

THE PROPERTIES OF CITIZENS

A Caribbean Grammar of Conjugal Categories

Tracy Robinson

Faculty of Law, University of the West Indies, Mona Campus

Abstract

This paper considers how a taxonomy of conjugality—*marriage*, *common-law marriage*, and *visiting relationships*—emerged as a specialized vocabulary to apprehend and govern the postcolonial Caribbean. Although the metaphor of intersections does not fully capture the ways these categories relate to each other to produce social meaning, I employ an intersectional framework to offer a close reading of the routes through which these and other social differences and equivalences are produced as dimensions of citizenship in specific historical contexts, such as the period of decolonization and Caribbean nation-formation. In so doing, I illustrate how the categorization of intimate relationships codified a hierarchy based on intersections of race, class, gender, and sexual orientation, and established rough moral boundaries for a heterosexual Caribbean nation. The lives of working class Black women animate the categorization. I show how by centering these women in intimate relationship codes their sexuality is contained and patriarchy naturalized. In this paper, I suggest that we should mark the role intersectionality plays in constituting categories of intimate association, explore how these categories shape sentiments about belonging, and articulate the social costs of their instantiations.

Keywords: Caribbean, Twentieth Century, Intimacies, Family, Taxonomies, Intersectionality

INTRODUCTION

The twentieth-century Caribbean¹ witnessed the rise of new taxonomic descriptions of intimacies. These categories were marriages (M), common-law marriages (CLM), and visiting relationships (VR) [hereafter M/CLM/VR]. Over time, this new categorization became a part of Caribbean “grammar” (Spillers 1987, p. 65)—a complex system of codes and inflections that develop and which are deployed to make sense of the Caribbean, define Caribbeanness, and govern the Caribbean. Various influences shaped these categories, including postcolonial family law reforms, censuses, social science research, population policies, national culture, and everyday interactions, all of which shaped a patriarchal and hetero-normative conception of the family in the Caribbean.

If we imagine these categories organized along a continuum based on normative assumptions about intimacy, “marriage” sits at one end as the idealized form of intimacy, animating the other categories. In the middle are “common law marriages”—heterosexual cohabiting unions without legal sanction. The terminology “common

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law marriage” was incorporated in the 1943 and 1946 West Indian censuses and soon replaced “concubinage” as a description of non-marital intimacies. This change of terminology was significant because it marked a reorientation from the hybrid, interracial, and hierarchical intimacies associated with concubinage, to the intra-racial, intra-class, and less fluid Black unions associated with common-law marriage.

At the far end of the continuum are “visiting relationships”—heterosexual unions without legal sanction and in which the partners do not live together but share a close relationship, usually including parenting. Visiting relationships were an ambiguous residual category of conjugality added in small sample surveys in the late 1950s and in Caribbean censuses beginning in 1970 to capture the excess of reproductive “single” women not categorized in common-law unions (Rubin 1978).

Of particular importance to this essay is the extent to which intersectionalities operate in and through these categories. Intersectionality denotes various ways race, gender, and class, among other social categories, interact to shape multiple dimensions of social experiences and relationships (Crenshaw 1991). It is a productive theory, therefore, for thinking about how conjugality comes in to being as a regulatory regime of race, class, and heteropatriarchy.

Colonial administrators and social reformers needed “sorting codes” (Stoler 2002, p. 207) to interpret and re-order the intimate lives of those racialized West Indian “people whose immature minds too often [we]re ruled by their adult bodies” (Great Britain 1945, p. 221), and to address the Caribbean’s “welter of disorganized social life” (Simey 1946, p. 18). It is against this background concern that the M/CLM/CR taxonomy of conjugality was deployed. The categorization unfolded a narrative of “citizens-in-the-making” through cadence, juxtaposition, and contradiction. “Each one is defined by contrasting it with the others,” noted anthropologist Raymond T. Smith (1996, p. 55).

On this account, as working-class Blacks mature and gain economic stability, so do their intimate relationships, advancing from visiting relationships to common-law marriage to marriage (shifting between the categories as well). The typology maintains the preoccupation with the Black family, and then counterpoises it to another version that tells a non-hierarchical story of Caribbean racial and cultural heterogeneity as the categories supposedly tease out the diversity of sexual coupling across the region.

The dominant political, social, and moral question here, the one that informs the aforementioned categorization, has been whether Caribbean Black men have (and historically have had) the maturity and patriarchal authority to lead newly emerging families in newly emerging nations. Men and women are differentially positioned within the categorization. Women are the center of the universe regulated and described by the categorization, with their sexuality and reproduction contained by and in these three categories. While women fit into one category or another, men transcend them as sexual agents, and are expected to have multiple sexual arrangements with women across these categories (Kempadoo 2004). The ideal of patriarchal family life and the focus on women’s fertility that informed the M/CLM/VR categorization naturalized gender hierarchies (Collins 1998).

An intersectional analysis, thus, provides a closer reading of the routes through “which subjectivities and social differences are produced, such as through discourses and practices of gendering, racialization, ethnicization, culturalization, sexualization,” and legalities (Dhamoon 2011, p. 234). Adopting a “single-axis framework” (Crenshaw 1989, p. 57) that does not acknowledge the intersectional force of social categories limits one’s ability to identify and articulate how race, class, and heteropatriarchy are at play in these intimate relationship laws or sorting codes.

Significantly, law and its perceived neutrality are at times the backdrop through which these processes and discourses interact—“one becomes the condition of the other [and] becomes the unmarked background for the action of the other” (Butler 1999, p. 168). Intersectionality analysis has to contend not just with law’s official account, but also with how law works through the taken-for-granted and normalized assumptions about everyday life and cultural classifications (Crenshaw 1989; Silbey 2005). More particularly, M/CLM/VR created a racial, classed, and heteropatriarchal way of understanding the Caribbean that was also a normative baseline against which relationships would be both socially and legally understood. Thus, by analyzing the intersections of race, gender, class, sex, and religion, among other socially differentiating categories, we see a complex picture of what has been at stake in the categorization M/CLM/VR in the Caribbean.

rites of citizenship: conversion schemes to marriage for blacks

The end of slavery in 1834 in the British West Indies raised anxieties about the freed Blacks’ potential for citizenship and their moral and social development. This anxiety produced a set of intersectional demands on Black women, demands related to the organization of their family life and their willingness to assume proper familial roles. Central to these demands was an expectation that Black men take up leadership of the family, while Black women accede to wifedom, dependency, and domesticity (Hall 2002).

The edges of marriage were fluid and manipulable during the colonial history of the Caribbean. The imperative to get people married made the institution relatively accessible. Laws governing marriage were under constant revision. There was a push and pull between laws and conjugal life. Practices deemed to be on the margins of marriage were reined in by legislation and policies to promote marriage as the ideal end.

The missionaries, lawmakers, and colonial officials identified illegitimacy and concubinage as “a disgrace and a menace to the moral, social and economic progress of [the] people” (Jamaica 1941, p. 3). Colonial authorities, with their fixation on counting after slavery, used censuses and registration statistics to substantiate low rates of marriage among the Blacks and high rates of illegitimacy. By the 1940s it was reported that about two-thirds of all births in the British colonies in the Americas were illegitimate (Kuczynski 1953). The authorities formed the impression that illegitimacy was out of control.

“Concubinage” was a fluid, amorphous designation during slavery and after emancipation. It covered a range of sexual associations outside marriage, including long-term co-residential unions and short-term relationships that did not involve cohabitation. Some involved multiple partners in a “dual marriage system” that was structured around the intersection of race, gender, and class (Smith 1996). Specifically, men married their status equals but formed “outside” relations with women of a lower status. In other cases, the man may not have had a *de jure* sexual partner.

In the Caribbean, the term concubine strongly connoted asymmetrical, racially hierarchical, sexual relationships between White men and Black and Brown women (Lazarus-Black 1994). By the twentieth century the term lost much of this import; concubinage had been intersectionally reconstituted by race, class, and decolonization to describe a *sui generis* condition of lower-class Blacks.

Beginning in the 1940s and continuing through the 1950s, the state, churches, and women's organizations undertook mass marriage of concubines in Jamaica in order to convert these relationships into "legal" relationships. These mass marriages were spectacular public rites of citizenship, and the Caribbean's best-known "people-up" scheme. I describe these as efforts targeted at getting certain people—those in marriage-like or "convertible" relationships—in front of marriage officers to translate their proximate relationships into "legal" marriage. It was foremost a campaign to reduce high rates of illegitimacy that targeted working-class Blacks living together in long-term heterosexual relationships.

The first mass marriage (and many subsequent ones) was held at the City Mission in Kingston in July 1939. The Women's Liberal Club (WLC), with Mary Morris-Knibb as the driving force, organized this and most of the early mass weddings. The organization devoted itself to the social uplift of poor Black women, advocated for strengthened participation of women in politics, and attempted to foster racial pride and national spirit (Altink 2006).

At their zenith in the 1940s, these weddings were newsworthy events and huge public spectacles attended by prominent public officials, social welfare workers, and community members. In one 1941 wedding in Kingston, thirty-six couples were married at the City Mission. Spectators gathered early to watch, but only those with purchased "invitation cards" were allowed inside (Daily Gleaner 1941b, p. 14). The WLC provided gowns and rings. The brides were led down the aisle by a member of the Club who, as their sponsor, gave them away in marriage. The men were escorted by Jim Russell, the registrar of births and deaths and a central figure in the movement. In answering critics who alleged that some were coerced into mass marriages, the wedded were described as free agents and "contracting parties"—language marking a fundamental shift toward descriptions of Black conjugality as "consensual" intimate relations determined by the free will of the parties.

By 1944 there was a mass wedding committee in place. But by the mid-1950s, the numbers of couples who could be encouraged to undergo these ceremonies had dwindled, as had the public interest.

And, yet, these ceremonies did have an impact on the overall marriage rate on the island. Anthropologist M. G. Smith ([1966] 1999) noted that the marriage rate moved from 4.44 per thousand to 5.82 per thousand at the most influential period of the movement in 1946, but dropped soon thereafter as the campaign died down. Far from demonstrating that the movement was a colossal failure, as Smith suggests, this illustrates its impact on the consciousness of Jamaicans at the time. This, in turn, helped to legitimize concubinage by placing it closer to the edge of legality. The legitimation of concubinage in this respect intersected with other efforts on the part of colonial governments to regulate Black family formations. The next section discusses some of these efforts. They, too, helped to pull certain forms of conjugality into a status of quasi respectability.

SCIENTIFIC SOCIAL ENGINEERING THROUGH CATEGORIZATION

From the social and labor disturbances of the 1930s in the Caribbean emerged new political parties, a labor movement, and a more definite nationalist politics. By the 1940s, constitutional changes were underway, introducing greater forms of self-government and marking the beginnings of decolonization. These "founding moments" of nationhood were vulnerable ones. Black lower-class family life drew sharp attention as imperiling the possibilities of nationhood. What were framed as weak father/

child ties, marginal men, hyper-visible mothers and unmanned households, though communicated as social deficits, also presented a political problem. Anxieties about family life in the Caribbean were not new, but after the unrest in the 1930s there was a distinct shift in thinking, and a strong sentiment emerged that certain aspects of the Black family—namely, the intersectional entailments of Black lower-class family life—should be investigated as a precursor to formulating social policy. Managing the Black family became a technology for managing colonialism.

The West India Royal Commission (WIRC) was set up by the British Parliament to look into social and economic conditions following the unrest in the 1930s. A post-war Colonial Development and Welfare Act, the newly established Colonial Social Science Research Council, and the Comptroller for Development and Welfare in the West Indies all formed the new institutional context for a variety of investigative initiatives into Caribbean families, marking the inauguration of “a scientific approach to social engineering” (Smith 1996, p. 81). The earliest forms of investigation were not rigorous, but they were nevertheless crucial moments of engagement and dialogue. The WIRC hearings in the Caribbean between 1938 and 1939 were “a fascinating moment in a kind of popular democracy,” with microphones used for the crowds outside to hear the questions and answers by the various persons summoned (Lamming 2002, p. 78). Investigators were meant to hear and be heard, to account for conditions and to influence them.

The WIRC identified the Black family as one of the main sources of weakness in the social fabric in the British West Indies and it was disturbed that “the argument that the man is the head of the household and is responsible for the financial upkeep of the family has less force in the West Indies, where promiscuity and illegitimacy are so prevalent and the woman so often is the supporter of the home” (Great Britain 1945, p. 220). At times the Commission censured all forms of non-marital conjugality, and in other moments it drew a distinction between “promiscuity” and “permanent unmarried cohabitation.” The former was described as a danger to social stability while the latter “at least [led] to a home life and to the establishment of a family group which is little different from the married state” (Great Britain 1945, p. 220).

After 1938, social inquiry became part of the agenda of some local legislatures. In 1939, pursuant to a resolution passed in the legislature, the governor of Jamaica appointed a committee to “enquire into the prevalence of concubinage and the high rate of Illegitimacy in this Island and their effect on the moral, social and economic progress of the people, and to make recommendations whereby the present state of affairs may be improved” (Jamaica 1941, p. 2). The Committee was chaired by the bishop of Jamaica and its members included social welfare experts like Edith Clarke, then secretary to the Board of Supervision. The Committee met over two years and both its public meetings and its final report in 1941 were extensively publicized.

The Committee blamed a multitude of moral, social, and economic consequences on illegitimacy and concubinage, including the plights of poverty, unemployment, and the health of children. The twin evils of illegitimacy and concubinage also “undermined the self-respect and dignity of manhood and womanhood” (Jamaica 1941, p. 3). Similar to the WIRC, all extra-marital conjugality was attacked while simultaneously distinguishing more “faithful” or “permanent” concubinage, so the Committee suggested that the “Government should give consideration to the question of legitimatizing cases of permanent concubinage by some form of common law marriage” (Jamaica 1941, p. 5).

Like other conversion schemes, this one of legitimizing certain concubines sought to refine definitions of conjugality as a means of social transformation. New bureaucracies and new bureaucrats carried out this project. Thomas Simey, a social

science professor at University of Liverpool, became the first Social Welfare Adviser to the newly established Comptroller for Development and Welfare in the West Indies—an organization that grew out of the work of the WIRC. He visited the Caribbean between 1941 and 1945, investigating Caribbean society and developing social policy and social welfare reforms. He found a “disorganized social life” and loose family structures (Simey 1946, p. 18).

The relationship between men and their families featured prominently in his study. He observed that a “man will do his best to care for his children, as a rule, but the insecurity of his position in the family and his poverty make it very difficult for him to discharge obligations of parenthood which are accepted without question in Great Britain and North America” (pp. 17–18). Simey pressed a closer taxonomic read of family life. He classified Caribbean families as: (a) Christian families, (b) faithful concubinage, (c) companionate unions, and (d) disintegrate families. The first two were defined as patriarchal domestic units and were distinguishable by the presence or absence of a legal and Christian marriage. Companionate unions were cohabiting unions of less than three years. Disintegrate families were households with women, children, and grandchildren. Fernando Henriques (1949), a Jamaican anthropologist trained at Oxford University, refined Simey’s classification. He regarded Caribbean families as a “phenomenon *sui generis*.” Henriques maintained Simey’s first two categories and adopted the less pejorative labels “keeper family” to approximate “companionate unions,” and “maternal or grandmother family” to reflect what Simey had called “disintegrate families” (Henriques 1949, p. 31). Demographers would later note the similarities between Henriques’ classification and the M/CLM/VR classification (Roberts [1957] 1979).

Notably, through progressive reclassifications, faithful concubinage was evolving into a differentiated category that rested as much on its asserted functional equivalence to marriage as on its superior position to now named “others”—companionate unions and disintegrate families. As a category of conjugality, it gained legitimacy as it became distinct from other named subordinate categories of intimacy, and as it became described as a distinctive feature of Caribbean life. But like other socially produced categories, this one was available for redeployment, rearticulation, and even replacement, particularly as the notion of common-law marriages began to take hold.

ENUMERATION AND EMERGING CITIZENS: THE COMMON LAW MARRIED

The Caribbean “citizens-in-the-making” would soon never again be “concubines” as “common law marriage” replaced that term as a description of family life in the Caribbean at precisely the turning point towards self-governance, universal adult suffrage, and decolonization in the middle of the twentieth century. The new vocabulary shifted the gaze away from intimacy as a site of imperial relations of power toward idiosyncratic Caribbean and Black family life. Using patriarchal premises, “common law marriage” was racially recoding who in the new order could be intimate with whom, and how, and redrawing the parameters of the new nations (Stoler 2002).

The term “common law marriage” as a legal status was always cryptic—a “misnomer” with protean meanings, prime for cooptation. The validity of common-law marriages in England was originally governed not by the common law but by canon law (Lucas 1990). Canon law favored marriage and aimed to make contracting it as easy as possible, permitting marriages made by mere consent (Maitland 1898). The

object was to promote marriage, encourage the regularization of cohabitation, and legitimize the children of such unions (Andrews 1959). Few formalities were required by canon law. There was no need for a priest, and the consent of the parties was enough. Thus, the legal gist of “common law marriage” became an informal marriage contracted by the consent of the parties without observing the formalities required by statute but given some form of recognition, typically in certain legal proceedings.

The terminology “common law marriage” was used by Jamaicans to interpret and explain relationships between Black men and women as simultaneously consensual and hierarchical, and to promote social development, all well before 1943 when the term first appeared in the census. For example, in 1938, in calling for better working conditions and pay for workers, Jamaican labor leader Alexander Bustamante spoke about the existence of “common law marriages.” When his interviewers asked him whether he was using the term “common law marriage” in the way some states in the United States did to suggest legal recognition or official recognition, he answered no (Daily Gleaner 1938b). Avoiding the binary of legal and illegal, official and un-official, Bustamante mined the intermediate spaces where he could appropriate the legitimacy associated with common-law marriage, and the amorphous forms of state recognition that it implied, to present an image of respectable Black family life. This image of respectability was crucial to Bustamante’s interest in having male workers acknowledged as responsible patriarchs/citizens for the purposes of labor law and practice, entitled to a livable family wage.

By the 1940s, “common law” was also culturally available language used to interpret the lives of Black Jamaicans in criminal proceedings and to expand racial pathologies of intimacy. The Daily Gleaner (1938a) reported that the mother of a woman who was brutally murdered by her partner gave evidence at his criminal trial in 1938 that the two “had been living in a common law marriage for many years” (p. 21). That year, the same newspaper reported that a man was sentenced to six months hard labor for wounding his “common law wife.” He was said to have objected to her keeping other male company beside him, and so chopped her with a machete (Daily Gleaner 1938c). Also in 1938, a laborer was charged with murdering her “sturdy common law husband”—a butcher. The chief witnesses were neighbors who described them as living “in a common law marriage.” The witnesses gave evidence that the man was accustomed to beating the woman “with a supple jack” (Daily Gleaner 1938d, p. 21).

The label “common law” made these Black Jamaican colonial subjects socially cognizable and their violent actions describable in legal proceedings. Understood in this way, the term “common law” made particular intersectional family formations legible within specific legal regimes. More than that, common-law marriage helped to instantiate a family arrangement within which men governed the common-law marital union, exercising control over a wife’s body, her physical autonomy, and her sexuality.

Common law marriage in this context made some Black men husbands, an intersectional social status that already conferred gendered privilege. Men were thus entitled to some exculpation if they caught “[their] woman in an act of quasi-adultery” (Wooding 1968, p. 123). Variable and contradictory, “common law” also clothed witnesses to the violence with enough respectability as civic-minded citizens to give details of what happened.

The development of common-law marriage as a cognizable legal category was furthered by the census. Indeed, it is *the* legal regime that most substantiated these conjugal categories. More than any other single investigative tool, the census was

meant to anchor social welfare and development in the colonies and to take administration “out of the dark” and provide a “standard . . . against which could be measured the progress of the community” (Jamaica 1945, p. vii). The censuses after 1940 also functioned as a primer of sorts, instructing certain colonial subjects at decisive moments on refashioned classes of intimacy through which they could be “politically legible” (Franke 2006, p. 239). Censuses were designed to measure progress, and in another sense they were meant to instigate it.

The practice after 1844 was to hold censuses throughout the Caribbean colonies at the same time in roughly ten-year cycles. The projected 1941 censuses were abandoned because of the war. The next Jamaican census came in 1943, and for the rest of the Caribbean in 1946. Both adopted the “novel practice in census-taking” (Kuczynski 1953, p. 40) by introducing a new category of “conjugal condition” called “common law.” Enumerators received specific instructions that “if a man and woman are living together, though unmarried, write ‘CL’, i.e. common-law husband (or wife)” (Roberts [1957] 1979, p. 264, n1).

In the 1943 census in Jamaica, 27% of the adult population over the age of fifteen were identified as married, a smaller 18.2% were classified as involved in common-law marriages, and 4.8% were noted as widowed and divorced. There was little interest at that time in giving definition to the “loose” intimacies of the 50% of the population classified as “single.”

Many researchers and academics demurred when the terminology “common law marriage” was introduced in the censuses. They said the terminology was never used by Caribbean people (Clarke [1957] 1999; Matthews [1953] 1971), and it was misleading because it had no legal connotations (Blake 1961; Roberts and Braithwaite, 1961). But despite their early misgivings, the social scientists of the time could not deny the obvious value of data from what was the most professional and regionalized census to date (Clarke [1957] 1999; Henriques 1953; Smith 1956; Smith 1962).

The early scholarly critique of the new category, therefore, missed the pivotal legal and regulatory dimensions of censuses. As a state instrument, censuses were a central tool of development, authorized and controlled by colonial census legislation, that provided a dimension of the recognition and regulation of intimate domestic partnerships in the Caribbean at the time (Mezey 2003). This new categorization of conjugality in the census drew directly on the basic legal premise of common-law marriage—that of conjugal relationships based on the consent of the parties deemed proximate to marriage, which ought to receive some measure of state recognition and visibility.

Thus, by the mid-twentieth century, common-law marriage was a term of progress describing Black colonial subjects with the potential for and in need of social uplift, and it was intersectional in its regulatory effects—that is to say, common-law marriage epitomized a “raced distinction . . . structured in gendered [and class] terms” (Stoler 2002, p. 42). Underwritten by the notion of individual consent, common-law marriage was increasingly described as an element of Caribbean lower-class intimacy, signaling the exercise of individual autonomy, the possibility of citizenship, and some measure of recognition of human worth. But the institution also had patriarchal aspirations which were undercut by an equivalence between Black men and women, with lower-class Black men defined in relation to, but not sufficiently firmly in authority over others.

The foregoing might lead one to conclude that common-law marriages were exclusively Black affairs, so to speak. In fact, this is not the case. The use of common-law marriages to demarcate Caribbean Indian immigrants’ intimacies early on indicates the multi-layered racial intersections involved.

RACIAL COMPARABLES: COMMON LAW MARRIAGES AND THE REGULATION OF INDIAN INTIMACIES

Indian immigrants came to the Caribbean—Trinidad, British Guiana (as it was then), and Jamaica (to a lesser extent)—as indentured workers on a large scale from 1845 to the early twentieth century to meet the labor shortfall on sugar plantations after slavery ended. Indian indentureship, both labor and domestic relations, was over-regulated and over-legislated terrain, and newly crafted marriage and immigration laws and censuses fastidiously tagged Indian intimacies during this period.

Caribbean courts were a key site for resolving disputes between Indians about their domestic relationships, which frequently turned on the interpretation and application of immigration and marriage legislation. Providing an indication of these disputes helps to recover this important juridical history; doing so also helps to broaden how we think about intersectionality. Many scholars employ intersectionality to examine complex relations of inequality. But as my discussion below reveals, comparability between Indians and Africans in the Caribbean suggest that we might also employ the theory to examine relations among and between those who share rough equivalence as historically marginalized communities. Intersections can also be sites of unexplored mutuality that admit difference and disparities.

The state regulation of Indian marriages up to the mid-twentieth century revealed no unified or fixed conception of these marriages. What the colonial state defined as an Indian marriage was contextual and changeable, and marriage laws were not the only determinant of whom judges and state officials would treat as “married.” The stringent management of Indian immigrants’ labor and lives by laws and policies instigated sharp registers of marriage: Christian marriages, registered Indian marriages, and unregistered Indian marriages. Indians presented colonial authorities with a challenge different from that of freed Blacks, a challenge that required both surveillance and regulation.

Although by the mid- to late twentieth century, the category “common law union” became an identification of customary and *sui generis* cohabitation practiced by Blacks, this category as a description of the near-married actually took shape initially in Trinidad and Guyana, and not on African bodies but on Indians and Amerindians (the Guyanese indigenous population). Flexible categories of marriage developed to describe Indian intimacies in censuses. Unregistered Hindu and Muslim marriages were “marriages” in British Guiana and “common law marriages” in Trinidad in the censuses of 1946. In the latter, Indians comprised the largest number of common-law unions. In British Guiana, where unregistered Indian marriages were classified as “marriages” rather than “common law,” the highest proportion of “common law” unions in 1946 was not found amongst Africans but Amerindians. These census results presenting Indians in Trinidad as the principal common-law partners were rebuffed and it was agreed that, “from a demographic point of view,” it was better to classify Indians married according to non-Christian rites, whose marriages were not registered, as married and their children as legitimate (Trinidad and Tobago 1948, p. xxxv).

Registered marriages were not all immediately equal to Christian marriage. In Trinidad and Tobago, only marriages that were monogamous in the Christian sense were entitled to relief under general matrimonial law, excluding “legal” but potentially polygamous Muslim marriages (*Henry v. Henry* 1959). In this sense, Christianity operated as one of the axes along which monogamy was intersectionally constituted. The 1961 Muslim Marriage and Divorce Ordinance remedied this by, as the Court of Appeal explained, deeming the status of later wives after the first “in the eyes of the law of the land [as] no different from that of paramours whose existence is

condemned by the Christian religion but nevertheless is common in most Christian societies" (*Rafique v. Rafique* 1966, p. 186). Thus, Muslim marriages were framed as comparable to the Creole dual marriage system through a distinction between "inside" (the *de jure* wife/first wife), and "outside" (the paramours/later wives), metaphors that dominate Caribbean family life (Carnegie 1996, p. 490).

Some of the earliest occasions in which Caribbean judges made reference to distinctly local cultural practices in shaping family justice involved Indian-Caribbean unregistered marriages and long term unions. Judges assessed the legal implications of unregistered Indian marriages through the dual lens of "law" and "equity." In some circumstances, "from a legal point of view," the partners in an unregistered marriage were "merely together" (*Rabiemman v. Hack* 1975, p. 2). But through the lens of equity, judges in the early post-independence period found in these unions "husbands" and "wives" for the purposes addressing inequities in property distribution in applications made by women.

Equity developed as a discrete stream of justice in the English common law in response to the rigidity of common-law rules. Today, Caribbean courts have the power to give effect to both legal and equitable rights, including a finding of dual ownership: that the legal owner of property is a trustee, holding it entirely or partly in equity for the benefit of others—beneficiaries. The trust was appropriated by prominent Black Guyanese nationalist judges to meet what were deemed to be the demands of justice and distinctly Caribbean realities involving Indian unregistered marriages and vulnerable "wives." The recognition of some Caribbean intimacies as equivalent to marriage was aligned with protecting women who had performed traditional wifely duties in addition to contributing meaningfully to the economic resources of the family.

For example, a few years after Guyana's 1966 independence, George J., an Afro-Guyanese who later became Chief Justice and Chancellor of the judiciary, declared that Jumratia Khan was the beneficial owner of a one third share of the estate of Charles Khan, whom she married in a religious ceremony according to Muslim rites in Guyana in 1938 (*Khan v. Khan* 1970). The marriage was never registered. They lived together for nineteen years and had ten children. George J. looked at the conduct and intentions of the parties in the context of "customs and habits of the East Indian community" and said that it was customary for Indian wives to toil equally with her husband and make a financial contribution to their business enterprises, and that these contributions were not "merely gratuitous" (*Khan v. Khan* 1970, pp. 8–9). In 1975, Massiah J., another Afro-Guyanese who was also later appointed Chancellor, granted a substantial share of the family home using trust principles to an Indian Guyanese woman who had been married for thirty years according to Muslim rites (*Rabiemman v. Hack* 1975).² He proclaimed that equity would intervene because the "relationship is of some permanence and flows from a marriage in accordance with their religion." Legal intervention was "consonant not only with reason and palpable justice but also *with the culture and way of life of so many of our citizens*" (p. 5; emphasis added). He drew a comparison between the living together of Africans and unregistered religious marriages of Indians. Both were "hard facts" of the present society (p. 5).

The best known judicial statement on "common law marriages" in the Caribbean is found in *Harrinarine v. Aziz* (1987), a judgment of Sharma J., an Indo-Trinidadian judge who later became Chief Justice of Trinidad and Tobago. A long-term relationship developed between a widowed man with nine young children and a woman separated from her husband with two children of her own, and both appeared to be Indo-Trinidadians. The woman not only "did all the domestic chores

one would expect the woman of the house to perform,” (p. 3) but according to Sharma J., she also worked on a sugar estate, kept livestock, contributed to the upkeep of the household, and to the modest property in which the couple lived. Sharma J. awarded a half share of the property to the woman using trust principles. In his view, the common-law union was “accepted as normal” in that society, and “there is little or no difference in substance between it and a lawful marriage” (pp. 21–23). The development of the trust principles in this area, he said, should be dictated by that society and the role and rights of the common-law wife in it.

Thus, the ardent supervision of Indian intimacies in the late nineteenth and early twentieth century in some places was a precursor to the mid-twentieth-century classifications of Black conjugality. These cases are instances in which post-independence judges portrayed certain Indian and Black intimacies in a strikingly similar fashion, connected through Creole nationalist frames of distinct Guyaneness and Trinidadianess, and a quintessence of a commanding Caribbean womanhood—women who behaved like wives while also contributing significantly to economic provision for their families. Despite these intersectional continuities in the histories of Africans and Indians in the Caribbean, the communities are commonly represented as dissimilar (Khan 2006), with Indo-Caribbean people defined in opposition to the nation and Caribbeaness. These instances of racial comparability are significant, but they do not mean that the common-law marriage is no longer a signification of Blackness. Indeed, the ready incorporation of Indian and other intimacies into this racially-coded understanding of emblematic Caribbean intimate life gives, what are imagined as identifiably Black cultural practices, greater claim to universality and to represent that which is Caribbean.

The next part traces a structural-functionalist view of the Caribbean family as a response to the socioeconomic conditions it faced, shifting the scholarly debate about family forms away from African retentions and slavery as the reasons for the Caribbean family structure (Barrow 1999). By the second half of the twentieth century this framework had become academic folk knowledge, a sturdy base for nationalist ambitions.

MID-CENTURY AND BEYOND: ACADEMIC FOLK KNOWLEDGE, IMAGINATION, AND THE NATION PROJECT

During the mid twentieth century, the Caribbean was characterized as a space of mystery and conundrum. Raymond Smith suggested that “[b]ecause of the inarticulateness of the lower-classes, the relative dearth of literary work dealing with lower-class life, and the limited number of people who receive any kind of psycho-therapy we know little of a really intimate nature respecting the personal and family life of Caribbean peoples” (Smith 1963, p. 45). Participant observation, the lens of anthropological scrutiny, and Caribbean family studies quickly became the most legitimate means of “knowing” the West Indian subject.

Edith Clarke’s ([1957] 1999) and Raymond Smith’s (1956) ethnographies of Jamaican families in three rural villages and of Black families in British Guiana respectively have been presented as the “first systematic studies of West Indian family systems” (Smith [1966] 1999, p. xxvii) that heroically disrupted descriptions of Caribbean family life as “loose,” “disorganized,” and “chaotic,” and provided “analyses based on sufficiently comprehensive materials to provide an accurate model” (Smith 1962, pp. 12–13). Both are credited with shifting the scholarly debate at the end of the 1950s away from the obsession with the origins of the Black family

towards an understanding of the structure of the social system and how it worked (Barrow 1996).

These scholars generated *academic folk knowledge* for the nation project—deeply affective narratives that at once justified self-determination and expressed the anticipation and apprehensions that attended incipient nationhood. Their structural-functional and pluralist models, with heterosexual patriarchal marriage as their reference point, were readily translated in pithy contrarities of Caribbean distinctiveness—mothers who father, marginal/missing men, matrifocal women-centered households, and law-resistant conjugality—that frame social and political discourse in the Caribbean to this day.

Clarke's research was the confluence of social welfarism, empiricism, and nationalism. After attending school in London, she returned home to Jamaica where she worked in the civil service in social welfare from 1936 to 1951, having been "inspired by this dream of a new Jamaica" (McDonnough 1999, p. 230). By the time Clarke had completed the research for her 1957 book, *My Mother Who Fathered Me*, she had served on the concubinage and illegitimacy committee, prepared evidence on social conditions in Jamaica for the WIRC, and become the first woman nominated to the Jamaica Legislative Council.

In *My Mother Who Fathered Me*, Clarke ([1957] 1999) did not attempt a full classification of conjugality; rather, she sought to clarify some "irregular unions": "concubinage," "common law marriage," "prostitution," "promiscuity," and "polygamy" (pp. 11–12). She made a firm distinction between "permanent concubinage," which she thought served the stability of the home as well as marriage, and a "casual mating" or "promiscuity," which she denounced "as characterized by male irresponsibility and detrimental to the position of women and children" (p. 202).

On publication, Clarke's book immediately became a national and regional symbol and a pre-eminent resource for those concerned "with the future of the island" (Nettleford 1999, p. vi). Republished in 1966 with an influential introduction by Jamaican anthropologist Michael Smith and again in 1999, few scholarly books in the Caribbean have had this many incarnations and are as oft-cited in popular discourse. Most prominently, Clarke's book stimulated epistemological synergies or "flows" between literature and social science to build a composite portrait of Caribbean subjectivities that "caught the imagination" of many Caribbean nationalists (Nettleford 1999, p. vii).

The research of Clarke and of Raymond Smith is situated in the apprehensions behind men's place in, and leadership of, the family. These concerns went to the heart of national development during the decolonization period. There was then, and remains, a very durable set of worries at the intersection of gender, race, and nation: whether men could be "made" out of Black men, as the Caribbean demanded (Edmondson 1999).

The Negro Family in British Guiana was Raymond Smith's (1956) doctoral research in social anthropology at University of Cambridge and was the first major publication of the Institute of Social and Economic Research (ISER). Smith took up a research post at ISER after he completed his PhD research, joining a small group of pioneering Caribbean social scientists. He declared apathy for scientific social engineering but not for the nation-project. As he put it, the focus on "Creole social forms" from the 1950s was "produced by the happy conjunction of structural functional theory and the drive for national self-determination" (1956, p. 178).

Smith did not assume that families had to have a marital basis. He described three phases in the development cycle of the household in British Guiana. First, young men and women form sexual relationships and become parents without living

together. Second, a nuclear family is set up. And third, the household becomes matrifocal and includes mother, daughter, and daughter's children (Smith [1957] 1973). All the household groups to different degrees performed the functions of providing child care, sexual services, domestic services, economic support, managerial functions, and status-defining functions.

Clarke's and Smith's structural-functionalist analyses viewed Caribbean family structure as a response to socioeconomic conditions, and offered a new lens on a debate about family forms that had previously focused on morality and the "nature" of Afro-Caribbean people (Barrow 1999). Clarke ([1957] 1999) was especially concerned with the "conditions which make it impossible for men to perform the roles of father and husband, as these roles are defined in the society to which they belong" (p. 5). And Smith (1996) contributed the concept of matrifocality that was "produced by the marginalization of husband-fathers, whose status and functions as household heads is depressed because of their lowly status in the society as a whole" (p. 4).

Structural-functionalism has been criticized trenchantly in Caribbean studies for its "violent antihistoricism" (Mintz 2006, p. 152), for holding the nuclear, co-resident, and reproducing family as its model (Barrow 1999), and for missing the complexities of gender relations and hierarchies (Lazarus-Black 1995). Mothers *don't* father, Lazarus-Black (1995) counters, in response to Clarke's title. Mothering and fathering remain gender defined ideas and activities which privilege fathering as a special status and treat mothering as natural, unremarkable behavior. A perplexing issue for Lazarus-Black is the tenacity of the fathering-mother image in the imagination of contemporary Caribbean lawmakers. She asks, "Why is it the case that this 'fathering mother' trope is now so available to Caribbean politicians, whatever we make of their use of it?" (1995, p. 66, n25).

Arguably, the structural-functionalists did not so much under-theorize gender as they deployed it. They offered "cultural codes, vocabularies of motive, logics, [and] hierarchies of value" (Ewick and Silbey, 1998, p. 40) that expressed and shaped disquiet about the place of gender in the transitioning Caribbean. In doing so, they provided a valuable schema that could be invoked and applied to "make" and "make sense of" the emerging new nations (p. 40). Smith's cyclical and rhythmic account of a progressive Caribbean conjugality in his 1956 book had an especially appealing cadence at a time of nation building, bringing an "entirely new perspective that began to make sense out of the apparent sexual anarchy and rank individualism" (Chevannes 2002, p. 84). Similarly, M. G. Smith, known for his plural society thesis, was a strident contributor to the idea that Caribbean cultural idiosyncrasy was a powerful argument for self-determination. M. G. Smith ([1966] 1999) famously accused colonial administrators of being misguided in their colonial policies because of their ignorance of Caribbean folk society, using the mass marriage movement in Jamaica to illustrate the point.

M. G. Smith's meagerly researched account of this movement is often relied on (Barrow 1996) and usually uncritically. It has ascended to folk knowledge, an oft-repeated and rarely questioned tale of profound cultural misunderstanding—the machinations of imperious and grossly ignorant colonial managers. But Smith's narrative presents a picture starkly different from reality: he played down the leadership of early Black middle-class feminists and nationalists in the movement by placing the English governor's wife in the starring role. The WLC (as mentioned earlier) planned mass weddings, but that was not all. At these meetings, the movement's founder, and its members also studied civics in anticipation of universal adult suffrage (Daily Gleaner 1941a). Thus, Black middle-class women, who thought that marriage would raise the status of women and reduce their vulnerability by ensuring

that they and their children had a more secure legal right to economic support and property, were the driving force behind this social movement. While the governor's wife was indisputably a prominent patron who garnered wide public and media interest, Mary Morris-Knibb was the movement's founder and the person most intimately connected with the organization of the weddings throughout the life of the campaign. Indeed, the first mass weddings were organized by Morris-Knibb and the WLC years before Molly Huggins arrived on the island. The narrative of a European housewife leading a colonial government astray, with Black women mindlessly following her lead, made the case for self-government, but underlined Black men's entitlement to govern the Caribbean.

These schemas of gender inversion and cultural peculiarity found a "happy conjunction" with the nation-project half a century ago. Academic folk knowledge was re-energized by the hopes and failures of the Caribbean nation-state, its economic fragility, and its persistent postcolonial dependency. It is not just that vulnerable Caribbean countries need explanatory codes for their continued struggle for viability, but these schemas, including their gender outlook, are now part of the social construction of the Caribbean and create "expectations, limits, and contingencies for human thought and action that cannot be merely wished away" (Ewick and Silbey, 1998, p. 42).

Thus, Caribbean academic folk knowledge posited heterosexual, patriarchal marriage as the Caribbean reference point. The next part, however, shows how the introduction of the visiting category turned Caribbean conjugal categorization toward a "feminized" framework.

WOMEN'S REPRODUCTION AND DEVELOPMENT: THE VISITING RELATIONSHIP

In the twentieth century, fertility rates began to fall in Europe and a discourse of perilous overpopulation in the non-White world became prominent (Briggs 2011). When explanations for and solutions to the grave poverty in the Caribbean were demanded in the aftermath of the social and economic unrest in the 1930s, overpopulation emerged as a menace to social and economic progress and the prospect of independence—deflecting attention away from colonial policies. By the mid-twentieth century, the dangers of overpopulation had "the place in West Indian conversation held by the weather in England" (Ibberson 1956, p. 93). With background support from the Colonial Office, growing relationships between American and British family planning advocates and Caribbean nationalist social reformers, and with the rise of more organized demographic research funded by the United States, birth control became a nationalist development tool.

As colonial administrators, nationalist politicians, and social reformers became fixated on the fecundity of poor Black women, soon "[f]emales were the center of [the] research universe" (Rubin 1978, p. xix). The categories "married" and "common law married" could not adequately determine the risk of women to pregnancy. The residual omnibus category in the census—"single"—was further differentiated to identify which women were at risk of childbearing by adding the category "visiting."

American demographers Mayone Stycos and Kurt Back conducted a survey in Jamaica in 1956 on issues related to family and fertility that used marriage, common-law marriage, and visiting as categories of "marital unions." This appears to be the first use of "visiting" in the Caribbean as a category of conjugality in field research. "Visiting" was defined as a current non-cohabiting (hetero)sexual relationship which

persisted for at least three months (Stycos and Back, 1964). Stycos and Back concluded that it was the visiting, and not the common-law union, that typified extra-marital conjugality in the Caribbean.

In 1958, George Roberts and Lloyd Braithwaite conducted a small-scale sample survey in Trinidad sponsored by the Research Institute for the Study of Man (RISM), University College of the West Indies (UCWI), the Federal Government and the Government of Trinidad and Tobago. Their goal was to provide data on the frequency, formation, and fertility of various types of unions. The Trinidad survey adopted the Stycos and Back 1956 categorization and divided women into married, common law, and visiting—the last designating a woman who had a steady sexual relationship with a partner with whom she did not share the same household. The descriptor “steady,” a signal of some stability, was already a refinement on the earlier definition. The designation “visiting relationships” was indisputably new, and it was the demographers’ invention.

For the 1960 simultaneous censuses in the British Caribbean, the regional coordinating committee that included participation by George Roberts representing the short-lived Federal Government, and Lloyd Braithwaite from the Institute for Social and Economic Research at the University of the West Indies, wanted further questions to be included on women’s fertility. To accommodate this desire, two separate categories—“marital status” and “union status”—were introduced in the 1960 census. *Marital status* comprised the “never married,” “still legally married,” “now legally separated,” “now divorced,” and “now widowed.” *Union status* included women who never lived with a partner, were living with husband, were living with common-law partner, no longer living with husband or common-law partner, and not stated.

Only women were questioned about union status, a practice that began changing just recently, in the 2001 round of censuses. The demographers acknowledged that they were sacrificing important data by only speaking to women, but they treated this decision as a practical response to matrifocal family life (Roberts and Braithwaite, 1961).

In 1970, the “visiting relationship” was added as an opaque residual category of union status in most censuses. Women were asked whether they were married or in a common-law union. The enumerators concluded that a woman was in a visiting relationship if she had borne a child in the preceding year and was not in a common-law union or marriage. In more in-depth surveys, women were asked if they were involved in a visiting relationship, and the term was defined but the respondents in these surveys had “genuine uncertainty in some cases about when a visiting union started or ended or, perhaps, even whether one ever existed” (Harewood 1982, p. 7).

These fertility studies encouraged women to discipline their desires in the interests of national development by asking whether they were aware of the relationship between social and economic problems like unemployment, lack of access to education, poor housing, and poverty caused by overpopulation. Women were also asked how much they knew about family planning programs and how many children they thought women should have (Harewood 1973). Though women were entreated to be good citizens by reducing their fertility, their doing so was not premised on larger notions of women’s social equality (Roberts 2003).

With its hazy edges, the boundary of the visiting relationship in popular discourse was drawn using moral and political reasoning about women: visiting unions represented loose relationships that contributed to overpopulation and limited attachment between men and their children (Rubin 1978). The category “visiting relationship” was a residue in more than the demographic sense. It symbolized an alterity—an indeterminate “other”—that is the antithesis of marriage and distin-

guishable from common-law marriage. For this role, it needed no precise definition. Visiting unions were what common-law ones were not, morally speaking: casual and promiscuous to the common-law's stable and faithful; marginal male partner to common law's male head of household; and dysfunctional for raising children to the common-law's capacity to produce upright citizens. The inexact "visiting" category shored up and validated the common-law marriage category as an emerging "inside" relationship.

There was strong controversy in the expanding research on Caribbean conjugality after World War II, yet by the 1970s, discussions around conjugality coalesced around the classification M/CLM/VR, "a typology adopted mainly for demographic analysis . . . in which exposure to the risk of child bearing figure[d] prominently" (Roberts and Sinclair, 1978, p. 2). M/CLM/VR colonized women's sexuality in reproduction, which had to be closely supervised in the interests of the nation. It also disciplined and erased the non-heterosexual intimacies from the Caribbean polity (Mezey 2003). In this framework, non-reproducing gay and lesbian intimacies were indescribable and demographically uncountable—un-Caribbean. Folded into these classifications were explanatory codes developed by anthropologists for gendered sexual arrangements. Ascribing to women the value of "respectability," and to men "reputation," spelt out the difference between women's restrained sexual possibilities and heterosexual men's freedom (Wilson 1969).

Soon, the rough working categories of conjugality, with some patent discordant elements and a very narrow focus on fertility, congealed into a common anatomy, a "coherent series" (Smith 1988, p. 112), that described conjugality in the Caribbean as a whole.

Over the last three decades, Caribbean lawmakers and judges have mobilized the categorization M/CLM/VR and transposed it into legal texts dealing with domestic violence, family property, financial provision, and succession rights. Lawmaking and legal interpretation draw on and develop multiple moral properties of the classification. As judges and lawmakers maneuver around the fuzzy edges and exploit the fluidity of M/CLM/VR, they simultaneously materialize and reconfigure the classification. The categorization is not undone by imprecision and multiple interpretations. To the contrary, the categories function like a pliable apparatus whose meaning and boundaries shift depending on the "interlocutor, perspective, and context, as well as motive" (Khan 1998, p. 500).

Since 1977, new laws in Barbados, Belize, Guyana, Jamaica, and Trinidad and Tobago have constructed men and women in serious cohabiting relationships—like common-law marriage—as rights holders and property-owning citizens who are entitled to treatment similar to those who are married; their dignity is marked by access to the traditional matrimonial courts called the Supreme or High Court.³ Caribbean Summary courts, on the other hand, have been associated with persons of "low status," and adjudication in these courts can invite shame and loss of reputation (Lazarus-Black 1994). The new prestige of the "common law married" is, therefore, signaled not just by the legal regulation of economic exchange in these intimate relationships, but by their access to the more dignified superior courts for relief.

In parliamentary debates, legislators referred repeatedly to the need to give legal recognition to "common law marriage" as a Caribbean social phenomenon, but almost always rejected using that term in the legislation. New terms, like the "cohabitational relationship" in Trinidad and Tobago (Cohabital Relationships Act 1998, s2) and the "unions other than marriage" in Barbados (Family Law Act 1981, s39), instead developed.

By excluding “common law marriage” from legal texts, legislators actually amplified the resonance of the visiting relationship as a social custom because it functioned as a silent alterity: a boundary for the now legally recognized common-law union since it was “clearly distinguishable from a casual or visiting association, however intimate,” as a Barbadian judge described it (*Adams v. Clarke* 1991, p. 6).

On the other hand, in the context of domestic violence protection, “visiting” is considered a subcategory of legally recognized unions. Domestic violence legislation, a victory for feminist activists throughout the Caribbean, is the most important legislative initiative to advance the rights of women and was the most significant family law reform effort in the region in the 1990s.

First generation domestic violence laws granted relief to those who were married or in common-law marriages, similarly to laws dealing with property and financial provision. By the end of the 1990s, second-generation statutes explicitly added visiting relationships as a new class of domestic relationships entitled to the benefit of protection against domestic violence, beginning with Trinidad and Tobago’s Domestic Violence Act of 1999. The 2004 amendment to the Jamaica Domestic Violence Act defines “visiting” for the purpose of this protection as a relationship between a man and a woman who do not share a common residence but one which is close and personal by virtue of its nature and intensity, including the existence of children.

The term “visiting” also rationalized the qualification that close personal relationships be heterosexual since it conveyed the idea of a naturalized, heterosexual reproducing union. By virtue of its position as the category at the end of the continuum, “visiting” checked any expansion of the categories of conjugality to same sex unions, providing a defense against the burgeoning global recognition of non-heterosexual intimacies. The much heralded expansion of definitions of family in family property and domestic violence laws re-inscribed heterosexual reproduction as the lynchpin of suitable family life (Robinson 2009).

The new laws are also meant to represent a shift away from colonial legalities that were deemed to be ill-suited for the Caribbean, and to shape new Caribbean nations as modern progressive ones, though distinguishable from the West (Lazarus-Black 2003). These postcolonial family laws are also a response to global discourses on women’s rights that employ the female-centeredness of these categorizations. Lazarus-Black (2003) terms this process of legalization the “(heterosexual) ‘regendering’ of the post-colonial state”—though she need not have bracketed “heterosexual” since this is not an incidental dimension of regendering (p. 980). In her discussion of sexual offense laws, Yasmin Tambiah (2011) explains that these products of regendering are embodied moral codes, and “women become the terrain upon which ideas about sexuality, gendered behaviour, construction of family, and consequently a citizen’s worth are contested and negotiated” (p. 150). Women actively resist some of this appropriation in lawmaking exercises, but never succeed entirely (Tambiah 2011).

Though contested and unstable, M/CLM/VR is a “feminized” framework that serves as a trope for the vulnerability of the Caribbean’s fragile nation-states and the perceived threats to its distinctive culture. David Murray (2009) argues that as the Caribbean undergoes rapid socioeconomic change, its postcolonial economies are positioned as submissive and feminized by global and neocolonial forces and the attributed feminization is considered a sign of moral decay. The spectral male homosexual comes to represent “all that is imposed, colonial, and unjustly empowered” (p. 153). It is regarded as undermining the authority of the nation, framed as “masculine.” In this context of imperiled Caribbeanness, M/CLM/VR is used to establish a just boundary, securing the Caribbean through its distinctive heterosexual reproductive intimacies.

An intersectional analysis of the categorization is an entry point for unpacking how certain “circuits of knowledge production” (Stoler 2002, p. 147) and structural global economic inequalities contributed to the idea that homosexuality is “un-Caribbean” and to establishing the region’s identity as homophobic.

CONCLUSION

M/CLM/VR is part of a Caribbean grammar with multiple and dynamic meanings. Some elements of Caribbean citizenship rest on modes of intimate relationships, including the categories of marriage, common-law marriage, and visiting relationships. These categories are distinguished from each other in hierarchical terms, demonstrating that marriage, as an idealized hetero-patriarchal institution, animates all the categories. The categories are also explained through juxtaposition as a series that describe the progressive development of Black Caribbean intimacies. A third way the categories relate is as a composite that presents an emblematic image of a diverse, hybrid, and heterogeneous Caribbean. And fourth, the categories function as boundaries that exclude and erase non-heterosexual intimacies, contain women’s sexuality, and demarcate women’s empowerment.

Intersectionality works through each of these formulations in the sense that it provides a tool to analyze how race, gender, religion, class, and sex are employed in the M/CLM/VR categorization. This analysis reveals the routes through which these and other social differences and equivalences are produced as dimensions of citizenship in specific historical contexts. By analysing the intersections of race, class, sex, and religion, among other socially differentiating social categories, we see a complex picture of what has been at stake in the categorization M/CLM/VR—not just the interaction of systems of ruling and oppression that erase some and rank others, but also the multilayered relations between individuals and institutions that made it an instrument of social and legal reform. Within these relations, reform was laden with contingent sentiments about race, gender, and sexuality. Inasmuch as intersectionality provides complex accounts of social phenomena, it can also identify key questions of inequality that seem to transcend a given conjuncture.

Corresponding author: Tracy Robinson, Faculty of Law, University of the West Indies, Mona Campus, Kingston 7, Jamaica. Email: tracy.robinson@uwimona.edu.jm

NOTES

1. This broadly includes all of what was termed the British West Indies spanning the islands of the Bahamas and Bermuda in the north to Trinidad and Tobago in the south, and Belize in Central America and Guyana in South America. The relevant countries are (independent countries are italicized and their dates of independence listed): Anguilla, *Antigua and Barbuda* 1981, *Bahamas* 1973, *Barbados* 1966, *Belize* 1981, Bermuda, British Virgin Islands, Cayman Islands, *Dominica* 1978, *Grenada* 1974, *Guyana* 1966, *Jamaica* 1962, Montserrat, *St. Christopher-Nevis* 1983, *St. Lucia* 1979, *St. Vincent and the Grenadines* 1979, *Trinidad and Tobago* 1962 and Turks and Caicos Islands. I exclude the U.S. dependency of the U.S. Virgin Islands. These countries vary using almost any index—social and economic development, size, geography and location, population, ethnic and racial composition, or political organization. Nevertheless the regional transfer of notions of family and conjugality is pronounced and a distinctly Anglophone Caribbean intellectual tradition of family studies has developed (Barrow 1996). These countries also share a strong common-law legal tradition and regionalised forms of adjudication and legal education. Legal concepts

- are conveyed amongst and extended within these Caribbean territories. Throughout this paper my references to “Caribbean” are to these territories in the Anglophone Caribbean.
2. This decision was upheld on appeal in *Hack v. Rabieman* (1977).
 3. The most notable of these are the Barbados Family Law Act 1981, the Guyana Married Persons (Property) Act 1990, the Trinidad and Tobago Cohabitation Relationships Act 1998, and the Jamaica Property (Rights of Spouses) Act 2004.

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