Chapter 8
Conclusion

The primary focus of this book has been a Bahamian one. Apart from an examination of the development of the suffrage in the Bahamas, it also included a scrutiny of the prevailing broader narrative of the country during the twentieth century. However, given the colonial context in which electoral law developed, some overarching imperial themes were invariably touched upon, too. While the Bahamas is a group of islands geographically set apart from most other jurisdictions of the British West Indies, Bahamian election law did not develop in isolation. As has been demonstrated, all stakeholders in the Bahamian legislative process selectively drew upon the experiences of other parts of the British Empire and even beyond. It is the discussion of these experiences with which I will begin this conclusion.

In a second step, I will focus more narrowly on the Bahamian aspects of this book. This Bahamian part in turn will begin with a concluding analysis of the twentieth-century developments whose examination has formed the core of this book. After that, I will provide an outlook, in which I highlight some of the remaining deficiencies in present-day Bahamian election law as they continue to affect voters today, and which may cause them at times to experience their electoral system as an impediment to full democratic participation. This will not be a comprehensive examination of these areas, though. Rather, I am on the one hand identifying areas requiring additional academic research, and on the other hand I intend to encourage a public debate to raise awareness of the need for further reforms.

Finally, I will close by placing the findings of this book in a broader Bahamian context. My aim is to demonstrate that this micro-examination of twentieth-century Bahamian election law holds lessons for a more general understanding of Bahamian history and indeed for current developments in Bahamian society, too.
8.1 The Actors and Their Networks

For most of the twentieth century, electoral reforms in the Bahamas were the result of three separate forces interacting. Until 1967, there was on the one hand the ruling clique, often nicknamed the Bay Street Boys or simply Bay Street, representing the mercantile elite of the colony’s white minority. However, while this group may have formed a conservative block potentially hostile to democratic reforms, as Members of the General Assembly they were not just nominally independents before the formation of the so-called United Bahamian Party (UBP) in 1958. Even afterwards, the UBP was not the monolithic reactionary organisation as which it is sometimes imagined and whose memory is defined by hardliners such as Stafford Sands and Robert Symonette. On the other end of the UBP’s spectrum were more moderate and compromising politicians such as Roland Symonette, who – to be clear – was no progressive, but who was pragmatic enough to ensure that under his leadership Bay Street worked alongside Whitehall and Bahamian opposition groups, thereby taking control of the reform process, rather than opposing it and thus risking having reforms imposed upon the Bahamas by Parliament at Westminster without any chance of having input at all.

On the other hand, there were local actors in opposition to the status quo. Sometimes such individuals joined together to address a particular issue and express grievances, in which case they gained the attention of the third force to be considered – the British colonial administration. This local opposition is arguably the force most difficult to grasp. Before the advent of party politics, individuals or groups would rally around a cause, but the levels of organisation and coherence varied. In 1953, the so-called Progressive Liberal Party (PLP) was founded and eventually became the largest opposition party. However, there were other opposition groups of varying levels of organisation, too. At times they also had a seat at the negotiating table. By the time the PLP eventually won the government as a result of the 1967 general election, all major electoral reforms had been implemented with the exception of the adjustments necessitated by independence and the creation of Bahamian citizenship.

The third actor was the colonial power. Represented locally by a London-appointed Governor but drawing on the resources of the Colonial – as of 1966 Commonwealth, and as of 1968 Foreign and Commonwealth – Office at Whitehall. It is hardly surprising that Whitehall and the appointees in the
Colonial Service – as of 1954 Her Majesty’s Overseas Civil Service – drew upon experiences from throughout the British Empire. Yet the Bahamian actors, too, relied on networks that extended far beyond the shores of their archipelago.

8.1.1 The Metropole

The Colonial Office was not only a link in the British government’s chain of command when it came to issuing orders to colonial administrators around the globe, nor was it just the agency tasked with keeping tabs on these administrators and the colonies to which they had been dispatched. The Colonial Office was also a support mechanism possessing resources and expertise that was not always readily available in a given colony. Local administrators could draw on these resources. As I have shown, the Colonial Office – throughout the period of investigation – was acutely aware that the Bahamas’ election laws were outdated, even in comparison to other, otherwise less developed colonies. However, Whitehall also realised that the Bahamas’ suffrage at the beginning of the twentieth century was decidedly different to Britain’s at the beginning of the nineteenth century, when her own election system began to see far-reaching reforms, and that the starting point for any reform process as well as the reform process itself would therefore be different ones, too.

The Colonial Office believed that it had to play a facilitating or advisory role in this process, even if it did not take the initiative to act on its own when it recognised deficits in the colony’s laws but rather waited for local actors to identify these deficits and not only demand reform accordingly but to organise politically for such a reform movement to gain momentum, thereby demonstrating relevance and urgency. Unlike most other jurisdictions of the Commonwealth Caribbean, which consisted either of a single island, or at least one main island with but a few satellites, the Bahamas’ geography resulted in settlements scattered over dozens of islands separated by vast swaths of ocean and impeded efforts to organise popular causes. This in turn was one factor why the Bahamas lagged behind in its development towards a democratic suffrage.

Once this mechanism was set in motion, however, the clerks at Whitehall supplied the local Governor and other interested parties with information from throughout the Empire and sometimes Britain itself, comparing the
respective conditions and challenges, thereby making the knowledge about legislative solutions that these various jurisdictions had implemented to address these available to the colony, at times with direct recommendations which example it might want to follow.\(^1\) In a sense, the Colonial Office functioned as a hub for the dissemination of information at the centre of spokes connecting it to the edges of the Empire. This required the cooperation between the various departments within the Colonial Office, which was organised by geographic region, yet suggestions made to Bahamian actors often originated in African or Pacific jurisdictions. Within Whitehall, this dissemination of information was facilitated by the Colonial Office’s librarians who connected its various departments like the Colonial Office connected the various parts of the Empire.

The Colonial Office also cooperated with the Commonwealth Parliamentary Association in the organisation of its annual Parliamentary Training Course. The focus of this course was primarily on parliamentary procedure and practice. However, while colonial parliamentarians would typically only communicate with London through their respective Governors, this training course gave participants more direct access to representatives of the Colonial Office, and they used this opportunity to lobby for their causes without an intermediary.\(^2\) Furthermore, it provided a venue for direct contact of legislators from around the Empire, and thus enabled the creation of such networks, too.

Regardless of the assistance Whitehall was prepared to lend, the Governor in Nassau, for the most part, could do no more than share such information with the Members of the House of Assembly. While London could – and at times did – threaten the Bay Street Boys with legislation by Parliament in Westminster to implement reforms it deemed essential but was under the impression that they were stalling on, this would have been an extreme course of action. Even the mere threat of it was used sparingly. In reality, reforms depended on Bay Street, who took note of the information the Colonial Office shared, but who also viewed it with suspicion, as their interests rarely aligned with Whitehall’s comparatively more progressive agenda. Most of the Bay Street Boys were conservative, some even reaction-

\(^1\) Internal Note, Colonial Office, 18 November 1939, The National Archives, Kew, United Kingdom (TNA): CO 23/659/2.

ary, yet electoral reform depended not only on these men’s votes but depended on them drafting the legislation. To this end, Bay Street did not solely rely on the Colonial Office, which regularly offered technical assistance, too, but utilised its own networks.

8.1.2 Bay Street

The Bahamas’ white oligarchy revelled in colonial pomp and circumstance. Many of the colony’s pre-eminent families traced their lineage back to the Loyalists who sought refuge in the Bahamas after the American War of Independence in the 1780s. Nonetheless, while it celebrated imperial symbolism, it is important to remain aware of the fact that this local ruling class staunchly defended its interests against London, whose policy agenda throughout most of the period of investigation was far more progressive than that of the Bahamian ruling class. In practically all matters of electoral reform, Bay Street and Whitehall were on opposing sides of the aisle. Therefore, rather than trusting and relying on any assistance the Colonial Office might offer, Bahamian legislators nurtured their own networks whose expertise they could draw on when needed. For example, when Whitehall recommended a Kenyan Ordinance as the blueprint for a Bahamian ballot act, Bay Street instead chose to follow Bermuda’s example for their own legislation.

Of course, Bermuda was much closer to the Bahamas, and like Bermuda, the Bahamas was one of the few remaining colony’s where the Old Representative System had survived, and a locally elected Assembly constituted the lower chamber of parliament. Originally, the upper chamber and the executive had been a single council, but those functions were separated into a Legislative and an Executive Council in 1841. The Governor – and thus London – had no means of directly appointing Members to the Assembly, and thus no direct means of influencing that body’s votes. In an attempt to gain influence there, the Governor could – and did – appoint Members of the Assembly to the Executive Council. In reality, it depended upon both the goodwill and diplomatic skills of such appointees on whether this gave

3 Internal Note, Colonial Office, 18 November 1938, TNA: CO 23/659/2.
Government House a voice in the Assembly, or whether this extended Bay Street’s control into the executive.

With the Assembly being the only elected body, the initiative for changing election laws lay with the Assembly. Within the Assembly, it lay with the Constitution Committee. This committee, for the longest time during the period of investigation, was chaired by Stafford Sands, who would prove to be a key figure in the development of election law during the late colonial era. Because Sands was not only a member of the already conservative Bay Street bloc, but rather he was the personification of Bay Street’s most reactionary impulses, he was responsible for delaying reforms on more than one occasion. Yet, when stalling became unfeasible, because Bay Street feared that London would eventually intervene, Sands was also instrumental in steering the reform process. Sands, a lawyer by training, at times drafted the necessary legislation himself. At other times, Bay Street would use the resources at its disposal to hire advisors as draftsmen, the most notable example being Ralph Hone, who, after a distinguished career in the Colonial Service, proceeded to work as a legal advisor for the governments of several colonies.5

Initially, the UBP had hired Hone as their advisor in constitutional matters whilst preparing for the 1963 constitutional conference. However, on Bay Street’s request his services were then retained by the Colonial Office’s legal department to draft this Constitution based on the conference’s outcome. Even though it was the UBP that had first recommended Hone for this task, he remained neutral and true to the agreement reached at the conference – sometimes even to the point of frustrating the UBP. His professional allegiance was to his employer, even if the constellations changed in quick succession, from advisor to the UBP to draftsman for the Colonial Office.

A few years earlier, the UBP had retained the services of Kenneth Potter, an English barrister and draftsman-for-hire. In the House of Assembly, the UBP majority voted that the colony pay him for his services in drafting legislation agreed to in negotiations in the aftermath of the general strike of 1958. However, Potter, realising which parliamentary majority he owed his pay cheque to, drafted the legislation along the UBP’s wishes wherever

possible, only resorting to the agreement negotiated between Bay Street and the opposition and mediated by Secretary of State for the Colonies Alan Lennox-Boyd wherever inevitable. Additionally, while technically working for the House of Assembly and while on the proverbial clock, he advised the UBP faction in the House in a “wrangle against the P.L.P. over the House Rules” and even anonymously contributed to a number of blatantly partisan editorials in the *Nassau Guardian*, one of the Bahamas’ two main daily newspapers, which in those days functioned as the UBP’s mouthpiece. These editorials attacked not only the local opposition but also Lennox-Boyd. When Potter returned to London, the Governor therefore warned the Colonial Office to be alert in their dealings with him, as his services in Nassau had been renewed for yet another bill to be drafted.

The UBP’s retaining of the services of draftsmen such as Potter or Hone demonstrates an eagerness of the Bahamas’ white ruling class to develop Bahamian law following the metropolitan example, but, because of the conflicts described, to do so independent of London’s government of the day. Both of these collaborations, however, occurred after the advent of party politics in the Bahamas. No such direct connections can be proven for earlier periods. One of the most striking election laws in the twentieth-century Bahamas, however, was arguably the General Assembly Elections Act of 1946, which was presumably drafted by Sands. This act was remarkable for a number of reasons. It was the act that finally made the secret ballot permanent and colony-wide, but it also quietly introduced one of the most despised features of Bahamian election law that would become the cause of conflict in the years to come – the company vote. Furthermore, the act came at a surprising time, when, after years of campaigning and pressuring for the secret ballot, neither ordinary Bahamians nor the Colonial Office expected that movement on that front was imminent. However, earlier the same year, the Ulster Unionists in Northern Ireland passed the Elections and Franchise (Northern Ireland) Act, which introduced the company vote in local government elections. In the Bahamas, the company vote counterbalanced the secret ballot’s democratising effect, and, because there was no local government level, it did so at the only level of elections the colony knew. The archival record shows that, when the abolition of the company vote in the

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Bahamas was on the agenda, Whitehall analysed the Northern Irish legislation to gain a better understanding of its mechanics. However, no archival evidence proving a connection between the two prior to its enactment in the Bahamas has surfaced.

8.1.3 The Opposition

The opposition’s international network differs notably from that of the Bay Street Boys. The latter’s depended on imperial ties and was, above all, Anglo-centric. The former’s was primarily – and I am using the term loosely – regional, i.e., relying on connections to the – especially anglophone – Caribbean as well as North America. In the Caribbean, Bahamians found natural allies amongst groups who found themselves in a similar situation fighting for reform or abolition of the colonial regime. Because the Bahamian fight for reform and ultimately independence was also seen as a race conflict, and because the Bahamas’ unique geographical location between the continental mainland and the Caribbean proper, Bahamians turned to the United States, too, where they, for instance, found allies amongst members of the civil rights movement. In addition to informal networks with like-minded neighbours, the Bahamian opposition also had ties to individuals or groups in the United Kingdom. For instance, the Women’s Suffrage Movement received support from British women’s rights groups, and progressive causes were often brought to the attention of the imperial parliament by sympathetic MPs, often more radical Labour backbenchers.

The function of these networks, however, was less to provide aid in the drafting of legislation across jurisdictions, but rather to facilitate the exchange of perhaps less specific – but for the pursuit of the movements’ goals far more important – policies or strategies of organisation. Rather than on these networks, after so-called Majority Rule, the new government relied to an extent on the legal training of some of its leading members, many of whom were originally trained in the United Kingdom, on the expertise of a limited number of members of the Bahamian civil service, and – hesitatingly – on London-appointed administrators such as the colony’s Attorney General or even the Commonwealth Office itself.

8 Home Office to Colonial Office, 4 February 1959, TNA: CO 1031/2233/238.
In summary, the Bahamian actors, if they relied on examples from abroad to draft Bahamian legislation, relied largely on legislation from throughout the British Empire. The information frequently passed through London, where the Colonial Office functioned not only as a hub for its dissemination, but also as a gatekeeper, as it compiled far more data than it eventually shared.

8.2 Patterns

In this part, I will address three aspects in particular. The first one is the recurring pattern that has characterised the process of electoral reform in the Bahamas throughout the twentieth century, whereby reluctantly implemented progressive measures were often offset by other, less progressive or even outright undemocratic measures, also built into the same legislation. The second aspect is the alleged pattern of gerrymandering, which has often been identified as the main reason why a colony with such a relatively wide franchise continued to vote for candidates or a party arguably representing only a minority of the electorate until 1967. The third aspect is the recurring pattern of alleged corrupt practices. In the archival record, there are a couple of examples that illustrate how bribery and treating characterised Bahamian elections in the past, and how attempts to curb such practices remained futile.

8.2.1 Hedging against Reform

As we have seen, the electoral reform process in the last few decades of the colonial Bahamas was won by ordinary Bahamians campaigning for these reforms and the Colonial Office, once it took notice of and eventually signed on to their demands, pressuring the colony’s political elite to implement them. The Bay Street Boys in control of the Assembly ultimately complied, albeit reluctantly. At first glance paradoxically, the effect of democratic reforms in the electoral system, however, had far less of an immediate impact on election outcomes than people expected, or rather – depending on their position – hoped for or feared.

At second glance, the most obvious reason for the relative continuity of election results is arguably the tendency of Bay Street to offset progressive reform measures with countermeasures. The most infamous example of this
practice was the company vote, introduced at the same time the secret ballot was made permanent in 1946. However, other measures, such as the cumbersome voter registration procedure, which Bay Street introduced when universal adult male suffrage was passed in 1959, and which was a deliberate effort to discourage voters from registering, also fall into this category. These measures were generally approved by the Assembly without the parliamentary opposition voicing concerns. That these measures could hide in plain sight speaks to the lack of professionalism amongst Bahamian legislators of the era.

Another factor was that some of the reform measures adopted were not adequate solutions to the problems they were supposed to address. The most obvious example of this is the introduction of the secret ballot. Its proponents had pushed for its implementation as a means to put an end to corrupt practices such as open vote buying. However, as had been demonstrated in other jurisdictions where corresponding reforms had been implemented decades earlier, the secret ballot may make elections appear more orderly and less corrupt, but that is mainly the case because it moves bribery out of plain sight. Corrupt practices continued almost unabated. It had been shown that campaign finance laws were a more adequate tool to this end, and at least the Colonial Office drawing on the institutional memory of the British government must have been aware of this, because in England, too, the fight for the secret ballot had been a long one. Jeremy Bentham had called for it as early as 1819, more than a decade before the Representation of the People Act, better known as the Great Reform Act, of 1832, but it took until 1872 before the British Parliament implemented it. Shortly afterwards, it became clear that it alone did not have the desired effect, and Westminster passed the milestone Corrupt and Illegal Practices Act in 1883, which placed restrictions on the amount and regulations on the kind of campaign expenditures permissible.

However, as the Bahamian opposition did not push for further measures, and in light of the resistance that could be anticipated from Bay Street, the Governor and Whitehall settled, in this case, for the mere appearance of a

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12 Park (1931) 51.
problem solved.¹⁴ To this day, there is no legislation in place in the Bahamas regulating political parties and their finances.¹⁵ No party while in government has had the intestinal fortitude to pass such legislation, thus keeping one more tool for the manipulation of democracy at their disposal.

Of the progressive reform steps in twentieth-century Bahamian election law, all major milestones were passed prior to 1967 by the parliamentary majority of the white minority. That this group remained in control of the process was inevitable due to the constitutional design of both the Old Representative System prior to, as well as the Westminster imitation after the achievement of internal self-government as of 1964. Whitehall could have changed this, and repeatedly threatened to do so, but ultimately shied away from such drastic a step time and again. Politically, Bay Street was conservative. Its representatives ranged from moderate to reactionary. They passed these measures neither voluntarily nor speedily, and as we have seen have attempted to protect themselves from their impact by introducing other measures they believed to work in their advantage. As such, they only stayed true to themselves.

We have seen that at times, the Bahamian opposition, which supposedly constituted the progressive driving force behind these reform steps, could not live up to this ideal due to a lack of professionalisation causing it to miss the mischief Bay Street snuck into its legislation. Eventually the opposition became more organised, both in Bahamian society in general as well as in parliament in particular, and after the election of 1956 opposition members formally organised in political parties such as the PLP and BDL were represented in parliament. However, this bore a new risk when they at times sacrificed democratic reform for political expediency. The most striking example of this was the introduction of women’s suffrage. The UBP had long been opposed to women’s suffrage. The PLP officially supported the cause, but it did so “contrary to their own inclinations” and only because it was an issue that allowed it to stand in clear contrast to their political opponent.¹⁶ However, when the bill introducing women’s suffrage came to a vote in the House of Assembly in 1961, it was passed with the votes

¹⁴ Governor Dundas to Secretary of State for the Colonies MacDonald, 29 September 1939, TNA: CO 23/680/11.
of the UBP, while the PLP threw the women it had purported to support under the proverbial bus by voting against their enfranchisement. They had calculated that by adding an amendment to give women not just the right to vote but to stand as candidates, too, there would be enough dissenters amongst the UBP to defeat the bill. The PLP believed that they were poised to win the next general election with a male-only franchise, and they thus plotted that after this anticipated victory they would then be the ones to introduce women’s suffrage with their own parliamentary majority and thus lock in the future votes of Bahamian women as a debt of gratitude.\textsuperscript{17}

In a sense, the male politicians publicly espousing the cause of women’s suffrage did come full circle with this move. After all, the women’s suffrage movement had been started by the wife of an unsuccessful male candidate because he opined that it was the absence of the female vote that had cost him the election.\textsuperscript{18} Throughout the history of the movement in the Bahamas, there have repeatedly been instances of male politicians propagating women’s suffrage but merely using women as pawns. For these men then, women’s suffrage was a means to an end – breaking Bay Street’s rule.\textsuperscript{19} Similarly, the introduction of universal male suffrage also nearly failed, when detailed demands for new electoral boundaries were intertwined with the broader question of the franchise. At the political level, these electoral reforms were rarely discussed as worthy ends in themselves for their democratic merit alone.

8.2.2 Gerrymandering

The authoritative literature on the twentieth-century Bahamas identifies gerrymandering by the Bay Street Boys as the reason why they remained in power until 1967.\textsuperscript{20} However, this verdict is more likely rooted in the mythology created around \textit{Black Tuesday} than in fact. Prior to internal self-government brought about by the Constitution of 1963, the colony’s electoral districts were defined in a schedule to the substantive act. As such, they changed very rarely. Furthermore, changes to the substantive acts were not solely the domain of the Assembly. Rather, they required the approval of the

\textsuperscript{17} Bahamas Intelligence Report, February 1961, TNA: CO 1031/3082/23.
\textsuperscript{18} \textsc{Bethel/Govan} (dirs.) (2012), Film, 0:17:12.
\textsuperscript{19} \textsc{Bethel/Govan} (dirs.) (2012), Film, 0:33:15.
\textsuperscript{20} \textsc{Craton/Saunders} (1998) 314; \textsc{Hillebrands/Schwehm} (2005) 73.
Legislative Council, which by extension ultimately meant London. The Assembly simply did not have the constitutional authority to draw constituency borders to suit the political agenda of the majority party and thus to actively gerrymander without the active approval of Government House.

Granted, by the mid-twentieth century the distribution of seats was skewed in favour of the smaller Out Islands at the expense of the more densely populated island of New Providence with the capital city of Nassau. Contrary to this recent development, however, historically New Providence had sent more Members to the House of Assembly in relation to its population. Despite a process of internal migration and gravitation towards Nassau that had begun decades ago, New Providence retained an above average degree of per capita representation when the General Assembly Elections Act of 1919 reaffirmed the historical seat distribution.

The internal migration towards the urban centre of Nassau would increase almost exponentially in the decades after World War I, but the House of Assembly failed to reflect this new demographic reality in the General Assembly Elections Act of 1946. The resulting disparity between the various electoral districts, especially the underrepresentation of New Providence, which by 1943 accounted for 42.7% of the population but only 27.6% of the seats in the House of Assembly, became a bone of contention in the 1950s. This distribution, however, was historically rooted and inherited. It had been demographic developments – and political neglect and disinterest to react to them, but not deliberate political mischief – that allowed this phenomenon to develop during the twentieth century.

At first glance, this is reminiscent of the phenomenon of rotten boroughs in the United Kingdom up to the nineteenth century. However, one must bear in mind the archipelagic nature of the Bahamas, where such distortions were and still are – to an extent – necessary to guarantee that some of the smaller Out Islands receive parliamentary representation at all. Furthermore, the notion that in a democratic society constituencies ought to be of the same, or at least a very similar, size also developed fairly late. Thus, when serious complaints about the delimitation of electoral districts were raised in

21 Report on the Census of the Bahama Islands taken on the 14th April, 1901 (Nassau, BS: The Nassau Guardian, 1901) [14].
22 See figure 2.
23 Report on the Census of the Bahama Islands taken on the 25th April, 1943 (Nassau, BS: The Nassau Guardian, 1943) [6].
the aftermath of the general strike of 1958, they were addressed in the ensuing compromise, which added four new seats for New Providence.

During the so-called Black Tuesday protests, the PLP accused the UBP of abusing the constitutional power now in the hands of the House of Assembly, which, if abused, would constitute deliberate and active gerrymandering. Upon closer examination, however, the constituency borders proposed by the UBP-dominated Boundaries Commission were quite innocuous. In hindsight, it appears that the PLP was looking for something to protest, because they needed a spectacle to mobilise the masses. The 1967 general election was the first election for which a Boundaries Commission controlled by the majority party in the House of Assembly – in this instance the UBP – had drawn the constituency borders, i.e., the first election where the Assembly had the de jure power to actively gerrymander. Given that the UBP polled more votes in total than the PLP, but both parties won eighteen seats each, it stands to reason that, if the Boundaries Commission’s report had been an attempt at gerrymandering, it backfired. In fact, since then there have been repeated allegations that the governing party engaged in gerrymandering. However, while the first-part-the-post, winner-takes-all system inevitably distorts the composition of the parliament, there have been no obvious instances where an incumbent government owed its return to power to gerrymandering. In fact, the closest election in Bahamian history since independence occurred in 2007, when the opposition FNM won less than 3% more votes than the incumbent PLP – but nonetheless won a comfortable parliamentary majority of twenty-three to eighteen seats. If there had been attempts at gerrymandering, they were de facto inconsequential.

Whilst opposition parties have regularly accused the governing side of abusing its powers to gerrymander constituency boundaries, there has never been a comprehensive proposal to reform the system to protect it from political influence. When asked for a constructive contribution to the delimitation question in the aftermath of the Black Tuesday protests of 1965, the PLP’s response was dismissive:

With respect to your suggestion that we inform you as to how our Party would go about the delimiting of electoral constituencies under the existing Constitution, I

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24 Constitution 1963 (Bahamas), ss 61–63.
would like to say that my Party feel that such proposals might appear to compromise our position on the principle of majority rule.”

More recently, in 2013, the Constitutional Review Commission recommended:

The Constitution should be amended to create a truly independent Electoral and Boundaries Commission, with constitutional autonomy and protection similar to the other service Commissions […] Judges, parliamentarians and public officers should be ineligible for service.

However, the then government, which had established the commission, did not act on this particular recommendation, and the current government has never shown much interest in general in the work of this Constitutional Review Commission which it had not appointed.

In conclusion then, it cannot be denied that the distribution of seats was not representative. However, this defect was an historical relic rather than the result of a conscious effort to actively manipulate boundaries in order to improve the chances of a particular desired political outcome at elections. Therefore, the term gerrymandering in its proper meaning cannot be applied to describe the Bahamian situation prior to 1964, even if that situation not only fell short of modern definitions of being representative but was arguably outright unjust. Rather, a stark contrast between the most densely and most sparsely populated islands continues to this day, where New Providence’s constituencies have on average a population approximately five times as high as the southern constituency of Mayaguana, Inagua, Crooked Island, Acklins and Long Cay. After 1964, the theoretical possibility existed, but as I have shown gerrymandering had no significant impact on election results since, either.

8.2.3 Bribery and Treating

At the time the secret ballot was introduced in the Bahamas, it was already common knowledge that the secrecy of the vote alone would not curb corrupt practices. Furthermore, modern-day studies suggest that with the

25 PLP to Secretary of State for the Colonies Greenwood, 16 October 1965, TNA: CO 1031/4472.
28 See figure 6.
secret ballot, vote buying may actually occur more frequently and cost the bribing candidate less money per vote.\textsuperscript{29} It is therefore hardly surprising that bribery and treating continued to be a bane on Bahamian elections even after the introduction of the secret ballot, and whereas the practice of bribery was acknowledged as problematic, the ubiquity of treating was seen not only as inevitable but indeed as somewhat necessary. In 1949 Acting Governor F.A. Evans illustrated this when he described the challenges the voters of Colonel Hill on Crooked Island had to overcome before being able to cast their ballots. These involved not only long walks “over rugged rock paths” but also boat journeys, and took upwards of two days, causing him to conclude that “some form of treating” was not just tolerable but in fact necessary.\textsuperscript{30} Ten years later, members of the Governor’s Legislative Council objected to treating being included in the serious charges or corrupt practice. They point out that in the Out Islands election time is carnival time and in fact it appears that when a candidate and his supporters arrive at a settlement friend and foe alike turn out in expectation of a glorious party. This does not apply only to one candidate but all candidates are expected to provide parties.\textsuperscript{31}

In a sense then, the mid-twentieth-century Bahamas displayed a political culture similar to that of the United Kingdom before its century of electoral reform, where “electoral bribery and treating was configured more as a communal ritual than as a corrupt evil.”\textsuperscript{32}

Bahamian law defined treating as either providing or paying for the expenses of others who provide “meat, drink, entertainment, or provision [...] for the purpose of corruptly influencing” voters.\textsuperscript{33} While there has been no change in what constitutes treating over the course of the twentieth century, there has been an important change on defining the times during which treating was prohibited as a corrupt practice – and consequently the times during which it was acceptable. Whilst the 1919 and 1946 Acts banned

\textsuperscript{29} Morgan/Várda\textsuperscript{y} (2012) 820.

\textsuperscript{30} Acting Governor Evans to Secretary of State for the Colonies Jones, 31 October 1949, TNA: CO 23/861/27.

\textsuperscript{31} Governor Arthur to Secretary of State for the Colonies Lennox-Boyd, 6 May 1959, TNA: CO 1031/2135/220.

\textsuperscript{32} Orr (2006) 290.

\textsuperscript{33} General Assembly Elections Act 1919 (Bahamas), s 11.
the practice “before, during, or after any election,” this changed with the Act of 1959, when the word “before” was deleted. While politically, after one election may be before the next election, this period can, however, be narrowed down decisively, because the Act limited the period during which election petitions could be presented to three weeks after the first sitting of the House after the election. This timeline continues to apply today.

Because vast improvements have been made regarding the accessibility of polling stations throughout the archipelago, election-day treating as described by Evans in 1949 may no longer be as prevalent in today’s Bahamas. However, by limiting the period during which treating is considered a corrupt practice, far more prevalent practices of modern-day Bahamian politics, e.g., the distribution of foodstuffs especially during the holidays or the hosting of so-called fun days, now have the tacit approval of the law.

Bribery by definition in the Act encompasses inducements of a more direct, though not exclusively, monetary nature. Unlike as is the case with treating, the Act knows of no period during which bribery is permitted. However, certain practices that frequently occur and define the relationship between Members of Parliament and their constituents not only in the Bahamas, such as providing references or arranging job interviews, could easily be understood as bribery if the Act were to be applied verbatim. In their defence, politicians and civil servants alike will argue that such practices might constitute bribery if engaged in by a candidate, but when they occur, they are not the actions of a candidate but rather the actions of an already elected representative who is doing their part of caring for the citizens in their constituency.

As most Bahamian protagonists seem to have worked with a very narrow definition of what constitutes bribery, most accusations therefore concerned money payments, usually through agents, from candidates to voters. As the records of the Colonial Office show, the colonial administrators in Nassau

34 General Assembly Elections Act 1919 (Bahamas), s 11; General Assembly Elections Act 1946 (Bahamas), s 88.
35 General Assembly Elections Act 1959 (Bahamas), s 84.
36 General Assembly Elections Act 1959 (Bahamas), ss 62, 71.
37 Parliamentary Elections Act 1992 (Bahamas), ss 77, 84, 97.
and London were not only aware of the problem in general, but were aware of particular instances, too. The events unfolding after the 1949 and 1956 general elections, however, illustrate the difficulties in prosecuting the offences, thus allowing the culprits to get away with it in broad daylight.

After the 1949 election, Colonial Secretary F. A. Evans, as Acting Governor, and Attorney General J. S. R. Cole had concrete evidence of bribery. Cole informed Evans that he was “strongly of opinion that a series of prosecutions should be commenced as soon as possible.”

And strong his opinion was indeed:

[T]he whole conduct of elections in this Colony is so uncivilised and dishonest that the sooner it is exposed to the light of day the better, whatever the consequences may be. It seems to me that a constitution which relies for its survival on universal and cynical contempt for the election laws is founded on treacherous and shifty sand in which it would be folly for the Government at this time to bury its head. I would go further and suggest that any compromise would savour of connivance, and would detract sadly from the confidence which the people should have in the Government.

However, Cole also conceded that this situation was not just a case of

the rich and powerful candidates descending upon the unsuspecting electors [...] and corrupting them by a systemic campaign of bribery [...] All through the statements there are instances of the electors demanding money either in order to vote for a particular candidate or in order to vote at all.”

Confident that in particular the evidence relating to events in the constituency of Crooked Island would hold up in court, Cole and Evans felt that this might make a suitable test case. The details of bribery in that constituency became known, because the losing candidate, Eugene Dupuch, testified not only against his opponent, Artemas Pritchard, but also incriminated himself by admitting that he paid voters eight shillings for attending his campaign events “as compensation for loss of wages.”

Bahamian officials were aware

39 Attorney General Cole to Acting Governor Evans, 17 October 1949, TNA: CO 23/861/33.
40 Attorney General Cole to Acting Governor Evans, 17 October 1949, TNA: CO 23/861/33–34.
41 Attorney General Cole to Acting Governor Evans, 17 October 1949, TNA: CO 23/861/32.
42 Acting Governor Evans to Secretary of State for the Colonies Jones, 31 October 1949, TNA: CO 23/861/29.
43 Attorney General Cole to Acting Governor Evans, 17 October 1949, TNA: CO 23/861/32. N.B.: The Bahamas’ law school is named in honour of Eugene Dupuch.
that this was not a new phenomenon, but in the past even the losing candidates did not come forward with concrete evidence. Instead, it was rumoured that, if necessary, they, too, would be paid off.\textsuperscript{44}

Both Evans and Cole were aware that, despite overwhelming evidence, prosecuting the Crooked Island case bore considerable risks. Artemas Pritchard was the brother of Asa H. Pritchard, then Speaker of the House, and a member of an immensely influential Bay Street family. As the Attorney General expressed it, “If money can buy votes it can certainly buy evidence.”\textsuperscript{45} Evans and Cole also pondered whether or not the impartiality of juries could be relied upon if the defendant was a member of the Bay Street elite, whether the bribed voters turned witnesses might not be enticed to take the fall instead thus ensuring that the bribing candidates get off scot-free, how the political fallout might further taint the relationship between Government House and Bay Street, how such a trial would impact racial tensions in the colony, and whether the publicity caused by such a trial would negatively impact the tourist trade. These considerations Evans relayed to London, as he asked Secretary of State for the Colonies Arthur Creech Jones for “guidance in an issue which is as perplexing as any I have met in this Colony.”\textsuperscript{46} However, Jones’ reply lacked the “more positive indication as to the line they ought to take.”\textsuperscript{47} Therefore, the Acting Governor did not feel confident to encourage the Attorney General to prosecute the matter, and accordingly he did not.

In 1956, one election cycle later and to no one’s surprise, bribery occurred again. This time, the most flagrant violations of the law occurred on the northern island of Abaco, where the Bay Street candidate, Frank H. Christie, according to the records of the Attorney General, paid out in excess of £450 in bribes to voters across the constituency. However, not only Christie was charged, but also four of his agents whom he had hired to distribute the money amongst voters. Their cases went to the Magistrates Court on July 10th and 11th respectively and were committed to trial before the Supreme Court, where they were scheduled for October 1956. Christie’s trial before

\textsuperscript{44} Attorney General Cole to Acting Governor Evans, 17 October 1949, TNA: CO 23/861/34.
\textsuperscript{45} Attorney General Cole to Acting Governor Evans, 17 October 1949, TNA: CO 23/861/33.
\textsuperscript{46} Acting Governor Evans to Secretary of State for the Colonies Jones, 31 October 1949, TNA: CO 23/861/29.
\textsuperscript{47} Internal Note, Colonial Office, 7 December 1949, TNA: CO 23/861/14.
the Magistrates Court began on July 23rd. The four agents were not available to testify as they awaited their own trial. An application by the prosecution to move the Supreme Court trial forward was denied, because the Chief Justice held “that it would not be in the interest of justice […] to fix a special session” despite this having been regular practice in the past.\(^48\) An application to adjourn the proceedings before the Magistrates Court until after the completion of the October trial was denied “on the grounds that an adjournment to the 20th October was too long.”\(^49\) In absence of the prosecution’s key witnesses, the Magistrate discharged Christie.

By the time Christie’s agents went to trial in October, the voters who had testified before the police and the Magistrates Court had changed their tune. None of the voters who had initially admitted to receiving bribes were willing to testify to this effect before the Supreme Court, because by doing so they would have incriminated themselves, as the law made both giving and receiving bribes equal offences.\(^50\) Nonetheless, all four agents had previously confessed to bribing voters.

The first one, Jonathan Rolle, had confessed to his involvement in voter bribery after the losing candidate, Colyn Rees, had encouraged him to do so and suggested that he would likely not be prosecuted. The defence argued that this confession should be inadmissible as evidence. The Evidence Act states that “[n]o evidence shall be given of any confession in any criminal proceeding if the making of the confession appears to the court to have been caused by any inducement, threat or promise proceeding from the prosecutor or from some other person having authority over the prisoner with reference to the charge.”\(^51\) According to the defence, Rees, the candidate, was such a person in authority. The court did not follow the defence’s argument and ruled that Rees was not a person in authority in the sense of the statute, and therefore admitted the confession as evidence in the trial. However, Rees himself then appeared as a witness for the defence and testified


\(^{50}\) General Assembly Elections Act 1946 (Bahamas), s 87.

\(^{51}\) Evidence Act 1904 (Bahamas), s 23.
that regardless of his not holding any office of the state, Rolle would have perceived him as such a person in authority, and that therefore “no weight should be attached to the confession.” The jury acquitted Rolle.

The second agent, Bartholomew McIntosh confessed after the Local Constable told him that, since Rolle had already confessed, he better follow suit. Additionally, the defence alleged that the police must have rearranged McIntosh’s statement. His lawyer argued that McIntosh, a Baptist minister, would not have been “capable of expressing himself in the manner in which the statement was written,” because he was “not ‘very bright.’” As a result, the court ruled that McIntosh’s confession was inadmissible as evidence because of an inducement by a person in authority and consequently ordered the jury to acquit the defendant. As the evidence in the cases of the remaining two agents, Joseph Cooper and Wilton Sawyer, was the same as in that of McIntosh, the Crown then entered a nolle prosequi in their cases. In light of this fiasco, the Attorney General decided not to recharge Christie. Thus, Christie suffered no consequences at the hand of the law. He retained his seat in the Assembly, although he did resign as Deputy Speaker.

There was another Supreme Court trial for bribery in the aftermath of the 1956 election. Percy Charlton, an agent for Geoffrey A. Bethell, was accused of bribing voters on the island of Mayaguana to vote for his candidate. However, because one of the key witnesses’ credibility was in doubt, and because some of the evidence, two notebook entries allegedly containing the confession of a bribed voter, appeared to have been forged, Percy Charlton was acquitted. The Local Constable, Arlington Charlton, later admitted that he had the island’s wireless operator write the journal entries in question from memory. However, Arlington Charlton was not charged as a result, because the Solicitor General concluded that he had “lied more to shield his illiteracy than for baser motives.”

The political elite had used bribery to their advantage, and it had done so with impunity. A number of prominent examples from Bahamian history

55 Extract from Royal Gazette (Bermuda), 26 October 1956, TNA: CO 1031/1294/62.
demonstrated that the House of Assembly had in the past succeeded in ousting members of the judiciary, and having them recalled from the colony, if in the execution of their duties they rocked the boat too much. In *An Empire on Trial*, Martin Wiener concluded that “the Colonial Office ceased to concern itself with the rule of law in the Bahamas” after the episodes of Magistrate Louis Diston Powles, and Chief Justices Henry William Austin and Roger Yelverton in the 1880s and 1890s. ⁵⁷ Even if the Colonial Office was now, more than half a century later, sending signals of a renewed commitment to the rule of law, as opposed to a contentment with the mere appearance of the rule of law, the fate of these men may very well still have been present in the minds of the Magistrate and Chief Justice when they proved inflexible with either adjourning or fast-tracking the different defendants’ trials in the aftermath of the 1956 election. Furthermore, voters as would-be witnesses were effectively silenced by a law that had the same punishment in store for them accepting bribes as it did for the candidates who offered them.

To this day, the state appears to lack the tools to ensure that corrupt practices will not unduly influence elections. The secret ballot may have improved the overall orderly appearance of elections, but the prosecution of corruption has always fallen short for reasons such as the ones described above. Additionally, the total lack of any regulation of political parties and their finances perpetuates the possibility of undue influence of money on Bahamian elections.

8.3 Future Developments

Some of the following topics, loosely described as future developments, follow – perhaps obviously so – from things described earlier. Certainly, the first topic, campaign finance reform, might be a logical consideration when faced with corrupt practices. Other aspects in this part include the existing situation of politicians acting as patrons who view their constituents as clients, the absence of a system of local government, the questions of voter registration and absentee voting, both of which have recently gained

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renewed attention due to the Covid-19 pandemic, and finally the question of denizen voting.

8.3.1 Campaign Finance Laws

Political parties themselves are not regulated in the Bahamas; this is also the case in the United Kingdom. Therefore, no incentive to enact such legislation could have been expected to come from Whitehall prior to independence. However, most Bahamians are unaware of their parties existing outside any legal framework. The constitutions of all major parties are essentially undemocratic and leader-centric; some smaller parties have no constitutions at all. Nonetheless, the question of campaign finances has gained some attention in the Bahamas in recent years. Election observers of both the Organization of American States (OAS) and the Commonwealth have strongly recommended the introduction of campaign finance legislation in their reports following the last two general elections. In 2012, the OAS wrote:

The Mission considers that the current system, in which campaign finance is entirely of private origin and essentially unregulated, has the potential to affect the equity of electoral competition. Such a system also exposes the country to the possible infiltration of illicit funds into politics. The lack of reporting requirements for political parties combined with the fact that the legal framework does not endow the electoral authority with supervisory functions in the area of political financing or delegate this function to another organism leads to a deficit of accountability in the area of political financing. Lastly, the Mission notes with concern that the absence of guaranteed access to information on campaign spending leads to a lack of transparency that has a potentially negative impact on the ability of voters to make informed decisions.

In fact, the FNM went into the 2017 election promising the introduction of such campaign finance legislation. However, the Commonwealth’s election observers recommended not only campaign finance reform. They also recommended the adoption of a code of ethics for political campaigning on social media and “legislation regulating the registration of political parties.” They further recommended a revision of the Public Disclosure Act

58 Margetts (2011) 45.
Despite the election observers’ urgent recommendation that all these measures be in place before the next general election, and despite the offer by regional bodies to lend technical assistance in the process, none of these areas have been addressed. A Freedom of Information Act had in fact been passed before the 2017 election, but, regardless of whether or not it would meet the Commonwealth’s definition of “robust,” it remains only partially enacted. The current government had also proposed an Integrity Commission Bill to replace the existing Public Disclosure Act, but not only has this not been passed, but it would also, arguably, be a weaker tool than the existing one, as the proposed maximum sentence for parliamentarians in violation of the act would have been lowered – below the threshold where, according to the Constitution, they would be required to vacate their seats.

However, while to date no bill to that effect has been introduced in Parliament, recent events have brought the topic back into the public’s attention, following a series of allegations of donations to political parties by dubious donors such as Canadian fashion mogul and alleged sex trafficker Peter Nygård. This caused the government to issue a statement that such a bill could still be introduced before the next election, while at the same time confirming that it no longer planned to deliver on other campaign promises regarding electoral reform, such as term limits, fixed election dates or a recall system for underperforming MPs. Whereas a number of measures were ruled out explicitly, while campaign finance legislation was not, the statement of Attorney General Carl Bethel was nonetheless made in the subjunctive mood. Bethel thus described a theoretical possibility, maybe even an intention, but he did not make an actual announcement.

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62 Constitution 1973 (Bahamas), arts 42, 43, 48, 49; Public Disclosure Act 1976 (Bahamas), s 13; Integrity Commission Bill 2017 (Bahamas), s 54.
8.3.2 Paternalistic Patronage

The Bahamas’ election laws have seen substantial reform during the last decades of the islands being a British colony. The country has the basic mechanisms for democratic elections. However, the Westminster system, imposed upon or adopted by the Bahamas and many other former colonies, has some inherent flaws that reduce its democratic merits, and this effect becomes particularly apparent in small jurisdictions.

For the last general election, there were only a little more than 180,000 voters registered in thirty-nine constituencies. The smallest constituency, MICAL, had 1,348 registered voters, and the largest constituency, Golden Isles on the island of New Providence had 6,711 registered voters. The House of Assembly is the only popularly elected body in the Bahamian state. There only is a national level of government – no states, provinces, or local government. Members of Parliament are elected as national legislators. However, given the responsibility of the national government even for everything public, they rarely function as such. Bills are drafted by technocrats in the civil service and there is rarely serious, informed debate on them in Parliament.

Rather, Members of Parliament understand their role to be that of a patron to their constituency – and most voters, content to be their respective patron’s client, expect them to assume this role. Your MP is whom you call, when the potholes in the road get too deep, or when the garbage truck fails to show up. When an MP is appointed as the chairperson of a government corporation, they are expected to focus in particular on their own constituency for infrastructure improvements carried out by the corporation in question during their tenure. In fact, many Bahamian voters consider this one of the hallmarks of a good MP. Even while in opposition, without the tools of executive government at one’s disposal, MPs are expected to provide their constituents references for job interviews, bank loans, insurance policies, passport applications, etc.

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65 N.B.: MICAL is an acronym for Mayaguana, Inagua, Crooked Island, Acklins and Long Cay, which are remote, sparsely populated islands located in the south-eastern Bahamas.


furthermore expected to treat residents to things such as ham and turkey during the holidays.\footnote{68}{“Davis Organizes a Shipment of Ham and Turkeys for his Constituency,” The Bahamas Weekly, 21 December 2018, http://www.thebahamasweekly.com/publish/bahamian-politics/Davis_organizes_a_shipment_of_ham_and_turkeys_for_his_constituency60465.shtml, accessed 21 December 2022.}

Examining the expectation voters in the United Kingdom have of their representatives, Helen Margetts observed that “[i]n the early days of enfranchisement, local MPs played a prominent role as local dignitary and benefactor.”\footnote{69}{Margetts (2011) 42.} This might suggest that the Bahamas’ experience today does not differ much from Britain’s historical precedent. However, the consequences of this relationship between voters and representatives, which is antithetical to the latter’s supposed primary function as national legislators, are exacerbated by the comparatively smaller size of Bahamian constituencies on the one hand, and by socioeconomic conditions on the other hand. In the Bahamas, relatively more voters live in precarious conditions and are therefore susceptible to getting caught in or being exploited by such dependencies.

This aberration of the Westminster system is further intensified by the tendency towards bloated cabinets, which has been dubbed the “tyranny of cabinet.”\footnote{70}{Prasser (2009) 45. N.B.: The term was coined in 1950s Australia, where cabinet members were nowhere near as dominant in the lower house as they are in the present-day Bahamas, where they represent a majority of MPs.} After the last general election, the FNM won the government after winning thirty-five out of the House of Assembly’s thirty-nine seats. Of the thirty-five Members on the government side, one became Prime Minister, one became Speaker of the House, and the other thirty-three all received appointments either as Minister, Minister of State, Parliamentary Secretary, or Chairperson of a government corporation. Thus, that entire group served not only as representatives of their respective constituencies but also in another capacity at the Prime Minister’s pleasure. At the same time that these mass appointments create MPs dependent on the Prime Minister, they also provide them in many cases with an additional tool to exercise their role as community patron in their respective constituencies, for instance by favouring their constituencies in the operation of their ministries or corporations. The Speaker of the House may enjoy independence from the Prime
Minister under the Constitution, but as the Prime Minister is, by default, the leader of the governing party, the Speaker, too, remains dependent on the Prime Minister’s goodwill when seeking the nomination on that party’s ticket in a bid for re-election, given the leader-centric organisational structure of Bahamian political parties.

Since 2017, several MPs have broken ranks with the governing party or fell from favour and were stripped of their appointments. However, the majority of MPs continue to serve as appointees at the Prime Minister's pleasure – and depend on their appointments for at least part of their income. Neither the bloated cabinets nor the defection of MPs mid-term is a new phenomenon in the Bahamas. MPs regularly cross the aisle to the other party in Parliament, underscoring the basic interchangeability – or even actual lack – of their political positions. To an extent, this is also illustrated by the genesis of the party landscape. The PLP is the oldest still-existing party in the Bahamas, founded in 1953. Their main rival is the FNM, a party formed out of disgruntled former PLP members and those members of the UBP who chose to remain politically active after the party’s ultimate rejection in the 1968 general election. The only other party to ever win seats in the House since independence, the so-called Bahamian Democratic Party, as well as the so-called Democratic National Alliance, which never won any seats but arguably functioned as a spoiler in the 2012 election, were both creations of disgruntled former members of the FNM.

In the upper house there are sixteen Senators, nine of whom are appointed “in accordance with the advice of the Prime Minister” and an additional three “in accordance with the advice of the Prime Minister after consultation with the Leader of the Opposition.” The governing side in parliament has no backbenchers, and two-party first-past-the-post systems in small jurisdictions often result in supermajorities. As a result, parliament does not control the executive, rather the executive controls parliament. Both the phenomenon of democracy being undermined by patronage and the tyranny of cabinet stem from the uncritical and expedited adoption of the Westminster system, which had evolved over centuries in a relatively large jurisdiction, by much smaller jurisdictions, where, despite a seemingly democratic franchise, it remains an ill-fitted knock-off.

71 Constitution 1973 (Bahamas), art 39(2).
72 Constitution 1973 (Bahamas), art 39(4).
The personalised politics of small single-member constituencies in a first-past-the-post system perpetuate the patronage system. However, there are currently no signs that a conversation about changing this system could gain traction. Prior to first winning an election, the PLP had called for proportional representation, without providing any details as to what kind of proportional system they envisioned. However, that was over sixty years ago; since then, a two-party system has developed in the Bahamas, in which PLP and FNM have successfully prevented challengers from establishing themselves as more than – at best – temporary phenomena.

More recently, the Constitutional Review Commission considered the topic in 2012/13. Much like leading British politicians, when reform of the first-past-the-post single-member constituency system of elections was proposed for the House of Commons in 2009, it subscribed to a nostalgically romanticised view prizing the link between MPs and constituents allegedly born out of this personalisation. Consequently, whilst acknowledging that a reform could potentially bring about certain benefits, the Commission declared that it cannot gainsay that some form of proportional system would be perceived as a step that would deepen representative democracy. However, it is not prepared at this point in time to recommend such a system. The examples of the few Caribbean countries which have implemented such system [sic!] do not suggest additional democratic dividends to be derived from a mixed system. [...] There is a particular political synergy which develops between a constituency and its directly elected representatives.

Looking at the election results of this century, all of which have seen governments voted out of office in ever increasing landslide defeats, I doubt this interpretation. As even otherwise fairly popular individuals lose their bids if affiliated with the wrong party, and as in turn candidates without discernible qualities or track records, or even candidates associated with past scandals win theirs if their party is doing well, this suggests to me that party affiliation is the most important criterion for Bahamian voters. While no research examining the validity of this hypothesis in the Bahamian context exists, it has been shown that in the United States of America, party identification is

73 Fawkes (2013) 122.
74 Quoted in: Margetts (2011) 41.
75 Commonwealth of The Bahamas (2013) 159.
not only the core determinant in partisan elections, but even in supposedly non-partisan, e.g., judicial, elections, because “voters are able to identify the partisan identification of candidates […] even when candidates’ explicit partisanship is omitted from the ballot.”

Regardless, given the Constitutional Review Commission’s verdict, and with large parts of the electorate expecting their politicians to act as patrons, as well as two parties having learned to use this to their advantage, a system of proportional representation would not appear to be on the horizon.

8.3.3 Local Government

A degree of local government with municipal autonomy could push back this system of patronage by national legislators. A Local Government Act was passed in 1996, but the system of local government established under that act brought no real autonomy to the so-called Local Government Districts. To this day, the whole system “remains in an infantile state,” and “an extremely large portion of our citizenry and local government practitioners are publicly calling the system a charade.”

In fact, the responsible Minister at the national level could, at his discretion, declare, alter and abolish local government districts. Additionally, most of the authority typically exercised by autonomous local government bodies and officials continues to be vested in Family Island Administrators appointed by the Minister.

However, not only does Bahamian local government not account for much, but, while the Act would allow for it, no Minister has ever extended this regime to the island of New Providence, and therefore more than 70% of the country’s population live in a place with no form of local government whatsoever.

Before the 2017 general election, the then-opposition FNM vowed to change this, promising that it would “introduce Local Government to New Providence during its next term in office.” The FNM won the elec-

tion, and the new government appointed an Advisory Committee on the Introduction of Local Government to New Providence. This committee submitted a report in 2019. In the report, it recommended a “Mayor and Council model.” However, the government sat on the report without taking further steps to implement its proposals, and almost immediately before the Covid-19 pandemic inevitably hit the Bahamas, too, Renward Wells, the responsible Minister, hinted in a television interview that he considered these recommendations to be problematic, demonstrating either a lack of understanding of the separate areas of responsibility between local and national levels of government, or perhaps even the fear of the creation of a new space in which potential political challengers could rise to popularity.

Wells has since moved on to a different ministerial portfolio, and his successor, Dion Foulkes has been quiet on the matter, at least in public. However, given the challenges caused by the pandemic as well as the impending silly season leading up to the next general election, it is unlikely that local government will be introduced to New Providence or that the system will be reformed in the Family Islands during this government’s term.

8.3.4 Voter Registration

Registering as a voter in many former or current British colonies has traditionally been a cumbersome process. These deficiencies had been identified as potential sources of “trouble which may occur in operating the electoral system” many decades ago. In the Bahamas, in order to register, eligible persons until recently first had to personally visit a registration site of the Parliamentary Registration Department once every five years. Arguably, the Department for many years now has made a laudable effort to have locations set up in convenient spots, such as post offices, shopping malls or even the main university campus, and as a result, reaching a registration site has not been a significant challenge for most voters. It could nonetheless be a time-

83 Smith (1960) 255–256.
consuming exercise. If nothing else, it involved going to a usually already busy place, standing in line, and interacting directly with a number of employees of the Department, who would take the voter’s photograph and enter their information – by hand – into ledgers. In a second step, usually shortly before a general election, those persons who registered had to collect their new voter’s cards, which are cardboard forms completed in handwriting. While this required less time directly interacting with Department employees, the time window to collect the cards was much smaller than that to register, and there were fewer central locations for the voters of one or more constituencies. This usually resulted in very long lines.

When this system was adopted by the UBP as it was forced to agree to universal male suffrage in 1959, this was by design, in the hopes that some voters would be discouraged from registering – and thus voting. Despite this, the process was never revisited, neither by a government nor by an opposition party as a campaign promise. However, whereas the Covid-19 pandemic may have dealt a fatal blow to the reform of local government, it also forced the government to revisit the question of voter registration. For regardless of what the situation may be like by the time of the next election, registration cannot wait for the pandemic to be over. However, the amount of personal interaction required between voters and employees of the Parliamentary Registration Department, and the long lines would both create an unnecessary public health risk in the times of Covid-19. With their hand forced, the government therefore introduced amendments to the substantive act in parliament in December 2020 to create a permanent register, requiring only new voters who had not registered for the 2017 election or whose place of residence has moved to another polling division or constituency since to undergo the process described above. Nonetheless, voters will most likely still be required to vote in person. This, of course, can also mean long lines at the polls on election day. There has never been a system of mail-in ballots in the Bahamas, and the government has given no indication that it has any plans to offer an alternative to in-person voting at a polling station.

The amendments of 2020 will ensure that the lines for voter registration will be shorter, because considerably fewer people will have to register. However, the process will remain cumbersome. In a sense, voter registration

84 Parliamentary Elections (Amendment) Act 2020 (Bahamas), ss 11, 13.
is the functional equivalent of restrictive voter ID laws often debated in the United States. In the Bahamas, in order to register to vote in 2021, a potential voter has to produce either a passport, or a voter’s card from a previous election in combination with a Bahamian birth certificate, or a voter’s card from a previous election in combination with a foreign birth certificate and a Bahamian Citizenship Certificate or Registration of Naturalization, or a Bahamian birth certificate in combination with some other form of government ID and their mother’s Bahamian passport voter’s card, or their mother’s Bahamian birth certificate and government ID. Especially the last provisions which require documentation of a potential voter’s mother are problematic, as Bahamian citizenship is not passed on matrilineally, except in cases of children born out of wedlock, to whom the rule of *filius nullius* applies. Even if this does not take Justice Ian R. Winder’s 2020 ruling in *Rolle et al. v AG* into account, because the government has chosen to appeal it and the appeal is pending, these provisions fail to accommodate, for instance, Bahamian-born first-time voters, who do not have a passport, and whose Bahamian mother was born overseas or whose Bahamian father was married to their non-Bahamian mother at the time of their birth. There are numer-

85 Parliamentary Registration Department Press Conference, 15 February 2021.

86 N.B.: Article 14(1) enshrines the principle of *filius nullius* in the Constitution’s chapter on citizenship. Article 8 applies it to children born outside of the Bahamas to unmarried couples where the woman is not a Bahamian citizen, but the father is. Historically, the principle was also applied to article 6, which applies to children born in the Bahamas to unmarried couples where the woman is not a Bahamian citizen, but the father is. However, because article 6 uses the phrase “either of his parents” instead of “father or mother,” Winder, citing *Bennion on Statutory Interpretation*, concluded that, because different words were used, they must have different meanings, and ruled that, because article 14 does not use the word “parents,” *filius nullius* does not apply to children born in the Bahamas. “Whilst father or mother may be the ordinary grammatical meaning for parents, the draftsman of the Constitution did not use ‘father or mother’ but chose to use the word parents. The voice of the word parents instead of ‘father or mother’ is intentional. It must mean that, by this use of different words, the draftsman clearly intended to convey a different meaning, the biological father or mother of the child and unaffected by the artificial construct envisioned by article 14(1).” (*Rolle et al. v Attorney-General* [2019], Bah. SC 2017/PUB/con/00014 and 2019/PUB/con/00021, 25 May 2020.) However, if Winder had had a stronger “spirit of adventure” to catch more than “a glimpse of [...] ‘external aids of construction’” [Vogenauer (2005) 630.], he could have consulted the archival record containing the legislative history of these provisions. In the discussions around the drafting of this chapter it becomes clear that the draftsman, the British cabinet, and the Bahamian politicians from both sides of the aisle involved in framing the Constitu-
ous other possible constellations, none of which are far-fetched, in which these regulations present serious obstacles given many potential voters’ real-life conditions.

Graeme Orr came to the following conclusion on voter ID laws:

> When constructed as a strait-jacket, (voter ID) laws are not only constitutionally dubious, they are potentially self-defeating, […] That kind of rule risks turning the franchise, a freedom designed to place citizens at least momentarily above government, on its head by signifying government control and mistrust of citizens. But […] a law which […] does not deny voting rights […] may even symbolically add to the understanding of the ballot as a valuable public right and not merely another instance of form-filling.\(^87\)

Arguably, the requirements put in place by the Parliamentary Commissioner are on the stricter end of the spectrum, and if applied as rigorously as they were announced go beyond what is sanctioned by the Act, which requires an applicant “to produce a passport or a birth certificate or in lieu thereof a baptismal certificate or such reasonable evidence, whether documentary or otherwise, as the revising officer shall consider necessary, to prove that he is qualified to be, and is not already, so registered.”\(^88\) Not only does this provision allow for alternative documentation to be provided in the absence of the ones described above, it also allows the revising officer to exercise discretion to a certain extent, given that the Bahamas has no laws requiring citizen residents to possess any kind of government ID as long as they choose to abstain from certain activities, such as travelling internationally, which would require a passport, operating motor vehicles, which would require a driver’s licence, or seeking formal employment, which would require registration indeed meant for “parents” to mean exactly the same as “father or mother,” because they very much intended for \textit{filius nullius} to apply to article 6, too. A briefing note for the Minister of State for Foreign and Commonwealth Affairs for a meeting with Bahamian politicians to discuss the draft proves this point. The different terminology is said to be but “a drafting point.” (Briefing Note, Office of Foreign and Commonwealth Affairs, May 1973, TNA: FCO 63/1176.) Nonetheless, the Court of Appeal upheld Winder’s ruling in a 3–2 decision. See: \textit{Attorney-General Appellant v Rolle et al. Respondents}, [2020] Bah. Ct. App. SCCivApp. 62, 21 June 2021. The government is appealing this decision at the Judicial Committee of the Privy Council. See: S\textsc{loan} \textsc{Smith}, “Go Right Ahead: Court of Appeal grants Leave for Govt to take Citizenship Battle to Privy Council,” Eyewitness News Bahamas, 1 July 2021, https://ewnews.com/go-right-ahead-court-of-appeal-grants-leave-for-govt-to-take-citizenship-battle-to-privy-council, accessed 21 December 2022.


tration with the National Insurance Board. Additional problems arise because applications for passports require national insurance numbers—and registrations for national insurance require a passport or voter’s card.\(^89\)

Also, while the Parliamentary Elections (Amendment) Act of 2020 will hopefully alleviate the long lines and large crowds which may under ordinary circumstances be but an inconvenience, but which pose a genuine problem during a public health crisis, the government squandered the opportunity to proverbially kill a second bird with the same stone, which also had negatively impacted voter registration in the not-so-distant past. Prior to the general election of 2017, there were numerous reports of would-be voters being denied registration for failing to meet an unwritten and arbitrarily enforced dress code. Then chairman of the FNM, Sidney Collie accused the PLP government of voter suppression:

> Under the Constitution and under the Penal Code, a woman could dress any way she wishes unless it offends public decency. If it offends public decency, it is for the police or the court. […] But no government agency has any constitutional or penal right to deny a Bahamian citizen the right to exercise their franchise and that is what it amounts to.\(^90\)

While one could argue that Collie’s interpretation would render a provision in statutory law explicitly guaranteeing that citizens will not be denied their right to register as voters regardless of their attire redundant, the general problem of citizens being denied access to government services because of arbitrary dress codes persists. For despite the fact that the FNM has won the government, there have been recurring complaints about such instances at the Department of Immigration, which most recently resulted in one of the Bahamas’ leading journalists being denied entry to the public area of their headquarters on Hawkins Hill.\(^91\)


When the issue of arbitrary dress codes preventing voters from registering arose in 2017, a local protest movement organised on social media using the hashtag #TooSexyToVote.\textsuperscript{92} Because of public pressure, the Parliamentary Registration Department ceased the controversial practice almost immediately, though neither Commissioner Sherlyn Hall nor Minister for National Security Bernard Nottage, whose portfolio included responsibility for elections, ever articulated a policy defining clear attire rules for voter registration as #TooSexyToVote had demanded. After the election, the matter disappeared from public attention, and thus there was no pressure to address it further. Hence, it did not enter the conversation when the Parliamentary Elections Act was amended in 2020.

As the examples have shown, civil servants in the Bahamas have denied citizens access to different services of the state based on their individual perception of these persons’ attire. Arguably then, an amendment to the substantive election act only may be insufficient, but a broader legislative solution that nonetheless also explicitly applies to the process of elections and guarantees a voter’s right to register and vote, and clearly communicates what constitutes acceptable clothing for the occasion, may be needed. For otherwise, the risk persists that similar situations keep repeating themselves. While thus far such practices were quickly ceased once they were reported in the media, that does not ensure that the damage may not already be done. It is perceivable that ordinary citizens, intimidated by civil servants whom they regard as authority figures, accept the denial of service, do not share their experience with the press or on social media, and – in the worst case – suffer disenfranchisement as a result.

8.3.5 Absentee Voting

Absentee voting in this context refers only to Bahamian citizens who are also resident in the Bahamas. That is because Bahamian citizens residing outside of the country are not eligible to vote, with the sole exception of persons absent “in pursuance of a course of study as a \textit{bona fide} student.”\textsuperscript{93} If after


graduation they fail to return to the Bahamas, they also lose the franchise. While there is occasional talk about a brain drain posing a serious challenge for the country and its prospects for future development, this conversation has remained superficial thus far, and no incentives exist for Bahamian professionals to return home. Some may argue that being re-enfranchised upon returning to the Bahamas could be such an incentive. It may be insufficient, however, to overcome the initial disconnect that inevitably occurs after losing the right to vote whilst residing overseas.

Overseas students have formally enjoyed this exemption from residency requirements since 1969. Remarkably, members of the diplomatic service and other employees of government agencies or international organisations to which the Bahamas is accredited and their spouses, if serving overseas, were originally not exempted from the residency requirement. Only an amendment in 2011 made it possible for them to vote for the first time in the general election of 2012.\textsuperscript{94}

All voting in Bahamian elections must occur in-person at a polling station. There also do not appear to be any plans to change this for the next election, despite the unforeseeable development of Covid-19 or as preparatory measures for similar scenarios in the future. There has been some change during the last decade to just how much of an inconvenience this might be for voters. In the past, voters had to cast their ballot at a designated polling station in the constituency for which they were registered on election day. In many cases, this amounted to the \textit{de facto} disenfranchisement of overseas students who were not able to return to the Bahamas. Furthermore, with governments often calling elections a mere couple of weeks in advance, this also confronted voters who, for instance, had booked travel with the choice to either forfeit their vote or change their plans.

The major political parties would regularly spend vast amounts of money to move people they believed would vote for them to their designated polling place – especially if they were registered in constituencies they expected to be a close race. This included moving voters from one end of the country to the other, as well as flying students in from their universities abroad. It is worth noting that the General Assembly Elections Act of 1959, the first new substantive election act after the advent of party politics, contained a new clause, which explicitly exempted this practice from being considered as

\textsuperscript{94} \textit{Parliamentary Elections (Amendment) Act 2011} (Bahamas), s 2.
bribery or treating; both subsequent substantive acts since then have retained this provision.95

However, many voters would conceivably fall through the cracks, for instance, if neither party was confident enough that they could rely on that individual person’s vote, if the race in a particular voter’s constituency was not seen as close enough to justify the expense, if the logistics proved too difficult, or if the respective voter simply did not know that they could resort to this very informal kind of assistance. Also, to the best of my knowledge, during the referenda of 2002, 2013, and 2016 neither party offered voters such assistance.

In order to facilitate those Bahamians overseas who are eligible to vote, absentee voting has recently been made possible, albeit in a very limited fashion. Voting must still take place in-person at a polling station. To that end, the law was amended in 2011 to allow some diplomatic missions to serve as overseas polling places.96 However, as the Bahamas does not have an extensive network of such, there are still overseas students for whom this continues to pose a problem, much like the need to return to the Bahamas to cast a ballot had posed in the past.97

Voters who would usually be in the Bahamas but are unable to cast their ballot on election day, an advanced poll is held at a few central locations in the country. However, the advanced poll is primarily for the benefit of the uniformed forces that are on duty on election day. Therefore, the advanced poll is very close to election day, and while persons travelling on election day are also eligible to cast their ballot at the advanced poll, it is conceivable that that day also poses the same dilemma for them.

The obvious solution might appear to be mail-in ballots, and in fact the Colonial Office had – many decades ago – offered its assistance in creating such a system for the Bahamas, especially as the preparatory work required had already been done “for use elsewhere.”98 This again illustrates the hub-and-spoke function of Whitehall in disseminating knowledge throughout the Empire in the process of administering the colonies. The Colonial Office’s plans may have been acceptable to Bahamian voters in 1956, but, given

95 General Assembly Elections Act 1959 (Bahamas), s 89; Representation of the People Act 1969 (Bahamas), s 97; Parliamentary Elections Act 1992 (Bahamas), s 102.
96 Parliamentary Elections (Amendment) Act 2011 (Bahamas), s 18.
97 See page 228, fn 32 above.
the notorious unreliability of the Bahamian postal service in recent years, voters today would not be likely to have the necessary confidence in such a system. Furthermore, when considering any such scheme for the Bahamas, one must bear in mind recent events in the United States of America, because the influence of its news media, including the right-wing outlets, on the Bahamas must not be underestimated. Already before, but especially after losing the 2020 presidential election in the United States, former President Donald Trump and his allies have actively and wilfully sabotaged public confidence in the integrity of voting by mail. It is conceivable that this would negatively affect Bahamians’ perception of any such system, if its implementation in their country were to be discussed.

As long as no sufficiently reliable system of absentee voting is introduced, there will continue to be eligible voters who are going to be hindered in exercising their right to vote. However, by opening the advanced poll to regular voters and by implementing at least limited overseas voting options, it is likely that this aspect has at least been recognised as one needing further reform.

8.3.6 The Voice of Non-Nationals

For the most part, Western democracies have avoided the question of denizen enfranchisement by shifting their attention to the process of naturalisation as the desirable way of societal and political inclusion of long-term non-national residents. However, some states have also made moves to enfranchise denizens, at least for elections at the local level. In the Bahamas, neither the path to naturalisation nor the non-existent enfranchisement of denizens provide an effective tool of integrating long-term resident non-citizens into the democratic process and general life of the society around them. At the current point in time, discussions about either a path towards naturalisation offering immigrants a clearer perspective or their enfranchisement would in fact be a non-starter. Scapegoating of immigrants has been an integral part of election campaigns since the beginning of party politics in the Bahamas across the political spectrum. The overwhelming attitude towards immigrants is accordingly negative, and proposals to strip them of existing rights are likely to find far more favour with the majority of
the electorate than proposals to grant them additional rights. Arguably, the failures of the 2002 and 2016 constitutional referenda, which were supposed to remove some of the constitutional bias in the citizenship provisions against the children of multinational couples, were as much caused by xenophobia as they were by misogyny.

Nonetheless, a mature conversation about this issue would be important for Bahamians to have, because it speaks directly to the participation of future citizens in the democratic process. A large number of non-nationals born in the Bahamas have a constitutional entitlement “upon making application on his attaining the age of eighteen years or within twelve months thereafter […] to be registered as a citizen of The Bahamas.” Many of the persons in this category have never known any other home, yet they have experienced nothing but alienation at the hand of the Bahamian state. Most such applications for registration as a citizen take years to be processed, potentially causing the applicant to remain ineligible to vote for multiple election cycles. While many are eventually registered as citizens, their identification as Bahamians and as participants in the democratic process to exercise active stewardship for their country may by then have already suffered irreparably.

8.3.7 The Right to Vote

Passing reform in statutory law is, provided the political will is present, a relatively straightforward process. Most of the areas of concerns I have highlighted in this section fall into that category. When constitutional amendments are required, however, the situation becomes more difficult, as the two failed attempts at constitutional reform in 2002 and 2016 have demonstrated.

As has been noted, the Bahamas’ Constitution does not include a constitutional right to vote, even if “[i]t might be generally accepted that elec-
tions are central to democracy.” 102 The Constitution defines the Bahamas as a “democratic State,” 103 and stipulates that the Members of the House of Assembly are elected in general elections. 104 However, these elections are conducted in a “manner provided by any law in force in The Bahamas.” 105 To any democrat these provisions might already imply the right to vote. However, do they sufficiently protect a democratic franchise? All democracies define certain factors, such as age, citizenship or criminal record, to place limits on a genuinely universal franchise. Therefore, an explicit constitutional entrenchment of the universal adult suffrage as we understand it today, would not only remove any ambiguity, but it would also be an aspirational and declaratory commitment to democracy.

8.4 Denouement

Electoral reform towards a democratic suffrage in the Bahamas may appear to have been slow and piecemeal. However, the incremental nature of the reform process was not unusual but rather had been the norm in other countries, too. In what has become known as the “Whig interpretation of British history,” British historiography often focusses on the “gradual expansion of liberty and political rights” as a hallmark of British exceptionalism. 106 However, Orr notes that in “the evolution of voting rights […] an expanding franchise was never a given. Nor was it a gift from liberal gods. It was a struggle.” 107 The Bahamas implementing these reforms not only later than the United Kingdom but also later than similar jurisdictions in the Commonwealth Caribbean, however, meant that, to a degree, there was already a blueprint that it could follow, that it was indeed expected to follow.

The continuous operation of the Old Representative System throughout the nineteenth and twentieth centuries until the introduction of responsible government in 1964 meant that it was the local elite that held the power to hamper this process, as well as to ultimately move it along. Because the laws

103 Constitution 1973 (Bahamas), art 1.
104 Constitution 1973 (Bahamas), art 67(1).
105 Constitution 1973 (Bahamas), art 46(2).
107 Orr (2015) 68.
were ultimately passed by the oligarchy itself after it reacted to the largely peaceful expression of the people demanding change, there continues to be the temptation amongst some Bahamians to mischaracterise the white minority’s rule of the late colonial era as ultimately benign.\textsuperscript{108}

This view ignores the role of the Colonial Office, which, when it asserted imperial authority, worked as a catalyst alongside local progressives. Together they placed enough political pressure on the white ruling class to cooperate, albeit reluctantly, and implement reforms to extend the franchise. In 1967, when the Bahamian franchise had become universal and equal, this culminated in the old guard’s electoral defeat. However, during this protracted process, Whitehall often shied away from exerting its authority to accelerate the reform process. Thus, it was at the same time a powerful and essential, but also hesitant and therefore erratic ally for the disenfranchised of the late colonial Bahamas in the struggle for free, fair and equal elections – and in the broader development of a dependent territory and its people.

Most importantly, however, revisionist attempts to characterise Bay Street rule as benign neglect that Bay Street only reacted to pressure once Whitehall began to exert it, regardless of how long it had been aware of local demands for reform, and that the Colonial Office only began to exert this pressure after local demands for reform reached a level that could potentially pose a threat to the stability of colonial rule.\textsuperscript{109} The latter was true even in instances when London had already concluded that Bay Street’s rule was not benign and that democratic reforms were needed – but decided to wait for the oppressed to find their voice first.\textsuperscript{110}

The reverse narrative, however, which paints Bay Street as a monolithic bloc of reactionary oppressors, is not helpful to our understanding of twentieth-century Bahamian history either. Before the UBP, Bay Street was a loose coalition of independents. With the advent of party politics, the UBP was Bay Street’s reaction. Not being born out of an original idea, the party proved to be an at times uneasy coalition, in which reactionary forces no doubt existed, but which also had moderate, even moderately progressive

\textsuperscript{108} \textit{Russell} (2009) 4.
\textsuperscript{109} Governor Dundas to Permanent Under-Secretary of State for the Colonies Parkinson, 11 July 1938, TNA: CO 23/653/49.
\textsuperscript{110} Internal Note, Colonial Office, 25 November 1938, TNA: CO 23/659/5; Statement by Secretary of State for the Colonies Lennox-Boyd, 13 April 1958, TNA: CO 1031/2233/128.
elements. Perhaps the most striking example of this was Roland Symonette’s sidelining of his son Robert Symonette and long-time chairman of the House’s Constitution Committee Stafford Sands in the aftermath of the general strike to not only dutifully give effect to the compromise brokered by Secretary of State for the Colonies Alan Lennox-Boyd but also to pave the way for future reforms such as the introduction of women’s suffrage. The nuance needed has been absent from the national conversation thus far.

Yet, while it may have been Bay Street that facilitated the reforms, and while it may have been the Colonial Office that nudged Bay Street in that direction, it was nonetheless a grassroots movement that had to provide the initial spark and build momentum. Their demands eventually found allies in the House of Assembly, who sought to reap benefits from these reforms, but the spark originated outside of parliament. Without the reforms described in this book and the increasingly democratic elections of the 1960s, neither so-called Majority Rule nor national independence would have happened.

However, these groups were not as homogenous as the national narrative remembers them, and their memory belongs to no single political party. Furthermore, the nominally progressive forces that may have publicly supported the reform agenda were not as steadfast in their support as they wanted voters to believe. Politically, electoral reform was at times a means to an end and not necessarily a matter of principle. Despite voting against women’s suffrage, Randol Fawkes, in his memoir, blames women’s ungrateful voting behaviour for the UBP’s victory in the 1962 election, even though at the time, he himself had endorsed that party because of his personal quarrels with the leadership of the PLP. During the campaign for the 1967 election, the PLP tried to scare voters into believing that the UBP would seek independence from the United Kingdom, claiming that it was the PLP that stood for continuity. However, the PLP and Pindling, whose term in office would last for an uninterrupted twenty-five years, in creating a Black Moses mythology around him subsequently rewrote the story of their Quiet Revolution to be a proprietary one of a few bold men and even fewer bold women who led an oppressed people out of Egypt and into the Promised Land. In contrast to the rhetoric, however, the “wresting away of control

111 Internal Note, Colonial Office, 26 June 1961, TNA: CO 1031/4120/68.
112 Governor Stapledon to Colonial Office, 6 December 1962, TNA: CO 1031/3079/83.
[...] from the colonizer” remained limited to taking over the existing “bureaucratic structure, with little interrogation of its underlying premises.”114 As a result, the nominally progressive forces at the forefront of this movement ultimately shaped the postcolonial Bahamas into a fundamentally conservative state that is supposed to be seen not as a work in progress but rather as a finished masterpiece.

With independence then, not only was the Foreign and Commonwealth Office no longer available to continue in its role as catalyst for reform and as a hub for the dissemination of knowledge and technical expertise, all of which could have been compensated for by various multilateral organisations, but there were also no longer groups in the Bahamas to play the part of progressive opposition providing an impetus for an ongoing democratisation of the Bahamian state and society. Bahamians who had exercised their citizenship actively as colonial subjects would cease to do so as citizens of an independent nation. Bahamian democracy has accordingly stagnated. The generation who dominated Bahamian politics during the Majority Rule era and independence was responsible for this stagnation and has only reluctantly let go of the reins of power so that the passing of the baton to a next generation has not yet been fully completed. This is most apparent in the office of the Governor-General, which until 2019 was held Marguerite Pindling, the widow of former Prime Minister Lynden Pindling, and which is currently held by Cornelius A. Smith, who was already eighty-two years of age upon assuming office.

The century of reform I have described has given the Bahamas a passably democratic franchise, but legislative reforms alone do not make a democratic society. While I have outlined some areas where further legislative measures could provide additional democratic gains, it will require additional social reforms and a cultural transformation for the Bahamian people to become empowered to sovereignly exercise their power as citizens.

114 Kamugisha (2019) 42.
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