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# Obeah Acts: Producing and Policing the Boundaries of Religion in the Caribbean

**Diana Paton**

Obeah has been a crime in much of the English-speaking Caribbean for more than two centuries, and remains so in many parts of the region. Despite the publication of many literary works that rewrite obeah as resistance or indigenous knowledge, and the work of respected historians, anthropologists, theologians, and critics demonstrating that obeah is and was often used for protection rather than to cause harm, many Caribbean states retain anti-obeah laws, and many ordinary people in the region understand obeah as a dangerous and hostile phenomenon.<sup>1</sup>

The continuing popular and official hostility to obeah suggests that arguments that work through demonstrating the inaccuracy of negative views of obeah can only go so far. Such arguments face the difficulty of trying to redefine the essential nature of a term that has historically been part of a complex and multifaceted system of signification rather than a singular thing.<sup>2</sup> This article argues that colonial law-making and law-enforcing practices have made

1 Among the most important academic studies are Mindie Lazarus-Black, *Legitimate Acts and Illegal Encounters: Law and Society in Antigua and Barbuda* (Washington DC: Smithsonian Institution Press, 1994); Vincent Brown, "Spiritual Terror and Sacred Authority in Jamaican Slave Society," *Slavery and Abolition* 24, no. 1 (2003): 24–53; Dianne M. Stewart, *Three Eyes for the Journey: African Dimensions of the Jamaican Religious Experience* (Oxford: Oxford University Press, 2005); Kenneth M. Bilby and Jerome S. Handler, "Obeah: Healing and Protection in West Indian Slave Life," *Journal of Caribbean History* 38 (2004): 153–83; and Jerome S. Handler and Kenneth M. Bilby, "On the Early Use and Origin of the Term 'Obeah' in Barbados and the Anglophone Caribbean," *Slavery and Abolition* 22, no. 2 (2001): 87–100. For hostile popular representations of obeah, see Kenneth Bilby, "An (Un)Natural Mystic in the Air: Images of Obeah in Caribbean Song" (paper presented at the conference "Obeah and Other Powers: The Politics of Caribbean Religion and Healing," Newcastle University, July 2008).

2 This formulation draws on comments made by Richard Drayton at the conference "Obeah and Other Powers," Newcastle University, July 2008.

a crucial contribution (although of course not the only contribution) to producing obeah as a singular, unitary phenomenon. As a result, any intervention that seeks to transform contemporary understandings of obeah needs to address the history of colonial constructions of obeah. Here, therefore, I examine not the nature and meaning of obeah itself—indeed, part of my argument is that it can have no such stable nature or meaning—but rather the changing ways in which it has been produced and the implications of these.

Official views of obeah have always been negative, but they have not always been the same. In the post-slavery period, the legal construction of obeah shifted from being primarily about witchcraft to being primarily about fraud, with significant effects. This article puts the obeah laws into context by comparing them to another set of legal prohibitions on spiritual practice: the Shakerism and Shouters prohibition ordinances passed in St. Vincent in 1912 and in Trinidad and Tobago in 1917, which outlawed worship by the communities now known as Spiritual Baptist. I compare the treatment of obeah with that of the Spiritual Baptist faith, rather than that of other potentially useful comparators such as Rastafari, Pocomania, orisha work, or Kali Mai Puja, because obeah and the Spiritual Baptist faith share the experience of being explicitly outlawed by colonial law. This is not to suggest that adherents and practitioners of these other potential comparators did not suffer state harassment. But the fact that the Spiritual Baptist religion was explicitly outlawed, like obeah, allows for comparison of the arguments made for prohibition and the response to the laws.

Despite considerable similarities, obeah laws proved much more long-standing than did the Shakerism and Shouters prohibition ordinances. Adherents of the Spiritual Baptist faith and their allies successfully mobilized claims to religious freedom to achieve repeal in the second half of the twentieth century. Such mobilization has proved more difficult in relation to the obeah laws; it has proved much harder to write obeah into the category of “religion” than to make the equivalent move for Spiritual Baptistism.

The history of *religion* as a race-making term with multiple, complex, and power-laden meanings partly explains this difficulty. In the Roman Christian world *religio* (the root of the contemporary word *religion*) was a term that articulated truth claims, defining the boundary between “true” religion and “false” superstition and paganism. Since the European Enlightenment, this boundary-marking aspect of the term has continued in the frequent contrast made between *religion* and terms such as *witchcraft*, *magic*, *superstition*, and *charlatanism*, all of which have been applied to obeah. Thus, the concept “religion” has acted as a race-making category: a marker of the line between supposedly “civilized” peoples (who practice religion) and “primitive” peoples (who practice superstition or magic).<sup>3</sup> The continuing importance of

3 This is inevitably a broad-brush overview of some very complex matters. For discussion of these issues I have found particularly helpful Nicole Belmont, “Superstition and Popular Religion in Western Societies,” in Michel Izard and Pierre Smith, eds., *Between Belief and Transgression: Structuralist Essays in Religion, History, and Myth* (Chicago: University of Chicago Press, 1982), 9–23; Talal Asad, *Genealogies of Religion: Discipline and Reasons of Power in Christianity and Islam* (Baltimore: Johns Hopkins University Press, 1993); Jonathan Z. Smith, “Religion, Religions, Religious,” in Mark C. Taylor, ed., *Critical Terms for Religious Studies* (Chicago: University of Chicago Press, 1998), 269–84; Richard King, *Orientalism and Religion: Postcolonial Theory, India and The “Mystic East”* (London: Routledge, 1999); David Scott, “Religion in Colonial Civil Society,” in *Refashioning Futures: Criticism after Postcoloniality*

these categorical distinctions between primitive and civilized, and the association of obeah with the former, has blocked a key potential argument for the decriminalization of obeah on the basis of freedom of religion. Although arguments have been made since at least the 1970s that obeah should be decriminalized because anti-obeah laws contravene the principle of religious freedom, such claims have repeatedly been deflected by counter-arguments that obeah is not, indeed, a religion.<sup>4</sup> Such arguments draw on the plural concept of “religions” which emerged during the Enlightenment as a descriptor of “codified, institutionalized, and consistent” (and, I would add, mutually exclusive) belief systems.<sup>5</sup> Even sympathetic analysts like Lizabeth Paravisini-Gebert and Margarite Fernández Olmos, for instance, argue that obeah is “not so much a religion as a system of beliefs rooted in Creole notions of spirituality.”<sup>6</sup> Although Paravisini-Gebert and Olmos are sympathetic to obeah and its practitioners, the sharp distinction they draw between religion and nonreligion means that their work, and work like it, can be easily mobilized to oppose “freedom of religion” arguments regarding obeah.<sup>7</sup>

Yet if the use of “religion” to mark the boundary between the “primitive” and the “civilized” were the only issue, obeah and the Spiritual Baptist church would face roughly the same difficulties in writing themselves into the latter category. The much deeper prohibition on obeah emerges because obeah itself is a construct produced through colonial (and postcolonial) law making and law enforcement over more than two centuries. Of course, formation through law is not unique to obeah. What *is* distinctive about obeah is the extraordinarily long period of its illegality. The colonial production of the crime of obeah has worked to isolate those aspects of Caribbean spiritual practice that most closely match terms defined as antonyms of or precursors to *religion*—*magic*, *superstition*, *witchcraft*. It has then separated these aspects from others that conform more easily to an idea of religion developed as part of a process of establishing Christianity’s superiority over other faiths and forms of worship.<sup>8</sup> The reified idea of obeah as a unitary phenomenon, distinct from organized spiritual communities and existing across the Anglophone Caribbean but not beyond it, owes much to colonial law-making

(Princeton: Princeton University Press, 1999), 53–69; and Russell T. McCutcheon, *Manufacturing Religion: The Discourse on Sui Generis Religion and the Politics of Nostalgia* (New York: Oxford University Press, 1997). I accept the propositions that the category “religion” is both “a Christian theological category” (King, *Orientalism and Religion*, 40) and “a conceptual tool [that] ought not to be confused with an ontological category actually existing in reality” (McCutcheon, *Manufacturing Religion*, viii). At the same time, I sometimes employ “religion” as a commonsense descriptive term where this is unavoidable.

- 4 Frances Marcelle Clyne-Gairy, “An Analysis of the Law Relating to Obeah in the Commonwealth Caribbean” (LLB thesis, University of the West Indies, Cave Hill Campus, 1975); Francis Alexis, “Anti-Obeah Laws and the Constitution” (unpublished typescript held at the University of Guyana library, 1973); Bilby and Handler, “Obeah”; Herbert McKenzie, “The Obeah Act 1898: An Antithesis of Fundamental Rights in Jamaica” (LLB thesis, University of the West Indies, Cave Hill Campus, 1994); and Sam Pragg, “Culture-Jamaica: Rastafarians Object to ‘Anti-Witchcraft Laws,’” *Inter Press Service English News Wire*, 21 January 1999, available at <http://www.hartford-hwp.com/archives/43/165.html> under the title “Away with Obeah Laws Say Rastafarians.”
- 5 This definition of religion draws on Aisha Khan’s characterization of a “conventional Western model of religion.” See Aisha Khan, *Callaloo Nation: Metaphors of Race and Religious Identity among South Asians in Trinidad* (Durham, NC: Duke University Press, 2004), 24. See also Scott, “Religion in Colonial Civil Society”; and Peter Harrison, *“Religion” and the Religions in the English Enlightenment* (Cambridge: Cambridge University Press, 1990).
- 6 Margarite Fernández Olmos and Lizabeth Paravisini-Gebert, *Creole Religions of the Caribbean: An Introduction from Vodou and Santería to Obeah and Espiritismo* (New York: New York University Press, 2003), 118.
- 7 For a related critique, see Aisha Khan, “Isms and Schisms: Interpreting Religion in the Americas,” *Anthropological Quarterly* 76, no. 4 (2003): 761–74.
- 8 For a similar argument regarding obeah during the slavery period, see Arvilla Payne-Jackson and Mervyn C. Alleyne, *Jamaican Folk Medicine: A Source of Healing* (Mona: University of the West Indies Press, 2004), 58.

processes, although it has subsequently taken root in some Caribbean communities, especially those whose theological orientation is aligned with fundamentalist Protestantism. This colonial construction of obeah has done significant political work in positioning the Caribbean and its population as “backward” and “primitive.” In turn, the region’s supposed primitive status was an important means by which British imperial policy makers justified denying its residents citizen status and political rights.<sup>9</sup>

In claiming that obeah is a construct produced through law, I do not mean to suggest that it has no existence outside of law. As J. Lorand Matory has argued in relation to Candomblé, recognizing the significance of state and elite white actors in producing “African” cultural and spiritual formations in the new world should not blind us to the active role of ritual participants in their production.<sup>10</sup> Obeah in the Anglophone Caribbean was produced through a process of unequal dialogue among a wide range of actors—including ritual specialists, poor and struggling people, members of many churches, colonial officials, missionaries, and members of the Caribbean resident elite—in transnational exchange with people and groups in the United States, Britain, other parts of the Caribbean, and (although to a lesser extent than in the case of Candomblé) West Africa. Obeah has a long history of everyday, locally differentiated meanings in the Caribbean that engage with, but are not determined by, the meanings produced by ruling groups both within and outside of the region. Although we may say that for some *obeah* means the destructive use of specific ritual objects or practices, while for others *obeah* refers to a more neutral use of spiritual power, and for yet others, *obeah* refers to almost the entirety of African Caribbean religion, debates over which of these is the “real” meaning of obeah are impossible to resolve. Because of their local and temporal specificity, obeah’s multiple meanings can emerge only from careful study of sources which take us as close as possible to the ordinary worlds of Caribbean working people.<sup>11</sup> Given that since the eighteenth century obeah has had a primary meaning in criminal law, tracking how Caribbean law has defined obeah and thus has contributed to its production is an important step in this process.

As a crime, obeah dates from the 1760 Jamaican “Act to Remedy the Evils Arising from Irregular Assemblies of Slaves,” passed in response to Tacky’s Rebellion of the same year.<sup>12</sup> In this law and others passed during slavery, the primary definition of obeah was “pretending to have communication with the devil” or “assuming the art of witchcraft.”<sup>13</sup> These early obeah

9 There is not space here to discuss the significant parallels with the construction of *Vodou* in Haiti and *santería* (and *brujería*) in Cuba. For discussion of these, see especially Kate Ramsey, “Legislating ‘Civilization’ in Postrevolutionary Haiti,” in Henry Goldschmidt and Elizabeth McAlister, eds., *Race, Nation, and Religion in the Americas* (Oxford: Oxford University Press, 2004), 231–58; and Stephan Palmié, *Wizards and Scientists: Explorations in Afro-Cuban Modernity and Tradition* (Durham, NC: Duke University Press, 2002), 201–59.

10 J. Lorand Matory, *Black Atlantic Religion: Tradition, Transnationalism, and Matriarchy in the Afro-Brazilian Candomblé* (Princeton: Princeton University Press, 2005).

11 See Stewart, *Three Eyes for the Journey*, 41.

12 The National Archives of the UK: Public Record Office CO 139/21. Variants of the term *obeah* can be found in written sources from the early eighteenth century, in Barbados and elsewhere. See Bilby and Handler, “Obeah.”

13 The phrase “Communication with the Devil” was used in the laws of Jamaica (see note 12), Barbados (“An Act for the Punishment of Such Slaves as Shall Be Found Practicing Obeah,” 1806, CO 30/18, no. 262) and Belize (British Honduras) (John Alder Burdon,

laws defined obeah in relation to Christian theological understandings of witchcraft in which witches were human beings (usually women) who communicated with the devil and did evil on his behalf.<sup>14</sup> Their relationship to the Christian idea of witchcraft was complex, because by the time of their passage, witchcraft itself was no longer a crime in Britain and belief in its reality had come to symbolize lack of sophistication.<sup>15</sup> As a result, witchcraft itself could not be proscribed; the laws instead focused on the “pretence” or “assumption” of supernatural powers. The potential punishments were severe. Convicted obeah practitioners were usually sentenced to transportation, that is, they were sold into slavery elsewhere. In exceptional cases, usually where obeah was used to mobilize rebellion, obeah practitioners were put to death.<sup>16</sup>

After slavery ended, the law of obeah shifted radically and permanently. The outlawing of obeah during slavery had mostly been encoded in statutes that applied specifically to enslaved people.<sup>17</sup> As with many other crimes in the immediate post-emancipation period, if obeah was to continue to be illegal, it was necessary to reframe the law. Between 1838 and 1920 the law regarding obeah was remade across the Caribbean, culminating in an intense period of legislation from around 1890 to 1920. In this period anti-obeah provisions were adopted or revised by (at least) Barbados, British Guiana, British Honduras, Grenada, Jamaica, the Leeward Islands, St. Lucia, St. Vincent, and Trinidad.<sup>18</sup> For most of these colonies, the legislation passed at this time lasted until well after the territories to which they applied had become independent states.<sup>19</sup> In some places, including Jamaica, the legislation still stands today.

Collectively, these laws shared a great deal. Their similarity resulted both from deliberate copying by one colony of the laws of others and from imperial pressure toward consistency across Britain’s Caribbean colonies.<sup>20</sup> Throughout the region, lawmakers felt it necessary to

ed., *From the Earliest Date to AD 1800, Being Extracts and Précis from Records, with Maps*, vol. 1 of *Archives of British Honduras* [London: Sifton Praed, 1931], 195–96, quoting *Laws of Honduras, 1806–1810*. The term *witchcraft* was used in the Dominica “Act for Regulating the Government and Conduct of Slaves” of 1821 (PP 1824 [160] “Papers Relating to Treatment of Slaves in Colonies; Acts of Colonial Legislatures, 1818–23,” 27).

14 Stuart Clark, *Thinking with Demons: The Idea of Witchcraft in Early Modern Europe* (Oxford: Clarendon Press, 1997).

15 Owen Davies, *Witchcraft, Magic and Culture, 1736–1951* (Manchester: Manchester University Press, 1999).

16 Brown, “Spiritual Terror and Sacred Authority”; Diana Paton, “Punishment, Crime, and the Bodies of Slaves in Eighteenth-Century Jamaica,” *Journal of Social History* 34, no. 4 (2001): 923–54.

17 Two exceptions to this are the British Honduras regulation cited in note 13, and the Barbados “Act for the Better Prevention of the Practice of Obeah,” 1819, CO 30/20, no. 383.

18 See the appendix for full references. Subsequent discussion of legal provisions regarding obeah draws on these laws unless otherwise stated. Where necessary for clarity, I give further references by the name of the territory and year of statute or ordinance.

19 Of the independent Commonwealth Caribbean states, only Barbados (through the Minor Offences Act 1998) and Trinidad and Tobago (through the Miscellaneous Laws Act 2000) have repealed the obeah laws. In Guyana, despite Forbes Burnham’s 1973 announcement and widespread belief that the obeah laws had been repealed, I have been unable to find any record of an actual change in the law. The British dependencies of Anguilla, Montserrat, and the British Virgin Islands also repealed the laws, in 1980, 1983, and 1997, respectively. *Anguilla: Consolidated Index of Statutes and Subsidiary Legislation to 1st January 2002* (Cave Hill, Barbados: Faculty of the Law Library, 2002); *Montserrat: Consolidated Index of Statutes and Subsidiary Legislation to 1st January 1999* (Cave Hill, Barbados: Faculty of the Law Library, 1999); *British Virgin Islands: Consolidated Index of Statutes and Subsidiary Legislation to 1st January 2003* (Cave Hill, Barbados: Faculty of the Law Library, 2003).

20 See, for instance, CO 260/81 Colebrooke to Grey no. 81, 8 December 1854, and subsequent correspondence, in which the governor of Barbados corresponded with the governor of the Leeward Islands on the subject of obeah law. The Colonial Office forwarded Colebrooke’s letter to the governors of the Bahamas, Trinidad, Jamaica, and British Guiana, urging those colonies to adopt a similar approach to that of Barbados. Also see CO 152/284 Cox to Lyttleton no. 207, 4 May 1904, in which Colonial Office officials compare the Leeward Islands Obeah Law of 1904 to the Jamaican Obeah Act of 1898.

ensure the continuing illegality of obeah, explicitly named as such. Whether through inclusion of “obeah” as part of the definition of “vagrancy” or the passage of specific “Obeah acts,” obeah was reproduced as a crime, despite the belief of many officials and observers that it was on its way to disappearing.<sup>21</sup>

The new obeah laws were continuous with those of the slavery period in understanding the wrong-doers as individuals who worked in relationships with clients. In other ways, however, obeah was not the same crime that it had been during slavery. From being a capital offence that in most colonies only enslaved persons could commit, it became a more minor crime.<sup>22</sup> While punishments were substantial, and in many places included flogging as well as imprisonment, the crime’s status as routine was marked by the fact that it was tried by magistrates rather than by judges and juries.<sup>23</sup> Predictably, the very routine nature of the newly defined crime also meant increasing rates of prosecution for obeah.<sup>24</sup>

The new laws downgraded the status of the crime of obeah but expanded its scope. Some colonies introduced a new crime of consulting an obeah practitioner, in addition to the slavery-era crime of practicing obeah.<sup>25</sup> Several included prohibitions on the publication or circulation of written material associated with obeah.<sup>26</sup> Many colonies included provisions where possession of ritual material could be taken as prima facie evidence of guilt of practicing obeah.<sup>27</sup> Finally, and most important for subsequent prosecutions, Trinidad and Tobago, British Guiana, Barbados, and Jamaica all included provisions that emphasized an interpretation of obeah as a form of fraud.

Several colonies introduced the question of deception into their legal understanding of obeah via laws that were modeled on England’s Vagrancy Act of 1824. This act defined “rogues and vagabonds” to include “persons pretending or professing to tell fortunes, or using any subtle craft, means, or device, by palmistry or otherwise, to deceive and impose.”<sup>28</sup> Vagrancy law in several Caribbean colonies adopted this language but added obeah to the list.<sup>29</sup> In Trinidad, the Summary Conviction Law of 1868 added an emphasis on financial gain to the idea of deception, defining obeah as “every pretended Assumption of supernatural

21 For claims that obeah was becoming “obsolete,” “in decline,” and similar, see CO 138/70 Grey to Barkly no. 69, 15 January 1855 (Barbados); CO 137/422 Grant to Carnarvon no. 32, 23 February 1867 (Jamaica); and Report of F. H. Watkins, 1 February 1905, enc. in CO 152/287 Knollys to Lyttelton no. 208, 12 May 1905 (Monsterrat).

22 Dianne Stewart’s claim that in Jamaica “any free African convicted of Obeah practice could be enslaved through judicial decree” (Stewart, *Three Eyes for the Journey*, 183) is based on a misreading of the passage she cites from Bryan Edwards, *The History, Civil and Commercial, of the British Colonies in the West Indies*, 2 vols. (London: John Stockdale, 1793).

23 Flogging was a possible punishment for obeah in Jamaica from 1855, British Guiana from 1856, Trinidad from 1868 (extended to Tobago in 1888 on the creation of the Crown Colony of Trinidad and Tobago), St. Lucia from 1872, and the Leeward Islands from 1904. Thanks to Mandy Banton for information on the legal status of Tobago.

24 See, for instance, the comment by a Dominican magistrate that prior to the 1904 Obeah Law, “prosecutions were few and far between.” CO 152/287 Knollys to Lyttelton no. 208, 12 May 1905, report of Dominica magistrate for District E.

25 St. Lucia (1872 onward) and Jamaica (1857 onward). Reports of court cases in the Jamaican *Daily Gleaner* (hereafter *Gleaner*) suggest that prosecutions for consulting an obeah practitioner were much less frequent than prosecutions for practicing obeah.

26 Jamaica (1898) and British Guiana (1920). Brian L. Moore and Michael A. Johnson, in *Neither Led nor Driven: Contesting British Cultural Imperialism in Jamaica, 1865–1920* (Kingston: University of the West Indies Press, 2004), 22–23, discuss the publications that probably precipitated this provision in Jamaica.

27 St. Lucia (1873 and subsequent), Jamaica (1857 and subsequent), Grenada (1897), and Leeward Islands (1904).

28 Davies, *Witchcraft, Magic and Culture*, 54.

29 Jamaica (1839 and 1840), Barbados (1840 and 1897), British Honduras (1863), and British Guiana (1877 and 1893).

Power or Knowledge whatever, for fraudulent or illicit Purposes, or for Gain, or for the Injury of any Person.”<sup>30</sup> Jamaica’s Obeah Act of 1898 and British Guiana’s Statute of 1918 used similar language.

While none of these laws required proof that obeah had been undertaken for “fraudulent purpose” in order to obtain a conviction, the emphasis on not simply the “pretended assumption of supernatural power” but the fraudulent, gainful, or injurious purpose for which this power was “assumed” led to the dominance of an already significant aspect of colonial interpretations of obeah: the understanding of the obeah practitioner as primarily a fraud or a charlatan. For much of the twentieth century, prosecution strategies in obeah trials worked by exposing the supposedly fraudulent claims and money-grasping motivations of those prosecuted. By emphasizing deception, legal practice distinguished the transfer of money in obeah cases from the collection of money during Christian church services.<sup>31</sup> Policemen collecting evidence to prosecute obeah practitioners focused on ensuring that they could prove that the practitioner had been paid, frequently using informers who were provided with marked coins or notes. In one of many cases of this kind, William Augustus Bruce was charged with obeah in the Kingston Resident Magistrates’ court. The key witness against him was his putative client, George Brooks, who had informed the police after agreeing to meet Bruce in order to conduct a ritual to “catch the ghosts” that were “humbugging his business.” Bruce made a libation of rum, and “worked” with an egg, a shilling, and playing cards. After Brooks paid Bruce with marked coins, a police detective who was listening outside the shop arrested him. Bruce was convicted, with the marked coins presented in court as material evidence against him.<sup>32</sup> Trials such as this were very public, attracting substantial audiences in court and prominently reported in Caribbean newspapers.

The legal definition of obeah as fraud rested on the assumption that its claims were false and that its practitioners knew that they were false. The laws thus constructed obeahmen and obeahwomen as rationalists while presenting their clients as dupes or victims. The image of the obeahman as charlatan depended on a renewed focus on “superstition,” a term whose use acted, as Aisha Khan puts it, as “a gatekeeping strategy, a way of reinforcing mainstream values.”<sup>33</sup> If obeah was fraud, Caribbean folk’s “superstition” made them particularly vulnerable to being defrauded. A Colonial Office official made this case most clearly in an argument against equalizing the legal penalties for obeah with those for palmistry in England: “One must have regard to the relative civilisation of the peoples, and there is no doubt that the superstition of the Jamaicans enables these Obeah men to exercise a very real power over them.”<sup>34</sup>

30 Trinidad and Tobago’s 1921 summary conviction ordinance, which superseded the 1868 ordinance, emphasized deception without explicitly referring to fraud or financial gain.

31 On this parallel, see Handler and Bilby, “The Term ‘Obeah,’” 171–72.

32 “Obeah Charge,” *Gleaner*, 25 November 1909.

33 Khan, *Callaloo Nation*, 103. For the history of the term and concept of “superstition,” see Belmont, “Superstition and Popular Religion,” in Helen Parish and William G. Naphy, eds., *Religion and Superstition in Reformation Europe* (Manchester: Manchester University Press, 2002), 1–4.

34 CO 137/620 Hemming to Chamberlain no. 406, 5 July 1901, Colonial Office minutes.



The obeah-as-fraud paradigm enabled and supported the emergence of routine prosecutions for obeah, in which the hitherto private dealings between ritual specialist and client became more public. Earlier discourses of the malevolent use of spiritual power, such as the slavery-era stories that attributed deaths of enslaved people to obeah, became much less significant.<sup>35</sup> Obeah trials suggested that obeahmen and obeahwomen were approached to hurt other individuals in very few cases, and that by far the most common interactions related to physical health, success in court or in business, employment, or generic “luck.”<sup>36</sup> When the police sent agents provocateurs to try to entrap suspected obeah practitioners, the stories they told the practitioners related to health, employment, and luck, rather than hostile power. Such practical evidence of the frequent neutral and positive uses of obeah would have undermined the witchcraft paradigm, but could be easily contained within a focus on fraud. Under the new paradigm, obeah did not so much damage individuals hurt by its power (whether this was understood to work psychologically, materially, or spiritually) as harm the Caribbean population as a whole. Thus, for instance, the mayor of Kingston blamed belief in obeah for poor public health.<sup>37</sup> Caribbean people’s ability to advance toward a state of “civilization,” defined as the rationalist post-Enlightenment ontological position that had been supposedly achieved in the “modern” world, was understood to be severely hampered by their gullibility in the face of fraudulent obeah practitioners. The belief that Caribbean people were especially superstitious was maintained in defiance of the reports of European and North American superstition that littered the Caribbean press.<sup>38</sup>

In interpreting obeah through the concept of superstition, policy makers referred to a century-long campaign, led by organizations such as the Society for the Suppression of Vice, to transform the everyday culture of British working-class and poor rural people in a “rational” direction, and to suppress popular divining practices such as fortune-telling and astrology.<sup>39</sup> Such campaigns were contradictory in Britain. Their proponents asserted that magical beliefs were dying out, doomed by processes associated with the rise of “modernity,” yet also believed that without active “suppression” they would persist, dragging down the moral

35 The most influential of these stories was published in Edwards, *The History*, 2:95–97.

36 This is based on an ongoing study of obeah and related cases reported in the Jamaican and Trinidadian presses. Of 680 Jamaican arrests and prosecutions for obeah dating from 1893 to 1977 so far collected from the *Daily Gleaner*, 21 (5.7%) of the 377, where the newspaper reports reveal enough context to make a judgment, involved the attempted use of malign power. Although we have collected fewer cases from the Trinidadian press, a similar pattern emerges.

37 “Mayor to Make Clean Sweep of Balm Yards and Healing Fountains,” *Gleaner*, 11 April 1938.

38 See, for instance, the following examples from the *Port of Spain Gazette* (hereafter POSG) for 1904: “A Priestess of Death: Weird Story of an Egyptian Coffin,” 29 June (a story about events in London); “Revival of Witchcraft in East Anglia,” 15 July; “Awful Sight at Deathbed: Former Slave Trader Meets a Miserable End in a Hovel,” 21 July (Edinburgh); “Superstition in France,” 4 September; and “Satan as Landlord,” 9 September (Finland). This contradiction was occasionally recognized in the Caribbean press. See, for instance, the *Gleaner*’s comment on an English case involving witchcraft belief: “Much is made in Jamaica of our superstitions and especially of the heinousness of obeah practices, and as a community we are placed very low in the social scale because of these things. Yet we are not so very far behind other countries after all.” “Superstition in England,” *Gleaner*, 4 June 1903.

39 See Maureen Perkins, *The Reform of Time: Magic and Modernity* (London: Pluto, 2001); and David Vincent, *Literacy and Popular Culture: England 1750–1914* (Cambridge: Cambridge University Press, 1989), 156–95. This campaign was allied with missionary propaganda about “heathen superstition” overseas that, as Brian Pennington shows, was part of an effort to transform British readers as well. See Brian K. Pennington, *Was Hinduism Invented? Britons, Indians, and the Colonial Construction of Religion* (Oxford: Oxford University Press, 2005), 23–57. The idea of the gullible, superstitious population vulnerable to fraud was also mobilized against Hindus in Trinidad (Khan, *Callaloo Nation*, 106).

state of the nation. In the Caribbean, the same contradiction could be resolved through race and racism. For analysts who drew on arguments within the emerging discipline of anthropology about the nature of religion and its relationship to other categories, in particular magic, the continuity of obeah in the Caribbean was to be expected. Work such as Edward Tylor's *Primitive Culture* (1871) and James Frazer's *The Golden Bough* (1890) understood belief in magic to be associated with "primitive" societies; in "civilized" societies such belief would be superseded by religion.<sup>40</sup> Thus, obeah—interpreted as a form of magic—was both a symptom of the Caribbean's lack of modernity and a phenomenon that should be suppressed in order to modernize the region.

The obeah laws threatened to render illegal a very wide range of Caribbean spiritual practice. As many ethnographers have noted, healing formed (and forms) a significant part of most African-Caribbean religions. George Simpson described the significance of healing in Trinidadian orisha work and the Spiritual Baptist religion, and gave an example of a "Shango" (orisha) leader who reported that she was known by outsiders as "that Obeahwoman." For Jamaica, he referred to a "Revivalist-Pocomonia-Obeah complex" in which "rank and file revivalists know a good deal about obeah, and many leaders, in addition to conducting religious services, practice healing, take off (and, in some cases, put on) duppies, and provide charms for bringing success in dangerous undertakings."<sup>41</sup>

Given these ethnographic findings, it is not surprising that a number of participants in discrete religious communities faced prosecution for obeah. For instance, George Marshall of Smith's Village, Jamaica, the site of a small-scale revival in the 1910s, was convicted of practicing obeah. At a later trial, for vagrancy, a policeman described him as "one of those Revivalist Shepherds."<sup>42</sup> In Trinidad, one Dr. Williams was arrested in 1910 after a police raid on his premises. The newspaper report of his arrest described a scene that suggests that Williams may well have been a member of an orisha community: "Within the enclosure there were a 'chapel' with five lighted bowls, three candles, seven eggs carefully arranged on the lower step of the 'chapel,' a small coffin with a picture of a man and the words 'Death shall you receive' written in bold letters. . . . Over the 'chapel' there was the statute of an angel decorated with ribbons and flanked by small mirrors." The repeated use of "chapel" here and in other reports of this case may correspond to the use of the term *chapelle* to describe the altar within orisha work.<sup>43</sup> Even when religious leaders were not themselves prosecuted, the

40 Stanley Jeyaraja Tambiah, *Magic, Science, Religion, and the Scope of Rationality* (Cambridge: Cambridge University Press, 1990).

41 George Eaton Simpson, *Religious Cults of the Caribbean: Trinidad, Jamaica, and Haiti* (Rio Piedras, Puerto Rico: Institute of Caribbean Studies, University of Puerto Rico, 1970), 69, 189. For a related argument, see Jean Besson, *Martha Brae's Two Histories: European Expansion and Caribbean Culture-Building in Jamaica* (Chapel Hill: University of North Carolina Press, 2002), 243–44.

42 "Duppy Catchers to Follow the 'Messiah' from City Suburb," *Gleaner*, 25 April 1914; "Case Under the Vagrancy Law," *Gleaner*, 16 November 1915. On Smith's Village, see W. F. Elkins, *Street Preachers, Faith Healers and Herb Doctors in Jamaica 1890–1925* (New York: Revisionist Press, 1977), 42–48. See also Edward Seaga, "Revival Cults in Jamaica: Notes Towards a Sociology of Religion," *Jamaica Journal* 3, no. 2 (1969): 3–13. Seaga notes that Revivalists "sometimes infringe the . . . Obeah Law" (5).

43 "Alleged Obeahman in Siparia," *POSG*, 16 January 1910; "Dr. Williams Sentenced to 6 Months 'Hard,'" *POSG*, 27 February 1910. For another case in which the defendant was said to keep a "chapelle" in his home, see "Supernatural Power Case," *POSG*, 29 September 1915. For a description of orisha chapelles, see George Eaton Simpson, "The Shango Cult in Nigeria and in Trinidad," *American Anthropologist* 64, no. 6 (1964): 1204–19. Thanks to Maarit Forde for help in interpreting this case.

threat of prosecution surrounded African-identified religions, and the obeah laws' reproduction of a strong stigma attached to the most symbolically African aspects of Caribbean culture contributed to a hostile environment in which such religions operated.<sup>44</sup>

Despite the threat they represented, public reaction to the passage of the obeah laws was, as far as we can tell, muted. There were criticisms about their harsh penalties, sometimes framed implicitly in terms of racial justice, as in a critical letter signed pseudonymously by "Black Jamaican" in the *Daily Gleaner*.<sup>45</sup> But beyond this, there was little political response to the laws. Although they knew they were vulnerable to prosecution, leaders of religions symbolically identified with Africa did not counterattack by attempting to change the law. As Michel de Certeau suggests is common in the politics of subordinated groups, their politics worked largely through evasion rather than through direct engagement with state policy.<sup>46</sup> Meanwhile, most of those who sought to represent the Caribbean people at the level of colonial politics shared a hostile or at least ambivalent view of obeah and, more generally, of those aspects of Caribbean culture that they understood as African.<sup>47</sup>

The muted public response to the obeah laws resulted from the already established negative valuation of obeah and popular fear of the hostile use of its power. But it was also a result of the fact that these laws proscribed a vague set of practices which few people saw as their own. There was no community or collectivity of obeah workers who could mobilize to defeat the laws. Rather than attack the illegality of the obeah laws, the main tactic of the many individuals affected by them through actual and threatened prosecutions was to argue in and out of court that what they did was not obeah. The term *obeah* was hardly ever used by those accused of practicing it, at least in the records that are available through archival research. Instead, peopled describe the "work" that led to their arrest with a range of terms including *working*, *doing a job*, *doing some good*, *practicing*, *clearing*, and *science*.<sup>48</sup> They, and others involved in obeah cases, designated the specialists who do such work as "doctors," "professors," "one-eyed men," "doctormen," "do good men," or "four eye men."<sup>49</sup> When individuals

44 See Kenneth Bilby, "Neither Here nor There: The Place of 'Community' in the Jamaican Religious Imagination," in John Pulis, ed., *Religion, Diaspora, and Cultural Identity: A Reader in the Anglophone Caribbean* (New York: Gordon and Breach, 1999), 311–35.

45 *Gleaner*, 9 March 1909.

46 Michel de Certeau, *The Practice of Everyday Life*, trans. Steven Rendall (Berkeley: University of California Press, 1984).

47 This was true even of important oppositional thinkers in this period. See, for example, Marcus Garvey's 1915 speech urging his Kingston audience: "Go into the country parts of Jamaica and you see there villainy and vice of the worst kind, immorality, obeah and all kinds of dirty things are part of the avocation of a large percentage of our people." "Universal Negro Improvement Association: Address Delivered by the President at the Annual Meeting," *Gleaner*, 26 August 1915. On "Afrophobia" in contemporary Jamaica, see Stewart, *Three Eyes for the Journey*, 44, 179–80.

48 "Alleged Obeahism at San Juan," *POSG*, 22 October 1907; "Obeah Charge," *Gleaner*, 25 November 1909 ("working"); "The Black Art," *Gleaner*, 10 January 1908, and "East Indian Is Arrested, Charged with Being Obeahman," *Gleaner*, 3 March 1931 ("doing a job"); "Charge Under Obeah Law," *Gleaner*, 14 March 1908 ("do some good"); CO 137/620 Hemming to Chamberlain no. 406, 5 July 1901 ("practicing"); "Obeahman Given 3 Months Hard Labour in Whithorn R. M. Court," *Gleaner*, 10 June 1931 ("clearing"); "A Most Sensational Murder Case Stirs the Public of Saint Catherine Parish," *Gleaner*, 13 June 1924 ("science"). These references are almost all from Jamaican sources; further research is needed in other parts of the Caribbean to map the range of terms used by those accused of obeah to describe what they did.

49 "Conviction in Obeah Charge is Quashed," *Gleaner*, 12 May 1908 ("doctor"); "Obeah Charge," *Gleaner*, 10 December 1909 ("professor"); "Convicted of Obeahism," *Gleaner*, 20 February 1908 ("one-eyed man"); CO 137/549 Blake to Knutsford no. 162 ("doctor-man"); "Man Beat and Bit Woman: Had to Pay £19 14s," *Gleaner*, 25 April 1928 ("do good man"); "Further Evidence Given at Murder Examination at Spanish Town," *Gleaner*, 30 June 1924 ("four eye man").

used the term *obeah* to describe their own practice, it was almost always in a way that carefully discriminated among the possible uses of obeah. For instance, Grace Garrison, on her arrest for obeah in Jamaica in 1926, told the police, “I don’t work obeah, but I can pull obeah” (that is, “I don’t attack people with obeah, but I can remove its effects”).<sup>50</sup> George Neil, on trial as accessory to a murder in 1924, asserted, “It is not me who kill the woman. I don’t work that sort of obeah. The sort of obeah that I work is to drive away spirits and to cure sickness.”<sup>51</sup>

Even beyond the evidence provided by records of prosecutions there is a continued reluctance to self-identify publicly as a practitioner of obeah in the contemporary Caribbean. Evidence of individuals assuming an unambiguous self-ascribed identity as an obeahman or (more rarely) obeahwoman almost all relates to people within specific religious communities, such as Kumina and Convince in St. Thomas, Jamaica.<sup>52</sup> Individuals are commonly known by people in their communities as obeahmen or obeahwomen, but individuals so identified rarely use this term to describe themselves.<sup>53</sup> In Trinidad, one of the most famous reputed obeah practitioners of all time, Ebenezer Elliott (“Pa Neezer”), described himself (and was described by his neighbors) as an orisha worker rather than an obeahman.<sup>54</sup> Arvilla Payne-Jackson and Mervyn Alleyne observe, based on fieldwork in contemporary Jamaica, that “practitioners are unwilling to call themselves obeah-women and obeah-men or to agree that their practice should be characterized as obeah. Similarly, some patients/clients who are not prepared to admit that they consult, or even have knowledge of, obeah practitioners are less reluctant to admit to knowledge of bush-doctors or balm-yard healers.”<sup>55</sup> While Payne-Jackson and Alleyne conclude that the patients/clients are here using “euphemistic designations,” there seems little reason to conclude that such individuals are “really” consulting obeah practitioners. Rather, these examples suggest the complexity of trying to unpack the meanings of obeah across class, location, and time. I would argue, however, that while for some people (including some ritual specialists) in the Caribbean, the term “obeah” refers to neutral spiritual power, most ordinary people, and some specialist healers as well, use it primarily to explain the cause of problems rather than to describe a way of treating them.<sup>56</sup>

We must assume that many of those who practiced the arts legally defined as obeah continued their work without prosecution despite the tightening of the law. These individuals are largely invisible in the archival record. Others, however, built up large clienteles but were eventually arrested. For instance, when Trinidadian police arrested Henry Padmore of San

50 “Grace Garrison Is Arraigned on Obeah Charge,” *Gleaner*, 28 September 1926.

51 “Examination into Murder Charge was Continued at Spanish Town” *Gleaner* 28 June 1924.

52 Payne-Jackson and Alleyne, *Jamaican Folk Medicine*, 61–62; Ken Bilby, e-mail to author, 14 April 2005.

53 This statement is based on conversations and observations during visits to Jamaica, Trinidad, Guyana, and Barbados between 1996 and 2008, and more formal interviews conducted in Jamaica in 2008.

54 Frances Henry, *Reclaiming African Religions in Trinidad: The Socio-Political Legitimation of the Orisha and Spiritual Baptist Faiths* (Mona: University of the West Indies Press, 2003), 209.

55 Payne-Jackson and Alleyne, *Jamaican Folk Medicine*, 121.

56 Thanks to Ken Bilby for detailed discussion of this point. For an extended recent example that accords with this interpretation, see the life narrative of Coppia described in Maria Cristina Fumagalli and Peter L. Patrick, “Two Healing Narratives: Suffering, Reintegration, and the Struggle of Language,” *Small Axe*, no. 20 (2006): 61–79.

Fernando, they found more than 180 letters to and from clients. A crowd of four hundred people followed Padmore to the police station.<sup>57</sup> Some practitioners used their time in court to demonstrate their power and display their worldly success. Richard Aitken of Kingston appeared in court to face his obeah charge wearing “a suit of kharki [sic], a white waistcoat and felt hat.”<sup>58</sup> Isaac White, of Tunapuna, Trinidad, was described as “a well-dressed individual.”<sup>59</sup> Perhaps most striking was the behavior of Charles Dolly, also known as “Tishum.” Dolly, originally from Grenada, worked in Montserrat, where he was convicted of obeah in 1898, 1902, 1903, 1904, and 1908.<sup>60</sup> By 1904 he was something of a celebrity in the Eastern Caribbean: on his transfer from Montserrat to the Antigua Central Prison, a crowd gathered to watch him disembark; he reportedly “gave a broad smile as he landed.”<sup>61</sup> At his fifth trial, according to the *Montserrat Herald*, “Dolly was absolutely callous in Court, he . . . even had the effrontery to offer to give a demonstration of his skill in Court. . . . He next prophesied that an accident will happen at Government House to some members of the Commissioner’s family.”<sup>62</sup> He seems to have taken his repeated prosecutions as mere temporary interruptions to his career, which also served to publicize his expertise. Men such as Dolly, White, Aitken, and Padmore, in their good clothes, with their transnational networks, appear to have been motivated, somewhat similarly to the Puerto Rican self-identified *brujos/as* studied by Raquel Romberg, by a combination of spiritual commitment and desire for social advancement, their worldly success indicating the extent of their spiritual power.<sup>63</sup> They seem to have taken the regular experience of prosecution, imprisonment, and sometimes flogging as part of the risk of their work, perhaps interpreting it as a spiritual trial sent by what a later generation of religious dissidents would term “Babylon.”

The construction of obeah as fraud and superstition is clarified if we compare the legislation against it to another set of laws from approximately the same period that sought to regulate spiritual practice: St. Vincent’s Shakerism Prohibition Ordinance of 1912, and Trinidad and Tobago’s Shouters Prohibition Ordinance of 1917. These ordinances outlawed collective worship by a group in St. Vincent that referred to themselves as Penitents and a related community in Trinidad that called themselves Independent Baptists; these groups eventually

57 “Obeahman Padmore in the Toils,” *POSG*, 26 November 1909. See also *POSG*, 30 November and 7 December 1909, and 4 January 1910. Padmore was convicted and sentenced to four months’ imprisonment. See also Joseph Alexander, *Recollections of a Trinidad Detective* (n.p. [Port of Spain], n.d. [1920]), 95–102. For an earlier Trinidadian case in which large crowds gathered to watch the arrival of an obeah suspect in Port of Spain, see Rosanne Marion Adderley, “New Negroes from Africa”: *Slave Trade Abolition and Free African Settlement in the Nineteenth-Century Caribbean* (Bloomington: Indiana University Press, 2006), 187–92.

58 “Cat for Obeah,” *Gleaner*, 26 January 1909.

59 “Alleged Obeah at San Juan,” *POSG*, 22 October 1907.

60 For a summary of Dolly’s convictions, see “Obeah in the Island of Montserrat,” *POSG*, 19 December 1908, reprinting of an article from the *Montserrat Herald*, 5 December 1908.

61 “Obeah,” *Antigua Standard*, 17 September 1904.

62 “Obeah in the Island of Montserrat.”

63 Raquel Romberg, *Witchcraft and Welfare: Spiritual Capital and the Business of Magic in Modern Puerto Rico* (Austin: University of Texas Press, 2003).

became the Spiritual Baptist religion in both countries.<sup>64</sup> The St. Vincent ordinance prohibited the building of “Shakers Houses” and the holding of “Shakers Meetings,” defining the latter, tautologously, as “a meeting or gathering . . . at which the customs and practices of Shakerism are indulged in.”<sup>65</sup> The Trinidad and Tobago statute similarly prohibited meetings of and the building of houses by “Shouters,” and listed a series of bodily and ritual practices which characterized “shouting,” including the use of bells, candles, flowers, and white head cloths, “violent shaking of the body and limbs,” and “shouting and grunting.”<sup>66</sup>

My purpose in focusing on these laws is not to compare obeah and the Spiritual Baptist religion in terms of cosmology or ritual practice. Rather, the differences between the structures of argument about banning obeah on one hand and Shouters and Shakerism on the other and the different responses to the legal prohibitions on each, shed light on the significance of *religion* as a boundary-marking term in the Caribbean. The ordinances were passed after a press and police campaign against “Shakers” and “Shouters” in each colony.<sup>67</sup> Press coverage was both hostile toward and fascinated with the forms of worship associated with the Spiritual Baptist faith. Even some lengthy and partially sympathetic descriptions referred to practices of spirit possession, speaking in tongues, and night-time worship as “barbarism,” “blasphemy,” “fetishism,” and “devilish.”<sup>68</sup>

Opponents of the Shouters and Shakers defined them as “sects” rather than religions. One letter to the editor of the *Port of Spain Gazette* argued that “the parties belonging to this sect . . . take advantage, under the guise of religion, of displaying their vulgar antics and base physical contortions.”<sup>69</sup> In St. Vincent, the chief of police described the Shakers’ form of worship as “fetish practices” and contrasted them with legitimate “prayer meetings” or “religious meetings.”<sup>70</sup> The repeated categorization of the Spiritual Baptist religion as a “sect” or a “pseudo religion” helped to position it in a liminal zone on the margins of religion, in a category that was of lower status than “religion,” because of its association with the local rather than the universal.<sup>71</sup> The use of the term *fetish*, meanwhile, connected it to African “traditional”

64 As well as the work by Simpson and Henry cited above, see, on Trinidad and Tobago, Melville J. Herskovits and Frances S. Herskovits, *Trinidad Village* (New York: Octagon Books, 1976); Maarit Laitinen, *Marching to Zion: Creolisation in Spiritual Baptist Rituals and Cosmology* (Helsinki: Helsinki University Press, 2002); and Stephen D. Glazier, *Marching the Pilgrims Home: Leadership and Decision-Making in an Afro-Caribbean Faith* (Westport, CT: Greenwood Press, 1983). For a historical account, see C. M. Jacobs, *Joy Comes in the Morning: Elton George Griffiths and the Shouter Baptists* (Port of Spain, Trinidad: Caribbean Historical Society, 1996). On St. Vincent, see Wallace W. Zane, *Journey to the Spiritual Lands: The Natural History of a West Indian Religion* (New York: Oxford University Press, 1999); Charles Gullick, “The Shakers of St. Vincent: A Symbolic Focus for Discourses,” in Peter B. Clarke, ed., *New Trends and Developments in African Religions* (Westport, CT: Greenwood Press, 1998); and Edward L. Cox, “Religious Intolerance and Persecution: The Shakers of St. Vincent, 1900–1934,” *Journal of Caribbean History* 28, no. 2 (1995): 203–43.

65 “An Ordinance to Render Illegal the Practices of ‘Shakerism’ as Indulged in the Colony of St. Vincent,” Ordinance no. 13 of 1912, CO 262/26.

66 Shouters Prohibition Ordinance, March 1917, Trinidad, quoted in Herskovits and Herskovits, *Trinidad Village*, 340–42.

67 In Trinidad, for reasons that are unclear, this press campaign diminished after 1912, giving way to a series of articles expressing hostility to wakes for the dead.

68 “Cleaver Lane and Its ‘Shouter’ Band,” *POSG*, 17 January 1911; “A Shouter’s Meeting Down South,” *Mirror* (Trinidad), 29 April 1906, enc. in CO 321/269.

69 Letter from “A Resident,” *POSG*, 25 April 1909; for similar use of the term *sect*, see “Shakers at Barbados,” *POSG*, 24 September 1913; “A Shouters’ Meeting,” *POSG*, 1 October 1904; and “Shouters’ Ejected,” *POSG*, 20 February 1905.

70 Francis W. Griffith to administrator of St. Vincent, 6 September 1912, CO 321/269.

71 For “pseudo religion,” see *POSG*, 10 October 1917, quoted in Jacobs, *Joy*, 121.

religions, which were at that time referred to by European commentators as “fetishism.”<sup>72</sup> As a form of religion characterized by local rootedness and flexibility, “fetishism” was positioned at the bottom of the social evolutionist hierarchical rankings of comparative religion, not only below the monotheistic faiths but also below other “world religions” such as Hinduism and Buddhism.<sup>73</sup>

The Spiritual Baptist faith’s liminal position in regard to religion differed from the categorization of obeah as a form of fraud perpetrated against naïve, gullible, and superstitious people. The difference is revealed particularly clearly in the way that the supporters of the Shouters and Shakers prohibition ordinances felt compelled to address the claim that the ordinances infringed religious freedom. In St. Vincent, an official claimed that legislation had been delayed out of “a sense of disinclination to interfere with any display of even false Religious Worship.”<sup>74</sup> In implicitly contrasting “false” with “true” religion, he acknowledged that Shakerism was religion of a sort.<sup>75</sup> The attorney general of Trinidad, introducing the Shouters Prohibition Ordinance in the Legislative Council, explained that “it is very far indeed from the desire of the Government to do anything which interferes with the liberty of the subject and the right of the individual to choose the way in which he should worship” but went on to note that it was necessary to do just that in this case, because the “sect” caused an “unmitigated nuisance.”<sup>76</sup>

These defensive statements were necessary for two reasons. First, because British imperial identity and claims for the legitimacy of British imperial power drew heavily on claims that imperial rule brought liberty, including religious liberty, to colonial subjects.<sup>77</sup> Any proposal to limit this liberty had to be justified and explained away. That no such defensive statements were made regarding obeah is a significant indication that its suppression was not even considered as a potential infringement of freedom. As this suggests, the Spiritual Baptist faith had a strong claim to be “a religion,” according to contemporary definitions of that term, in ways that obeah did not. Indeed, much more frequently than in the case of obeah, the term *religion* had been used with reference to the Shouters: an early sympathetic newspaper report of a Shouter service, for instance, refers to the performance of “the religious portion of the ceremonies.”<sup>78</sup> Shouters themselves also referred to their practice as a religion: Teacher Bailey, leader of a group prosecuted for “having taken part in a Shouter’s meeting,” declared in court, “From the time I was born, 27 years ago, that is the religion I found my mother and

72 A. B. Ellis, *The Land of Fetish* (London: Chapman and Hall, 1883); Hesketh Bell, *The Fetish-Mountain of Krobo* (London: Macmillan, 1893). On the meaning and history of *fetish* and *fetishism*, see the important articles by William Pietz, “The Problem of the Fetish, I,” *Res* 9 (1985): 5–17; “The Problem of the Fetish, II: The Origin of the Fetish,” *Res* 13 (1987): 23–45; and “The Problem of the Fetish, IIIa: Bosman’s Guinea and the Enlightenment Theory of Fetishism,” *Res* 16 (1988): 105–23.

73 On these rankings, see Smith, “Religion,” 278–80.

74 Robert E. Noble, Report on the Shakerism Prohibition Ordinance, enc. in Cameron to Harcourt, no. 127, 24 October 1912, CO 321/26. For similar arguments see St. *Vincent Sentry*, 12 July 1912, enc. in same dispatch.

75 Here I depart slightly from Edward Cox’s conclusion that “at no time did officials on either side of the Atlantic admit that Shakerism was a religion.” Cox, “Religious Intolerance and Persecution,” 235.

76 *Debates of the Legislative Council of Trinidad and Tobago* (Port of Spain: Government Printing Office, 1917), 349. See also POSG, 10 October 1917, quoted in Jacobs, *Joy*, 121.

77 For the abolitionists’ argument that imperial rule *should* mean religious freedom, see Mary Turner, *Slaves and Missionaries: The Disintegration of Jamaican Slave Society, 1787–1834* (Urbana: University of Illinois Press, 1982), 136.

78 “Shouters at St. James,” POSG, 19 July 1904.

father following—not shouting, but praying in the name of the Lord.”<sup>79</sup> Such claims had to be countered if the laws prohibiting the Shouters and Shakers were to be acceptable within a framework of imagined British liberties.

Official defensiveness regarding the Shouters and Shakerism prohibition ordinances resulted also from the political challenges they faced at the time of their introduction. Spiritual Baptists mobilized collectively and politically to try to shape the perception of their religions and to protest against their prohibition. “Shaker deputations from all over the Colony” met with the Administrator of St. Vincent in 1912 to protest the proposed new law.<sup>80</sup> Trinidad’s Inspector General of Police reported during the Legislative Council debate on the Shouters Prohibition Ordinance, “They have all been writing in, quoting Scripture in support of their practices.”<sup>81</sup> According to C. P. Jacobs, the movement’s historian, Spiritual Baptist leaders petitioned the Trinidadian government in 1917, arguing that “they should not be deprived of their spiritual privileges in serving their creator . . . according to God’s own plan of Salvation.”<sup>82</sup> Protests against the ordinances continued at least into the 1920s.<sup>83</sup>

The Shouters and Shakerism prohibition ordinances led to a sense of suffering and exclusion among members of the communities they outlawed.<sup>84</sup> Yet in the long run the ordinances were difficult to sustain. During the Cold War, when the United States and its allies found in “religious freedom” a useful stick with which to beat their Soviet opponents, and the United Nations Declaration of Human Rights included the “right to freedom of thought, conscience and religion,” the prohibition of specific forms of worship in its colonies became a source of embarrassment to the British government.<sup>85</sup> At the same time, prominent Caribbean trade union leaders and politicians campaigned for the repeal of the laws. Sympathetic treatment of the religions by anthropologists, including Melville and Frances Herskovits in *Trinidad Village*, also helped the case for repeal. The ordinances were repealed in 1951 in Trinidad and Tobago, and in 1965 in St. Vincent.<sup>86</sup>

No equivalent embarrassment emerged over obeah. Freedom of religion meant the freedom to practice one’s discrete, exclusive faith as part of a community of people with a collective identity. It did not mean the freedom to participate in rituals that might be identified with any of several religious groups, or might be practiced without relationship to a particular community. Such practices continued to be categorized as superstition and fraud.

79 “Shouters in Court,” POSG, 9 January 1918.

80 CO 321/269 Murray to Cameron, 12 October 1912, enc. in Cameron to Harcourt no. 127, 24 October 1912.

81 *Debates of the Legislative Council of Trinidad and Tobago January–December 1917*, 352.

82 Jacobs, *Joy*, 112.

83 CO 295/545 William Gellis, Labour Party Executive Committee and Trades Union Congress Joint International Department, to E. F. L. Wood, 11 September 1922.

84 Cox, “Religious Intolerance and Persecution,” 233–34. For a fictional depiction of this sense of persecution in Trinidad, see Earl Lovelace, *The Wine of Astonishment* (London: Deutsch, 1982).

85 See <http://www.un.org/Overview/rights.html> (accessed 26 March 2008); Dianne Kirby, ed., *Religion and the Cold War* (Basingstoke: Palgrave Macmillan, 2003); and Jacobs, *Joy*, 311.

86 Jacobs, *Joy*, 195–98, 307–11, 379. Kenneth John, “The Political Life and Times of George McIntosh” (paper presented at St. Vincent and the Grenadines Country Conference, St. Vincent, 2003), available at <http://www.cavehill.uwi.edu/bnccde/svg/conference/papers/john.html> (accessed 29 February 2008). See also “Note on the Position of Shakerism in St. Vincent,” 5 March 1951, enc. in CO 321/436/4.



Even Forbes Burnham, who proposed decriminalizing obeah in Guyana in 1973, said that obeah should still be illegal if it were practiced “for capitalist gain,” emphasizing once again the significance of money in the construction of obeah, and thus positioning it in an entirely separate discursive space from the question of religious freedom.<sup>87</sup> The most recent decriminalization of obeah, in Trinidad and Tobago in 2000, removed the term *obeah* from all laws, but substituted an offence of obtaining money “by any fraudulent means.”<sup>88</sup>

Most Caribbean states no longer prosecute people for obeah, even where laws are still on the books. Yet the fact that the laws remain in several independent Caribbean nations is significant. These states may not prosecute on a regular basis, but they reserve the right to do so, and occasionally use that right.<sup>89</sup> Arguments for the decriminalization of obeah continue to be made on the basis of religious freedom, and opponents continue to respond that this is inappropriate because obeah is not a religion.<sup>90</sup> The difficulties of writing obeah into the category of religion show the problems involved in using a language of liberal rights and freedoms to make claims for cultural emancipation.

There is a destructive circularity to the story of the construction of “obeah.” Dominant definitions of the term were produced through colonial law-making and law-enforcement practices that continue, along with Protestant theology, to influence popular understandings of obeah in the Caribbean. In that sense, obeah is a creation of colonialism as much as it is a construction of Africans in the Caribbean. Because the stigmatized status of obeah was produced to symbolize African culture, African-ness, and ultimately blackness, it has helped to perpetuate the persistent race, class, and cultural hierarchies that continue to play a significant role in Caribbean dynamics of power and control, despite the emergence of powerful black leaders in many walks of life in the period since independence.<sup>91</sup> Arguments about obeah in today’s Caribbean need to do more than demonstrate that its negative meaning is a colonial distortion of the reality of its neutral power. These arguments also need to grapple with the way in which colonial power has produced not merely the distorted negative meaning of obeah but also, to a significant extent, obeah itself.

87 “Burnham to Legalize Obeah,” *Gleaner*, 2 November 1973.

88 Trinidad and Tobago, Miscellaneous Laws Act 2000.

89 For example, Desmond Brown, “Woman Charged with Practicing Obeah Religion in Grenada, Police Cite Law Forbidding What Some Call Witchcraft,” Associated Press, 9 November 2003.

90 For instance, Gordon Barlow, “Do as You Would Be Done By,” *Cayman Net News*, 10 November 2006, <http://www.caymannetnews.com/cgi-script/csArticles/articles/000079/007996.htm>; and Kipling Douglas, “Obeah Is Not Related to Religion,” letter to the editor, *Cayman Net News*, 16 November 2006, <http://www.caymannetnews.com/cgi-script/csArticles/articles/000082/008236.htm> (both accessed 28 February 2008).

91 For similar arguments about the persistent importance of these hierarchies, see Deborah Thomas, *Modern Blackness: Nationalism, Globalization, and the Politics of Culture in Jamaica* (Durham, NC: Duke University Press, 2004).

## Appendix

### Anti-Obeah Provisions Adopted or Revised, 1840 to 1920

This appendix lists all the legislation relating to obeah that I have found for this period. Further research may reveal more obeah laws passed in this period. Thanks to Lawrence Vernon, Nigel Bolland, and Maarit Forde for help in locating the British Honduras statute, whose text survives almost unaltered in the Belize Summary Jurisdiction (Offences) Act, Revised Edition 2000 (no. 98).

**Barbados:** Vagrancy Acts 1840 (CO 30/2) and 1897 (CO 30/35).

**British Guiana:** Obeah Ordinance 1855 (CO 111/304, no. 1); “An Ordinance to . . . Amend the Criminal Law,” 1877 (CO 113/6, no. 12); Summary Conviction (Offences) Ordinance 1893, (CO 113/9, no. 21); Summary Conviction (Offences) Ordinance, 1913, Amendment Ordinance 1918 (CO 113/14, no. 26); Summary Conviction Offences (Obeah) Ordinance 1920 (CO 113/15, no. 11).

**British Honduras:** “An Act for the Punishment of Idle and Disorderly Persons, and Rogues and Vagabonds in British Honduras,” 1863 (26 Vict. c. 5, in *Laws* [British Honduras: Government Printer, 1863]).

**Grenada:** Summary Conviction Ordinance 1897 (CO 103/22, no. 2).

**Jamaica:** Vagrancy Act 1840 (4 Vict. c. 42, *Laws of Jamaica 1837–47*); Obeah Act 1856 (19 Vict. c. 30, CO 137/331); Obeah Act 1857 (21 Vict. c. 24, CO 139/92); Obeah and Myalism Acts Amendment Law 1892 (CO 139/106, no. 28); Obeah and Myalism Acts Further Amendment Law 1893 (CO 139/106, no. 1); Obeah Law 1898 (CO 139/108, no. 5); Obeah Law 1898, Amendment Law 1899 (CO 139/108, no. 18); Law to Amend the Obeah Laws, 1898 and 1899, 1903 (CO 139/109, no. 8). [For a detailed account of these Jamaican laws, see Moore and Johnson, *Neither Led nor Driven*, 27–28.]

**Leeward Islands** (including Anguilla, Antigua, Dominica, Montserrat, Nevis, the British Virgin Islands, and St Kitts): Small Charges Act 1891 (Law 11 of 1892 [sic] CO 154/10); Obeah Act 1904 (no. 6 of 1904, CO 154/12); Act to Amend the Obeah Act, 1904 (no. 10 of 1905, CO 154/12).

**St. Lucia:** Obeah Ordinance 1872 (CO 255/11, no. 3); Obeah Ordinance Amendment 1873 (CO 255/11, no. 4); Summary Procedure Ordinance 1877 (CO 255/11, no. 9); Summary Conviction Ordinance 1877 (CO 255/11, no. 10); Criminal Code Amendment Ordinance 1905 (CO 255/14).

**St. Vincent:** I have not located specific legislation regarding obeah, but the Governor of Barbados wrote in 1854 that St. Vincent obeah law had “recently been assimilated to that of Barbados.” CO 260/81 Colebrooke to Governor of the Leeward Islands, 25 November 1854, enc. in Colebrooke to Grey no. 81, 8 December 1854.

**Trinidad:** Vagrancy Ordinance 1838 (CO 297/2, no. 12); Summary Conviction Ordinance 1868 (CO 297/8, no. 6). [After the formation of the Crown Colony of Trinidad and Tobago in 1888, these Trinidadian laws applied to Tobago as well.]

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