discourse(s)’ or variants thereof. This is mainly because in the primary documents of analysis, the Report of the Joint Select Committee on its Deliberations of the Bill Entitled An Act to Amend the Constitution of Jamaica to Provide for a Charter of Rights and for Connected Matters, 2001 and 2006, international human rights discourse is in fact invoked in these broad or general terms. It can be assumed that state actors were mainly referring to the Universal Declaration of Human Rights, to which Jamaica as a member state of the United Nations is a signatory. Importantly, LGBT rights discourses and practices intersect in dynamic ways with various other international rights-oriented movements and therefore are certainly not monolithic, uniform, or stable. For example, in their proposal, Jamaica Forum for Lesbians, All-sexuals and Gays (J-FLAG) not only appears to be referring to the 1948 Universal Declaration of Human Rights but also explicitly mentions other prevailing international human rights standards such as the Optional Protocol to the International Convention on Civil and Political Rights (ICCPR), to which Jamaica, until recently, was a signatory (J-FLAG 2001).

all. For example, throughout the two processes of legal reform that this thesis considers – the amendments to chapter three of the Jamaican Constitution, which deals with the Charter of Fundamental Rights and Freedoms as well as the review of the country’s laws on abortion – issues such as sexual orientation, on the one hand, and abortion, on the other hand, were viewed by some as matters relating to human rights, while others, including many conservative Christians, viewed such issues only as threats to significant human rights practices and beliefs. Consequently, the language of rights, particularly the rights to life, freedom, privacy and protection was understood and used differently by the various groups involved in the reform processes (see Jamaica 2001, 2006).

Without a doubt, there are many pragmatic factors, explored in this chapter, that make defining and acquiring equal rights difficult for some groups in the Jamaican society, particularly those whose interests and demands challenge the values of the heteronationalist state and its more acceptable conservative ‘Christian’ citizens. Specifically, I will examine some of the general limits of international human rights movements and discourses that scholars such as David Kennedy (2002) identify, which makes it difficult for some to acquire certain ‘universal’ rights in the local setting. But perhaps, more importantly, this chapter focuses on the influences that socio-cultural forces, such as Christianity, have on the interpretation and acceptance of human rights, thus revealing that within the local national context, promoters of human rights not only

have to contend with other powerful institutions, besides the state, but that these institutions may also be an entry point for engaging with the state and the society at large.

I am also asserting that the apparent conflict over the interpretation of rights within the Jamaican Constitutional reform process and the review of the laws relating to abortion reveal that despite the undeniable impact of the tenets of the 1948 Universal Declaration of Human Rights on Jamaican politics and activism, for example, as well as the country's ratification of other human rights instruments, in particular the United Nations' Convention on the Elimination of All Forms of Discrimination against Women,⁷⁴ there is, as explored below, not a passive acceptance of these discourses – or at least their full implications – within the country (see also Jamaica 2001). There is also neither an embracement of certain liberal legal usage of more recent international human rights standards and instruments, such as the Optional Protocol to the International Convention on Civil and Political Rights (ICCPR) of 1994, referenced by J-Flag in their proposal to the Joint Select Committee,⁷⁵ or the Yogyakarta Principles, which were developed as a guide to the application of international human rights law in relation to sexual orientation and gender identity.⁷⁶ Likewise, the debates around whether or not abortion should be

⁷⁴ Jamaica signed the Convention on the Elimination of All Forms of Violence Against Women on July 17, 1980 and deposited this ratification with the Secretary-General of the United Nations on June 25, 1985.

⁷⁵ Jamaica has withdrawn from the ICCPR, “thereby precluding the UN Human Rights Committee from hearing cases relating to the death penalty because that institution was seen as an obstacle to hanging. This did not reduce the incidence of murder in Jamaica, and there still is no hanging” (*Jamaica Gleaner*, February 26, 2006).

⁷⁶ “In 2006, in response to well-documented patterns of abuse, a distinguished group of international human rights experts met in Yogyakarta, Indonesia to outline a set of international principles relating to sexual

legalised reveal that there are not only differential understandings of what constitutes, legally and morally, women's reproductive rights, but also no consensus on the human rights principle of 'a right to life'.

Instead, it is clear that certain state managers and representatives as well as many conservative non-state actors who have positioned themselves as cultural guardians or the defenders of 'culture', 'the (hetero) family', nation and morality are responding by seeking to redraft and redefine the symbolic boundaries of the nation and its citizens, as ideally made up of heterosexual, reproducing males and females, by shaping the meaning and understanding of what may be considered human rights. This chapter predominantly focuses on the impact of the latter group and more especially on the complex ways Christianity speaks to human rights discourses, thereby highlighting that in addition to the state, the influences of Christian churches and groups on people's attitudes, understanding and acceptance of various human rights discourses was decisive in determining the outcome of the reform processes.

For these defenders of culture and morality only certain 'desirable' heterosexual and procreative citizens should have unquestioned rights to the freedoms and equality

orientation and gender identity. The result was the Yogyakarta Principles: a universal guide to human rights, which affirm binding international legal standards with which all States must comply. They promise a different future where all people born free and equal in dignity and rights can fulfill that precious birthright" (The Yogyakarta Principles. N.d.).

enshrined in the country's laws, including in the Charter of Rights. It is important to note here that the notion of morality that these parties are protecting is not only based on a particular interpretation of Christian teachings, as discussed above, but has also "become a euphemism of sex" (Alexander 1991:133). In other words, within the dominant heteropatriarchal discourse, which shapes heteronationalist states such as Jamaica, "to be moral is to be asexual, (hetero) sexual, or sexual in ways that presumably carry the weight of the 'natural'" (ibid.). Also, it is clear that discussions about (sexual) morality by these parties are bound to concerns about the maintenance of public order and 'decency' (Tambiah 2002:20). This may be extrapolated from the arguments by some conservative Christians about the possible detrimental effects of the legalisation of abortion. For example, that legalising abortion does not solve underlying social problems, but rather, goes against God's natural law, is morally wrong and simply amounts to the taking of innocent lives with the sanction of law, which "brings with it new problems" for the society (*Jamaica Observer*, November 30, 2008). This is also blatantly reflected in the unease by members of the Joint Select Committee about the effect of implementing the recommendations by the Jamaica Forum for Lesbians, All-sexuals and Gays (J-FLAG) on the public order of things (such as marriage and parenting) within the Christian society of Jamaica (Jamaica 2001:27-8). Moreover, there was a clear argument being put forward about what kind of sexuality carries the weight of the 'natural' in the statement that, "heterosexuality is what assures the perpetuation of the human race,

[hence] homosexuality could be regarded as a challenge to the existence of the human race” (ibid.:28).

The above interconnected arguments, examined in the specific arena of rights discourses, therefore develop my underlying thesis statements that the influence of Christianity within the Anglophone Caribbean and Jamaica cannot be seen as marginal to the processes under discussion. Additionally, the ensuing analysis provides further examples of the ways in which various conservative church leaders, individuals and groups continue to inform the construction and societal understanding of ‘sexual citizenship’ through the articulation of rights.

INTERPRETING HUMAN RIGHTS DISCOURSES IN LOCAL CONTEXTS

As discussed, the various efforts and arguments presented in chapters three and four in favour of preserving and advancing ‘Christian morality’ and implicitly heteronationalism, in general, are not unique to the Jamaican Constitutional reform process. Indeed, such debates, and my analysis of them, may somewhat resemble similar processes of law reform in other Anglophone Caribbean countries, particular Jacqui Alexander’s analysis of the Sexual Offences and Domestic Violence Act in the Bahamas and the reform of the 1986 Sexual Offences Act of Trinidad and Tobago (see also Tambiah 2009, 2011). However, unlike Alexander’s earlier theorisation, the analysis presented in this thesis around the Jamaican Charter of Rights (Constitution Amendment) and the review of

abortion law examines the relationship between the configuration of gay peoples', particularly men, and heterosexual women's bodies and sexualities in national debates about citizenship, morality and societal degradation. Simply put, the anxieties around the inclusion of sexual orientation and the granting of constitutional rights to everyone, including homosexual citizens, as well as the decriminalisation of abortion were, as seen in the previous chapters, intimately connected to a narrative of impending societal degradation caused by an erosion of traditional and religious, particularly Christian, values and norms.

The 2001 Report by the Joint Select Committee reveals that the issue of competing and contradictory perceptions of the relevance of, and interpretations of, rights discourses was grappled with by various members of the Joint Select Committee and special interest groups, who posed the question of whether the amended constitution should be influenced by the standards and recommendations of international human rights treaties, especially those to which Jamaica is a party. If so, to what extent does this get reflected in the country's laws, particularly the constitution, and how does one go about interpreting these obligations into relevant and acceptable national statutes and local court decisions? Moreover, the notion that the country would have to respect and adopt the principles of current and future ratified human rights treaties posed serious worries for some members of the Committee and special interest groups, who believed that certain 'liberal' interpretations of human rights principles, such as the right to privacy and respect of

family life as well as the acceptance that abortion is a matter of women's reproductive rights, could pave the way for culturally unacceptable practices, namely the decriminalisation of abortion and homosexuality as well as the recognition of same-sex marriages (see for examples: Jamaica 2001, 2006; *Jamaica Gleaner*, February 15 2006). Such concerns were, as the previous chapters highlighted, minimised by the implementation of various provisions within the new Charter of Fundamental Rights and Freedoms – specifically, the maintenance of saving clauses, the definition of marriage as a union between one man and one woman and the replacement of the concepts 'sex' and 'gender' by 'male' and 'female', which were, as discussed in chapter three, meant to safeguard against any future adoption of culturally irrelevant and unacceptable interpretation and distribution of rights (see Jamaica 2001, 2006).

Despite the above-mentioned expressions of concern and the arguably defensive mechanisms adopted (for example the inclusion of saving clauses), Parliamentarians and members of Joint Select Committee considering constitutional amendment repeatedly expressed their commitment to upholding and respecting the human rights of all citizens. At the same time, however, many forcefully asserted that the constitution was not the place for 'loading' all legal or treaty principles; rather, regular legislations would have to be implemented for that purpose (Jamaica 2001:63-4). Furthermore, by way of background, it was explained to the Committee "that under Jamaican law, as in most Commonwealth countries, treaties are not self- executing, so that the ratification of a

treaty, without more, does not make that treaty part of the domestic law” (ibid.:63). Although this highlights one of the pragmatic limitations of locally interpreting and enacting international human rights discourses, this knowledge arguably laid to rest some of the worries about the erosion of the values, norms and sovereignty of their nation even as there were claims made in the constitutional reform process to consider the language and principles of all relevant ratified treaties. In other words, it may be in a country’s best interest in the international and diplomatic arena to implement the principles of a ratified treaty, at least nominally, in order to fulfil its international obligations as well as maintain and strengthen internal and external relationships. Nonetheless, the fact remains, as explained to the Committee by Dr. Barnett, a legal scholar, that frequently, “the requirement that the international instruments be taken into account did not mean that the terms and specific language of a convention ratified by the Government would become binding” (ibid.), it simply meant that the local court would give these due consideration or rather, as others may suggest, appear to be giving them ‘due consideration’.

This again demonstrates one of the pragmatic challenges in trying to secure the respect of human rights, that is, there is often a narrow focus on the roles and responsibility of the state and legalistic avenues as sites for translating and protecting rights within local contexts. The problem, as Gosine (2009) noted, is that while it is indeed necessary “to demand the [full] inclusion of homosexual subjects [or women] in nations (e.g. to assert citizenship rights), certainly the structure of the nation [-state] is no panacea for injustice

and provides no assurance for erotic autonomy” (p.99). As in the case of Jamaica, the decision by Parliamentarians and other state representatives to merely consider the principles of ratified international treaties or to include and exclude, at least at various moments, certain issues in localised human rights instruments such as the constitution, may unintentionally result in a likewise narrow interpretation and transference of rights.

Many scholars of human rights have voiced this pragmatic critique. Similarly to Caribbean legal scholar Tracy Robinson's (2003:247) more general pragmatic concerns about the ways in which law is used in practice, David Kennedy (2002), for example, argues that one of the major pragmatic weaknesses of international human rights discourses is that their scopes of intervention are too narrow in many ways. Specifically, he asserts that certain human rights discourses focus predominantly on the harms done by government or the state and on law as the avenue for remedy. Although the state is rightfully under relentless suspicion, it is all the same placed at the centre of the emancipatory process or promise, as the focus is on the relationship between the state and individual rights holders who receive and experience rights and freedoms only as citizens of the state: however much “one may insist on the priority or pre-existence of rights, in the end rights are enforced, granted, recognised, implemented, their violations remedied, by the state” (Kennedy 2002:113) through the law.

Moreover, there is a “strong attachment of the human rights movement to the legal formalisation of rights and the establishment of legal machinery for their implementation” (ibid.:110). The overwhelming focus on the implementation of legal machinery to interpret and transfer rights, such as the setting up of a Special Joint Select Committee to consider and make recommendations to amend the Charter of Rights, may be dangerously manipulated by those less committed to the movement. Consequently, the implementation of the machinery may become an end in itself, or be effected principally in the service of diplomatic appeasement (ibid.). In other words, the presence of the recognised mechanisms of change may be made to stand in for actual change, becoming simply a formal camouflage to onlookers, who are duly reassured that progress is occurring or is inevitable. These critiques thus draw attention to the harsh reality that “as soon as one moves into the wider social world with an interest in how rights struggles are lived and experienced in the everyday, the legal language of rights and duties becomes profoundly inadequate” (Cowan 2006:13).

Following Kennedy’s argument, many human rights movements fail to acknowledge that it may not always be in the best interests of the state and particularly the judiciary to recognise and transfer rights and freedoms to all of its citizens, particularly when the managers of these structures are invested in or have strong commitments to maintaining a certain social order. On a similar note, Talal Asad (2003) notes that one of the constraints of universal human rights discourses is that they are “constructed out of and against the

nation-state”: while these discourses espouse the “equal and inalienable rights of the human family, responsibility and authority are under the jurisdiction of the sovereign state, which in most cases is also thoroughly invested in creating an exclusive national identity in each of its citizens” (cited in Murray 2012:42). This means that definitions of the ‘human family’ and of what categories are included as human rights may become curtailed as states go about the business of creating their own classes of desirable citizens through, for instance, the enactment of various discriminatory processes such as immigration laws that set explicit terms for residency and inclusion into citizenship.

Additionally, if the emancipatory or empowering processes are seen as being negotiated between a state and its individual citizens, what happens when certain people within that very state are marginalised from or not configured equally within the citizenship machinery? That is, if the society in question somehow predicates citizenship on a conformity to certain norms that tend to exclude members of vulnerable groups from the category of ‘citizen’ at all, a merely formal pledge by the state to protect the rights of ‘all citizens’ risks being a dead letter. This undoubtedly will determine these people’s access to so-called universal and inherent rights and freedoms, as has become evident in the constitutional reform process in Jamaica and other areas in the Commonwealth Caribbean.

In light of these critiques on the gap between theory and practice in human rights implementation, it is perhaps not surprising that a number of women's groups expressed concerns that the newly passed Charter of Fundamental Rights and Freedoms did not include some key language and principles posited in international human rights instruments ratified by the Government of Jamaica, such as the Convention on the Elimination of All Forms of Violence Against Women. This particular human rights instrument asserts that, “‘women’s rights are human rights’ and [effects] the expansion of the rights framework to incorporate explicitly sexual and reproductive rights, along with economic and social rights...” (Antrobus 2004:93).⁷⁷ However, a report on the observation of Jamaica by CEDAW identified that the newly passed Charter failed to provide a definition for legal discrimination against women in the constitution or in any other legislation and furthermore placed limits on the grounds on which women may experience discrimination (CEDAW 2012:3; see also *Jamaica Observer*, August 15, 2011). In spite of the country’s human rights obligations, there is obvious entrenched discrimination against women in the constitution, which as some respondents in the previous chapter highlight, not only limits women’s reproductive rights through the inclusion of saving clauses in section 13(12) of the Charter, which privilege the life of the unborn and criminalise abortion, but also implicitly position them as second-class citizens to men. Specifically, the 2009 *Sexual Offences Act*, which deals with, amongst other

⁷⁷ It is important to note, however, that Jamaica has not acceded to the Optional Protocol to the Convention of Elimination of all Forms of Discrimination against Women.

things, the issue of rape including marital rape, has been criticised by local citizens (including women's rights activist such as Taitu Heron and clergymen Garth Minott and Howard Gregory) as well as by international groups such as CEDAW for only protecting against marital rape under certain conditions. Thus "rape within marriage is not always criminalised" (CEDAW 2012:5), which may result in some degree of immunity or protection being given to husbands who rape their wives (see also *Jamaica Observer*, October 29, 2012). In spite of the disapproval from various sectors of the society, the implementation of the new savings provision means that it will be very difficult to challenge this sexual offences law.⁷⁸

⁷⁸ As discussed earlier, the saving clauses in the 1962 Jamaican Constitution are covered under sections 26, subsections (8) and (9) and read as follows:

26 (8) Nothing contained in any law in force immediately before the appointed day shall be held to be inconsistent with any of the provisions of this Charter; and nothing done under the authority of any such law shall be held to be in contravention of any of these provisions.

26 (9) For the purposes of subsection (8) of this section a law in force immediately before the appointed day shall be deemed not to have ceased to be such a law by reason only of –

- c. any adaptations or modifications made thereto by or under section 4 of the Jamaica (Constitution) Order in Council, 1962, or
- d. its reproduction in identical form in any consolidation or revision of laws with only such adaptations or modifications as is necessary or expedient by reason of its inclusion in such consolidation or revision. (Jamaica 1962 Constitution, Chapter III, Section 26[9]).

However, in the newly amended constitution, signed into law on April 7th 2011, the clauses appear under section 12 and are less high-sounding. It nonetheless, explicitly identifies specific areas of laws that are being protected. It reads as follows:

(12) Nothing contained in or done under the authority of any law in force immediately before the commencement of the Charter of Fundamental Rights and Freedoms (Constitutional Amendment) Act, 2011, relating to –

- (a) sexual offences;
- (b) obscene publications; or
- (c) offences regarding the life of the unborn,

shall be held to be inconsistent with or in contravention of the provisions of this Charter. (Jamaica 2011 Constitution, Chapter III, Section 13[12]).

Some groups, nonetheless, have found creative ways to seek recognition and address similar state's violation of their human rights, caused in part by the savings provisions, by looking beyond the confines of the nation-state. On October 26, 2011, for example, AIDS-Free World announced that in collaboration with local activists and lawyers, they had presented a petition to the Inter-American Commission on Human Rights (IACHR) on behalf of two gay Jamaican men challenging Jamaica's anti-sodomy law, on "the grounds that it violates numerous rights that are protected under an international treaty called the American Convention on Human Rights" (AIDS-Free World 2012a, under "17"; see also AIDS-Free World 2012b). Although Jamaica is a party to this treaty and therefore, at least in theory, legally required to uphold it, their petition had to be taken to an external body (IACHR) as the saving law clauses within the country's constitution make it impossible to challenge the anti-sodomy law in local courts. There are potentially some advantages to bringing such a petition to the IACHR – namely, embarrassing Jamaica internationally and the potential threat and likelihood of the country being sanctioned by the organisation of American States General Assembly for failure to follow the rulings of the IACHR. However, though Jamaica is obligated to participate in the process and may face some consequences for not abiding by the IACHR's ruling, it is nonetheless not legally bound by the IACHR's decisions and recommendations (AIDS-Free World 2012a). Once again, this case highlights that the role and influence of governments and local legal systems may not necessarily be eroded even in these more

creative cases, as state institutions are still relied on, ultimately, to translate, acknowledge, protect and distribute human rights in the local contexts; as such, some of the above challenges of relying predominantly on the state remain, despite appeals to supranational bodies by those denied rights in an attempt to circumvent its power.

Moreover, this outcome illustrates how a narrow focus on the local state and on public or formal law “implicitly legitimates ills and delegitimizes remedies in the domain of private law and non-state action” (Kennedy 2002:109). Self-evidently, this tends to complicate and may arguably undermine the goals of existing human rights movements in countries such as Jamaica, where discrimination and rights violations against certain minority groups, namely homosexual men and lesbians, people infected with HIV and AIDS, prostitutes, women and children, are not always directly linked to the doings of state managers and operators or formal law but to myriad sources of oppressions including the actions of private individuals and groups. Similarly, the local state and its apparatuses may not, as the above example and next chapter show, be the only avenue for empowerment.

CEDAW’s concern over the inclusion of the savings clause provision in the Charter of Fundamental Rights and Freedoms may therefore be seen as justifiable by local and regional women’s groups and individuals who believe that this savings provision, and by extension the state, is not only limiting women’s choices and rights but making it

extremely difficult to seek legal remedy for specific wrongs. In the event, as stated earlier, others, including many pro-life Christians such as the Reverend Peter Garth, felt that these provisions were necessary to protect, for example, the fundamental rights of the weakest and most vulnerable, namely, the unborn child, within the society from what they perceived to be strategic efforts to legalise the practice of “abortion on demand or for reasons of personal convenience, economic advantage or social adjustment” (*Jamaica Gleaner*, August 17, 2008; Evangelical Association of the Caribbean N.d.). This sentiment reflects the difficulty in interpreting and applying rights language and discourses within local contexts where interpreters (state and non-state actors alike) not only have different understandings of what are and ought to be human rights, but more generally, of who are to be granted these rights and whose rights deserve greater protection.

"Competing and contradictory understandings of various aspects of human rights"

Based on my analysis of a number of interviews and newspaper articles relating to the debates around abortion, it became apparent that the concept ‘everyone,’ in such commonly appealed to principles as “the right to life, liberty and security of person” (which is laid out in the Universal Declaration of Human Rights), was being interpreted differently by the various groups seeking to determine the outcomes of these processes. As mentioned in chapter four, the argument by pro-choice groups that abortion is a matter of women’s sexual and reproductive rights and thus an extension of the most basic human

rights, namely, the right to life and health, was ultimately not widely accepted by a number of interest groups and even some Parliamentarians, who interpreted ‘human beings’ and the respect of everyone’s rights differently. In the event, the concepts ‘everyone’ or ‘all human beings’ were adduced by defenders of the pro-life status quo as including unborn ‘human beings’. In this view, the life of the unborn child, construed as a ‘gift from God,’ should be given equal consideration to that of other citizens (*Jamaica Gleaner*, August 17, 2008).

Similarly, my findings show, such disagreements about what ought to be and is in fact a human right were apparent in the debates around the protection of the dignity, privacy and respect of ‘all humans’ as they related to the potential inclusion of sexual orientation in the amended Charter. While J-FLAG, for example, included sexual orientation as an inherent identity deserving of protection, this view was not accepted by some members of the Joint Select Committee or by Parliamentarians, who rejected their proposal to include this identity category in the Charter, nor was it accepted as a human rights category by some of the most vocal conservative Christians protecting the heteropatriarchal status quo within heteronationalist Jamaica (see for example Jamaica 2001:27-28). Specifically, according to some conservative Christian lawyers and church ministers, sexual orientation and/or sexuality cannot be considered a basis for human rights in like manner to a category such as ‘race’ because, unlike the latter identity category the former is ever changing and not fixed. For example, one such minister, the Reverend Clinton Chisholm

(who also lectures at one of the country's leading theological schools and hosts a popular radio program on the religious station Love 101FM), expressed this argument as follows,

... I don't know if anybody has any rights to sexual intercourse. I don't think sexual intercourse is a right. It is a social necessity, maybe a biological necessity, but it is not a right that you can champion. Because for me there are certain things that are civil rights, they are rights that you are entitled to because you are a citizen of a country, must not be confused with human rights. Human Rights are rights that you are entitled to by virtue of the fact that you are a member of the species call *Homo sapiens sapiens*. **They are essentially human, not incidental or accidentally human.** So for instance, I love ohm, well let's say I have the love of oxtail, I can't claim that I have a human right to oxtail, it is a nice delicacy, a cultural rights I could say that nobody should block me from eating oxtail when I want to, right, so that is a cultural right but I cannot claim that that is a human right... Well I tell you why, in my philosophical understanding of human right, or rights generally, rights properly understood are entitlements that have an issue of durability about them, essentiality about them. **There is nothing essential to my personhood, as a human being that includes my sexuality. Sexuality is changing.** I am a heterosexual now, I have been all of my life for 62 years, and I could change in the next ten years. **The fact that it is changeable is not a sufficient ground to make it a human right; it has to be something essential, inalienable almost.** So, I can never change the fact that I am a black man, no matter what you do – maybe Michael Jackson came very close, he was a freak of nature, though – the thing has to be essential to you, not incidental; so my ethnicity is essential to me, the fact that I am a black man is crucial, I cannot be an ex-black man, neither can I be an ex-Jamaican, my nationality stays with me for life. I could take out dual citizenship with Britain, with America or Canada but I am still essentially a Jamaican. So for me **the essential human rights elements have an aspect of the inalienable, the unchangeable about them and I would defend them on that basis.** But I don't think that even in the legal circles they understand the concept of the adjective 'human' in human rights, cause it has to be essential to your humanity not incidental or accidental to it. (Clinton Chisholm, in discussion with the author, April 03, 2011; in this oral interview and hereafter, bold is used for utterances given marked emphasis by the speaker)

This lengthy quotation is telling as it touches on a number of reasons why some individuals have difficulty in accepting sexual orientation as a basis for human rights. First, the Reverend, like so many others, tends to collapse something as complex as sexual orientation and sexuality predominantly with the physical sexual act, going only as

far as averring that it also has something to do with attraction. Furthermore, although the Reverend skilfully deploys certain social science arguments about the fluidity of sexuality, he nevertheless does not acknowledge that this characteristic of fluidity does not equate to sexuality being, as he puts it, inessential, ‘incidental’ or an ‘accidental’ part of one’s humanity. Secondly, this church leader points up the lack of consensus on what is meant by the concept ‘human rights’ and even about who is included in the category ‘human being’ by stating that “...I don’t think even the legal circles understand the concept of the adjective ‘human’ in human rights”. Clearly, his understanding of what makes something ‘human rights’ and what ‘human’ means differ crucially from the ideas of sexual rights groups such as J-FLAG and of the apparently misinformed lawyers that he alludes to in the statement.

The Reverend’s statement, particularly his reasoning around what human rights are, may thus be read as indicative of people’s divergent understandings of and relationship with human rights discourses, based on the implicit or explicit influence of such complex and interconnected factors as culture, religion, political ideology, nationality and an array of personal experiences. This may pose considerable challenges to human rights advocates, who thus struggle to achieve consensus on various issues, not only across communal and ideological divides but sometimes also even within their own in-group. In conversation about the abortion law review process, Taitu Heron (as discussed in chapter five) spoke, for example, about the ideological divide between women’s rights activists (some of

whom are influenced by certain conservative Christian notions of morality) and some locally based non-governmental organisations (seeking to appease one section of the community) about whether or not the legalisation of abortion was an issue of women's reproductive rights (Taitu Heron, in discussion with the author, April 05, 2012a). Similarly, the sexual rights activist who was interviewed expressed his discomfort about legalising abortion. For this respondent, the legalisation of abortion was not simply a matter of human rights, but also about women becoming more responsible, "not just going out, having sex and terminating because there are also medical issues that come along with terminating a pregnancy" (Interview with sexual rights activist, June 19, 2012).

The apparent lack of consensus on who is, or ought to be considered, a human being as it relates to the interpretation of rights has been observed in other Anglophone Caribbean contexts. Canadian anthropologist David A. B. Murray (2006, 2012), for example, observed a similar scenario in his study on sexuality and human rights in Barbados. He wrote that one member of the local sexual rights group, United Gays and Lesbians Against Aids in Barbados (UGLAAB), mentioned that his strategy for dealing with discrimination was to walk around with a copy of the Universal Declaration of Human Rights. Murray pointed out that sexual orientation, the basis for which this member was experiencing discrimination in the public, is not included in this particular human rights instrument. The UGLAAB respondent, however, considered this to be beside the point;

rather, he explained that his action was guided by the belief that: “What we need in Barbados is for people to recognise us as human, not just gays...” (Murray 2012:39). This Barbadian interlocutor thus traced the root of discrimination, as is the case in certain spaces in the Jamaican milieu, to the frequent designation of gays in the Caribbean popular imagination as belonging to a separate category from that of ‘human being’. Despite the recourse to a foundational rights text to combat discrimination by this UGLAAB respondent, the assertions of Reverend Chisholm, amongst other conservative Christians, discussed above reveal that rather than challenging oppressive structuring mechanisms such as heterosexism and patriarchy, within local contexts human rights instruments and language may simply be conservatively interpreted in order to be made to function and exist, albeit in impoverished forms, alongside those ideologies and power imbalances or relations that are seemingly in opposition to their intended goals, at least as these goals are construed by those at the other end of the ideological spectrum.

Thus restrictive exclusions (heterosexuals only) and religiously motivated inclusions (the unborn child) determine that the rights of some ought to be seen as more deserving of protection than others’ (homosexuals and women who choose abortion). Such reasoning and its consequences in the form of failure to safeguard the rights of some, therefore, not only seeks to justify the narrow interpretation and transference of rights, but also, based on my interpretation, sends two implicit messages: firstly, that ‘human life is valuable and begins long before birth’ and secondly, that not all people are or should be

automatically included in the category of ‘human being.’ This analysis corresponds to Murray’s (2012) conclusion that the degree of generality and ambivalence in the framing of ideas of justice and equality through rights talk may have detrimental effects for its advocates, as “there is no clear or transparent universality as to what *rights* mean, and particular interpretations may be used to further marginalise already stigmatised groups” (p.40; original emphasis). Furthermore, this degree of generality and ambivalence appears to be such that some who use the language of human rights, as further elaborated on below, may in fact be merely seeking to impose their interpretations on others with divergent views, rather than accepting the need to move into a new sphere of civic pluralism in which choices that represent an alternative to the heteronationalist norm might be freely entertained.

From the other side, a similar accusation of imposition of a particular vision of rights was levelled by certain individuals and groups within Jamaica, as well as other countries within the Anglophone Caribbean, in response to ‘threats’ made in 2011 by British Prime Minister David Cameron and United States President Barack Obama, to the effect that funding might be withheld from countries that do not offer gays, lesbians, bisexuals and transgendered people legal protection from violence and discrimination or guarantee them equal human rights. While some believed that such statements called needed attention to the violence towards and overall abuse of some citizens’ human rights, it was also frequently argued, by some members of the public, well-known conservative

Christians included, that these two leaders were attempting to impose their notions of rights on less powerful countries (see *Jamaica Gleaner*, April 10, 2011; *Jamaica Gleaner*, November 12, 2011; *Jamaica Gleaner*, January 09, 2012; *Jamaica Observer*, November 04, 2011; *Religious Hardtalk* 2012). Others criticised these statements for overlooking the differential ways human rights are understood in divergent cultural contexts. Howard Gregory, the well-known Anglican Bishop cited in the second epigraph of this chapter, was one such person who pointed out this differential understanding in an article in the *Jamaican Gleaner*. Noting that, as the recent debates around the Bill of Rights (referred to herein as the Charter) reveal, there seem to be concerns about what categories, exactly, get included as human rights and how these become translated into specific activities and lifestyles. Similarly, Bishop Gregory argues that,

the Universal Declaration of Human Rights includes the definition of individual rights as ‘freedom of thought, conscience, and religion’, and ‘freedom of opinion and expression’ but, as is evident to all and sundry, how these are expressed differs across the globe, and is informed by such things as political philosophy, governance and religion within specific national contexts, the United Kingdom and the United States of America being no exception (*Jamaica Gleaner*, December 18, 2011).

CHRISTIAN FUNDAMENTALISM AND SEXUAL RIGHTS

It is also the case that people’s interpretations and acceptance or rejection of the various principles that are adopted and proclaimed in diverse international as well as local human rights instruments, such as the constitution, may, as Engle Merry argued, depend on and, in turn, reflect the diverse ways they understand such morally loaded concepts as

‘fairness and justice’, ‘right and wrong’, whose currency obviously precedes contemporary human rights discourse. Based on a social constructionist position, ideas of fairness and justice, right and wrong are also shaped, as observed in this study, by factors such as religious and/or spiritual beliefs, socio-political, cultural and economic orientations as well as personal experiences. This was reflected, for instance, in the comments made by the renowned and controversial church and community leader the Reverend Al Miller on a television talk show examining “Jamaica’s Faith in Fundamental Rights”, which was aired on one of the country’s leading television networks, CVM Television Network.⁷⁹ In response to the questions “are Jamaicans abusing the general human rights of our people to choose” and “is there a genuine need to be concerned?”

Reverend Miller replied,

Yes, it is always an issue of human rights, because the, this, from a spiritual standpoint the selfish, sinful nature of man often will make one think only of themselves and to the detriment of others, and so the rights of others must be protected against the principle of justice because the society can only effectively function on the principle of justice and that’s something that must be built, so where rights are violated then certainly we must do everything to protect the rights of citizens. But in our modern world, part of the problem is we have to carefully define rights and what rights we are protecting; because sometimes there is a move to talk about rights or protecting rights, where if a thing is wrong and we must begin to make some clear distributions about what our objectives are, so that we do not mix up apples and oranges nor do we confuse... issues, you know? But certainly rights must be protected and we must fight for it where it is legitimate. (cited in H 2011c, under “Rev. Al Miller Fellowship Tabernacle”)

When asked if this applied also to the abuse of people’s right to choose their sexual

⁷⁹ Nadisha Hunter reports that the Reverend Miller's reputation has been in question since 2010 when he was “charged for harbouring a fugitive and attempting to pervert the course of justice after then fugitive Christopher 'Dudus' Coke was captured in his car along the Mandela Highway in St Catherine. Nearly eight months after, Miller was found guilty of negligence resulting in the loss or theft of his licensed firearm” (*Jamaica Gleaner*, November 13, 2011).

preference, Reverend Miller quickly responded, “no, that is a little different because you see you have to determine again how you view that ‘right’ against, is it something where a right [is] being violated or a lifestyle that one wants a freedom to exercise...” (ibid.).

It is not difficult to infer the Reverend’s broader attitude to this lifestyle, which he and other conservative Christian leaders and followers have repeatedly denounced as being a disorder, an abomination, sinful, against nature and the will of God, often buttressing such fulminations by appeal to the Biblical perspective and, for example, the story of Sodom and Gomorrah told in Genesis:18-19. Wellesley Blair, the Administrative Bishop for the New Testament Church of God in Jamaica and the Cayman Islands, declared in an interview with *Gleaner* writer George Henry, that “[a] homosexual only has one of two rights. It is either he changes his life or accepts the just punishment of God, as He did in Sodom and Gomorrah” (*Jamaica Gleaner*, February 28, 2007). Likewise, in an article in the *Jamaica Observer*, “The simple truth about homosexuality and same-sex marriage,” Ministers of Religion, Richard and Lavine Reid deploy a number of Scriptures, including Romans 1:26-27 and Ephesians 5:33 and 6:1-3, to support their argument that homosexuality is morally wrong, harmful and unnatural. For instance, they write,

...Ephs. 5:33 speaks of the husband loving his wife and the wife respecting her husband and continues in Eph 6:1-3 to instruct children to be obedient to their parents and to honour both mother and father that their days may be long on the earth. Psychologists also conclude that a union between a man and a woman in which both spouses serve as good gender role models is the best environment in which to raise well-adjusted children...Everyone inherently knows that homosexuality is immoral and unnatural. This inherent knowledge – the truth – is being rejected and suppressed. Persons are pretending not to know the truth or they have seared their conscience to this knowledge. They then

replace the truth with a lie – homosexuality is as natural as any heterosexual relationship – advocate same-sex marriage and try to portray homosexuality as normal through all available media (Rom.1:18-31). (*Jamaica Observer*, July 01, 2012)⁸⁰

Given the fundamental nature of some Biblical Scriptures as a source of self-justification for those who would withhold rights to those who fail to conform to the heteronationalist norm, it is worth reviewing briefly here the passages therein that are most commonly adduced to this end. Based on the abridged version of this story, God destroyed Sodom and Gomorrah with fire and sulphur or brimstone because of extensive dissolution (including, based on some conservative Christian interpretations, the practice of homosexuality) and the lack of sufficient goodness within these cities. Additional Scriptures are also used by those who draw on ‘Biblical perspectives’ to strengthen the arguments that homosexuality is unnatural, wicked and dangerous, and that those who practice it will thus not inherit the Kingdom of God (Kasafi Perkins N.d.:3). These include, as written in the *Authorised King James Version of the Bible*:

- Leviticus 18:22 (*thou shall not lie with mankind, as with womankind: it is abomination*) and 20:13 (*If a man also lie with mankind, as he lieth with a woman, both of them have committed an abomination: they shall surely be put to death; their blood shall be upon them*), identified by scholars as part of the ‘Holiness Code’ (Leviticus:17-26), due to the repetition of the word ‘holy’. The Holiness Code prohibits a number of sexual unions, including “incest and

⁸⁰ In my analysis, appeals to the Bible and specific Scriptures were also seen in, for example, *Jamaica Gleaner*, August 14, 2011; *Jamaica Gleaner*, January 08, 2012; *Jamaica Gleaner*, January 04, 2013; *Jamaica Observer*, August 07, 2011).

intercourse with particular persons at particular times or in particular ways” (cited in Kasafi Perkins N.d.). The commonality between all these prohibited unions, as Kasafi Perkins argues, is “the emission of semen into an inappropriate receptacle (unclean, the property of another man, incapable of producing children)” (ibid.).

- Romans 1:26-27 (*For this cause God gave them up unto vile affections: for even their women did change the natural use into that which is against nature. 27 And likewise also the men, leaving the natural use of the woman, burned in their lust one toward another; men with men working that which is unseemly, and receiving in themselves that recompense of their error which was meet*) and,
- First Corinthians 6:9-10 (*Know ye not that the unrighteous shall not inherit the kingdom of God? Be not deceived: neither fornicators, nor idolaters, nor adulterers, nor effeminate, nor abusers of themselves with mankind. 10 Nor thieves, nor covetous, nor drunkards, nor revilers, nor extortioners, shall inherit the kingdom of God*).

It is important to emphasise here that the readiness to employ such Biblical Scriptures in support of heteropatriarchal religious and cultural positions is not confined to church leaders or even churchgoers. Rather, my textual analysis of interviews and newspaper commentaries, for example, also corroborates the evidence of existing academic literature in finding that a range of persons within the Jamaican society may resort to Biblical quotation when discussing issues such as homosexuality that are considered to be morally

controversial or disconcerting (Boxill 2011; Carr 2003; Gutzmore 2004; see Appendix G for examples of this wider use of Biblical reference in support of anti-homosexual sentiments by persons who are not identifying as Christian leaders). For example, the commonly accepted biologically reductionist notion that men and women belong to dichotomous gender categories, masculine and feminine, rests on the belief, as discussed, that these are, as Ortner (1996:441 cited in Kasafi Perkins N.d.:14) states, “divinely ordained” roles laid forth in Scripture, which “...were established at the time of creation. Moreover, men and women are linked through a system of compulsory heterosexuality reinforced through heteropatriarchal norms. There is little room for sexual ambiguity...” (Fox 2010:88-90 cited in Kasafi Perkins N.d.:15).

In line with the above view, Cecil Gutzmore (2004) identifies religious fundamentalism as one of the five anti-homosexual ideological imperatives that drive the discriminatory homophobic discourses and practices.⁸¹ Such fundamentalism, Gutzmore points out, has

⁸¹ Similarly, Alexander (1997), as well as others, identifies how the story of Sodom and Gomorrah is commonly appealed to as evidence that sexualities such as homosexuality and lesbianism are seen as abhorrent and dangerous because they purportedly go against the natural or divine law of God. Makeda Silvera (2003), for example, in her novel, *The Heart Does Not Bend*, voices this common reasoning of why homosexuality, including lesbianism, is considered to be wrong. In a conversation with her lesbian granddaughter, the elderly matriarch states: “Yuh have to start read yuh Bible, it nuh too late.” She lowered her voice, but it was still audible. “A sin, yuh know. A sin. De world nuh love mampala [homosexual] man an’ God nuh have no room fi unnu in a fi Him Kingdom. A only fire waiting fi yuh” (p.229). In “Man Royals and Sodomites: Some Thoughts on the Invisibility of Afro-Caribbean Lesbians”, Makeda Silvera (2008) similarly illustrates that the Bible is often not only invoked to identify non-heteronormative identities and relations as sinful, but also to silence them outright as the product of an apparently racialised historical aberration:

When, thousand of mile away [from Jamaica] and fifteen years after my school days, my grandmother was confronted with my love for a woman, her reaction was determined by her Christian faith and by this dread word *sodomite* – its meaning, its implication, its history.

“primacy within African-Jamaican popular culture, dramatically manifesting in both the religious and the musical popular” (ibid.:125). Therefore, some people not only access this fundamentalist Christian-based homophobia (and patriarchy) in churches, but also through certain popular dancehall songs that reproduce this ideological imperative in their condemnation of those who are involved in ‘buggery’ or ‘sodomy’, amongst other acts of sexual depravity, thereby closing a circle of contempt and oppression from the very ancient to the very modern. For those who embrace the recourse to ancient writings “the essential sin of homosexual behaviour (sodomy) is said to be forbidden by God and is recognised as a sin so serious as to be punishable by death” (ibid.:126), exemplified by the not uncommon call by some Jamaican dancehall artistes to ‘burn’ the ‘chi chi man’ or ‘battyboy’ (derogatory labels for a homosexual male or any man who engages in the act of buggery or sodomy with someone of the same sex). Not surprisingly, therefore, “one of the terms that is regularly used to refer to violence against homosexuals is ‘batty judgement’” (Carr and White 2005 cited in Boxill 2011:7), a verbal juxtaposition that further demonstrates the significant interplay between Christianity and popular culture, the ancient and the modern.

And when, Bible in hand, my grandmother responded to my love by sitting me down, at the age of twenty-seven, to quote Genesis, it was within the context of this tradition, this politic. When she pointed out that “this was a white people ting,” or “a ting only people with mixed blood was involved in”... it was a strong denial of many ordinary Black working class women we knew [This is linked to the more general parallel perceptions that white and mixed race people are also non-religious in comparison to black people, who know the ‘Will of God’]. (P.346)

Similarly, Robert Carr (2003:4) theorises that the use of the Bible and the Old Testament in particular to justify attacks on homosexuality in dancehall songs, which are “local hits and staples at parties among rich and poor alike in the society” shows the social pervasiveness of certain religious influence (specifically fundamentalist evangelism) on homophobia in Jamaica. Put differently, a certain fundamentalist interpretation of Biblical Scriptures is being aligned to Jamaican values, culture and the definition of ‘blackness’ (Lewis and Carr 2009). This hermeneutic manoeuvre is being used by some dancehall artistes and politicians to legitimise the myriad violations, exclusions and social disciplining of those people, chiefly sexual minorities, who refuse to or cannot abide by the normative gendered and sexualised norms that are supported by these scriptural interpretations (ibid.). Constructions of ‘blackness’ and ‘Christian values’ within modern Jamaican popular nationalist projects thus privilege and normalise heterosexuality and patriarchy, which, as Alexander (1994) and even a few interview respondents noted, work implicitly to construct differential grades of citizens within the nation-state. Lewis and Carr (2009) further explain that affinity to this particular “racial-religious compact of values is more important than respect for the principles of citizenship and individual freedoms” (p.18). In other words, the “preoccupation with supposed national cultural authenticity is privileged over the guarantee of individuals’ right to act and to be” (ibid.). This seems at first glance to be inimical to the full realisation of the country’s national motto of “Out of Many, One People”, which “alludes to an ideal that acknowledges if not respects diversity, albeit one of races” (ibid.). Despite the inclusive and egalitarian appeal

of the motto, then, the explicit violent homophobia expressed in some performances of dancehall would seem to say otherwise, as would the arguments of some state agents and Christians concerned with the preservation of a perceived authentic national and cultural identity, which becomes privileged over individuals' rights and freedom to act and to be.

Although Gutzmore (2004) Lewis and Carr (2009) and more recently, Boxill (2011) identify a certain fundamentalist Christian influence on the expressions of homophobia in Jamaica, one may still question the idea of 'pervasiveness' of Christian and specifically, fundamentalist influence. Indeed, although the majority of Jamaicans identify with some form of Christianity and there is an increase in the membership of the more evangelical or fundamentalist denominations, at least 20 percent of Jamaicans do not identify with any religious affiliation (Nam, Mantock and Campbell 2012:xiv). Moreover, as stated in the Introduction, one cannot assume that an affiliation with Christianity, even some of the more conservative denominations, necessarily, equates to being homophobic. Gutzmore (2004), in fact, similarly cautions against seeing homophobia as solely of fundamentalist Christian influence, when he identifies the irony that the

moral and religious legitimacy of the fundamentalist ideological imperative [that identifies homosexuality as abhorrent and sinful] is in danger of evaporating, leaving in its place nothing more sacred or spiritual than self-righteous and even blasphemous people irrationally wrapping their will to mistreat, murder even, their fellow men in a cloak of very questionable godliness. (P.128)

Equally, my interview data show that there is complexity in this relationship with religion and Christianity. One women's right activist, who stated that she is also a devoted Christian of a Pentecostal-type denomination, explained in her interview with me that "in terms of gender and sexuality religion does play a very critical role in the Jamaican society and in the Jamaican culture" (Interview with women's rights activist, April 05, 2012b), but "to what extent that is applied and adhered to is another question" (ibid.). Undoubtedly, this speaks to on the one hand, the pervasive influence of Christianity or its commonplaceness in people's lives, as well as to, on the other hand, a perceived tendency amongst many to use the language of Scripture but not necessarily to follow its tenets. This somewhat contradictory relationship with Christian scripture – as a familiar source of wisdom that might often go unheeded – is referenced in the following statement made by one Roman Catholic Minister, interviewed for this project, who stated that,

you know Jamaicans love their Bible, they quote their Bible a whole lot, but I think that quoting is a selective quoting... Gunman, he'll probably have a little New Testament Bible in his pocket here and his gun in his, you know his trousers pocket too, ah, he reads the Scriptures, but it doesn't seem to affect his behaviour. So, and this is a problem, I think, in Jamaica, not only Jamaica but in Western society. I think we have become very cavalier style Christians, so we pick and choose what we want and ohm... (Interview with Roman Catholic Minister, June 18, 2012a)

This statement, and others like it, reveals that although Christianity and the Bible have a certain importance in some people's lives and seems to be ever present, their importance as a source of literal guidance is also always being negotiated, so that Christian tenets may not always be adhered to even by those who publicly espouse its teachings.

Nonetheless, it continues to inform knowledge and create what Foucault termed powerful "regimes of truths" about gender, sexuality and human rights, with both positive and negative effects. There are thus some, as emphasised by some respondents and corroborated in the literature, who still consider the Bible as a source of objective truths to be categorically followed, rather than text written in particular socio-historical contexts, comprising multiple human and mostly masculine transcriptions and interpretations (Kasafi Perkins N.d.; Diane Jackson, in discussion with the author, June 13, 2012; Garth Minott, in discussion with the author, June 20, 2012; Saores 2001:106). Simply put, there is a tendency by some to overlook the reality that Biblical Scriptures and stories often necessarily refer to events that are context-specific as well as reflective of the biases of not only the initial writers, but also of its various translators and interpreters.

“‘Rights’ versus ‘Wrongs’”

In sum, the acceptance of the above Scriptures as behavioural guidelines and specifically as warnings of the inevitable price that will be paid if certain ‘sins’ are allowed to flourish within the society provides justifications for adherence to the heteropatriarchal discourse and more explicitly, certain human rights violations. Consequently, acts such as the legal discrimination and societal marginalised of same-sex loving persons, may therefore end up not being meaningfully denounced as injustices or as expressions of hate

and intolerance. Instead, some of those who oppose granting certain equal rights to homosexuals, or acknowledging abortion as a matter of women's reproductive rights, argue that these things cause great injustices and wrong within the society because they contravene the teachings of God and threaten the conservation of the 'Jamaican culture,' families and the literal existence of the most vulnerable citizens (*Jamaica Gleaner*, February 05, 2012; *Jamaica Gleaner*, August 20, 2011; *Jamaica Observer*, December 28, 2011). As the Reverend Ho Lung puts it in his article "The rebellion against Christianity", the "restlessness of our worldly appetites will only bring about death. We want to destroy the babies in the wombs, the old people, the people who are defective (by some people's definition), the poor and the non-productive people of our world" (*Jamaica Gleaner*, August 29, 2011).

Espousers of these predictions thus believe that certain groups, including sexual rights and feminist pro-choice groups, are using human rights language in ways that, if not challenged, will visit these evils on the nation. Anthony Gomes, a journalist with the *Jamaica Observer*, for example, drew attention to the manipulative ways in which these groups operate when he stated that although there appears to be no United Nations consensus on including sexual orientation and gender identity as human rights, it is evident that "the power brokers at the UN are hell-bent on imposing a new version of human rights on the rest on the unwilling world" (*Jamaica Observer*, August 24, 2011), in order to "assert the moral equivalence of all forms of sexual preferences and to harm

moral and sound discernment, all in the name of ‘human rights’” (ibid.). Alicia Dunkley’s article, “Gov’t, feminists sending us wide on abortion, say pro-lifers,” more explicitly details the claim by some pro-life Christian activists, such as Dr. Wayne West, about feminists trying to foist their agenda, in this specific case the legalisation of abortion, on Jamaica on the pretext of public and specifically women’s reproductive health concerns (*Jamaica Observer*, June 17, 2009).

Likewise, celebrated educator, *Gleaner* columnist and principal representative for the group Christian Teacher’s in Action, Ester Tyson, wrote that,

In each of these instances, what began as the 'gay' agenda being accepted as part of human rights has resulted in the rights of Christians being eroded... Furthermore, this insidious destruction is continuing, as can be seen in the report concerning the advocacy of sexual rights for children at the United Nations...The Church must be careful that while we ensure that all mankind is treated with humanity and dignity, we do not fail to see that there are many groups that are using the human-rights cover to foist upon many unsuspecting persons laws that will have Jamaicans finding ourselves being forced to accept lifestyles alien to us. (*Jamaica Gleaner*, February 05, 2012)

The message is that one ought to reject certain ‘sinister’ claims to human rights by the United Nations and groups such as J-FLAG and the various women’s groups seeking the legalisation of abortion, since to do otherwise would cause great injustices and harm. In an oddly circular argumentative strategy, the questioning of certain human rights discourse is couched by some as an accusation of a ‘neo-religious’ or secularist fundamentalism, according to which the human rights lobby is in effect doing exactly what it frequently critiques in marshaling a particular discourse and textual sources to

advance its aims, as Shirley Richards informed an audience at a Lion's Club of Kingston, Jamaica, shortly after the amended Charter of Fundamental Rights and Freedoms was passed: "[f]rankly, some of us are concerned that the concept of human rights is being used to erase the distinction between right and wrong, and that human rights, in itself, have now become the new religious dogma" (*Jamaica Gleaner*, April 10, 2011).

What is notable about Tyson's statement – as well as the Reverend Miller's earlier remarks on the CVM talk show about being careful not to include everything as an issue of rights but rather, seeing some things (like homosexuality) as wrong and lifestyle choices –, is the taken-for-granted ways in which ideas of 'right', 'wrong' and 'justice' are spoken about. In other words, these speakers do not seem to recognise that they are in any way seeking to enforce, within the pluralistic society of Jamaica, their values and principles on those, even if they comprise a minority within the population, who may understand these things differently. Viewed from a distance, this approach would seem to bear a close resemblance to the very transgression that they vociferously accuse western countries such as Great Britain and the United States, as well as women and gay rights activists, of committing in their efforts to impose their version of human rights on everyone. It would thus seem unsurprising that some persons are quick to identify the hypocrisy of many Christians who not only seek to impose their ideas of rights, right, wrong and justice on everyone, but also appear to only strategically deploy these languages, and use the Bible to support it, when it suits them. Take for example, the

following comments by readers of *The Observer*, in regards to Miller's explicit call for Jamaicans to reject the homosexual agenda:

Cinderella Mack:

It's about human rights Jamaica! Will we hate our children because they tell us they are gay...God tells us love everyone and that is why I am appalled that the hypocrites in the church [e] s would instigate such hate and bigotry.

WilliamMuth:

The Millers & Blair's use the Bible when it suits them. I don't need them to tell me how to live. I don't go to church but I treat people, as I would want them to treat me. I respect everyone until they lose my respect. Even then I can't hate that person. As I have posted before, let ['] s forget who people are and look at what they can offer. Jamaicans, let ['] s stop hating and look to moving the country forward. So many churches and we are still so backward. Turn these churches into trade schools.

Anthony II:

...But that is the nature of JA for you; every hypocrite in the country thinks that he/she can invoke the name of "God" to preach hate and intolerance when it comes to this issue. These "Jamaican Christians"; these half-day Pharisees! These assorted heathens!

Maude Cooper:

Al Miller must understand that some people serve another God from his. Mine is the same Lord as Daniel's when he was thrown in the lion's den, the same Lord who had asked the so called God fearing people without sin, who had gathered to stone an adulterous woman to death, to cast the first stone. The same God who temporarily blinded Saul when he was knocked off his horse on his way to Damascus, the same one who said peace on earth goodwill towards men, and so leave Judgement to him as well. Where exactly in the Bible promotes hate again? This is a human rights issue not religious so when people enters into Al Miller's church he can preach whatever he wants to them. (cited in *Jamaica Observer*, December 28, 2011)

These comments clearly reveal that although Christian churches and some of their leaders, such as the Political Ombudsman Bishop Herro Blair, still have some social and political influence, they are not always blindly followed or praised as guardians of justice and fairness or as persons always capable of distinguishing between what is really 'right'

and ‘wrong’. Indeed, despite their prominence and access to forums of public opinion, there is a steady undercurrent of opposition to the anti-homosexual or strict anti-abortion views of conservative right Christians like Blair, Miller, Richards, and Ho Lung. As with the above comments, such opposition takes strong exception to their explicit promotion of hate, injustices and intolerance in the name of God, Christianity and morality, to the detriment of human rights advances.⁸²

Nonetheless, as well as asserting their divinely bestowed moral authority, conservative Christians also sometimes employ a subtler defensive strategy, as exemplified in the previous chapters and Ester Tyson’s earlier statement, by asserting **that certain claims to rights may potentially infringe upon the rights of Christians as well as other likeminded Jamaicans**, thereby seeking to use the concept of rights against its more progressive exponents (as exemplified in the titles of some newspaper columns such as, “Families: same or both sexes?”, “Gays’ threat to free speech,” “Jamaican Church in

⁸² In my study, I found that oppositions to both anti-abortion and more so anti-homosexual sentiments are not as invisible as I initially expected. Though oppositions were often also aired in the local newspapers, for example, I found that the loudest oppositions, especially of anti-homosexual views, were on personal blogs as well as on those websites, such as GLBTQJA and GAJAMUN, that are dedicated to discussing lesbian, gay, bisexual and transgender (LGBT) issues within the Caribbean and Jamaica in particular. Indeed, some respondents identify that locally women’s and sexual rights groups such as J-FLAG are posing a challenge to the norms and values of Christian churches, in terms of their increasing visibility within the society:

Well, I think J-FLAG has come into prominence over the past 10, 15 years. I am not quite sure of the time. But I left Jamaica in 2004 and came back last March and J-FLAG was around when I was leaving and they were becoming **prominent**, they are now quite vocal and they are not in a closet anymore. The organisation is up front, there are representatives of the organisation that will take you on, on public radio; take you on in the press. And so, I think theirs is a voice that the Church has to reckon is there, with volume, and the cogency of their argument. So the Church is not the only game in town in terms of guiding and influencing morality.... there are other groups. (Clinton Chisholm, in discussion with the author, April 03, 2012)

Eclipse”, “Testing Christian morality – again!”, “The gay agenda and rights of Christians”, “The rebellion against Christianity”, and “The vanishing institution of Christian marriage”, as well as letters to the editor, such as Shirley Richard's “Are Christians second-class?”). The commonly expressed theme in these articles (as with the submissions made to the Joint Select Committee considering Charter amendments by groups such as the Lawyers' Christian Fellowship) is that certain allowances in the name of respecting human rights would, as is the case in other countries such as Canada (often cited as an example), not only justify ‘wrongs’ but would make it problematic for Christians and other religious groups to safeguard their religion or belief in “worship, teaching, practice and observance” (Jamaica 2006:29). Undoubtedly, if true this would constitute infringement of a the right to freedom of thought, conscience and religion as set out under Article 18 of the 1948 Universal Declaration of Human Rights.⁸³ The following quote by a blogger, Alessandra, commenting on Shirley Richards’ letter to the editor, “Are Christians second-class”, is particularly interesting in that it explicitly go as far as identifying the ‘pro-homosexual ideology’ as aimed not merely at normalised the homosexual lifestyle, but actually physically eradicating all other citizens, specifically Christians, with opposing views and values:

The simple answer to your question, I totally agree, is, yes, Christians or anyone who disagrees with a harmful, pro-homosexual ideology has been stripped of their fundamental human rights.

⁸³ Article 18 of the 1948 Universal Declaration of Human Rights states that: “Everyone has the right to freedom of thought, conscience and religion; this includes freedom to change his religion or belief, and freedom, either alone or in community with other and in public or private, to manifest his religion or belief in teaching, practice, worship and observance” (General Assembly of the UN ([1968] 1998: 11).

Gay rights advocates don't just want legal equality. They want to brand anyone who disagrees with them, on marriage or anything else, as the equivalent of a modern-day segregationist. If you think homosexuality is immoral or changeable, they want to send you to be reeducated, take away your license to practice counseling, or kick your evangelical student group off campus. If you object to facilitating same-sex weddings or placing adoptees with same-sex couples, they'll slap you with a fine for discrimination, take away your nonprofit status, or force you to choose between your job and your conscience. If you so much as disagree with them, they call you a bigot and a hater.

They won't stop until they stigmatise your core religious teachings as bigoted, ban your religious practices as discriminatory, and drive millions of religious Americans right out of the public square. But their target is broader than just religion. Their policy is one of zero tolerance for those who disagree with them, and they will use the law to enforce it.

At bottom, they are not interested in sharing the country. They want to wipe everyone else out, while shoving the normalisation of homosexuality down everyone's throats in the process.

It is interesting to see that in the name of liberty and equality promoters of homosexuality and their laws look more and more fascist. (Cited in *Jamaica Gleaner*, June 01, 2011)

While everyone does not take such claims seriously, it would be erroneous to assume that they are not circulated within a number of mainstream reputable spaces and shared or heeded by enough people, including some in positions of power, to be influential within the society. Consider, for example the effective organised presence of conservative Christian groups, such as the Lawyers' Christian Fellowship, in the two legal processes that this thesis considers. Specifically, this group (as explained in chapter three) was able to present a late submission in the Jamaican Parliament because some Parliamentarians thought that their concerns about the legalisation of homosexuality, abortion and the possible infringements upon Jamaican, not to mention Christian, values were too serious to ignore (*Jamaica Gleaner*, February 10, 2006; *Jamaica Observer*, June 18, 2006a). In fact, similar concerns, to those voiced during these legal reform processes, were aired at

the one-day symposium on ‘Human Rights, Sovereignty and the Politics of Truth’, organised by the Jamaican Lawyers’ Christian Fellowship in association with the Issachar Foundation and held at the Norman Manley Law School at the University of the West Indies (Mona) on December 10, 2011.⁸⁴ This symposium, which was attended by some important public figures including the Governor General of Jamaica, was advertised as seeking to,

- 1) Re-examine the role of law in society;
- 2) Increase public awareness of the potential danger that exists if human rights are freed from their traditional moral foundations;
- 3) Examine the subversive effect of the “fallacies” of popular human rights rhetoric on the democracy and sovereignty of nations; and
- 4) Examine major human rights treaties. (Tomlinson 2011: pgph.4)

Maurice Tomlinson, a Jamaican lawyer and sexual rights activist wrote that the presenters at the seven-hour long symposium,

[All] extolled the virtues of Dominionism – the belief that countries must be governed by a conservative Christian understanding of Biblical law – and cautioned (actually, more like threatened) Jamaican Christians that if they don't organised a counter-offensive against the militant gay agenda sweeping the world, their beloved country will be overrun by aberrant ideas “hell bent” on destroying marriage, children, and, of course, Christianity. (Tomlinson 2011:pgph.5)

This kind of promotion of moral panic under the plausible guise of a professional gathering, which constructs gay peoples and men in particular as a “dirty infringement upon the national body” (Carr 2009:101), are not unique to this particular event. Indeed,

⁸⁴ It is likely not a coincidence that this symposium took place following the respective ‘threats’ made by Brown and Obama and the statement during the November 2011 election debate by the leader of the People’s National Party, Portia Simpson Miller, that if she was elected as the country’s prime minister she would review the buggery laws and would allow qualified gay people to serve in her cabinet.

Robert Carr (2009) similarly observes that this “kind of rhetoric was promoted by many participants attending Advocates International, a ‘Christian Lawyers’ conference held in Tobago on the weekend of July 27-29, 2007” (101).⁸⁵ At this event, which occurred nearly five years prior to the symposium held in Jamaica in 2012, one presenter similarly spoke about the “‘ideological attack’ on families and God” (ibid.), identifying three focal issues that Christians must safeguard against:

Comprehensive Sex Education (which, according to the presenter, is ‘teaching children about birth control, abortion, masturbation, homosexual behaviour and other evils’), sexual and reproductive health, (a ‘euphemism used to introduce all the foregoing deceitfully into legislation’), and GLBT rights, ‘part of the Culture of Death that seeks to destroy marriage and its Godly participation in the unitive life of the Trinity and carry out Satan’s hoped-for triumph over God’s plan for the human race to bring love and life to Mankind”. (Ibid.)

Carr further notes that religious leaders in other Caribbean societies unleash similar “vitriolic sentiments” that represent certain bodies and practices as an affront to the national body. An article published in the Grenadian paper *CMC* and credited to journalist Rawle Titus, averred that the practicing of “‘gay lifestyles’, whatever they may be, is akin to military invasion of the nation” (ibid.:103). Given this particular nation’s historical experience with military invasion, it is hard not to view such proclamations as alarmist, at the very least.

⁸⁵ Similar to the symposium held in Jamaica, this event in Tobago also had international collaboration; specifically, it was financed by the Canadian branches of the ‘Christian Lawyers’ Organisation (Carr 2009: 103).

As discussed, it is likely that increasingly vehement criticisms of the Christian right, such as those previously identified above also ignite these kinds of outcries against an impending national threat and persecution of Christians within this society and the world in general.⁸⁶ For some conservative Christians, for instance Ester Tyson, such opposition is characterised in apocalyptic terms redolent of Scripture as a “wind blowing across our nation, Jamaica, which threatens to destabilise the Christian world view that we accept as the norm in our country” (*Jamaica Gleaner*, February 05, 2012). Proponents of the new rights agenda would replace what Tyson believed is an ‘accepted norm’ with a pro-homosexual, pro-abortion, and in general free-for-all ideology that elevates certain ‘new’ claims to human rights, along with militant secularism, to the status of modern theology. Ian Boyne raised similar queries in his interview with atheist and secularist human rights activists Angeline Jackson and Javed Jaghai, about whether they were attempting to replace what they regarded as the unfair ‘privileging’ of Christianity in the Jamaican society with an equally partial adherence to secularism. This, Boyne asserts, is an important question to attend to as it was indeed one of the fears of some people that “if you guys take over, you are going to put the Christians in the closet” (*Religious Hardtalk*, September 18, 2012). Interestingly, similar critiques are made in quite different contexts, such as in predominantly Islamic societies, where there appears to be a stark clash

⁸⁶ Conservative Christians like Richards, Chisholm and Tyson have repeatedly drawn attention to the ‘real’ threats posed by the homosexual agenda to Christian values and family life in other areas of the world through such stories as that of Owen and Eunice Johns, a Jamaican couple residing in England, who were banned from foster-parenting because of their views on homosexuality. According to Ester Tyson, they “were told by a court... that gay rights ‘should take precedence’ over their religious beliefs” (*Jamaica Gleaner*, February 05, 2012).

between religious and ‘secular’ human rights discourses. R. Scott Appleby thus argues that “the secularism of the West has become so hegemonic as to be exclusionary” (cited in Tadros 2011:7), becoming a fundamentalist movement in its own right. Appleby cites objections to, “secular fundamentalists who are the ‘dogmatists who proclaim the creed of secularism, as if they were the sole bearers of truth and righteousness’ and who will go to great lengths to crush any forms of religion in the public sphere” (ibid.).

“‘New’ versus ‘traditional’ human rights”

It is important to underscore here the somewhat self-evident reality that although Christians are at times criticised for hindering the rights of women and sexual minorities, and in turn, certain Jamaican conservative Christian leaders have condemned the deployment of human rights for justifying ‘wrongs’, the issue for some conservative Christians, as illustrated in the earlier comments by Reverends Miller and Chisholm, is not in fact with the notion of human rights per se; rather, it is with specific issues that are being presented as matters relating to rights and justice, what Richards labeled those ‘new human rights’, which are becoming the “new religious dogmas” (H 2011b, under “excerpted address by Shirley Richards”; see also *Jamaica Gleaner*, April 10, 2011). Indeed, some Jamaican conservative Christians, namely the reverend Al Miller and Shirley Richards, who object to the supposedly ‘liberal’ interpretations, inclusion and dissemination of human rights, agree that there are in fact certain ‘traditional’ human rights, specifically those identified in the 1948 Universal Declaration of Human Rights,

that are undisputable as rights because they are “grounded in something objective, a truth based in natural law” (Cornides 2010:i), reflect the ‘plan of God’ and are thus not mutable or illusory, nor are they “simply commodities that are handed out and enforced by a state who decides who is a ‘person’ and entitled to be a rights-bearer” (ibid.:ii-iii).

Nevertheless, legal scholar, Jakob Cornides, J. D (2010), in a paper published by the Catholic Family and Human Rights Institute, argued as follows:

That tradition [of respecting those rights that are grounded in the truth based on natural law], if not close to becoming extinct, is certainly endangered, as proponents of new theories of ‘human rights’ emerge and dominate the discourse at the United Nations, in the capitals of aid-dispensing countries of the global North and in the academic journals. There is a proliferation of rights – ‘reproductive rights,’ the right to non-discrimination based on undefined and malleable categories of ‘sexual orientation and gender,’ the right to die – all of which threaten to crowd out long-established rights, such as the rights of conscience, free speech and religious free exercise when the old and the new rights (inevitably) come into conflict. (P.i)

Consequently, appeals to and any attempts to adopt ‘new, liberal human rights,’ such as sexual orientation and gender identity, are contrasted to what these supporters of the status quo consider to be ‘morally right’ or undisputed rights, which latter rights risk perilous dilution by the addition to the roster of the former. One way in which this was exemplified in the Jamaican context was by the rejection of abortion as an issue of women’s reproductive rights by certain Christian leaders, such as Father Richard Ho Lung and pro-life groups, such as the Coalition for the Defence of Life, who claimed that this represented “somewhat clandestine attempts to establish a ‘right-based’ approach to

women's reproductive health" (Brady-West 2011:195) to justify the immoral violation of the unborn child's right to life.

CONSERVATIVE CHRISTIANITY AND POLITICS

Although espousal of contemporary human rights discourses may indeed be 'militant' and is doubtless 'secular' in some instances, accusations, by rights activists such as Maurice Tomlinson, about the continuing hegemony of Christianity and the defense, in the conservative circles discussed above, of a form of dominionism within countries such as Jamaica cannot be overlooked. Dominionism, as Tomlinson (2011) summarised, is the theocratic idea that a conservative interpretation of Biblical law should govern a country, which would work to reinforce heteronationalism. According to this ideological viewpoint, "heterosexual Christian men [and arguably some women] are called [regardless of theological view or eschatological timetable] by God to exercise dominion over secular society by taking control of political and cultural institutions" (PRA N.d., under "Dominionism"). Whilst statements made by politicians, such as that of the previous Prime Minister Bruce Golding that there will be no gays in his cabinet, seem at first glance, to be unequivocally in support of dominionism (AFP, October 13, 2009; *Jamaica Gleaner*, May 25, 2003), this ideological position is simply one amongst many within the Jamaican context. Indeed, my findings show that some Jamaican Christians, as will be explored in chapter seven, extoll the opposing theocratic ideology of

‘stewardship’, “which suggests custodial care rather than absolute power” (PRA N.d., under “Dominionism”).

Nonetheless, when one examines some of the statements made by some Jamaican clergy and ‘Christians,’ it would appear that there is, as Hania Sholkamy stated in reference to Egypt, “a form of support for communitarianism (under the premise that this is the religion of the majority and it is what the majority wish) under which those who deviate from the religious normative values, order, or ways are rejected” (cited in Tadros 2011:7). Arguably, the public outcry about ignoring moral values and bowing to external pressure from conservative elements in the society, including some influential Church leaders such as the Reverend Wellesley Blair and Al Miller as well as President of the Deliverance Evangelistic Association and the Political Ombudsman Reverend Herro Blair, over People’s National Party leader Portia Simpson-Miller’s declaration in the 2011 election debates to the effect that “no one should be discriminated against because of their sexual orientation and if elected Prime Minister she would review the anti-gay buggery law” (Canning 2011) illustrates this support of communitarianism (see also *Jamaica Gleaner*, January 09, 2012; *Jamaica Observer*, December 22, *Jamaica Observer*, 28, 2011).

Although Simpson-Miller won the election with a landslide victory to become the country’s newest and first elected female Prime Minister, the backlash provoked by her

remarks again highlighted the readiness to reject anyone who does not share concerns over the deterioration of the country's Christian values. Immediately after the party's victory, the Reverend Dr. Wellesley Blair, who also serves as a chairman of the People's National Party's integrity commissioned, warned the Prime Minister and her Cabinet, the day after their victory whilst they were attending his sermon at the Portmore New Testament Church of God, that "Loyalty to God over loyalty to foreign rulers [who are urging the country to respect the human rights of all its citizens, including LGBT peoples] may cause personal and even national persecution. There are some things that we are going to have to bear as a nation and we are depending on those that God has chosen (to lead)" (*Jamaica Gleaner*, January 09, 2012). In response to such a warning, the Prime Minister assured Blair's congregation that they still had their faith in God and that they will continue to place themselves in "the 'hands of God'" (*ibid.*). Given the importance of Christian churches in Jamaica and specifically, as pointed out in the Introduction, to this political leader, their concerns may very well continue to have some influence on the decisions of governments. Indeed, a hundred days – the reported timeline set by J-FLAG for the government to start the promised review of the buggery laws – has long passed since the new Prime Minister has taken office, but her government has yet to begin any such process of review.

Of course, this was neither the first nor the last time that a leader within the region declared their willingness to consider the sexual or rather human rights of all citizens. In

2003, the then Attorney General of Barbados, Mia Mottley, took a more explicit stance in regards to changing those laws within the country's criminal code that are deemed anti-homosexual. She declared,

While we would like to believe that there are normative values that will guide the society, the reality is that government in a pluralistic society must accommodate and respect the human rights and the dignity of each individual... To that extent, law, which seeks to discriminate in a society whose history has been scarred with the cancer of discrimination, has in fact to be reformed. (cited in Murray 2012:38)

In a country similar to Jamaica in that the majority of the population identify themselves as belonging to a Christian denomination and in which, as Murray (2012) identifies, Christianity provides a “notable gendered and sexed discourse that influences opinions of homosexuality” (p.26) and, more generally, appropriate gendered and sexual behaviour, it may not be at all shocking that Mottley's statement, like Simpson Miller's, did not ultimately result in any process of review or legal reform of the relevant laws.

At the previously mentioned panel discussion focusing on stigma and discrimination in the Commonwealth Caribbean against persons based on their sexual orientation and gender identity, well-known Barbadian political analyst and lecturer Peter Wickham noted, in this regard, that many of the region's politicians “want to go to heaven but are not prepared to die” (cited in Antoine and Wickham 2012:n.p.). This apposite remark sums up the tendency of some of the region's politicians to intimate the enactment of revolutionary changes in the areas of sexuality and human rights, but also to eventually fail to follow through on such tantalising promises in the midst of other pressures.

It seems likely that these promising intimations of change from opposite ends of the Caribbean simply foundered under the intolerable weight of Christian heteronationalism as a normative force in Caribbean societies: as stated previously, the law does not simply rule through coercion and discipline, but rather, as Susan Silbey (2005) reminds us, through “taken-for-granted and normalised assumptions about everyday life” (p.332). It thus remains an assumption for many that one of law’s main functions and values is to regulate and reinforce morality (including sexual morality); equally, in Jamaica and many other countries in the Anglophone Caribbean debates around the interpretation of human rights in the law, particularly when they relate to sexual orientation and practices such as abortion, are thus frequently framed as issues of respect for individual rights versus protection of (cultural, including religious) understandings of morality, or, as the preceding paragraphs highlighted, ideas of what is fair, just, right and wrong (Murray 2012).

A PRAGMATIC APPROACH TO RIGHTS

Vernacular notions of human rights

Ideas of fairness, justice, right and wrong, as well as the local coinage that captures their meanings, thus may very well continue to preclude the meaningful use of more established international human rights languages (such as human dignity and equality)

within the local context, and especially in the vocabulary of the general public. At first glance, this may appear to be reflective of a general disregard and incomprehension of the notion of human rights, but there do in fact exist localised discourses that perform something of the same role as human rights language. Marcia Johnson ably pinpoints this linguistic complexity when she states that,

... there are reasons to be sceptical about what we call human rights and I say that as sitting as a commissioner on a human rights commission... But historically, human rights developed Post World War II and I don't see how you can articulate their values to Caribbean people if that is the genealogy; a genealogy, which begins with the Holocaust, which isn't rooted in slavery and the marginalised and oppression of Africans and Indians and people of colour and even some people who are white. So, I think it is that lack of roundedness historically and the erasure of a lot of the history of the Caribbean or the failures to present that using this kind of language. But also, some rights language doesn't quite fit with how Caribbean people think, you know, so... Caribbean people value highly respect, which is a strong human right notion but isn't quite... doesn't have a perfect equivalent...and they do have this idea and the way, I often use Rex Nettleford's expression 'smaditisation' he uses different ways to describe it, but the whole idea is that everybody a 'smady' [somebody] and that is about human dignity. I think those are deeply rooted ideas in the Caribbean but so are 'big' people and 'little' people [chuckles], that is, that some people are more than other people. (Marcia Johnson, in discussion with the author, April 11, 2012)

Similarly, Murray also sees the strength in appealing also to local conceptualisations and understandings of what may be considered to be 'rights' talk. Specifically, he argues that in contexts such as Barbados,

it may be more efficacious for stigmatised groups (such as those who, based on their sexual practices, are not equal to their fellow citizens before the law) and their supporters to develop alternative strategies in which principles embodied in international human rights discourses are fused with local practices or performances that demonstrate similar values or logics, emphasising justice, equality, dignity, and respect for all citizens. (Murray 2012:40)⁸⁷

⁸⁷ This tendency to incorporate and even privilege more localised language and discourses may be one manifestation of, what Jane Cowan (2006:9) considers to be an "increasing deployment of talk about 'culture', including culture as an object of rights" into 'rights talk'. Cowan's writes that there were four

The effectiveness of such a hybridising strategy, as my study found, was also evident in focus groups discussions on the issue of abortion, which were held by Development Alternatives with Women for a New era (DAWN) Caribbean working group in inner city communities in Kingston, Jamaica. One women's rights activist, who was at the heart of the debates around the legalisation of abortion in that country, recalled in our interview that it was difficult for many of the focus groups' participants, largely due to their Christian socialisation, to understand abortion as an issue of women's human rights in the abstract. However, when the discussion moved beyond the more abstract international rights talk to include local language and lived experiences some of these people saw things differently. In other words, allowance for more intimate discussions, that allow people to share their opinions and evaluate their values and judgement on things, may be helpful in getting more nuanced perspectives on controversial issues such as abortion. For example, in one meeting in the community of Denham Town, this activist recalled that people were fussing in disagreement about the legalisation and 'rightness' of abortion. However,

noticeable, historical and present, conjunctions between rights and culture: "(1) rights versus culture, (2) the right to culture, (3) rights as culture, and (4) culture as 'analytic' to rights" (ibid.: 6). The analysis of the Jamaican situation reveals that there are similar conjunctions between rights and culture but that this is complicated by localised understandings of culture and 'rights'. Moreover, she observes that in such deployment culture is often spoken about in essentialised notions as if it were fixed, bounded and, static; but even more interestingly, is that it is juxtaposed alongside rights, even though these two concepts had historically been seen as opposed (ibid.).

[w]hen you broke it down, firstly, most of them didn't know that if a woman chooses to have an abortion and if she get caught she would end up in prison, once the whole idea of imprisonment came up most of them say they don't think that it is right to be punishable or should be punishable by going to prison, they thought that was unfair. When the issues of rape came up, they say no they don't think that a woman should be forced to carry a child if the man rape[s] her. So when you presented them with the conditions and how women made choices about it, the views always waivered a bit. They still in a morally strict sense would say well I don't think it right the idea, but they will waiver to say, well she have [has] a right if those. In other words, I found that when we did focus groups meetings you were able to see a balance, where balance was possible, where consensus was possible under a certain conditions... What we found generally was that the influence of religion in people's minds was such that they didn't see issues of abortion and homosexuality as [pause], as natural or as correct, speaking more about abortion, but they felt that under certain circumstances the woman should have the right to make that choice or the other thing. (Taitu Heron, in discussion with the author, April 05, 2012a)

Even though these persons were willing to modify their views on abortion when discussing it in specific rather than abstract terms, similar ambivalence does not always translate into full acceptance: "at the end of the day, homosexuals are still humans and if you take them at their humanity you are not supposed to discriminate, at a fundamental level they accept that but they don't like the lifestyle, so they always end up saying, 'just don't bring it to me...'" (ibid.).

Thus, regardless of the benefits to be gained from grassroots approaches, one must at the same time be careful not to romanticise localised discourses on rights, for these are quite likely to be deeply embedded within relations of power that normalise or at least leave unquestioned existing hierarchies and inequalities, something that Johnson is obviously aware of when she stresses that alongside the notion that 'everybody is somebody' is the more problematic idea that there are also "'big' people and 'little' people." Within 'post-

colonial' Anglophone Caribbean societies like Jamaica, this form of inequality may be based on, and is in turn justified by, a number of factors including 'race', skin color, ethnicity, religion, educational attainment, socio-economic class, residential address, sex, gender, sexual orientation and practices that signify and fix differences. Correspondingly, Murray (2012) cautions against "the implementation of claims to rights based on unquestioned or unexamined local cultural traditions. This "cautionary addendum," he writes, "builds on Sally [Engle] Merry's (2006a, 2006b) analysis of the multiple processes by which human rights are remade in the vernacular (local contexts), which may result in the further embedding of existing hierarchies of oppression (or creation of new ones) while one works to erase them" (Murray 2012:40). Certainly, the dominant heteropatriarchal discourse was reinforced in part through the process of translating international human rights in the Jamaican vernacular even as relevant state leaders made claims to implementing a constitution that would protect the rights of all citizens. Arguably, certain appeals to differentiating 'rights' from 'wrongs' and 'moral' from 'immoral' based on unquestioned or unexamined local cultural traditions somewhat undermined the earnest fulfillment of this proclaimed constitutional reform goal.

Considering the various limitations attached to defining and interpreting international human rights discourses in local contexts, as reflected in the Jamaican Constitutional reform process, one is led to ask if there is ultimately any point in using the 'new theology', as Smith (2000) calls it, of human rights discourses? Or how do we most

effectively go about interpreting and translating the international human rights discourses so that they will be most useful and relevant in local settings? Serious engagement with these questions requires one to address the robust body of literature on the ways in which international human rights discourses are being interpreted and used by marginalised groups, including LGBT peoples and women whose sexual and reproductive rights are curtailed or outright denied, in their local settings. For example, Cornwall, Correa and Jolly (2008) report, “Around the world, sexual rights struggles are evolving on the basis of citizenship and human rights claims to eliminate discrimination, stigma and state-sanctioned violence” (p.7). Talking about sexuality in relation to these other domains of life does not, as Armas (2006) argued, mean that sexual rights are less important than, say, rights to education, health or work, but rather, this strategy aims to show that “sexual rights are all these rights” (p.21). The strength of such an approach is based on the

undeniable fact that violations of certain rights affect others. Principles of integrity, indivisibility and interdependence lead us to approach sexual rights as interrelated with rights to education, health, work, political participation, mobility, and as having effects on migration, food, housing, etc. (Ibid.:23)

By adopting such an approach to rights, marginalised groups are not only linking their struggles for individual rights to the wider collective, thus highlighting common grounds with others who may not have previously the connection between these issues, they are also constructing themselves as active citizens with social and political duties and responsibilities to protect and look out for the well-being of their fellow citizens. Of course, such strategies may also have unintended consequences similar to the effects of

aligning HIV and AIDS with the struggles for lesbians, gays, bisexuals and transgendered (LGBT) peoples' sexual/human rights; that is, sexuality may become understood, in moves towards policy and legal reforms, only in relation to risks and problems rather than to desires and pleasure.

Though there is evidently no panacea that will suddenly shed light on all our concerns about the effectiveness of human rights discourses, it is useful to reiterate the most cautionary advice in relation to this dilemma. It may, in fact, be the case that there are advantages or benefits to most human rights discourses. In the Jamaican Constitutional reform process, where matters of rights were being reviewed in a local context, it created an avenue for a sexually marginalised group, J-FLAG, to name or contextualise their struggles (as seen in the ways they framed their arguments in the context of rights to privacy and protection from discrimination) as well as to bring public attention to the harm being done against them (see Robinson 2004). However, the resistance generated by such discourses in some instances in the Jamaican reform arena, together with their occasional selective use to actually hinder the possibility of reducing oppression, must bring us into agreement with scholars such as Kennedy (2002) and Murray (2006, 2012) in suggesting that one must always be mindful not to see these discourses as “the only viable solution” and in so doing use them to close the door on or delegitimise other possible valuable local emancipatory strategies. Instead, as Kennedy argued, there needs to be a critical and pragmatic approach to how people use, understand and think about

human rights, an approach that keeps front and centre the primary goal of increasing the total sum of responsibly enjoyed freedoms and the reduction of oppression on the basis of mere difference.

A pragmatic approach evidently does not mean that one should simply drop the discourse and vocabulary of human rights movements; rather, it means that we should be aware of its limitations and the ways it may be misused, misinterpreted and manipulated to cause more harm or more bad effects than good ones. As Kennedy (2002) stated, a pragmatic approach involves “specifying the benefits and harms that might attend human rights initiatives in particular cases, under specific conditions, in particular periods, and so forth” (p.102). Of course, it can often be far from easy to identify potential harm or make a clear distinction between the harm and benefits, precisely because various actors interpret the vocabulary differently, in sometimes-unpredictable ways. As such, we should always be mindful of the fact that the movements themselves, in spite of their claims, are not always coherent, nor are the rights they champion accepted as being inherently universal or natural. This is exemplified in this discussion by the various, sometimes contradictory ways human rights vocabularies were interpreted by various actors (Parliament, members of the Joint Select Committee and J-FLAG), causing prejudicial stances to be continuously legitimised through lip service to the discourse – as in the case of heteronationalism.

However, it is the pragmatist's job to take possibilities, as best as one can, into account, "estimating their likelihood and augmenting or discounting risks accordingly" (Kennedy 2002:103). Two of the strengths of this call for a pragmatic approach are that it reveals that there is still much to be learned in regards to how we understand and use human rights discourses with regard to the translation of the international frameworks into local settings. In addition, it demands, on the other hand, that we carefully consider how the specific complexities and challenges in local settings might shape and determine how human rights discourses will be received and used in specific cultural and national circumstances.

SUMMARY

This chapter highlighted the importance of rights talk in both the Jamaican Constitutional reform process and the review of the country's abortion laws as well as in regards to more general concerns about such sexuality-related issues as homosexuality within the society. Specifically, it focused on the complexity around interpreting and defining human rights, revealing that often constitutional reform is never merely an avenue for translating or shoring up existing rights; rather, it is also a space where rights may end up being unevenly defined, distributed and even pulled back, evident in the limitations placed on some groups' rights, including women's, by the inclusion of saving clauses. Moreover, this chapter pointed out that locally, international human rights vocabularies

and discourses may be “used in different ways by different people,” depending on their interests; by the same token, “the movements may be split in ways that makes blindness to possible harms more acute in some places and times than others” (Kennedy 2002:103). For that reason, the definition and inclusion of such rights as the 'freedom of religion' were at no point considered, by conservative Christians, to be at issue, as was continuously the case with some of the rights, such as the reproductive and sexual rights, being claimed by the groups they are opposing. Instead, the right to religion, though seen to be under threat by some within this grouping, seems to be taken for granted as more fundamental than other 'newer' human rights, with claims even being made to it being a fundamental pillar of the nationalist edifice. Due to the difficulties of interpreting human rights discourses, particularly, international ones in local contexts, this chapter makes the case for adopting a more pragmatic approach to rights talk. This may include considering, without romanticising, other notions of rights that may be more accessible in specific local settings.

CHAPTER SEVEN

Christianity and Human Rights in Jamaica: Further Explorations

...it goes back to the issue of the interpretation of Christianity versus Christianity in its fullest sense. My idea of Christianity is really how Jesus Christ walked the earth. If you follow how Jesus Christ walked the earth, **Jesus Christ was a hell of a human rights advocate**, right. That is my version of Christianity (laughing) okay. It is also very empowering, it is also very liberating and it is also very gender friendly, **because he never turns his back on anyone**. So it is really about the interpretation of it, so the flaw is in the interpretation. **Man's interpretation, emphasis on MAN**, right. Ohm and that to me is where the problem lies, [be]cause the other thing is, when you look, you really have to deconstruct the Bible... But when you deconstruct the Bible there are so many different things in it that can justify human rights abuses but at the same time there are other things in it that can justify ohm advocacy, right. And when you really think of the power of interpretation too much is given in the hands of these pastors, the leaders of the Church, right. When you talk to churchgoers some of them have their own views of the Church or of the Bible that can be very beautiful and sweet... especially as it involves things like the environment and the spirit realm so it is not a strict conversion. But when you deal with the more formal religion the ones that are institutionalised their idea of Christianity is very much entrenched institutionalisation that is where you run into problems... (Taitu Heron, in discussion with the author, April 05, 2012a)

In the previous chapters, the broad battle lines were traced between progressive rights activists and the more conservative sectors of the Jamaican Christian churches that dominate spaces of power in the heteronationalist state, specifically in the processes of law reform at issue. Taken on its own, the resulting portrait of the Church thus far might therefore be seen as tending to perpetuate somewhat the fire-and-brimstone caricature that has impeded much meaningful engagement, a perpetuation that this thesis seeks explicitly to avoid, as discussed in the Introduction. The present discussion thus explores some more conciliatory scenarios in which the endeavors of Jamaican churches and

church folk have converged with those of progressive rights defenders, or, where such endeavors predate contemporary rights activism or have no direct contact with it, they might at least be viewed as benign by those who espouse such activism. This chapter therefore constitutes something of a corrective to the tendency of certain international voices to homogenise and demonise the 'Christian Church' in Jamaica, seeking to restore a balance of perspective that acknowledges the diversity and range of social engagement exhibited by the numerous churches and their clergy. It is based largely on personal interviews with a number of respondents who were anxious to offer a counterbalance to the conservative view, which they clearly feel is overrepresented in official spheres and in the international perception of Jamaica. At the same time, the chapter also continues to analyse more conservative Christian positions, but takes this analysis beyond the exclusive arena of the constitutional and legal reform processes to consider approaches to sexual and reproductive rights in general, and to other related rights issues. In doing so, Christian Jamaican responses to the fraught issue of 'tolerance' of alternative sexual identity and activity will be discussed, revealing a spectrum of approaches ranging from outright excoriation, through ministering only with 'corrective' ends, to welcoming of the person but not the act.

This nuancing of the church's role is in no way intended to minimise its repressive effects when these have been present: most certainly, churches in Jamaica have been complicit in the marginalisation of minorities, including black women and sexual minorities, but they

have also traditionally provided many services considered important for the realisation of people's human dignity and the actualisation of certain social rights. Similarly, the discourse of churches and church folk, as well as their actions, may at times have socially cohesive and conciliatory effects that do not rely on exclusionary rhetoric aimed at certain minorities (Dayfoot 2001; Smith 1991; Soares 2001; Thomas 2004).

To develop the analysis of the relationship between Christianity and human rights in Jamaica, therefore, this chapter will briefly examines some alternative interpretations of Biblical Scriptures relating to sexuality, especially in regards to sexual orientation, offered by Jamaican Christians. These interpretations, in stark contrast to those highlighted in the previous chapter, are crucial in that they challenge not only conservative Christians' interpretations of what may be included as rights, but more generally the heteropatriarchal discourse that governs gender and sexual constructions and relationships. Subsequently, I explore some of the historical and current ways Christian churches advance human rights within the Jamaican local context, examining also some local views on the issue of whether or not human rights are rooted in Christianity or threatened by it. The chapter concludes by exploring respondents' views on the future role of Christian churches and leaders in the advancement of human rights in Jamaica.

ALTERNATIVE INTERPRETATIONS OF SCRIPTURES

The previous chapter drew attention to the common use of somewhat fundamentalist interpretations of certain Biblical Scriptures to justify religious as well as cultural heteropatriarchal biases about ‘appropriate’ and ‘respectable’ sexual practices and expectations, particularly in regards to homosexuality. Although such interpretations have gained legitimacy and popularity within the society at large, there are, as my findings show, also significant criticisms being voiced about the accuracy and dangers of these conservative interpretations of Scriptures. Such criticisms, as revealed in my some of my interviews, are not only being made by ‘militant secularist’ or ‘secular fundamentalists’; rather, there are some Christians who question the legitimacy of Biblical citation as a strategy in the debate, particularly given the deliberately calculating use of Biblical Scriptures to, amongst other things, justify certain claims as rights and denounce others as threats.

These ‘other’ Christians, who also belong to various denominations, call for a more critical reading of Biblical texts so as to avoid reproducing and legitimising the oppressive relationships such as patriarchy and heterosexism that underlie heteropatriarchal cultures and heteronationalist states like Jamaica. This is captured in two statements made by Jackson, the Jamaican feminist theologian who was interviewed for this thesis, which are worth reproducing at some length since they serve to nuance the

common perception of Christian positions in this debate. First, Jackson sheds light on the possibility of multiple and even ambiguous interpretations of Biblical Scriptures in reference here to the role and importance of men and women, in her statement that,

It is very difficult to talk about what Christian teachings tells us if only because we are dealing with the Bible that has many different voices in it and what we end up doing, at times, is that we select a particular voice that often follows a particular teaching in the Scriptures and that's the one we run with. So, I could make an argument with you, for example, that if you going to go with what is in Genesis, that man was created first and woman was created after, they both get punished, she gets punished for tempting him... so there is a whole notion of her subordination to the man being part of her punishment and all of that, not recognising that what we are dealing with there is a story, talking about things that happened historically, so it is talking about a way of understanding how men and women at that time, at that particular point of time and even now tended to relate on unequal fashion. And so you have to hold that particular story in tandem with... for example, ...reference to some other women like Debra, in the Hebrew Scriptures, who functioned as a leader... (Diane Jackson, in discussion with the author, June 13, 2012)

Secondly, she expatiates passionately on the complexity of Scriptures relating to sexuality and especially homosexuality,

... So, even in the Scriptures and this is part of what we have to understand, the framing of the Scriptures is very patriarchal and that gets complicated because of how we understand what we consider to be the word of God... So I know it is part of a framing and a misunderstanding that people have around what's going on in the Bible. Clearly you have in the Holiness Code, Leviticus and places like that where it says 'a man shall not lie with a man as with a woman', that's an abomination and what should happen to that man and should he be caught doing that...you have statements in Romans in the New Testament that says these people are not going to inherit... will not be saved: liars, adulterers, thieves, and then there are two problematic words that gets translated in some versions of the Bible as 'homosexuals', 'malo coitus' being one of them and I think the other is 'arsenokoitēs' ... and they are very problematic words because people have to try and figure out what the words mean. Some Scriptures will translate them, I think, as 'catamite'... in other words, part of what is happening is that people forget that they are working with a language that is old, that we have often times lost references for and all of that, but what seems to be behind those two words is an understanding of a certain kind of sexual practice that would have been around during that time where Greek men would

take young boys as lovers and they would not be penetrated but they would penetrate the boys and the boy would be considered the height of beauty and so on, that doesn't mean that these men weren't married, they were married and they had their families and so on but it was a practice that they developed and it was clearly a practice that involved injustice because this is an older man making use of a younger boy and all the issues that are around that... So, what's clear and that people don't understand is that the Scriptures have no understanding of sexual orientation, the Scriptures look at sexual practice and the Scriptures say everyone ... therefore if you are heterosexual-oriented and you are going against your nature then clearly what you are doing is wrong... [T]here are human beings, ...born [or] as a result of nature/nurture or a combination of that, [who] ... are always enjoying or attracted to someone of their sex, right, and then you can make arguments about the nature of that person and if we want to force them to be heterosexual are we not asking them to go against their nature? **It is those kinds of arguments that people don't pay sufficient attention to, when they take what is inside the Scripture[s] and try to use it to batter people in this context, a current modern context, that understand more about notions about psychology and sexual identity and sexual development that form no part of the background of the Scriptures,** so it is some of that I am alluded to when I say the Scriptures don't speak against homosexuality, **it speaks against homosexual practice by men considered to be heterosexual oriented** and we need to ... discuss that more before we take what is said, not interpret it within the context and try to bash people over the head with it, you know... (Ibid.)

Although these statements that Scriptures are being misinterpreted and used out of context to condemn homosexuals may not represent the most popular articulated views, particularly amongst those that appear regularly in the Jamaican mainstream newspapers, neither are the opinions unique to this particular respondent.⁸⁸ Anglican minister the

⁸⁸ In 2001, for example, the Reverend Stephen-Claude Hyatt, who is also a guidance counselor at one of the country's traditional boys' school, published a series of articles on sexual orientation in the *Jamaica Gleaner*, emphasising in one such article the existence of alternative Christian readings of Scriptures. He wrote that,

According to Eloise May in an article, "What the Bible says about homosexuality", scripture has been misrepresented in a bid to condemn homosexuality and homosexuals. May suggested that translations often time gave the wrong interpretation of a text. She highlighted the popular passage in Jude 7.

According to May, Jude speaks of those who 'indulged in sexual immorality and pursued unnatural lust'. The New Revised Standard Version, she tables, has a footnote that says the literal Greek is 'went after other flesh'. The question she asks at this point is - Does other flesh connote not human? ...

Reverend Garth Minott also expressed his awareness of the subjective and cultural biases embedded in the interpretations of Scriptures as well as the availability of alternative readings. In particular, he comments that “there is a gendered way to read the Bible” (Garth Minott, in discussion with the author, June 20, 2012) and that there appears to be no clear consensus on sexual orientation within the Bible, as there is no scientific consensus on the matter today.

Jamaican theologians are evidently not the only ones fervently discussing this issue of the Bible’s stance on homosexuality. In an article published by Alex Ross in *The New Yorker* on November 12, 2012, for example, it was noted that there are several thinkers who believe that it “is also nonsense to insert the word ‘homosexuality’ into the Old and New Testament” (*The New Yorker*, November 12, 2012). One such person is Bishop Gene Robinson, the gay Episcopal priest “who helped to set off a semi-schism in the Anglican Church when he was elected Bishop of New Hampshire, in 2003” (ibid.). In his examination of Biblical Scriptures on the condemnation of gay acts, Robinson concludes, like the Jamaican feminist theologian quoted above, that there are gaps between the ancient practice of *arsenokoitai*, which St. Paul wrote about, and modern expressions of gayness. Furthermore, Robinson has pointed up Jesus’s silence on same-sex love, asking,

The truth is that many may not embrace what May has posited; however, whether it is accepted or not, it is still something we have to grapple with instead of ignore, as this is a fundamental point. This therefore casts doubts on the validity of the interpretation of the Christian Scriptures, well anyway, as far as this passage is concerned. (*Jamaica Gleaner*, August 13, 2001)

if “homosexuality is such a heinous sin against God, why does Jesus himself never refer to it?” (ibid.:53). These convergent questionings of scriptural authority on this issue are significant because they show not only alternative engagements with Scriptures, but also that there are Jamaican Christians who are ideological bedfellows of so radical a figure as Bishop Robinson.

A major dilemma remains, however, for some of Jamaica’s less conservative Christian leaders and their followers concerning, as Reverend Hyatt writes, what position to adopt, considering the ambiguity in interpretations and the likelihood that this will persist: “the various theories which have been posited have all come up wanting. They are inconclusive with respect to understanding sexual orientation” (*Jamaica Gleaner*, August 13, 2001). Nonetheless, in contrast to some of the more vocal conservative ministers quoted in this thesis, who are quick to publicly condemn homosexuality as a disorder or an immoral practice in the media, the shared sentiment by ministers such as the Reverend Hyatt and the interview respondents is that “it would be irresponsible both ways, for us to cast aspersions and judgments about people’s sexuality, without first seeking to understand same” (ibid.).

Still, even amongst some of the more moderate Christian voices, there are differences in the interpretations of Scriptures relating to sexuality and therefore nuances in their understandings of rights, particularly sexual rights, and their overall relations to the

heteropatriarchal discourse. Indeed, there are those who are adamant in their belief that even though it may not be sinful to have same-sex attractions and desires, *Biblical Scriptures do not support the practice of homosexuality and same-sex marriages*.⁸⁹ They hold this belief whilst both making earnest appeals for all Jamaicans to respect the rights of every citizen regardless of sexual orientation and engaging in serious dialogue with homosexuals. Consider the following statements taken from my interview with Reverend Minott:

No, I don't think morality can and ought to be legislated. I think laws should be designed and established and appeal where necessary to protect vulnerable people and to protect the rights of people where there is clear infringement, so while we... I don't support the legislation of morality; I do support legislation to protect the rights and freedoms of our citizens, irrespective of gender, age or orientation, sexual orientation, and so on. (Garth Minott, in discussion with the author, June 20, 2012)

He explains in further detail that,

Sexual orientation is a human right; sexual practice is where the church differs. Sexual orientation, now there is two ways people argue it, it may either be nature/nurture, so it got to be natural, you got to be born with it, or it is nurtured in that you were socialised into it, one way or the other. For the church, however, we understand sexual orientation it is, it is a human right, and because it borders on being natural and you cannot dismiss something that is natural in the same way we are naturally inclined to be attracted to people of the opposite sex, we are also naturally inclined to be attracted to people of the same sex and therefore, nothing is wrong with that, it is not contrary to the Bible either, because, as I said, we are creatures created in the image and likeness of God and therefore, there is in the Divine, if you take that principle, attraction to same gender in the Divine. So, **the issue is not the gender, the issue is the practice**...So what the Church says is, even if you are attracted to another person of the same gender you are not to practice your sexuality with that person, so you can relate on all levels, you can be friends, platonic, if you want but you are not to practice your sexuality, so that is where

⁸⁹ This view was expressed by some of clergy who were interviewed for this study as well as others whose positions were published in reviewed newspaper articles (see for examples: *Jamaica Observer* December 18, 2011; *Jamaica Gleaner* December 25, 2011).

the church differs. So the Lambeth Conference of the Anglican Church... in 1998 in London passed a resolution reinforcing that point. (Ibid.)⁹⁰

While Reverend Minott's views are thus unarguably more open-minded in comparison to many of the ideas expressed by some of the more conservative Christians, he ultimately defends a traditional 'reproductivist' position that links responsible sexual relationships with heterosexual married couples, whose relationship has at least the potential to result in offspring. As he states,

Yes, yes, the homosexual practice is not condoned in the same way premarital sex is not condoned, in the sense that what the Church is about is responsible sexual behaviour and up to now our understanding of that is in the context of a relationship where two people respect each other and they recognised that ohm there is the possibility that the relationship, because we are exclusively male, female, can produce children and therefore, the children need to be brought up in an environment where there is the

⁹⁰ Importantly, this minister's views are not only informed by his observations of local practices and norms, but also by his denomination's general stance on human sexuality. In 1998 the Anglican Church held a conference in London, known as the Lambeth Conference where they adopted what many Christians – especially from countries in the global south – consider a very liberal stance on human sexuality. This stance is referred to as resolution 1:10 of the Lambeth Conference on human sexuality, which states that,

- b. in view of the teaching of Scripture, upholds faithfulness in marriage between a man and a woman in lifelong union, and believes that abstinence is right for those who are not called to marriage;
- c. recognises that there are among us persons who experience themselves as having a homosexual orientation. Many of these are members of the Church and are seeking the pastoral care, moral direction of the Church, and God's transforming power for the living of their lives and the ordering of relationships. We commit ourselves to listen to the experience of homosexual persons and we wish to assure them that they are loved by God and that all baptised, believing and faithful persons, regardless of sexual orientation, are full members of the Body of Christ;
- d. while rejecting homosexual practice as incompatible with Scripture, calls on all our people to minister pastorally and sensitively to all irrespective of sexual orientation and to condemn irrational fear of homosexuals, violence within marriage and any trivialisation and commercialisation of sex;
- e. cannot advise the legitimising or blessing of same-sex unions nor ordaining those involved in same-gender unions... (The Lambeth Conference N.d.:11).

possibility of security and care, etcetera, etcetera, so we suggest that it ought to be exercised in that context, we do not support premarital sex because of that responsible sexual behaviour; we do not support premarital sex because of our advocacy for responsible sexual behaviour. (Garth Minott, in discussion with the author, June 20, 2012)

Whilst establishing the primacy of this traditional norm, he nonetheless also concedes that not all heterosexual relationships are healthy and that there are homosexuals who are also involved in what may, by all other criteria, be considered as ‘healthy’, ‘responsible’ and ‘dedicated’ relationships. This maintenance of, on one hand, the view that sexual orientation is a human right and that same-sex sexual desire is not a sin and, on the other hand, the strong moral objections against homosexual practices and lifestyle, highlight the diversity of views on these matters within Christian communities, but also the often contradictory sentiments on them that can be harbored by the very same individual, testimony to the complexity around the manifestations of Christianity and the understandings of gender, sex and sexuality in Jamaica.

Although such views may appear contradictory from the outside, they can also be seen to represent a somewhat heroic effort to negotiate the ideological minefield of the contemporary heteropatriarchal nation state. Namely, for some, there is an express consciousness of the implications for strictly upholding heteropatriarchy, with its promise of continued social cohesion within a hierarchy that has obtained since the nation has existed, as well as a willingness, however tentative, to step outside of this worldview in the service of greater inclusivity and the relief of the parlous pariah condition of some of

the flock. Thus, while these people may not completely dismantle the heteropatriarchal discourse, they challenge it in their efforts to seriously reach out to and engage in discussions with other citizens who do not share all of their viewpoints.

In assessing the openness of Jamaican churches to dialogue in good faith, however, it is important, as with any other group that may be somewhat dogmatic in the positions they take, not to automatically equate a declared willingness to talk, on the one hand, with a genuinely flexible position, on the other, as not all church leaders are in fact willing to consider any other regime of truth outside that which is familiar to them. Several renowned conservative church leaders have thus proclaimed through the Jamaican media that they are open to dialogue with the gay, lesbian, bisexual and transgendered 'community'. For example, the Reverend Peter Garth, of the Hope Gospel Assembly in the capital city of Kingston, and leader of Jamaica Association of Evangelicals as well as founding member of the Jamaican Coalition for a Healthy Society (JCHS), stated that based on the principles of his denomination, "we don't believe in same-sex marriage, but we talk with them, we counsel them, we help them, we spend time with them and for years I have been doing that" (*Jamaica Observer*, August 07, 2011).⁹¹ This apparently

⁹¹ The Jamaican Coalition for a Healthy Society is described as **"a determined group of individuals which has decided to tackle the forces that undermine today's family, and thus threaten the health of tomorrow's society"**. The coalition members also describe themselves to be the 'cultural watchmen and bearers of God's love and truth, operating under the belief that a society's health - in the broadest sense - cannot exceed that of its smallest grouping, the family'" (*Jamaica Gleaner*, May 27, 2012). Members of this organisation also include Shirley Richards, from the Lawyers' Christian Fellowship and Dr. Wayne West, a well renowned anti-abortion activist. According to Daniel Thwaites, lawyer and contributor to the *Jamaica Gleaner*, the "JCHS has put out a list of 10 'affirmations' it hopes will guide the State, including:

conciliatory statement was made simultaneously as the Reverend expressed his disapproval of the broadcasting to the public of a J-FLAG public service announcement encouraging families to embrace and love their homosexual members. The dubious form of ‘tolerance’ vaunted here, then, is one that claims magnanimity for the church in not excluding homosexuals outright – but on condition they agree to be treated as perpetually straying members of the flock whose relationship with the church is essentially predicated on returning them to the heteropatriarchal fold. Such a questionable understanding of ‘acceptance’ should not be confused with the genuine engagements with human freedom undertaken by church figures and groupings discussed in the following section.

CHURCHES’ HISTORICAL ROLE IN ADVANCING HUMAN RIGHTS

“Churches’ at the forefront of human rights advancement”

Several respondents identified the very important historical role of Christian churches in advancing freedoms in some instances. Legal scholar and human rights activists Marcia

-
- 1) We affirm that monogamous heterosexual marriage is the only form of partnership approved by God...
 - 2) We firmly oppose sexual relations outside a faithful, monogamous, marital relationship, whether those relationships are premarital, extramarital, homoerotic, or purchased.
 - 3) We affirm God's love and concern for all humanity ... but believe homoerotic sexual practice, prostitution, and sex outside marriage to be incompatible with the will of God as revealed in the Bible. (Ibid.)

Thwaites notes that,

[t]here's no question that one of Rev Garth's primary concerns is homosexuality, but he really wants to let the world know that he is not just a homophobe! So he is anxious to bring all of our sexual relations back to the biblically prescribed rules...We should conform our behaviour to Biblical teachings, and we should conform our culture so that right action becomes more natural and expected. (Ibid.)

Johnson, for example, states that,

...the Church has historically in the Caribbean been aligned with what may now be traditionally understood as human rights, the abolition of slavery and the [abolition of the] slave trade, the education of Africans you know, today we would say we have a right to education, then it was important for the self-development and other... of Africans that they be educated, now it was with deeply colonial hegemonic notions as well, but you know those are strongly aligned with human rights. So that is what I would say, **that the Church has historically had a strong association with what would now be considered right issues.** (Marcia Johnson, in discussion with author, April 11, 2012)

Others explicitly identified some of the important gaps within the society that churches fill, thus allowing many otherwise disenfranchised persons to realise human dignity as well as their potentials as citizens. The well-known Roman Catholic leader who was interviewed for this study identified names some of the crucial contributions made by Catholic, Anglican and Baptist churches in Jamaica in the areas of social justice, education, housing, health, and caring for the poor and unwanted, (including as highlighted in chapter four, unwed mothers and children who would likely have been aborted). He also notes that in addition to churches, Christian individuals, such as Carolyn Gomes, cofounder of Jamaica for Justice, have also been very active in working towards human-rights related issues, such as lobbying against violence perpetrated against both the state and citizens as well as for good governance and state accountability. These deeds are, as the minister explained, in keeping with the Lord's desire of human beings to "do justice, to love tenderly and walk humbly with your God" (Interview with Roman Catholic Minister, June 18, 2012a; see Appendix H for this Roman Catholic Minister's actual statement)

Similarly, the Reverend Ashley Smith (1991) advises that contributions such as those named above underscore the pivotal functions that churches are called on to perform in the face of crisis (whether this crisis occurs in the emergence of a new nation or in later critical moments in its existence) or of perpetual dysfunction in social service provision. As Smith (1991) writes, the church (in reference to the various groups), should not “act as if it were judge or master, but rather, to see itself as a privileged partner sharing with its Lord in helping humankind emerge from innocence. The Church’s task is to help to ‘hold things together’, when they are inevitably taking new forms and going in new directions” (p.33). The contributions described by the Roman Catholic minister, amongst other respondents, may therefore be understood as emblematic of churches rising to this challenge and legacy of ‘holding things together’ in the midst of changing ideologies as well as social, political and economic vicissitudes. As such, they underline one Christian interpretation of human rights, namely, the engagement in ‘redemptive ministry’ through the “work of liberating, humanising and empowering” (ibid.:44) the disenfranchised. This interpretation, as Smith further adds, interlocks with Christ’s well-known clarion call to empathy, “love God with all your being and love your neighbour as yourself” (ibid.:46), that is, “acting in people’s best interests and ensuring that people’s needs are properly planned for, and where necessary, fought and sacrificed for” (ibid.:47).

HUMAN RIGHTS, SEXUALITY AND HIV and AIDS

This aspiration to engage in ‘redemptive ministry’ might arguably extend also, as revealed by some respondents and the analysis of some textual material, to the area of sexuality. In other words, some ministers see it as their calling to work with those who are marginalised and oppressed within the society, including the churches, as a result of their sexual identities and practices. In so doing, the aim is not to judge but to aid in the liberation, humanisation and empowerment of these people. This was, as touched on in chapter four, conceivably one of the intentions behind the founding of the Holy Innocents Women in Crisis Centre by Reverend Ho Lung, from the Missionaries of the Poor. Indeed, in one analysed web report, the Reverend noted, “it seemed to me it was not enough just to say it's wrong but that there had to be a positive, practical response” (Newton 2011:pgph 11). Not unexpectedly, the kind of pro-life services offered by Father Ho Lung’s ministry are readily accepted within Christian communities as manifestations of ‘God’s work’ or as emblematic of redemptive ministry.

Whilst this source of succor to women facing dilemmas of reproductive health might be viewed as ‘redemptive’ – notwithstanding ideological reservations some may harbor regarding the nature of the advice it dispenses – in that its existence doubtless mitigates suffering in many instances, much controversy, based on the kinds of information provided in some of the interviews, continues to surround the extension of pastoral care

to homosexuals, particularly. This work may even be viewed, based on conservative interpretations, as directly in opposition to the will of God, notwithstanding that this is the same God who speaks of love and ‘doing good’ unto others. This has not stopped some ministers, however, including the Reverends Dr. Marjorie Lewis and Garth Minott, amongst others, from providing pastoral care to such communities. The Reverend Dr. Marjorie Lewis (N.d.) argues that a Caribbean model of pastoral care to the gay, lesbian, all-sexual, and bisexual (GLAB) communities “should be the fruit of dialogue among interested parties, based firstly on honesty about the standpoint from which each participant enters the process” (pp.7-8). Additionally, this model is similar to Smith’s conceptualisation of ‘redemptive ministry’, as Lewis recommends that it,

should be informed by theologies of liberation, taking social analysis and the preferential option for the poor and marginalised as the point of departure, and rooted in core Christian values of love, of the affirmation of all humanity as made in God’s image and an approach to mission that eschews arrogance and domination. The pastoral care of the GLAB community should be informed by the insights of psychology and related disciplines, and be developed through engaging in, listening to and collaboration with members of the GLAB community. (Ibid.:8)⁹²

⁹² It may be of some significance to note that Smith, Lewis and Minott are lecturers at the United Theological College of the West Indies. The churches that participated in its formation were:

The Anglican Church, Jamaica Diocese, The Disciples of Christ in Jamaica, The Evangelical Lutheran Church in Guyana, The Guyana Presbyterian Church, The Jamaica Baptist Union, The Methodist Church in the Caribbean and the Americas, The Moravian Church, East West Indies Province, The Moravian Church, Jamaica Province, The Presbyterian Church of Trinidad and Grenada and The United Church of Jamaica and the Cayman Islands. (UTCWI N.d., pgph.5)

However, at this ecumenical based institution a number of persons, including Muslims, Hindus and Marxist (“mostly from the teaching staff of the University of the West Indies”), participate in the teaching of religion. The student population also varies; “among the students... are Pentecostals of a variety of groups, and Seventh-day Adventists. Roman Catholics are involved in the programme of the institution not only as students in all departments but also as lecturers and examiners” (Smith 1991:61).

Importantly, such aspirations and, above all, actual engagement in pastoral care and serious dialogue with persons who identify as gay, or more generally as ‘non-heterosexual’, do not, I found through my interviews, go unnoticed by local advocates of human rights, including those working towards equal sexual rights. One prominent sexual rights activist, for example, acknowledges that there are Christian groups who are willing to participate in dialogue about sexual rights and the care of lesbian, gay, bisexual and transgender (LGBT) peoples,

Certainly! The United Theological College, they spread across seven denominations, which I could tell you what they are, but certainly they have through two lecturers, one is now the president [the Reverend Dr. Marjorie Lewis], been able to... the **entry point really was HIV as well**, around the issues related to HIV, and that allowed for a broadening of the understanding of the issues that the gay, lesbian, transsexual, bisexual, transgender community are [experiencing], because there are a lot of us who grew up in the Church, and identify with Christianity, yet Christianity... pushes them away, calls them sinners, you know, so it has been hard ... (Interview with sexual rights activist, June 19, 2012)

This respondent makes the important observation that the ‘entry point’ to talking about issues relating to sexualities was HIV. Undeniably, the struggles to combat HIV and AIDS, as Lewis and Carr (2009) write, have increased dialogue and collaboration within the Caribbean across a number of groups, including members of the clergy and rights activists, by moving discussions of sexuality out of its closet as something of a taboo, to the arena of human existence in its social as well as personal dimension.

Faced with the self-evident suffering and stigmatisation of those with HIV and AIDS, the churches' better historical instincts of offering succor to the dispossessed were pushed to the fore around an issue of sexual rights, revealing the connections between the disease and other social concerns such as the respect for human rights in general. This was illustrated for example in an article on Christians, human rights and AIDS, where the Reverend Minott argues that "Just as Jesus acted in favour of lepers in his society in first-century Palestine, all people, and especially Christians, need to act in ways that will enhance the human rights of all people, and especially persons infected and affected by HIV and AIDS" (*Jamaica Gleaner*, July 26, 2011). The sexual rights advocate quoted above states that,

...we've even tried to reach out to the churches in terms of talking about the issue of homophobia, and that has been in some regards pretty successful. I think those who initially took on the issue of HIV are further ahead because of their greater appreciation of the issues, having been exposed to the challenges around HIV, and I think that is just the Church to an extent certainly doing its part. (Interview with sexual rights activist, June 19, 2012)

Some Christian ministers, then, began to see not only the need to address basic human rights issues of housing, health and education, which churches traditionally focused on, but also their interconnection with other grave societal ills, such as homophobia, that historically received little to no attention by churches.

Perhaps inevitably, the 'good' deeds that are performed by churches are frequently recorded alongside their legitimisation of various systems of domination across the

Anglophone Caribbean (Austin-Broos 1997; Bakan 1990; Bolland 1992; Griffith 2010; Smith 1991; Thomas 2004). Ezra E. H. Griffith (2010:1), for example, clarifies that even though religious institutions, specifically Christian churches, “have participated in educational, health, political and socio-cultural activities over an extended period of time” in Barbados, they have been “generally white-dominated or have been offshoots of white-dominated faith groups” (ibid.), and as such, turned a blind eye to many of the racialised socio-economic inequalities within that society. Deborah Thomas (2004), amongst others, also identifies the contrasting roles of Christianity in “creating nations out of newly independent states” (p.29, see also Sheller 2012). She accentuates that the early post-independence Jamaican nationalist’s vision that privileged a Christian ideal of respectability undoubtedly marginalised many poor, uneducated and black Jamaicans. In a structure of concentric hierarchies, the ‘poorer classes’ of people, particularly women, could gain respectability within their communities through membership and active participation in Christian churches, including the now dominant Evangelical churches such as Seventh Day Adventist, Pentecostal and Church of God. On the other hand, like the Roman Catholic Minister cited above, Thomas also highlights that many churches play an active role in the education of children as well as providing care and support for the elderly and for the most economically and socially disadvantaged within the community. In addition, they frequently serve to bring the community physically together through various activities, including fundraising events, which in turn present opportunities for adults to gather and discuss community problems and possible

solutions. Churches therefore, as Thomas further states, often fulfill certain functions within the community that overlap with and may surpass in value the functions of local political party groups and government.

Similar complexities characterise churches' involvement in addressing certain sexuality-related issues within the twenty-first century. Specifically, the teachings emerging from some churches may provide on the one hand understandings of sexuality that promote tolerance and respect of human rights or, on the other hand, reinforce the traditional norms of respectability that Thomas (2004) references. Anyone who does not fit this model of respectability is likely to be marginalised and excluded not just in the Christian community but also the wider construction of 'desirable' citizen. The Reverend Minott suggests, for example, that whilst there are Christians who are actively doing their part to enhance the human rights of those affected by HIV and AIDS, the issue of stigma and discrimination inevitably also exists within churches. As he explains,

...Certainly yes, there are people, stigma and discrimination is [are] what we battling with within the realm of HIV and AIDS and the value is to respect human beings whoever they are and whatever their station in life, but through various prejudices and so on people fail to accord that kind of respect to people and that is true with respect to interpretation, that interpretation, on the one hand, should not lead us to, to marginalise people in any way. But we do know that there are cases, certainly within the Christian community, where interpretation, of Scriptures, traditions and so on, do lead or does lead people to carry out that kind of discrimination, so yes...people do take the traditions to extremes. (Garth Minott, in discussion with the author, June 20, 2012)

As discussed earlier, this problem is also unquestionably influenced by fears harbored by some conservative Jamaican Christians that their religious rights will be undermined by certain claims to ‘new rights’, especially claims to sexual rights, which are being advanced, allegedly, under the guise of remedying the stigmatisation caused by these diseases. Some conservative Christians thus argue that calls made by local, regional and international bodies and individuals who do HIV and AIDS-related work to decriminalise sodomy/buggery and prostitution as a strategy for reducing the spread and prevalence of these diseases are not based on sound scientific fact; rather, such calls, like those seeking the review of the country’s abortion and buggery laws, are seen by such sectors as evidence of a more sinister and broader campaign to foist upon the population ‘corrupting’ values and lifestyles that will allegedly result from the decriminalisation of the acts (*Jamaica Gleaner*, December 10, 2006; *Jamaica Gleaner*, October 18, 2008; *Jamaica Gleaner*, April 25, 2010; *Jamaica Gleaner*, June 01 and August 24, 2011; *Jamaica Observer*, November 23, 2011). It would therefore appear that for some of these people the continuous disregard for the rights of gays, men who have sex with men (MSM), prostitutes, amongst others, may be justifiable in order to prevent what they see as far greater societal harms. The Reverend Clinton Chisholm in a letter to the editor entitled, “Sloppy logic re gays, HIV/AIDS”, sums up this position, in his argument that,

While I support the rights of homosexuals or MSM to exist, freely associate and verbally advocate their lifestyle, I maintain that all behaviours are not equally valid or wholesome, and so the risks of certain behaviours have to be faced, societally.

The male homosexual or the MSM lifestyle, in particular, poses very serious public-health risks and concerns. We gloss over this reality at our societal peril.

So then the rights of persons have to be respected but the risks of their behaviour have to be factored in as well. (*Jamaica Gleaner*, April 25, 2010)

Chisholm's statement speaks again to the crucial and uneasy issue of tolerance: he is at pains to make the case, like other conservative Christians, that he is a tolerant person, one who respects everyone's rights and will speak out against harming those who are viewed as not only different but as a blemish on God's plan for humankind. As seen in chapter four, this appeal to tolerance is also frequently made by rights groups, such as J-FLAG, who claim to have no interests in enforcing their opinions on others but are making the basic appeal for respect regardless of their differences. This thus brings us to the heart of the deadlock between the opposing factions on the ideological battlefield of rights: both sides are genuinely convinced they are displaying exemplary 'tolerance' in seeking to honor all parties, but each continues to see manifest 'intolerance' in the other side's position.

“Problematising appeals to ‘tolerance’”

In the case of some conservative Christians, appeals or claims to tolerance are made even as they do and say otherwise, as pointed up the Reverend Chisholm,

People are still strongly, for whatever reasons, informed or uninformed, people have an emotional aversion to homosexuality, especially male homosexuality. (Pause) I think we have gone to the extreme, in terms, of treating them as if they are not persons. I have argued from the pulpit and from my radio program on Love FM that nobody who sustains a negative view about homosexuality, as people as persons, can continue to consistently claim to be a Christian. You have to modify those views. **They are people created by**

God and in the image of God and they are entitled to respect, irrespective of what they are doing. It is just like murderers are entitled to respect, they are killing people and that's not nice, but they are still people and we must respect as such. So, the agitation and the bad language and the foul language that we use at homosexuals, I don't support that as a Christian leader. And I don't think that we should ever think of lifting a hand to throw a stone or any implement at a homosexual because of their lifestyle. So many of the people in Church are doing other sins, which are just as heinous, the social gossipers are causing cancer in the Church in terms of relationships, but nobody treats them like sinners, they should be talked to too. They should be counselled to change their ways, try to respect them as persons. All behaviours are not equal and therefore some behaviour must be outlawed as immoral, abnormal, not proper, [and] not fitting for a particular society, because I think it is a safe philosophical principle any behaviour that I countenance for myself I should be able to universalise for everybody and see what result would resound in the society. Will it help the common good or would it harm the common good? (Clinton Chisholm, in discussion with the author, April 3, 2011)

A number of other popular conservative Christian leaders, including the Reverend Al Miller, Reverend Lawrence Burke, Deacon Peter Espeut, Bishop Herro Blair and Shirley Richards have also publicly denounced either acts of violence towards homosexual peoples or the abuse of their rights while in no uncertain terms identifying same-sex love and practices as not equal to heterosexuality; but rather, as sinful, wrong, abnormal and even dangerous. For example, Al Miller stated that he is not in support of homosexuals serving in political cabinets, as such an act “would be to declare homosexual behaviour as normal and right,” when in actuality, it “challenges human existence and the true family values and culture to which all Jamaicans should aspire. There are also implications for the institution of marriage and the education of our children” (*Jamaica Observer*, December 28, 2011). Nonetheless, Miller further emphasises that he rejects “any notion to deny the homosexual minority their human and national rights” (*ibid.*; see

also *Jamaica Gleaner*, April 17, 2007; *Jamaica Gleaner*, April 08, 2011). Having insulated themselves in a superficial countervailing rhetoric of ‘tolerance’, such persons evidently do not acknowledge the connection between their fulminations and the proclamations of violence in popular arenas such as dancehall, nor real-life instances of violent assault on gays, lesbians, bisexuals and transgendered peoples’ within the society. In response to any suggestion of such a connection, some of these leaders and their supporters make defiant statements about churches not bowing or compromising their values by remaining silent, nor adopting a more ‘liberal’ stance on such controversial issues as homosexuality (see for example *Jamaica Gleaner*, November 21, 2004; *Jamaica Gleaner*, January 09, 2012; *Jamaica Gleaner*, January 04, 2013).

Though the discourse of ‘tolerance’ is here being used as a mere rhetorical counterweight to the expression of ultimately prejudicial positions of non-acceptance, the accusation of committing this very sin is most commonly aimed at the other side, with some churches and Christians identifying groups such as the ‘strong gay lobby’, which are using “the guise of tolerance to get the nation to accept the gay lifestyle” (H 2011a: pgph 3). The Reverend Al Miller, for example, openly asserts that,

Homosexuality is still a major topic as there are some in our world who continue to push for change in that area of our laws, it is not changing of our laws because of discrimination, the real issue is wanting the laws to change to make homosexuality an accepted lifestyle, it is to that that we object and I continue to state we love the homosexual and we must not abuse them, we must accept them and receive them and help them where they want to change but we cannot accept the lifestyle as normative and consider it to be rights, no, it is morally wrong but like so many other things are morally wrong and we get caught up in the behaviour and we must work to change the behaviour

but we must never accept it as it is OK and that's what this big push is about wanting the nation to accept it as OK and our international partners are forcing that upon us and to that we must resist at whatever cost... (H 2011c, under "Rev. Al Miller Fellowship Tabernacle")

In addition, he points out the idea that tolerance for some is a position that one adopts while waiting for real change to occur. For groups such as J-FLAG this change may be their eventual acceptance and equality within society; whereas for conservative Christians, like Miller, it is the eventual demise of the others or their redemption (conversion). This latter view conforms to an understanding of tolerance as meaning 'loving the sinner, while hating the sin', not accepting the practice but rather the person *despite* the practice, with the intention of influencing, either through prayer or more active means, their transformation into more acceptable persons and by extension citizens. In fact, Reverend Miller, within the Jamaican context, is one of the most vocal promoters of 'reparative therapy',⁹³ which refers to a counseling approach to sexual reorientation. Another advocate of this conversion therapy, who is also a member of an

⁹³ Reparative therapy emerged in the 1990s, amongst a "movement" of clinical dissenters — many, like Socarides, disagreed with the decision to remove homosexuality from the Diagnostic and Statistical Manual of Mental Disorders (DSM) — who argued that "there are some clients with a homosexual sexual orientation who, for various reasons, wished to change their sexual orientation" (Zucker 2003:399) and that "this desire should not only be respected, but treated" (ibid.). In 1992 an organisation, the National Association of Research and Therapy of Homosexuality (NARTH) was formed. "NARTH is a professional, scientific organisation that offers hope to those who struggle with unwanted homosexuality. As an organisation, we disseminate educational information, conduct and collect scientific research, promote effective therapeutic treatment, and provide referrals to those who seek our assistance. NARTH upholds the rights of individuals with unwanted homosexual attraction to receive effective psychological care and the right of professionals to offer that care. We welcome the participation of all individuals who will join us in the pursuit of these goals" (NARTH N.d.)

organisation that supports the ‘Church of Jesus Christ’ by ministering to those affected by “sexual and relational brokenness,” declares that reparative therapy,

works on the presupposition that there are developmental, psycho-emotional histories that have influenced you being same-sex attracted, that it is not genetic, there is no genetic disposition and the only well, the only genetic disposition... genetic influence is...your temperament... and so what Reparative Therapy does is it **goes back**, so I guess you could say it’s a psycho-dynamical approach [chuckles slightly], **it goes back** and looks at where you might have had particular developmental **crises**. The pro-gay movement however, doesn’t want anybody who is questioning their sexuality to look back, because they are saying that the past has nothing to do with it even though when you examine many gay... the past of many people who have been in the gay lifestyle, you see so many issues with their family and sometimes abuse, not all the time and so on [pause]; you will also see a history where sometimes the onset of homosexuality is, it didn’t happen at the same time for everybody, so if it is so genetic how come the onset is so sporadic and diffused [laughs]. (Interview with conservative Christian activist, June 18, 2012b)

The need to ‘fix’ what is broken through reparative therapy may be dismissed as harmless by some, especially since its proponents, such as this respondent, claim to only offer the service to those who request it. Still, this raises important ethical questions, including whether such therapies constitute abuse or should be made available even to consenting adults. On the one hand, if societies, as this respondent asks, are truly tolerant should they not also be accepting, or at least respectful, of people’s decision to undergo this therapy, thus expressing their autonomy and self-determination? One may see the obvious attraction of such approaches for those who wish to be accepted within a heteropatriarchal society like Jamaica, where lesbians, gays, bisexuals and transgendered peoples and anyone suspected of being ‘non-heterosexual’ are often the victims of verbal taunts, physical abuse and serious assaults. It may in fact be the case, as Ian Boyne

pointed out, “that foreigners exaggerate the degree of hate” that Jamaicans have for homosexuals (*Jamaica Gleaner*, May 25, 2008). However, this does not mean that there is not also some amount of “venom, hate, violence and blind rage” towards homosexuality, which impedes serious public discussions about the issue (*ibid.*). Indeed, the Jamaica Forum for Lesbians, All-Sexuals and Gays (J-FLAG) informed the British Broadcasting Corporation (BBC), in a 2007 report entitled “Coming out in Jamaica,” that “more than ten homosexuals were killed on the island, between 2005-2006 alone. Last year, there were 40 assaults” (BBC 2007 cited in Jamaica Forum for Lesbians, All-Sexuals and Gays 2008).⁹⁴ In that same BBC report, Dr. Carolyn Gomes of Jamaicans For Justice stated, in regards to the query about whether or not attacks on homosexuals were increasing, that “[w]e [Jamaicans for Justice] do know that between last year and this year mob violence against gays is up. We certainly are aware it's a huge problem. These are people beaten to the point of nearly close to death" (*ibid.*).

On the other hand, there are serious ethical issues that must not be overlooked: the idea that one needs ‘repairing’ self-evidently reinforces the belief that these persons are pathologically abnormal in some way. Those who refuse this option may therefore be seen as willfully choosing to remain in this state of ‘perversion of the normal’ and subsequently, at the margins of society. Douglas Hadleman (2002) identifies such a

⁹⁴ In 2007, J-FLAG also reported to *Newsweek* that “[b]etween February and July of this [2007] year, 98 gay men and lesbians were targeted in 43 different mob attacks, according to the Jamaica Forum for Lesbians, All-Sexuals and Gays. Four lesbians were raped, four gay men were murdered, and the houses of two gay men were burned down” (cited in Jamaica Forum for Lesbians, All-Sexuals and Gays 2008).

dilemma when he noted that while the “proposition that sexual orientation can be changed therapeutically is widely questioned and there is a concern that such therapies reinforce social devaluation of homosexuality and bisexuality,” there is, “at the same time, conservative religious individuals who wish to seek treatment appropriate to them, which may include attempting to change or control sexual orientation” (p.260). As follows, whilst reparative conversion therapies clearly feed into the dominant heteronormative discourse in heteronationalist societies that constructs heterosexuality as the only ‘appropriate’ expression of sexuality, one also has to recognise religious duty and practice as part of human diversity. Being mindful however, to treat homosexuality and bisexuality, not as mental illnesses, “but as normal variants of human sexuality” (Haldeman 2002:264).⁹⁵

CHRISTIANITY AND RECENT DEBATES ABOUT HUMAN RIGHTS

“Theocracy or secularism?”

In recent years, there has been increasing dialogue amongst various groups (rights activists, academics, journalists, clergy, politicians and lay persons) about churches’ roles in the interpretation and advancement of human rights. As discussed, to a large extent the focus has been on the churches’ historical rationalisation of certain prevailing prejudices

⁹⁵ These issues are representative of the kinds of concerns that characterise debates about reparative therapy in not only Jamaica but in other countries. The jury appears to be out concerning its actual results: Canadian psychologist and sexologist Kenneth Zucker (2003) concludes that “the rhetoric about reparative therapy has far exceeded any empirical evidence about its effectiveness and efficacy, or lack thereof, and has largely focused on ethics and sexual politics” (p.400).

and an oppressive status quo, including recent perpetuation of heteronationalism by some prominent clergy, through their endorsement of ‘alternatives’ like reparative therapy and their general skepticism about sexual and reproductive rights. One of the more noteworthy debates, which began in the print media and spread to radio, internet, television and face-to-face discussions, dealt with the wider conundrum of whether or not human rights are rooted in Christianity or are threatened by it. This, as briefly noted in the previous chapter, corresponds to the more general global debates about religion, secularism and human rights that scholars such as Appleby (2010) and Tadros (2011) underscore in their writings on the Middle East. In this regard, Barbadian Jamaican atheist and human rights activist Hilaire Sobers puts forward the argument that it is secularism, not religion that protects human dignity. He argues that religion, and Christianity in particular, “has been less than stellar in its stewardship of human dignity. Secular humanism, which does have human dignity as a core value, has been as unremitting in protecting this value, as religion has been in devaluing it in people seen as ‘different’ or ‘not like us’ or ‘inferior’” (*Jamaica Gleaner*, April 15, 2012). In addition to reminding his opponents and the Jamaican people that it was Christianity that provided the justification for slavery, he asks, would you say, “Christians in Jamaica believe in the ‘inherent dignity’ of gay men? Or convicted criminals?” (ibid.).

It is for such reasons, amongst others, that many advocates of rights remain suspicious about churches' involvement in furthering local human rights movements. That is, how much of a guiding framework can churches be in furthering a local understanding and respect of human rights? Which churches will provide such a framework? And, how do you work with the contradictions that exist even within churches? Feminist activist Taitu Heron encapsulates these concerns in the above epigraph, concluding that the answers to these questions depend on what interpretations of Christianity one draws on. According to her, the churches' involvement in further advancing human rights can only occur if,

a branch of the Church decides to take on a very liberatory perspective...But I am talking about, for example in Nicaragua during the revolution there was a whole wave of for instance liberation theology. I am thinking about it along those lines. That it would have to come from within the Church to review the approach that they have taken that is in a way so condemning and so judgmental and all and denies human rights... (Taitu Heron, in discussion with the author, April 05, 2012a)

Still, she is unsure of how much one can realistically draw on Christianity, for as she emphasises, in addition to the diversity of religions within Jamaica that may get marginalised, some churches are leaning towards a very hardline form of Christian theocracy. This is, as she reasons, just as dangerous as Islamic fundamentalism, as “both are very narrow in their views” (ibid.). This form of hardline Christian theocracy undermines or disregards some of the choices women will make, on the pretext of knowing what is best for women based on their interpretation of the will of God (ibid.).

Likewise, Marcia Johnson, who earlier conceded that human rights in the Caribbean have historically been rooted in a certain manifestation of Christianity, expresses similar reservations about relying on Christianity as the sole framework for local human rights discourses and movements in the contemporary context, as she explains,

I think to the extent that there are principles of Christianity that reflect general notions of fairness and justice and I think they are relevant in that context, in the very broad sense. I think that some of the goals and ideals of Christianity are not far from those, which we have used to kind of develop a framework around human rights. But some are at odds. So no I don't think it should be a guiding framework but I do think that some of the values coincide. (Marcia Johnson, in discussion with the author, April 11, 2012)

Johnson's and particularly Heron's statements thus reveal a further complicating factor in the discussion of a possible convergence of religious and human rights discourses and agendas, namely that there is a recognition of a growing wave of Christian fundamentalism that may hinder such convergence if given the power. This hindrance, as these respondents fear, might further work to curtail women's sexual and reproductive rights, but also, the rights of those, including sexual minorities, who do not adhere to religious positions, derived from scriptural dogmatism and exclusionary theocratic privilege.

Similar concerns are raised by scholars and activists working in Latin America and Islamic societies, where it is observed that although secular feminists and rights activists are increasingly forging coalitions with so-called 'religious' actors, the consequences are not always ideal. On the surface, such coalitions challenge the traditional binary

frameworks of secularism versus religion, feminists versus religious adherents and modernity versus tradition that concealed the multiple and complex ways in which these dichotomisations intertwined (Tadros 2011). For example, Tadros (2011) writes that there are “women activists who belong to Islamist movements [who] are increasingly using human rights discourses to substantiate their claims to gendered delegation of rights” (p.6). Conversely, scholars such as Hania Sholkamy, Yousry Moustafa, Deniz Kandiyoti and Ziba Mir-Hosseini show how “secular feminist are increasingly using religious framings, texts and idioms in mediating the meanings of international human rights conventions (such as the Convention on the Elimination of Discrimination against Women) to conservative audiences” (ibid.). Though there are indeed rewards to be gained in adopting an approach that transcends such traditional binaries, these writers, like the two respondents, are also aware of the shortcomings. First, groups may have power imbalances as well as hidden and opposing agendas. Second, there is the issue of determining which religious leaders and faith-based organisation are sincerely aiming to advance progressive religious and human rights agendas that meet the needs of the most disempowered and marginalised groups within the society, rather than asserting their own dogmatic religious positions. In Latin America, women’s rights activists observed that the coalition between secular groups and certain religious organisations, such as the frequently cited Human Life International, ultimately resulted in an attempt by the latter to shape “public policy in defense of a conservative religious and patriarchal agenda”

(ibid.:7). These attempts are often successful in many countries as some policymakers are willing to accept this organisation's assertions as facts (Catholics for Choice N.d.).

Comparable observations are made in some Muslim-majority societies, in regards to the increasing moves to reinvent the mode of communication with culture by localising human rights through its 'Islamisation', which includes the reliance on Islamic clergymen to perform the role of mediators between the sphere of the human rights and the religious (Moustafa 2011; Tadros 2011). In such occurrences, the deployment of religion and the inclusion of religious leaders as partners and stakeholders are, as Tadros (2011) states, "intended to achieve two gains: first, to advance a 'progressive' religious discourse in communities where religion plays an important role in people's lives, and second, to adopt what is considered a more culturally sensitive and 'authentic' approach to eliciting social reform" (p.1). Whilst Heron and Johnson, both of whom identified as non-Christians, voice similar skepticisms, other respondents state that churches may plausibly have a far more positive role to play in advancing an understanding and respect of human rights in Jamaica and generally, throughout the Anglophone Caribbean. This position was maintained even as these respondents conceded that there was still much work to be done within churches in order for Christians to effectively realise this important role.

Moreover, many respondents including Johnson identified Christianity as, at the very least, a foundational element of coherent Western human rights discourses and

movements, if not a predominant element. In fact, they indicated that the principles of, for example, the 1948 Universal Declaration of Human Rights, are rooted in Christian, as well as other religious, ethics on justice and fairness. There is, as Johnson remarks, also “no way to get to contemporary notions of human rights except via natural law theorists... like Thomas Aquinas” (Marcia Johnson, in discussion with the author, April 11, 2012), who was not only a theorist on natural law but also, of course, a Catholic priest and saint. Furthermore, the responding clergy and theologians, who belong to various denominations, agreed that a theological position, in general, offers the best explanation for the basis of human rights. In drawing on a version of this position, the Reverend Chisholm, for example, explains that we are “created by [and in the image of] God, classed near to God, crowned by God, commissioned by God and those are the basis of self-esteem, self-worth, for dignity and on those planks you can build human rights” (Clinton Chisholm, in discussion with the author, April 03, 2011). He further notes that,

if you consider why should human beings as a species take pride of place in animal life form, in the life forms, plant and animals included, and you are going to be bankrupt of an easy answer. There are only two competitors in my view. One, human beings are significant because, well let's say three. One, the least potent, human beings are significant because society makes them so. So society, where ever you are, Jamaica, Canada, England, I will give you the right of pride of place in the society, but the society gives you the right, society can withdraw the right as happens in Soviet countries and in America. They just declare you a, an enemy of the state and you are done for. You have lost all dignity, all right to life, all respect and they can eliminate you. The other option is because of humanity stage in the evolutionary scheme of things. But the essence of evolution is that an accidental product comes about by chance, over time, and eventually you have a microevolution leading to macroevolution, but the whole product is based on chance. Therefore, to talk about human dignity within the evolutionary scheme of things is really using words very loosely. Because product[s] of chance has nothing to boast about, you chance in, you could chance out. So impersonality, plus chance, plus time is a good philosophical practical summary of the theory of evolution. That does not give anybody anything they could hold to. (Ibid.)

Similar explanations of the origins of human rights were provided by persons such as Ian Boyne, a highly respected journalist, and Daniel Thwaites, a lawyer, who claim not to be defenders of Christianity but nonetheless argue that the alternative discourses that Sobers put forward do not adequately answer the questions of: (1) why do human beings have rights, (2) where do they come from and, (3) why should these rights be elevated above those of a cow or any other lesser animal? For them, Christians have a ready and easy answer to these questions, that is, “Humans are made in the **image** of God and are God’s children. They possess dignity because they are created in a **special** category and have **hierarchy** over animals that are made to **serve** our interests. We are **unique** among other **creatures**” (*Jamaica Gleaner*, April 01, 2012).

Human beings’ uniqueness does not, however, justify their abuse of lesser animals; rather, their special relationship to God imbues them with great responsibilities. Most of the Christian respondents disclosed their skepticism about what they regard as a largely secularist trend to make fervent claims to rights with little or no consideration for responsibilities. As one person puts it, everyone is ‘going around the place’ saying that they have rights, including gender and sexual rights, but no one is talking about their responsibility, “where is the responsibility?” (Interview with women's rights activist, April 05, 2012b). For Christians such as Reverend Minott, a more desirable framework is

one in which there is a balance between human rights and human responsibilities. Ashley Smith (1991) explains that this framework already exists and is grounded in Biblical Scriptures, which dictate that,

Human beings are called to reflect God in the exercise of the non-human areas of creation and in their responsibility for husbanding the resources of the earth from which human needs are to be met (Gen. 1:26-31). Every human being is therefore of intrinsic worth by virtue of being human and not by the fiat of anyone or by means of any Charter granted by the state. The right to life, freedom, community and self-determination are therefore inherent in the fact of one's relationship to God. It is for this reason that, according to the Scriptures, God exerts pressure on earthly authorities and institutions to ensure that people are not violated by undue restrictions upon their freedom as in slavery or 'ghetto life' (cf. Exodus 19:1-16). Jesus reaffirms this by declaring that the purpose of his coming is that persons may live abundantly or that there might be no limit to one's freedom as a responsible and creative being (cf. John 10: 10). (Pp.36-37)

In sum, the Christian perspective on rights focuses equally on responsibility, through concepts such as stewardship, which dictates how one ought to conduct him or herself, sexually, economically, politically and socially, as well as how to relate to one other and to the environment. Although many Christians may espouse this holistic discourse in principle, it is not always put into action, especially as it relates to the ways in which some interact with those who are deemed 'different' and 'immoral'.

Despite the existence of these kinds of eminently human shortcomings within Christianity, many Christian leaders and other critics of Sobers' position put emphasis on secularists' failure to acknowledge the historical incidences of secular states and systems denying democracy and the human rights of certain groups. Indeed, Reverend Chisholm, not unlike Talal Assad (2003) and Scott Appleby (2010), calls attention to the ways in

which rights can be pulled back or how immigrants and refugees are frequently denied equal rights in so called 'secular' societies. Equally, although Sobers rightfully makes the connection between the historical and current human rights abuses that have been justified by Christianity, he falls into the age-old trap of failing to sufficiently acknowledge nuances within Christianity and the contributions made by Christians, both in Jamaica and internationally, in securing the human rights of oppressed peoples. On the contrary, Sobers argues, "to the extent that Christianity has abandoned its heritage of cruelty is the extent to which it has become a 'philosophical parasite' which 'lives off' secular 'presuppositions' like human rights and human dignity" (ibid.:3). Sobers' analysis is in keeping with the modern secularist dismissal of religion as "the province of absolutism, intolerance and repression – especially when it is publicly empowered" (Appleby 2010). Therefore, the "largely untold story of religion," as Appleby writes, "is of its demonstrated power to oppose injustices, defend human dignity, reduce violence, practice compassion, mediate conflicts, deliver social services to the marginalised, encourage repentance and forgiveness, and yes, foster good governance and honesty in business" (ibid.).

As argued above, precisely because this story is "largely untold", there are undoubtedly understandable reasons for respondents' as well as some sectors of the public's skepticism about engaging religious communities as a way forward for promoting human rights and

more specifically, rooting such movements in religious discourses.⁹⁶ The mischaracterisation of religion as uniformly oppressive, however, can result in a concomitant misconstruing of oppressed minorities from their would-be saviors across the ‘developmental divide.’ Postcolonial feminist scholar Chandra Mohanty, amongst many others, highlights this danger of paternalism in her work on the construction ‘of Third world’ women and cultures under western feminists’ eyes and in their discourses. Specifically, Mohanty (2003:32), as stated previously in chapter two, observes that for their strategic benefits, western feminists have tended to create a singular composite of the ‘average Third World woman’, read as sexually constrained, poor, uneducated, without agency, victimised and bound by tradition, religion and family. Based on this misrepresentation, ‘Third World’ women are seen as constantly being in need of saving from their men, cultures and religion, which, to borrow from another postcolonial feminist scholar Gayatri Spivak (1988:308), legitimises the sentiment that “White men [and white feminists as well] are saving brown women from brown men [fathers, brothers, uncles, husbands, governments and religious leaders]” (ibid.; see also Ansari 2008).

⁹⁶ Although I highlight Hilaire Sobers’ opposition to religious intervention in human rights, it is important to emphasise here that there are other self-identified secularists and even atheists who are skeptical of religious interventions in human rights. In fact, there is also a group called “Jamaicans for Secular Humanism” who are, as discussed briefly in chapter six, publicly criticising the privileged status of Christianity within the society and the ways in which this institution hinders human rights development (see *Religious Hardtalk*, September 18, 2012).

Besides reinforcing and producing misrepresentations or singular conceptualisations of peoples and cultures, the adoption of a fundamentalist secularist stance in relation to such things as human rights may in fact prove counterproductive in the context of highly religious societies, especially where there is already a general cynicism about international human rights within the population. In the case of Jamaica, this cynicism, or at best misapprehension, may be attributed to the fact that most international human rights discourses and movements, including the commonly cited 1948 Universal Declaration of Human Rights, were historically not rooted in nor took into consideration developments within the Caribbean, as previously stated by Marcia Johnson.

As a consequence, any approach to rights that excludes cultural diversities, including possible religious interpretations, might therefore result in some people reading rights talk as a new form of exclusivist religion. As seen in previous chapters, conservative Christians in Jamaica not only reject certain interpretations of rights but describe these as new forms of 'secular theology' that threaten existing religious freedoms. Although this critique, especially when voiced by certain groups, may be viewed as a strategic, rather than heartfelt, attempt to subvert moves to dismantle a fundamentalist heteropatriarchal discourse, Johnson affirms that such a perception of rights may not be completely unjustifiable. According to her,

... [at times] human rights, as one good friend of mine calls [it], interestingly, [acts like] the new theology, the modern theology of the world, or theology of the modern world. And it is no accident that he uses the word theology because it often relies, and I think that is one of the critique of it, it often relies of faith, and 'I have this right'. And some

discourses of rights are simply not sophisticated enough to accept that that isn't enough to determine the outcome, that you claim that you have a right. Many are sophisticated enough to do so, but I think the simple assertion 'we have rights' often sounds much like 'I believe', so a lot of human rights advocates, it sounds a lot like 'I believe'. Ohm, so I think it shares company with religious thinking in that way. (Marcia Johnson, in discussion with the author, April 11, 2012)

The most obvious solution, it would seem, is to find a balance between not only secularist and religious interpretations of human rights, but also between the international and local understandings of what these things mean. This balance is necessary, as previously argued, as it would be naïve in a context such as Jamaica to rely solely on religious as well as cultural norms and values to achieve progressive ends – the gulf is simply too wide – but by the same token, the range of opinions expressed above suggests it would also be detrimental to exclude from such a process belief systems that not only connect people, but that remain integral to their individual and collective identities. The task at hand, therefore, is the continuous cultivation of a culturally specific language of rights talk and mode of negotiation for the Jamaican and Caribbean context that moves the debate beyond knee-jerk mutual recrimination and pigeonholing into reactionary religious vs. secularist camps, each engaged in its own 'conspiracy'. This cultivation of a viable shared territory of engagement can only proceed if Christian religious affiliation is acknowledged for what it is in Jamaica: a strongly pervasive, highly influential, but also increasingly diverse and nuanced mode of social engagement that does not necessarily imply the denigration of minorities or the curtailment of the rights of others.

SUMMARY

This chapter examined the nuanced ways in which some Jamaican Christians relate to and understand matters around homosexuality and sexual rights, thus identifying not only the diversity within this religion but also the ways in which some Christians are challenging the kinds of conservatisms and the normalisation of a heteropatriarchal discourse, discussed in the previous chapter. This chapter, unlike the previous one, also unpacked the complex relationship between Christianity and human rights within the Jamaican context, pointing out the various ways in which some churches and Christians foster the advancement of what may be considered today as human rights. In spite of this important historical and continuous dedication of some Christians to upholding the human rights of all Jamaicans' including sexual minorities, some degree of skepticism exists about the religion's role in the interpretation and advancement of human rights. As such, the interpretation of human rights within the Jamaican context is not simply about choosing between 'liberal' international discourses and more vernacular notions of rights, but also about the internal negotiation between people who hold contrasting ideological worldviews, concerns and visions about human rights.

CONCLUSION

This thesis investigates the ways in which a number of faith discourses and institutions, seen to comprise “the Christian religion” – at least in its Jamaican manifestations – continue to participate in decisively shaping sexual politics and discourse in Jamaica. In particular, it contributes to the existing scholarship by highlighting the complex and sometime ambiguous ways in which Christian folks and some churches, in general, continue to mould various discussions and discourses in the public media (that is the print media, internet and broadcast media) and legal system (particularly in processes of constitutional and legal reform around abortion) around certain sexuality-related issues, specifically the decriminalisation of buggery and abortion, the definition and protection of sexual and reproductive rights, and human rights in general. Throughout this analysis, I document how certain conservative interpretations of Christian values and doctrine are continuously being appealed to by state managers and/or agents and particularly by self-proclaimed Christian representatives in their efforts to manage and rein in certain perceived ‘transgressive’ and ‘unruly’ sexual identities and practices as well as so-called ‘clandestine’ claims to rights by some women’s and lesbian, gay, bisexual and transgender (LGBT) activists. Drawing on M. Jacqui Alexander’s (2005:22-23) theorisation of heteropatriarchy and Andil Gosine’s heteronationalism, I argue that this persistent appeal to and careful interpretation of Christian values and doctrine are done in ways that often support, reinforce and normalise a heteropatriarchal discourse and status

quo, thus impacting the understanding and development of citizenship, and especially sexual citizenship, as well as human rights in twenty-first century Jamaica.

In spite of this influence however, my study highlights that there are countless emerging challenges to the heteropatriarchal order and to the rigid conservative Christian worldview that supports heteronationalism and heteropatriarchy in general. This in turn highlights, as pointed out in the Introduction, the complexity around the manifestation of Christianity in Jamaica and the Anglophone Caribbean in general. Although many scholars, as seen in chapter one of this thesis, have long pointed out this complexity, the data collected in this study specifically highlight two ways in which this complexity is evident in the twenty-first century in regards to matters relating to gender and sexuality. That is: (1) although the 2011 census shows that eighty percent of Jamaicans identify with some form of Christianity, there are nevertheless multiple attitudes towards Christianity (and the popular conservative manifestation of it) especially in regards to its approach to gender- and sexuality-related issues such as the decriminalisation of buggery and abortion, the definition and protection of sexual and reproductive rights, and human rights in general; (2) there is in fact no distinct uniform Christian position being put forward in the public and legal debates around these gender and sexuality related issues.

SUMMARY OF MAJOR FINDINGS

In this study, I found, in accordance to the existing literature, that a certain conservative manifestation of Christianity works to support and shape a heteropatriarchal discourse on matters relating to homosexuality and abortion, thus impacting conceptualisations and experiences of sexual and reproductive rights and more broadly, human rights and matters relating to citizenship. There are, however, challenges to these conservative manifestations, by not only sexual and women's rights groups but from within other segments of Christianity, which contribute to more nuanced discussions about these issues. This marks the study most substantive contribution to the existing academic literature.

Moreover, a number of interconnected themes emerged based on my textual analysis of the ten interviews as well as a number of newspaper articles, government and non-governmental documents, blogs, talk show programs and articles published on a number of websites. These themes include:

- The heterosexualisation of society, and challenges to it.
- Construing Jamaica as a 'Christian' society.
- Claims to ongoing colonialism and unwanted external intervention.
- Discussing abortion as a matter of human rights or detrimental to human life and society.

- Claims of Christian conservative lobbies hijacking the two reform processes.
- Complexities around the interpretation of human rights discourses in local contexts, specifically: dealing with competing and contradictory notions of rights, ideas about what is ‘right’ versus ‘wrong’, as well as claims ‘new’ versus ‘traditional’ human rights.
- Identifying churches’ as being at the forefront of human rights advancement.
- Problematizing appeals to or rather some conservative Christians’ approach to ‘tolerance’.
- Is human rights best advanced through theocracy or secularism?

Interrogation of Jamaican sovereignty and citizenship

More generally, over the period 2001 to 2011, we see an interrogation of Jamaican citizenship – which is at times seen as an issue of national sovereignty – and sexual citizenship – especially as it pertains to issues of human rights, discrimination, and the legalisation of abortion and buggery – by various interested parties including local, regional and international religious groups, rights campaigners and gender activists. Such an interrogation is obviously not unique to this society, but rather, as this thesis emphasises, is also occurring within several other Anglophone Caribbean countries particularly those that have already been through or are currently undergoing or contemplating similar processes of law reforms. In addition, an interrogation of what

citizenship means for women, and especially certain women, and marginalised (whether sexually, racially or religious) groups is having an impact on socio-political and legal developments in other regions of the world.

Is Jamaica a Christian Nation?

As attested in the Introduction and throughout this thesis, the prominence of Christianity in Jamaica, and particularly specific local manifestations of it, exists despite the country's religious diversity and the increasing questioning of its dominance, especially in its most conservative manifestations, by some Jamaicans, including a number of rights activists. Nevertheless, the important roles played by various Christian churches in socio-educational, economical and nation-building projects at different periods of Jamaica's history have served to generate the widespread impression that Jamaica is 'essentially' a 'Christian country'. Simply put, according to this view, not only do a large number of Jamaican citizens identify with some form of Christianity, but Christian mores and values are believed to be at the very foundation of the Jamaican nation. This is a pivotal claim adduced by many proponents of the status quo in the debates discussed above.

In the arena of gender, sexuality and human rights, specifically, I highlight that the adamant recommendations for the continuous safeguarding against certain 'transgressive' sexual identities and reproductive practices as well as the exclusion of 'new sexual rights' from the Charter were not just a matter of preserving 'respectable' heterosexuality and

ensuring the continuous biological reproduction of the nation. Rather, these also sought to perpetuate the hegemony of a particular conservative interpretation of Christianity. In other words, organisations such as the Jamaican Lawyers' Christian Fellowship were not just situating themselves as the moral conscience of the nation; rather, by mobilising to influence formal law, and the constitution in particular, this organisation was in some ways reifying or repositioning the nation as an unambiguously 'Christian nation'. Thus, the nation will uphold and enforce Christian values, morality and rights whilst overtly resisting the perceived threats of a particular manifestation of citizenship and 'modernity', specifically in regards to the erosion of traditional value systems that dictate acceptable sexual and gender conduct, the rise of neo-liberalism, secularism and the 'bullyism' of sexual and gender rights advocates, including feminists and local and international LGBTIQ groups, whose ideas run counter to what has always been considered to be 'right,' 'true' and 'good' for this nation.

RESEARCH CONTRIBUTIONS

My thesis seeks to contribute to the relatively limited academic literature on the connections between religion, sexuality, gender inequality, human (specifically sexual and reproductive) rights and the trajectory of Caribbean nation-states. Additionally, it furthers the endeavours of Caribbeanists in general and to those particularly interested in Jamaica specifically in offering a more in-depth and nuanced consideration of the complexities around the notion of gender and sexuality in Jamaica, one that contests the

demonisation of entire peoples by certain external voices. One important contribution that this thesis makes is that it begins to examine the ways a certain mainstream discourse, particularly a heteropatriarchal one, continues to configure some heterosexual women and homosexual peoples as threats to nationhood and society. Although this is an important area of interconnection, it is still critically under-examined by many Caribbean scholars, who tend to either focus on the experiences of heterosexual women or homosexual peoples, but not on the particular constructions of knowledge and structuring principles that similarly position these two groups as threats, or at least as ‘problematic’ citizens.

Moreover, the thesis seeks to contribute to serious discussions of the influence of religion, specifically, on issues of sexuality, gender and the conceptualisation of citizenship, which, as the reviewed literature shows, is largely underdeveloped in the analysis of the region. In so doing, my engagement with certain Caribbean manifestations of Christianity and the analysis thereon is in no way intended to discredit nor stigmatise this religion nor its followers. Rather, it is my goal to underscore its significance as an important category in the analysis of power in the region, one fit for interrogation and theorisation, through an account that elucidates its utility and its shortcomings, its efficacy and its contradictions. It is my hope that an understanding of the multifaceted character of the Caribbean Christian churches that emerges from my account might serve

as a basis for further engaging Christian interlocutors in ever more meaningful discussions of rights issues in future.

FUTURE RESEARCH

My dissertation project seeks to remedy some of the identified absences in the scholarship by asking: To what extent and how, specifically, are Christian churches and self-proclaimed Christians in Jamaica participating in the wider public debates within the twenty-first century about women's and gay peoples', sexualities and sexuality-related issues? And, is there any evidence to suggest that Christian fundamentalists or their self-proclaimed representatives are having an undue influence on the current contour and shape of the sexual politics within Jamaica? The answer to the former question is that some Christian churches and self-proclaimed Christians are participating, in various degrees, in public debates around these issues, though it appears that the conservative lobby are amongst the most visible and loudest voices, given the character of their explicit ongoing mobilisation. The evidence adduced throughout this thesis suggests that this second question would be answered affirmatively by many observers and analysts of these processes, particularly in light of the conservative Christian lobby's capacity to secure consideration of its submission after the prescribed deadline for such consultations. This conclusion is further evidenced by these groups' own self-proclaimed sense of having broadly secured a 'victory' in these processes, a perception reinforced by the concomitant disappointment of representatives of other more progressive interest

groups, who clearly felt that the conservative Christian lobby's special pleading was given undue attention. Of course, future research might attempt to 'drill down' into the finer detail of these processes by seeking to record the testimony of the lawmakers and the representatives of the specific Committees established to consider amendments.

More broadly, this thesis undoubtedly opens up several avenues for further research into the area of sexuality, gender and religion, which necessarily fell outside the scope of the current research goals, given the timeframe and resources available. Specifically, while attention has been given to the influence of Christianity, particularly of a certain conservative brand of this religion, future development of this research field may also focus more extensively on the wider engagement of non-conservative Christians in discussions on gender and sexuality, examining also the ways in which other religious leaders, who may not necessarily be as prominent or as vocal as many of my respondents, also shape public discourse(s) relating to these matters. Furthermore, are rural pastors just as passionate and vocal as the more prominent urban ministers and 'defenders of Christianity', which this thesis largely focused on, about these gender and sexuality related issues? Additionally, there is, as stated previously, an inadequate attention given to the ways in which other religions and credos relate to and shape debates around gender and sexuality within the Anglophone Caribbean. That is, how do religious leaders from all walks of the society reinforce and/or challenge the dominant discourse(s) around such

issues as homosexuality, abortion, morality and equal citizenship as well as human rights?

In addition, whilst this thesis highlights in some measure of detail the complexities and ambiguities surrounding marginalised groups' efforts to gain full and equal inclusion as citizens in the nation-states and the wider struggles over the interpretation of human rights in the Jamaican nation, as well as other Anglophone societies, there is nevertheless a need, in future research, for a more detailed comparative analysis of these issues across the Caribbean and in other parts of world. Such an analysis would serve to paint a more detailed picture of these parallel processes taking place both within the region and in disparate locales globally, thereby documenting the contemporary struggle for and understanding of sovereign nationhood and citizenship. In the Caribbean case particularly, this knowledge would help to inform ongoing efforts to institute policies and legal frameworks that address current inequities.

Moreover, although this thesis connected the struggles for women's abortion rights to those for LGBT people's sexual rights, richer analyses are still needed. Future research could focus on a number of issues relating to women's reproductive and abortion rights both within Jamaica and the Anglophone Caribbean region in general. For example, are there any new areas of development around the issue of abortion in Jamaica? Do pro-abortion and anti-abortion groups mobilise differently in countries that have legalised

abortion and those that have not made this change? And, what influence, if any, does the religious and/or Christian denominational demographic of a country have on matters relating to abortion and reproductive rights?

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APPENDICES

APPENDIX A

Table 1

Table 1: TABLE SHOWING PERCENTAGE DISTRIBUTION OF THE POPULATION BY RELIGIOUS AFFILIATION/DENOMINATION: 2001 AND 2011

Religious Affiliation/Denomination	2011		2001		Percentage Change 2001-2011
	Number	Per cent of Total	Number	Per cent of Total	
Total	2,683,105	100.00	2,595,960	100.00	
Anglican	74,891	2.79	93,612	3.61	-20.00
Baptist	180,640	6.73	188,770	7.27	-4.31
Brethren	23,647	0.88	24,217	0.93	-2.35
Church of God in Jamaica	129,544	4.83	124,184	4.78	4.32
Church of God of Prophecy	121,400	4.52	113,225	4.36	7.22
New Testament Church of God	192,086	7.16	163,912	6.31	17.19
Other Church of God	246,838	9.20	215,837	8.31	14.36
Jehovah's Witness	50,849	1.90	44,203	1.70	15.04
Methodist	43,336	1.62	50,024	1.93	-13.37
Moravian	18,351	0.68	20,975	0.81	-12.51
Pentecostal	295,195	11.00	247,452	9.53	19.29
Rastafarian	29,026	1.08	24,020	0.93	20.84
Revivalist	36,296	1.35	-	-	-
Roman Catholic	57,946	2.16	67,204	2.59	-13.78
Seventh Day Adventist	322,228	12.01	281,353	10.84	14.53
United Church	55,360	2.06	64,154	2.47	-13.71
Baha'i	269	0.01	279	0.01	-3.58
Hinduism	1,836	0.07	1,453	0.06	26.36
Islam	1,513	0.06	1,024	0.04	47.75
Judaism	506	0.02	357	0.01	41.74
Other Religion/Denomination	169,014	6.30	253,652	9.77	-33.37
No Religion/Denomination	572,008	21.32	543,902	20.95	5.17
Not Reported	60,326	2.25	72,151	2.78	-16.39

(Table cited originally as Table (xiii) in Nam, Philone, and Campbell 2012:xv).

APPENDIX B
Table 2

Table 2: TABLE SHOWING THE TYPES AND NAMES OF SOURCES AS WELL AS THE NUMBER OF DOCUMENTS OBTAINED AND SUBJECTS OF FOCUS

Type of Source	Name of Source	Number of Documents	Subject Matters Discussed
Blog	Amplify your voice, Ricaadoe	1	Abortion: a matter of reproductive health, churches applying pressure on Parliament
Blog	Dmarcuswilliams. Blogspot	1	On Christianity in Jamaica, its failures and hypocrisy
Blog	Duttybwoy, Kingston State of Mind	1	Church undermining progress in Jamaica
Blog	Gay Christian Movement Watch	1	Controversy around gays worship underground in Jamaica, pastors reactions to this
Blog	Gay Jamaica Watch	7	On matters related to homosexuality, conservative Christians' mobilisation and PNP government's promise to review buggery laws
Blog	Gajamun	11	On matters related to homosexuality, lesbians on the prowl (1), morality, homophobia, the Charter of Rights, the Church and the intolerance of the conservative right both locally, regionally and internationally

Type of Source	Name of Source	Number of Documents	Subject Matters Discussed
Blog	GLBTQ Jamaica	13	On matters related to homosexuality, religion, conservative Christians' (such as Shirley Richards from the Lawyers' Christian Fellowship) mobilisation, PNP government's promise to review the buggery law
Blog	Global Voices, Kai Miller, Annie Paul and Kathy Stanley	1	The rejection by Jamaican media companies to air J-FLAG's public service announcement to love gay family members and the influence of religion
Blog	Island Mix, Fiyah, Jahpikni and RastaPrincess83	1	On the issue of legalising abortion in Jamaica
Blog	Reality Check, Danielle Toppin	2	Abortion: review of Jamaica's abortion laws and the dangers of criminalisation of the practice, issues of morality and abortion as a matter of women's reproductive rights
Ethnography Study	Gail Pheterson, Yamila Azize, in <i>Reproductive Health Matters</i>	1	Review of attitudes towards Abortion laws and practices on several islands in the Northeast Caribbean
Government Documents	Jamaica 1962 and 2011	2	Jamaica's Constitution: Basic Human Rights of All Jamaicans
Government Document	Jamaica, Charter of Rights Bill	1	Jamaica's Constitution: Basic Human Rights of All Jamaicans

Type of Source	Name of Source	Number of Documents	Subject Matters Discussed
Government Reports	Jamaica, Report of the Joint Select Committee, 2001 and 2006	2	Summary of Joint Select Committee Meeting around Constitutional Reform: Charter of Fundamental Rights and Freedoms
Government Report	Ministry of Health, Jamaica	1	The Abortion Policy Review Advisory Group Final Report
Individual Pro-life Submission (and Summary) to the Minister of Health (Rudyard Spencer)	Private Citizen (Dominique Smith)	2	Concerning the legalisation of Abortion
International Pro-Choice Group Submission	Catholics For Choice	1	Submission to the Final Report of the Abortion Policy Review Advisory Group
International NGO Report and Open Letter to the Prime Minister	Human Rights watch	2	Human Rights: Discrimination and Violence Against Homosexuals
International Sexual Rights NGO: Action Alert	The International Inclusion of Gay and Lesbian Human Rights Commission (IGLHRC)	1	Jamaican Constitution: Sexual Orientation and
Local Interest Group Submission and Summary of 2011 Amended	Jamaicans for Justice, A Citizens' Rights Group	2	Jamaica's Constitution: Basic Human Rights of All Jamaicans

Type of Source	Name of Source	Number of Documents	Subject Matters Discussed
Charter			
Local Interest Group Submission and Online Petition	J-FLAG, Jamaica Forum for Lesbians, All-Sexuals and Gays, GoPetition.com	3	Jamaica's Constitution: Include Sexual Orientation into the Charter
Local Interest Group Submission and Public Statements (4)	Lawyers' Christian Fellowship	5	Constitution Reform: Sexual Orientation, Abortion and Religious Rights; Various statements about the organisation's structure, benefits and goals; a letter entitled "Our leaders, Great Defenders" lamenting moral decay
Local Interest Group Submission	National a.i.d.s committee	1	Jamaica's Constitutional Reform: Right to Health
Local Submission to the Joint Select Committee – Abortion Policy Review Advisory Group	Dr. Brendan Bain, Professor of Community Health at the University of the West Indies	1	Questions and Comments on the review of abortion laws: the moral issue of whether it is appropriate to have an abortion, the unborn is not a piece of tissue and law must foster a respect for human life
Local Submission to the Joint Select Committee – Abortion Policy Review Advisory Group	Sistren Theater Collective	1	The stigmatisation around abortion, class dynamics to victimisation of illegal abortion and abortion as a matter of women's reproductive health

Type of Source	Name of Source	Number of Documents	Subject Matters Discussed
Minutes of the Meeting of the Joint Select Committee on The Report of the Ministry of Health, Jamaica, Abortion Policy Review Advisory Group (Feb. 5 & Dec. 10, 2009; Feb. 11, 2010)	Ministry of Health, Jamaica	3	On the issue of legalising abortion: pro-life and pro-choice submissions by interest groups such as Mustard Seed Communities, Family Life Commission and DAWN
Online Magazine	The Coup Magazine	1	Summary of the legalisation of abortion in Jamaica
Online News and Blogs	BBC Caribbean.com	1	Reviewing the debate over Jamaica's abortion laws
Online News with Blogs	Caribbean Daily	1	Discussing the dangers of legalising abortion
Online News	AFP	1	Prime Minister Golding stance that new constitution should ban gay marriage
Online News	Barbados Democratic Party	1	Discussing the matter of sex and religion in Caribbean politics
Online News	Caribbean Church News	1	Catholic Church leaders walk out on Parliamentary sitting on abortion legislation
Online News	Evangelical Association of the Caribbean	1	Discussing Jamaican churches stance against abortion
Online News	Jamaica Forum for Lesbians, Gays and All-Sexuals	1	Public Service Announcement calling for Jamaicans to love their gay relations

Type of Source	Name of Source	Number of Documents	Subject Matters Discussed
Online News	Christian Today	1	Church and its approach to HIV
Online News	Catholic News	2	Focusing on the pro-life Christian youth (Youth for Life) march against the legalisation of abortion in Jamaica
Online News	Channel5Belize	1	Churches' mobilisation against UNIBAM and gay rights
Online News	Christian Telegraph	1	J-FLAG's public service announcement to love gay relations
Online News	LifeSiteNews.com (various authors)	6	Covering the review of abortion laws in Jamaica, highlighting pro-life mobilisations (such as the Coalition for the Defence of Life and Nurses Association of Jamaica) against the legalisation of abortion on demand as well as the challenges these groups face, as well as the government's opposition to the legalisation of prostitution (1)
Online News	Go Jamaica	2	On churches' role in 2011 Jamaican election, Prime Minister Simpson Miller's stance on anti-bugger law and J-FLAG's reaction
Online News	GayStarNews	2	Caribbean Christians attack gay law repeal and the Jamaican oppositional leader Portia Simpson Miller's promise to review buggery law in 2011 election debate
Online News	Global Post	1	Gays worship underground in Jamaica

Type of Source	Name of Source	Number of Documents	Subject Matters Discussed
Online News	Gspott wordpress	2	International Evangelical Christians' foreign mission to Trinidad and Tobago to 'combat acceptance of homosexuality' boosts local work on sexual rights
Online News	International Planned Parenthood Federation	1	The intensity of the abortion battle in Jamaica, including the mobilisation of pro-life, Christian groups such as the Lawyers' Christian Fellowship
Online News	IPS News	1	HIV and AIDS and stigma
Online News	International Resource Network (IRN)	1	On matters relating to homosexuality, religion, law reform in various Caribbean countries
Online News	Jamaica.gov.jm	1	Prime Minister Golding pledges support for Church
Online News	LGBTQ Nation, World News	1	Jamaica's opposition leader backs LGBT rights in a historic moment
Online News	Pink News	1	Securing gay rights in Jamaica to combat AIDS, churches' stance to the mistreatment of gays and lesbians
Online News	Plus TV	1	On matters of homosexuality and Belizean public reactions
Online News	Queeried	1	Underground church fights back against homophobia in Jamaica
Online Report	AIDS-free world	3	Discussing issues of rights, intolerance towards homosexuals by conservative Christian groups (collaborations between local Lawyers'

Type of Source	Name of Source	Number of Documents	Subject Matters Discussed
			Christian Fellowship and international, Issachar Foundation) as well as challenges to Jamaica's buggery law
Online Report	The United Church in Jamaica and the Cayman Islands	1	Church's efforts to combat incest
Newspaper Article(s), online access	<i>Amandala</i>	3	On matters of homosexuality, law reform, churches mobilisation against gay activists, UNIBAM
Newspaper Article(s), online access	<i>Belize Time</i>	1	UNIBAM's president Caleb Orozco on matters of homosexuality, law reform, churches mobilisation against gay (human) rights
Newspaper Article(s), online access	<i>Daily Observer</i>	5	The legalisation of abortion
Newspaper Article(s), online access	<i>Dominica News Online</i>	1	On English conservative Christian Group's appeal for Commonwealth nations to retain their anti-homosexual stance
Newspaper Article(s), online access	<i>Guyana Chronicles</i>	1	On matters of homosexuality, culture and law reform in Guyana
Newspaper Article(s), online access	<i>Guyana Times</i>	2	On matters of homosexuality, religious mobilisation against 'gay culture' and law reforms
Newspaper Article(s), online access	<i>Kaieteur News</i>	2	HIV and AIDS and government stance against sexual discrimination in Guyana
Newspaper Article(s), online access	<i>The Daily Herald</i>	1	On issues of Homosexuality and law reform
Newspaper Article(s),	<i>The Guardian</i>	1	Religious leaders and understandings of

Type of Source	Name of Source	Number of Documents	Subject Matters Discussed
online access			sexuality
Newspaper Article(s), online access	<i>Jamaica Gleaner</i>	164	On matters relating to the following issues: sexuality, homosexuality, lesbianism (1), buggery law, HIV and AIDS, abortion, prostitution (3), morality, human rights, constitutional reform and Charter of Rights, religion, Christians' pro-life mobilisations
Newspaper Article(s), online access	<i>Jamaica Observer</i>	72	On matters relating to the following issues: homosexuality, buggery law, HIV and AID, abortion, religion, Christians' mobilisation, marital rape (1)
Newspaper Article(s), online	<i>The Jamaica Star</i>	1	On the issue of homosexuality, the excess attention by international groups such as Amnesty International to killing of homosexuals in Jamaica
Newspaper Article(s), online	<i>The Love Herald</i>	1	Looking on whether Charter of Rights is bad for schools
Newspaper Article(s), online access	<i>Nation News</i>	7	On matters relating to homosexuality, HIV and AIDS, morality, Christianity
Newspaper Article(s), online access	<i>Stabroek News</i>	3	On matters relating to the following issues: Abortion, homosexuality, law reform and religion
Newspaper Article(s), online access	<i>Sunday Herald</i>	4	On homosexuality , abortion, politics, human rights, HIV and AIDS, and law reform in Jamaica

Type of Source	Name of Source	Number of Documents	Subject Matters Discussed
Newspaper Article(s), online access	<i>Trinidad Express</i>	1	On matters of religion and homosexuality in Trinidad and Tobago
Notes on the Way Forward, Presentation to the Joint Select Committee Reviewing Abortion Policy Review Group's Report	Taitu Heron, Regional Coordinator, DAWN Caribbean/ Chair, Working Group on Women's Reproductive Health & Rights	1	Identifying concerns that should be considered in future engagement with Jamaica's abortion laws: issues of women's rights, reproductive health and citizenship
Open Letter, from International organisation, to Mr. Ruyard Spencer, and the Ministry of Health, Jamaica	Asia Pacific Alliance for Sexual and Reproductive Health and Rights ASPIRE (Trinidad and Tobago) Association for Women's Rights in Development (AWID) Catholics for Choice (USA) Centre for Equality Advancement (Lithuania) Centre for Reproductive Rights (USA) Comissão de Cidadania e Reprodução (Brazil) ddeser - Red por los derechos Sexuales y Reproductivos (Mexico) Equidad de Género, Ciudadanía, Trabajo y Familia (Mexico) Family Care International (USA) Foro de Mujeres y Políticas de Población (Mexico) French	1	Pro-choice support of the Abortion Policy Review Advisory Group's recommendation to review Jamaica's abortion laws

Type of Source	Name of Source	Number of Documents	Subject Matters Discussed
	<p>Family Planning Movement (France)</p> <p>International Planned Parenthood Federation (Western Hemisphere Region)</p> <p>International Women's Health Coalition (IWHC) (USA)</p> <p>Italian Association for Women in Development AIDOS (Italy)</p> <p>Ipas (USA)</p> <p>Margaret Sanger Centre International: Planned Parenthood of New York City</p> <p>Rosalind Petchesky; Distinguished Professor of Political Science; Hunter College & the Graduate Centre, City University of New York (USA)</p> <p>Pamela D. Bridgewater; Professor of Law; American University; Washington College of Law (USA)</p> <p>Sexuality Information and Education Council of the United States (SIECUS)</p> <p>Sexuality Policy Watch</p> <p>Women for Women's Human Rights – New Ways (Turkey)</p> <p>Women's Global Network for Reproductive Rights</p> <p>Women's Link Worldwide (Spain)</p> <p>Women on Waves (The Netherlands)</p> <p>World Population Foundation (The Netherlands)</p>		

Type of Source	Name of Source	Number of Documents	Subject Matters Discussed
	Youth Coalition for Sexual and Reproductive Rights		
Rapporteur's Report	DAWN Caribbean	1	Breakfast Meeting with the Joint Select Committee Reviewing the Abortion Policy Review Group Report
Rapporteur's Reports (Consultations 2 & 4)	DAWN Caribbean	2	Meeting with the Jamaica's Household Workers' Association and Meeting with the Kingston & St. Andrew Action Forum (KSAAF): to discuss implications of recent Ministry of Health (MoH) data on unsafe abortions; to build partnerships and improve understanding within Women's organisation on the issue; to review the current legislative framework that governs abortion
Regional Interest Group Submission to the Ministry of Health, Jamaica	Nereus Auguste Family – Life International – St. Lucia	1	Abortion Review: Pro-life support against legalising abortion
Report	Associated Press	1	The life and death experiences of homosexuals in Jamaica
Report	C-FAM, Catholic Family and Human Rights Institute	1	Jamaica Pressured to meet non-existent UN goal on abortion

Type of Source	Name of Source	Number of Documents	Subject Matters Discussed
Report	Human Life International, Pro-life Missionaries of the World	1	Summary of the battle against the legalisation of abortion across the world and in Jamaica, giving attention to the Christians' mobilisation such as The Jamaican Coalition for the Defence for Life
Report	The Diocese of Jamaica and the Cayman Islands	1	Church stance on homosexuality and abortion
Report on the Progress of the Joint Select Committee Reviewing Abortion Policy Review Group's Report	DAWN Caribbean	1	Expressing disappointment about the progress to date of the Joint Select Committee Reviewing the Abortion Policy Review Group (APRG) Report
Concluding Observations of the Committee on the Elimination of the Discrimination against Women: Jamaica	CEDAW	1	Jamaica's Constitution: Regarding the Rights of Women
Television Talk show	BBC Hardtalk	1	Prime Minister Golding talking about his views on a number of issues including homosexuality and politics in Jamaica

Type of Source	Name of Source	Number of Documents	Subject Matters Discussed
Television Talk show	Religious Hardtalk	4	Hosted by popular Jamaican journalist Ian Boyne and examines issues of religion, politics, sexuality, tolerance and human rights with special guests such as Betty-Ann Blaine (Christian activist), Reverend Garnet Roper (President of Jamaica Theological Seminary) and Reverend Michelle Smith (lesbian, drug dealer turn Christian)
Television Talk show	CVM at Sunrise	1	Discussion about human rights and sexual equality with the Reverend Al Miller (Fellowship Tabernacle) and Arlene Harrison-Henry (Independent Jamaica Council for Human Rights, I.J.C.H. R.)

APPENDIX C

E-Mail Message to Potential Respondents

Potential respondents were emailed the following message, with minor adjustments depending on the unique qualities of the respondent, such as whether or not it's an individual or an organisation:

Subject: Request for Collaboration with Research Project-Interview

My name is Latoya Lazarus and I am a Jamaican (now living in Barbados) doing a PhD in Sociology at York University (under the supervision of Dr. Andil Gosine), entitled "The Church is the Law: Examining the Role of Christianity in Shaping Sexual Politics in Jamaica".

The purpose of this research is to examine the ways in which Christianity – at least in its Caribbean manifestations – continues to shape discussions around sexuality in the Caribbean, and Jamaica to be more specific. I am broadly interested in the influence of religion on issues of cultural identities, morality and the conceptualisation of nationhood and citizenship.

It is my hope to provide a more in-depth and nuanced consideration of the complexities around the notion of sexuality within Jamaica, one that contests the exoticisation and, latterly, demonisation of entire peoples by certain external voices.

Given the relevance of your work, to my inquiry I would be most grateful for the opportunity to interview someone from this organisation for my project. I would be most grateful if you could reply indicating willingness to participate and advice on how to further contact you (or any other willing member) to set up an interview.

Sincerely,
Latoya Lazarus
PhD Candidate in the Sociology Program
York University,
Toronto, Canada.

APPENDIX D

Informed Consent Form

Study name The Church is the Law: Examining the Role of Christianity in Shaping Sexual Politics in Jamaica

Researchers

Researcher name: Latoya Lazarus, Principal Investigator, 4th Year Graduate Student at York University, Canada; Andil Gosine, Doctoral Thesis Supervisor, Associate Professor in Sociology at York University; Amber Gazso, Member of the Doctoral Supervisory Committee, Assistant Professor in Sociology at York University and Kamala Kempadoo, Member of the Doctoral Supervisory Committee and Professor in Social Sciences at York University.

Doctoral Candidate

Graduate Program in Sociology

Email address: lazarusl@yorku.ca

Office phone: 416-736-5013

Purpose of the research

The purpose of this research is to examine the ways in which “the Christian religion”— at least in its Caribbean manifestations— continues to shape sexual politics and discourse in the Caribbean, and Jamaica to be more specific. I am interested in the ways various Christian groups and church leaders participate in and actively shape discussions and views about sexuality, public (national/cultural) morality, culture, “modernity”, nationhood and citizenship especially in regards to wider debates around legal reforms and sexual and reproductive rights. I am particularly interested in the issue of granting specific constitutional rights and protection to non-heterosexual peoples and more generally, the decriminalisation of practices such as abortion and homosexuality that are largely labeled as “immoral”, “sinful” and “unnatural” within the context of the Caribbean. This project will contribute to the limited academic literature on the connections between culture, sexuality, gender inequality, sexual rights and the trajectory of Caribbean nation-states.

The research will be conducted by discourse analyses of primary documents, particularly, local and regional newspaper articles covering issues of gender, sexual orientation, sexual rights, morality and the opinions of church leaders and self-identified Christians in Jamaica and elsewhere across the region. I will also examine other news articles and reports that are available through various Internet websites. In addition, I will also be conducting interviews.

The information from this research will contribute to my Doctoral Dissertation. The information may also be presented at academic conferences, presentations and contribute to the publications of articles or a book. I will be writing up our interview in a summary form. Quotes from the

interviews may be used, but they will not be attributed to individuals unless you have provided written consent to do so in advance.

What you will be asked to do in the research

You will be asked to participate in an interview, which will take approximately 45 minutes. In this interview you will be asked to give your views on the following and related questions: (1) people believe “the Church” has an influence on public opinion and the course of the (public and legal) debates about sexuality, (2) what should be the role of public morality in defining criminal offences and justifying restrictions on personal conduct, (3) should the criminal law be used to enforce public morality, (4) who should define morality, (5) what should be the relationship between church and state, and (6) what are the perceived threats against both institutions in light of increasing sexual activism in Jamaica and the region in general?

There will be no inducements offered for participation in this research.

Risks and discomforts

There are no real or perceived risks that may result from participation in this study. Also, there are no potential discomforts that may result from participation in this study.

Benefits of the research and benefits to you

There is no direct benefit to you. However, this research will provide a more in-depth and nuanced consideration of the complexities around the influence of religion and the notion of sexuality within Jamaica, one that contests the exoticisation and, latterly, demonisation of entire peoples by certain external voices.

Voluntary participation: Your participation in the study is completely voluntary and you may choose to stop participating at any time. Your decision not to volunteer will not influence the relationship you may have with the researchers or study staff or the nature of your relationship with York University either now, or in the future.

Withdrawal from the study: You can stop participating in the study at any time, for any reason, if you so decide. Your decision to stop participating, or to refuse to answer particular questions, will not affect your relationship with the researchers, York University, or any other group associated with this project. In the event you withdraw from the study, all associated data collected will be immediately destroyed wherever possible.

Confidentiality

With your permission, the interview will be recorded using a digital audio device. For the duration of this study (2012-2022), written notes, interview transcript and the digital audiotape will be kept in a locked cabinet or in a password protected computer in the research office and will be destroyed at the end of this study. Audio recordings will be deleted from the digital device or computer and all written notes, including transcript, will be shredded. I will be the only one accessing and listening to the interview. However, my thesis supervisor and I will have access to the written material. The information that is provided in the interviews will be confidential; neither your name nor any other identifying information will be disclose or appear in the

completed works resulting from this study, unless you have provided written consent to do so in advance.

Confidentiality will be provided to the fullest extent possible by law.

Questions about the research?

If you have any concerns or think of questions later about the research in general or your role in the study, you can phone the Graduate program in Sociology at 416-736-5013 or you can also contact my supervisor, Andil Gosine, at 416-736-2100, ext. 77984 or at andil.gosine@gmail.com. You can also contact me at 2075 Vari Hall, 4700 Keele Street, York University, Toronto Ontario, M3J 1P3 or by e-mail at lazarusl@yorku.ca.

This research has been reviewed and approved by the Human Participants Review Sub-Committee, York University's Ethics Review Board and conforms to the standards of the Canadian Tri-Council Research Ethics guidelines. If you have any questions about this process, or about your rights as a participant in the study, you may contact the Senior Manager and Policy Advisor for the Office of Research Ethics, 5th Floor, York Research Tower, York University, telephone 416-736-5914 or e-mail ore@yorku.ca

Legal rights and signatures:

I, _____, consent to participate in

conducted by _____. I have understood the nature of this project and wish to participate. I am not waiving any of my legal rights by signing this form. My signature below indicates my consent.

Signature _____
Participant

Date _____

Signature _____
Principal Investigator

Date _____

Optional: Additional consent:

Anonymity and Confidentiality Waiver: I, _____, hereby consent to my name and other identifying information to be disclosed or appear in completed academic works resulting from this research (Doctoral thesis, conferences, presentations, and article or book publications).

Signature _____

Date _____

Participant

Signature _____
Principal Investigator

Date _____

APPENDIX E

Questionnaire Guides: Sample Questionnaire Guide for Church Leaders.

1. What is your denomination?

➤ **The Influence of Religion on Gender and Sexuality**

2. What does Christian teaching(s) tell us about the relationship(s) between man and woman?

2i. what does it tell us about sexuality?

(Probes:)

- *How should men behave sexually?*
- *How should women behave sexually?*

3. Is Biblical/Christian teaching(s) on sexuality still relevant as a guide to sexual behaviour in Jamaica?

3i. Should Biblical/Christian teaching(s) on sexuality still be relevant as a guide to sexual behaviour in Jamaica?

3ii. Do you believe that the Church still has any kind of influence on public opinions about sexuality in Jamaica?

(Probes:)

- *What kinds of influence does the Church have?*
- *Are there particular churches with more influence?*

3iii. what are some of the challenges that churches may be facing in educating their congregations and the public about matters around sexuality?

3iv. in your opinion, do you believe that the Church should be doing more to educate their congregations and the public on matters around sexuality?

4. In your opinion, what role should the Church have in Jamaica today?

4i. should religious institutions/ groups or leaders directly influence or be involve in governments?

4ii. If yes, should specific faiths or denominations be included or excluded from this process in Jamaica?

4iii. Do you believe the Church/Christian groups had any influence on the Constitutional reform process:

- *(Probe:) What kinds of influence did they have, if yes?*

- *Abortion,*
- Buggery and
- (allowing) Same-sex marriage?

4iv. during the constitutional reform process we saw various church groups, leaders and individuals coming together to have their voices heard. In your opinion what is the significance of the churches mobilising as a special interest groups in their efforts to shape the outcome of that process?

(Probes:)

- *What are the possible advantages of such an approach?*
- *What may have been the weaknesses?*

4v. Do you believe that Christian doctrine enjoys a privileged status in the New Charter of Rights? Explain.

➤ **Role of Law within Society**

5. To what extent should law regulate or govern sexuality/ sexuality related issues? For example around abortion and sexual orientation etc.

6. Are there specific area(s) of law that the Church in Jamaica should or might have a prominent role in influencing? *Which?*

➤ **Law, Religion and Morality**

7. In your opinion, to what extent should laws enforce gender and sexual morality within Jamaica?

8. Who should decide/ define public morality (that is ideas of right and wrong) within the society?

(Probes:)

- *Religious groups?*
- *Secular groups?*
- *Working groups comprising both?*

9. What do you understand to be sexual morality?

10. Are there groups or influences that may be encouraging immoral behaviour in our society?

(Probes:)

- *How are they doing this?*

11. In your view, from where do you think people derive their sense of the rights that should be shared by all people?

12. Are there particular interpretations of human rights that you believe coincides with Christian doctrines? Please elaborate.

13. In turn, are there particular interpretations that seem inconsistent to or threatened Christian Teachings/values?

- Why do you believe this is the case?

APPENDIX E

Questionnaire Guides: Sample Questionnaire Guide for Lawyers.

1. What is your religion/how would you define your religious/spiritual identity?

2. What is your denomination?

3. How often do you attend church/religious ceremonies?

➤ **The Influence of Religion on Gender and Sexuality**

4. Is Biblical/Christian teaching(s) on sexuality still relevant as a guide to sexual behaviour in Jamaica

4i. Should Biblical/Christian teaching(s) on sexuality still be relevant as a guide to sexual behaviour in Jamaica?

4ii. Do you believe that the Church still has any kind of influence on public opinions about sexuality in Jamaica? Can you elaborate?

(Probes:)

- *What kinds of influence does the Church have?*
- *Are there particular churches with more influence?*

4iii. in your opinion, what is the failure of dominant Christian Church stance in regards to dealing with matters of sexuality, including women's rights?

5. As we progress as a society do you believe the Church should take on a stronger political role? Why or why not?

5i. should religious institutions/ groups or leaders directly influence or be involve in governments?

6. Do you think Christian values shape Jamaican Laws relating broadly to gender and sexuality?

o Can you think of any examples of this?

6i. for example, do you believe the Church/Christian groups had any influence on the Constitutional reform process:

- *(Probe:) What kinds of influence do you believe they had, if yes?*
- o Abortion,
- o Buggery and
- o (allowing) Same-sex marriage?

6ii. during the constitutional reform process we saw various church groups, leaders and individuals coming together to have their voices heard. In your opinion what is the significance of the churches mobilising as a special interest groups in their efforts to shape the outcome of that process?

(Probes:)

- *What are the possible advantages of such an approach?*
- *What may have been the weaknesses?*

6iii. Do you believe that the Christian doctrine enjoys a privilege status in the New Charter of Rights? Explain.

7. In your work, regarding sexuality, human rights and legal reform, do you ever face opposition from churches or Christian groups?

7i. what kinds of opposition/on what kinds of issues?

➤ **Role of Law within Society**

8. To what extent should law regulate or govern sexuality/sexuality related issues?

9. Are there specific area(s) of law that the Church in Jamaica should or might have a prominent role in influencing? *Which?*

➤ **Law, Religion and Morality**

10. What is the relationship between morality and law?

10i. in your opinion, to what extent should laws enforce sexual and gender morality within Jamaica?

11. Who should decide/ define public morality (that is, ideas of right and wrong)?

(Probes:)

- *Religious groups?*
- *Secular groups?*
- *Working groups comprising both?*

11. In your view, from where do you think people derive their sense of the rights that should be shared by all people?

APPENDIX E

Questionnaire Guides: Sample Questionnaire Guide for Activists.

1. What is your religion/how would you define your religious/spiritual identity?
2. What is your denomination?
3. How often do you attend church/religious ceremonies?
- **The Influence of Religion on Gender and Sexuality**
4. Is Biblical/Christian teaching(s) on sexuality still relevant as a guide to gender and sexual behaviour in Jamaica
 - 4i. Should Biblical/Christian teaching(s) on sexuality still be relevant as a guide to sexual behaviour in Jamaica?
 - 4ii. Do you believe that the Church still has any kind of influence on public opinions about sexuality in Jamaica? Can you elaborate?
(Probes:)
 - *What kinds of influence does the Church have?*
 - *Are there particular churches with more influence?*
 - 4iii. in your opinion, what is the failure of dominant Christian Church stance in regards to dealing with matters of sexuality, including women's rights?
5. In any of your programs do churches ever lend resources as aid?
 - 5i. *if yes*, what kinds of resources and on what sorts of programs do they actually lend this sort of support to?
 - 5ii. Do you ever include any religious elements in your meetings or outreach activities? Elaborate.
 - 5iii. in your work, regarding sexuality, gender and human rights, do you ever face opposition from churches or Christian groups?
 - 5iv. what kinds of opposition/ on what kinds of issues?
6. As we progress as a society do you believe the Church should take on a stronger political role? Why or why not?
 - 6i. should religious institutions/ groups or leaders directly influence or be involved in governments?

7. Do you believe Christian values shape Jamaican laws regarding gender issues?
- Can you think of any examples of this?

7i. Do you believe the Church/Christian groups had any influence on the Constitution reform process in regards to issues relating to the decriminalisation of:

- *(Probe:) What kinds of influence do you believe they had, if yes?*
- Abortion,
- Buggery and
- (allowing) Same-sex marriage?

7ii. during the constitutional reform process we saw various church groups, leaders and individuals coming together to have their voices heard. In your opinion what is the significance of the churches mobilising as a special interest groups in their efforts to shape the outcome of that process?

(Probes:)

- *What are the possible advantages of such an approach?*
- *What may have been the weaknesses?*

7iii. in sum then, would you say that Christian doctrine enjoys a privilege status in the New Charter of Rights? Explain.

➤ **Role of Law within Society**

8. Do you believe law should regulate or govern sexuality/sexuality related issues?

9. Are there specific area(s) of law that the Church in Jamaica should or might have a prominent role in influencing? *Which?*

➤ **Law, Religion and Morality**

10. What should be the relationship between morality and law?

11. In your opinion, to what extent should laws enforce gender and sexual morality within Jamaica?

12. Who should decide/ define public morality (that is ideas of right and wrong)?

(Probes:)

- *Religious groups?*
- *Secular groups?*
- *Working groups comprising both?*

13. In your view, from where do you think people derive their sense of the rights that should be shared by all people?

14. Are there particular interpretations of human rights that you believe coincides with Christian doctrines? Please elaborate.

15. In turn, are there particular interpretations that seem inconsistent to or threatened Christian Teachings/values?
- Why do you believe this is the case?

APPENDIX F

Example of an Anti-abortion Billboard in Kingston, Jamaica



APPENDIX G

Examples of Biblical Reference(s) in Support of Anti-homosexual Sentiments

Example One:

In a poll conducted by the *Jamaica Gleaner* on “Should Jamaica Repeal its Buggery Law to Maintain British Aid” responses included statements such as,

No! Jamaica should not repeal that law, let [B]ritain keep their aid, [J]amaica is an island that stands for the principles of the Bible, the word of God Almighty, yes we have our problems but we do not need to turn our island into [S]odom and [G]omorrah, yes, if that law is lifted that's w[h]ere we will be heading, if we resist this threat, watch how God bless us, is Cameron our God now? Jamaicans, lets stand up for God's law and principles. (audreyb 2011)

The following reference not only draws explicitly on Scriptures to support claims that homosexuality is unnatural and against God's will, but also links Prime Minister Cameron's 'threat' to mechanisms of colonial and slave control:

Run chicken the big bad wolf is coming! Britain's Prime Minister should be ashamed to be using the weapon of slavery to control the peoples of the [C]aribbean. Jamaica is an independent country and must have freedom to maintain its own control. As long as man will not retain God in their hearts homosexuality is here to stay. God has given them [homosexuals] over to their reprobate minds to do things that are against nature Romans 1:18-28. (Cathy 2011)

A more implicit reference to Scriptures included the following statement by Dennis Williams:

I say why should Jamaica now become a sell out country for [B]ritish aid. [T]his is a barefaced demand on our nation. [T]his [homosexuality] is a disease the holy [B]ible warned us of and although [J]amaica have millions of problems this is one ...will destroy our present and future children, and make us worthless, as it is just a way to destroy [J]amaica... (Williams 2011)

Example Two:

In response to the article “Church Angry, Gay's Happy,” published in the *Jamaica Observer* on December 22, 2011, about Portia Simpson Miller's statement during the election debates of 2011 that she will review the buggery laws and had no problems with gays being in her Cabinet, one frequent commentator posted:

Ephesians 6:12 “For we do not wrestle against flesh and blood, but against principalities, against powers, against the rulers of the darkness of this age, against spiritual hosts of

wickedness in the heavenly places.” PNP just lost the election memba seh [remember that] a nuff nuff Christians inna [there is a lot of Christians in] Jamaica and dem are more [they are more] than the people who want the “buggery law” change. (Blogger tickyticky fish 2011 cited in *Jamaica Observer*, December 22, 2011)

Here we see an appeal to this idea that the nation is somewhat more Christian than anything else and therefore, those who seek to lead must try to appease these peoples and the minorities. Importantly, the Bible verse here may be interpreted as both a warning against homosexuality and those ‘powers’ seeking the legalisation of the buggery law as well as a warning against the potential darkness and wickedness that will be unreign under the People’s National Party (PNP) rulership by Simpson Miller.

Example Three:

One respondent who identified that he was a Christian who attended church frequently stated that the Bible does speak about sexuality,

[I]n Leviticus, for example, where it talks about, you know there is a whole list of different things of how we should express ourselves, ...it speaks against incest, you know, so how come there’re only ...certain sexual laws that the Bible speaks of that non-Christians are finding contention with? You know, homosexuality is not the only thing...

It does say that you should not be with a man as you are with a woman, ...yes, it does. But apart from that it also says don’t lie with your cousin, don’t lie with your wife’s sister, don’t lie with your neighbor and so on and so on and so on. Yeah, there are boundaries ...but I think it is interesting, those boundaries, especially if you look at the one about homosexuality...it is not talking about your orientation, it’s talking about your sexual practice... (Interview with conservative Christian activist, June 18 2011b)

Example Four:

If Jamaica is a Christian country and calls itself a Christian country, then the gay and lesbian lifestyle must be deemed absolutely immoral and unacceptable.

As a result, the Government should not partake in any forum that seeks to legalise homosexual marriage, etc. Persons or groups that choose to use democratic ideals to justify their homosexual lifestyle/behaviour are making a grave mistake. If the homosexual lifestyle is legalised in Jamaica the nation will face the wrath of God because this lifestyle, as clearly stated in the Bible, is an abomination to the Lord. Christian principles should always take precedence over democratic principles - always!

(Jamaica Gleaner, March 26, 2006)

APPENDIX H

Respondent's Account of Mainline Churches Advancement of Human Rights

The Roman Catholic respondent explained that,

...Micah the prophet, what does the Lord ask of you to do justice, to love tenderly and walk humbly with your God, okay? And I think justice you see is a very important one, you got the extrajudicial killings now going on by the police and sometimes seem so blatant, but how can the Church influence? Now the Jamaica for Justice [which is “a non-profit, non-partisan, non-violent citizen’s rights action organisation advocating for good governance and state accountability and transparency” co founded by Carolyn Gomes, a human rights activist and Roman Catholic in 1999], comes out and speaks quite forcefully about that; we, in an occasional paper, may say something about it but they are on the scene right away, but now again at the same time police will say that when gunman guns down the police you don’t see Jamaica for Justice on the street there talking about it, on their behalf, so I think the justice thing, the justice thing should aim at that which allows people to develop their full potential, social justice. In other words, each person has potentials, potentialities, and what happens is that if they are denied that possibility of developing those potentialities there is an injustice, that means therefore that education should be such that it brings out the full potentials of each person... Then housing, I mentioned that earlier on because shelter is important for any human person to live a human life or live humanely, so how does government tackle that? I know in the Church, earlier on, the Catholic Church in Bamboo, in St. Ann, they put up what you call homestead, there’s a homestead there and it’s a lovely, lovely thing that was there before its time, before you have these houses that are put up by government... Yeah, but I am saying we were ahead of our time doing that, see, so that, that is being done. And today, Food for the Poor, which comes out of the Catholic Church, I don’t know if you realise that...Did you know it came out of the Catholic Church? We are into housing, you see, so even now the Church, for instance, may not be involved in the houses, but the Catholic Church in general has spawned this understanding of social justice...No, so we have that going (the only institution that take in women who have an unwanted pregnancy but do not wish to have an abortion), okay, and for the disabled, the children, I don’t know if you realise, that both Mustard Seed Community and The Missionaries of the Poor, they carrying on that work...Disabled children being cared for, see and the shelter is important and then health is important also...Surely, social justice, okay, and then we have health, the health thing. We were in health, Anglican Church in health in terms of Nuthall, Catholic Church involved, and St. Joseph hospital, recently we had to divest it and have the government buy it out from us. We had two other buyers and their bid was higher but we gave it to the government because it should be an extension of KPH [Kingston Public Hospital] for the poor, but they ran into difficulty and may be subletting to other people, you see. But health is important too. So throughout the Catholic world, even in U.S.A maybe a third of their health institutions are run by the Church, you see, so those three elements I think are most important, food is something that is good, the Church did have under Caritas, Caritas is, I don’t know if you realise it,

Caritas means love, but God's love, caritas. We used to have programmes here and throughout the Caribbean too, how do you help people to live their lives in such a way that they can survive, you see? So the Anglican, the Baptist Church down at Jones Town, I think, Bethel Baptist Church, they have a good holistic approach to church life and they have a home garden, what they call it, ah, what kind of garden they call it? But right there in Jones Town, they have some kind of a gardening thing that the people are involved in ...Yeah, again that's really developing beautifully. Then there are Church lands that some of us have and we give them like peppercorn grain to farmers and to ohm our congregants for them to develop, you see. So these are ways that we try to do... (Interview with Roman Catholic Minister, June 18, 2012a).