WHO'S RIGHT? HUMAN RIGHTS, SEXUALITY AND SOCIAL CHANGE IN THE CARIBBEAN

David A. B. Murray, Ph.D.
Associate Professor, Department of Anthropology, York University &
Visiting Fellow, The Sir Arthur Lewis Institute of Social and Economic Studies
The University of the West Indies, Cave Hill, Barbados

March 2005

NOT TO BE QUOTED WITHOUT THE
PERMISSION OF THE AUTHOR

Across the Anglo Caribbean today there are lively public debates over the meaning and place of sexuality in contemporary civil society, or to be more precise, the meaning and place of sexualities other than the standard model of heterosexuality framed through reproduction and marriage. For while Anglo-Caribbean nations, like most other nation-states, have long supported a particular model of heterosexual relations through their legislation and laws, in the past 15-20 years this model has been increasingly challenged as other sexual practices and values attached to those practices have moved from the sidelines into more mainstream and publicly visible forums.

There are a number of public forums in which issues pertaining to sexuality are currently being debated: In Barbados, as elsewhere in the Caribbean, the media is of course a primary site in which information and opinions are conveyed; Various governmental ministries and departments, ranging from health to education to gender affairs are discussing the social, ethical and health related aspects of sexualities; churches represent a semi-public forum in which moral aspects of sexuality are discussed; and in numerous other Non-Governmental Organizations, ranging from HIV/AIDS commissions to Child Care Boards to Business Associations to activist groups, sexuality issues are raised in relation to policy development and plans for social change.

In these forums, sexuality is presented through different conceptual frameworks including, but not limited to physiological, legal, moral, ethical, psychological, cultural, educational or developmental. Often these frameworks are not so distinct in practice—for example, a discussion of the legality or illegality of a particular sexual practice almost always invokes physiological, moral, ethical and cultural issues relating to sexuality. Or to put it slightly differently, when we talk about sexuality in public it is practically impossible to talk about it in a 'purely' physiological or legal sense. Sex, sexual practices, sexuality—whatever you want to call it—are always connected to social values, and social values vary across time and place, and even within a particular place. As Michel Foucault pointed out, it should not be all that surprising to find that talk about sex is never just about sex—its also about social order, social difference, knowledge, power and pleasure.

During my time here in Barbados, I have found that in a number of public and semi public forums focusing on sexuality that I've attended or read about, the idea of 'sexual rights' has been vetted in various ways and with very different opinions and interpretations that demonstrate how sex talk is never just about sex. Perhaps the first and most visible example of 'sexual rights' being presented in a public forum was Attorney General Mia Mottley's attempt in 2003 to change certain laws which are interpreted as being anti homosexual. In presenting her arguments for this change, Mottley said, "While we would like to believe that there are normative values that will guide the society, the reality is that a government in a pluralistic society must accommodate and *respect the human rights and the dignity* of each individual…To that extent, law, which seeks to discriminate in a society whose history has been scarred with the cancer of discrimination, has in fact, to be reformed." (Karin Dear, The Nation, Oct 12 2003 emph. added).

More recently, at public forums organized by the National HIV/AIDS Commission to obtain feedback on Professor Mickey Walrond's, "The Report on the Legal, Ethical and Socio-economic Issue Relevant to HIV/AIDS in Barbados", there have been comments made by some members of the public that interpret sexual rights in a different light: One audience member said that she could not understand why the Commission was supporting the idea of giving 'rights' to a group who engaged in activities that most Barbadians do not approve of.

Another person spoke passionately about the need to protect Barbados against the 'gay agenda', which was promoted by a highly organized, secret group with members in positions of political and economic power around the world who are trying to force all nations to accept their 'gay rights manifesto' (I've tried a few Google searches for this group but have yet to find anything on them or their agenda. So they're either very secret, or very imagined).

A final example of 'sexual rights talk' which made reference to another aspect of rights arose at a meeting of UGLAAB (United Gays and Lesbians Against Aids in Barbados). The topic for the night was discrimination against gays and lesbians in Barbados, and various people stood up to speak about their experiences. One of the members, who I'll call Wayne, described how he had been mistreated numerous times in stores around the city (either being ignored by staff or being told they couldn't help him with what he was looking for), he opened his handbag and pulled out 2 sheets of paper, telling us that he now carries around the Universal Declaration of Human Rights (a document of the United Nations) that he had downloaded from the web, so that he can show people he is equal and deserves to be treated with dignity and respect. Afterwards, I said to Wayne that in actual fact the Universal Declaration of Human Rights does not include any reference to equal rights based on sexual orientation (Article 2) although there is a multi-national movement currently attempting to revise the document to include this category. But that wasn't the point, he replied: "What we need in Barbados is for people to recognize us as humans, not just gays. That declaration is about human rights and I think we should be promoting HUMAN rights here, not gay rights".

Claiming 'rights' for particular groups is nothing new in that 'rights' have been a primary route through which oppressed and/or marginalized social groups have been advocating change to social and political structures for over 50 years, with the Civil Rights movement in the USA often considered the 'foundational' model upon which all subsequent rights movements have been modeled. Sexual rights advocates have clearly developed and built their strategies out of these earlier movements. But in these above examples, we can see that there is more than one way of understanding what 'rights' mean, and in my talk today I'd like to look more closely at these different meanings and their effects, and how they demonstrate how there are different interpretations of sexuality and its meanings circulating around Barbados today. I will also address the question of whether or not 'rights discourses' are the best way to advocate for social justice or bring about changes to social attitudes in the Caribbean. I will argue that framing justice and equality through rights talk may have deleterious effects for its advocates, as there is no 'clear' or transparent universality to what rights means. I will suggest that it may be more efficacious for stigmatized groups, such as those who are not equal to their fellow citizens before the law based on their sexual practices, to develop alternative strategies that focus on 'local' traditions, values, and/or logics which demonstrate elements of justice, equality, dignity and respect within local cultural frameworks rather than through imposed international legal ones.

"What, then is a Right?"

Judith Butler (2000) posed this deceptively simple question in relation to an object of inquiry that we tend to assume is relatively straightforward in its meaning, but the closer we examine it, the less clear it is in concept or practice. If we return to the 3 examples mentioned above, we can see they carry divergent interpretations of what rights means that accord closely with three of four different ways of understanding rights put forward by Samuel Chambers in his recent article, "Ghostly Rights" (2003:149). The first way of understanding rights is as a demand for political and legal equality.

This is how we could interpret Attorney General Mottley's reference to changing laws that are discriminatory against a group of individuals which result in them not being treated equally. As Chambers says, this statement is a basic liberal understanding of rights as guarantors of liberal freedom and equality (149). The second way of reading rights is as 'special rights', where rights can be understood as a demand by a particular minority group to be granted protected status or to be treated in some special way that will prove prejudicial to the majority. This interpretation can be found in the statements made at the public forums on the Walrond report, when one individual said she didn't understand why a group should be 'given' rights when their sexual orientation is not approved of by most Bajans, and another spoke of how an elite powerful group was trying to impose its agenda on Barbados, thus granting it a privileged position above the majority of Bajans. The third way of reading rights, according to Chambers, is that of hegemonic articulation, whereby a particular demand (i.e. changing criminal laws) emerges out of the specific needs of a particular group but does so as part of a political battle that is dedicated to more universal projects or goals. I find that Wayne's comments at the UGLAAB meeting follow this line of reasoning. While Wayne was very much in support of changing Bajan laws that he feels discriminate against him, his reasons for supporting this change are not so that his group (homosexuals) will gain 'special' status or to be recognized as a distinct 'group' who are separate but equal to their fellow heterosexual Bajans. Wayne wanted laws to be changed so that he would be treated humanely, no differently from his fellow citizens when he walks into a store. I may be extrapolating a bit from Wayne's statements, but in line with Chambers' categories, we could say that this reading of rights is part of a project of radical democracy whose goals are more general in terms of structural, economic and political reforms that work to create greater equality across the social spectrum, without referencing or highlighting specific interest or identitarian groups.[1]

Universal, Cultural, and Individual Rights

One might think that if we turn to official treaties or ratifications pertaining to 'human rights' then we would find a more specific definition of what exactly this means or entails, but this is not the case whether we look at international, regional or national documents. Within the language of human rights legislation are tensions or contradictions which allow for different interpretations of rights (like those described above) in determining whose rights are to be recognized, respected or protected. In other words, these documents do not necessarily provide a clear definition of how to resolve competing or conflicting claims for rights nor do they clearly explain how a nation-state should decide who should 'have' rights and who shouldn't when there are disagreements amongst different sectors of citizens. Let me briefly touch on 3 such documents that are relevant to Barbados in order to demonstrate how rights are, in practice, an opaque affair.

The first document is the international granddaddy of them all, the United Nations' *Universal Declaration of Human Rights*, adapted and proclaimed by the UN's General Assembly in December 1948. The declaration begins by stating, in Article 2, that

> Everyone is entitled to all rights and freedoms set forth in this Declaration without distinction of any kind, such as race, colour, sex language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political jurisdictional or international status of the country or territory to which a person belongs,

---

[1] The fourth way of reading rights according to Chambers is 'ressentiment', where the claim for rights can be understood not as a specifically political demand but as a moralizing claim, based on a history of prior injury. This claim instantiates in the law the very minority status of the group (2003:149)

> whether it be independent, trust, non-self governing or under any other limitation of sovereignty. (www.un.org/overview/rights.html)

Article 3 continues this theme of equal rights to every individual human being, as it states, "Everyone has the right to life, liberty and security of person. And Article 12 states, "No one shall be subjected to arbitrary interference with his privacy, family home or correspondence, nor to attacks upon his honour and reputation." Based on these 3 excerpts from the Declaration, it would seem that if a person could prove that s/he has been discriminated against or interfered with, or threatened by others and/or s/he had not been treated equally by her/his government, then s/he would have recourse through these articles of the Declaration as it states that everyone has the right to freedom, liberty and security. Thus, in Barbados, if a person felt that because of her sexual orientation her liberty, privacy, security, honour or reputation was being attacked, she could legitimately claim that her rights are not being respected, and that measures must be taken to remedy this, because Barbados is a member of the UN and has pledged to honour the Declaration. However, Article 29 presents an important caveat:

> In the exercise of his rights and freedoms everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

In this Article, the Declaration refers to the *limits* of rights, and indicates, albeit vaguely, that not everyone has the right to do and behave however they please. The Declaration recognizes that there are laws in place to protect the rights and freedoms of others and that are set to uphold requirements of morality and public order. So if a person engages in an activity or behaviour that contravenes 'morality or public order' their right(s) are constrained or over-ridden by the law. But, we might ask, who establishes what morality or public order consists of? Who sets the rules? What if there are disagreements within a state as to what is moral and immoral? In most cases, including Barbados, we know that rules regarding morality and public order are ultimately the responsibility of the state. But when we think about this on a global level, we also know that different nation-states have very different sets of ideas about what is moral and immoral, which are often tied to different religious, political and/or cultural values, which in turn means that behaviours which are moral in one state may be immoral in another. Thus a tension emerges in the Declaration between an assumption of a 'universe of free and equal humans' and the tacit recognition of different laws of different states which may contain different ideas of who or what is morally acceptable and therefore constrain or delimit freedoms or right to liberty. Or to put it slightly differently, the Declaration recognizes both individual rights and communal, cultural or state's rights but doesn't clarify the relationship between them or what to do if they are in conflict (Markowitz 2004:334). The UN's International Covenant on Economic, Social and Cultural Rights, which was enacted in 1976, furthers this confusion through a small but significant change in terms: Whereas the *Universal Declaration of Human Rights* began by referring to 'all human beings' and 'everyone' having being free and equal, the Covenant's first article states that "All *peoples* have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development" (www.unhchr.ch/html/menu3/b/a_cescr.htm, my emphasis). The subject is no longer all human beings as individuals, but rather all 'peoples' having the right to determine their social and cultural development: In other words, there is a shift from the rights and liberties of the individual to the group and its 'cultural' development.

When it comes to issues pertaining to sexuality and rights, the picture is even murkier as there is no reference to sexual orientation and/or sexual practices in the lists of those who should not be discriminated against. One could interpret this absence to mean that discrimination against this group is acceptable, especially if one factors in the Universal Declaration's Article 29 reference to respecting public or culturally determined 'morals'. However, if there are people who are discriminated against such that they feel there security, privacy and liberties are threatened, and this is due to a behaviour or practice that does not threaten the security, privacy and liberties of others, then could they not argue that their individual freedom and equality is not being protected and thus the state is in breach of its agreement to the principles of the Universal Declaration? Thus individual freedoms versus group or cultural 'norms' sit in an uneasy relationship to each other in this document.

The same tension between 'individual' and group or 'cultural' rights can be found in regional Caribbean documents as well. The CARICOM (Caribbean Community) *Charter of Civil Society for the Caribbean Community* states in Article II that,

> States shall respect fundamental human rights and freedoms of the individual without distinction as to age, colour, creed, disability, ethnicity, gender, language, place of birth origin, political opinion, race, religion or social class but subject to respect for the rights of others and for the public interest.

Article III claims that, "The States shall, in the discharge of their legislative executive and administrative and judicial functions ensure respect for and protection of the human dignity of every person"(www.caricom.org). Thus far, the Charter is similar in language to the UN's Universal Declaration, but Article 10 makes a more direct reference to 'culture':

> The States recognize that each culture has a dignity and a value which shall be respected and that every person has the right to preserve and to develop his or her culture. Every person has the right to participate in the cultural life of his or her choice.

Once again, there is an inherent tension between the different sections of the Charter: Individual rights and freedoms are to be protected by the state but are subject to respect for the rights of others and the public interest. So the same question arises: what do we do if one set of people in a Caribbean state are claiming that they are not being treated equally to their fellow citizens because of who they are or what they do and another group says that the behaviour or practices of this first group offend them or contravene their interests? Should equality and dignity be defined in reference to 'culture' as outlined in Article 10? Is discrimination or inequality acceptable if it's inscribed within a 'cultural' set of values? How do we define what 'a' culture's values are? What if there are disagreements within a so-called cultural group about its values, or what constitutes public morality or public interest? Is the answer simply 'the majority equals the culture', that is, if the majority of people belonging to a so-called cultural group claim that a certain behaviour or practice contravenes public morality then an individual engaging in that practice or behaviour does not deserve the same rights and freedom from discrimination? In other words, does might make right (Chambers 2003: 154)? The problem here lies in an assumption that 'cultures' are unchanging, bounded sets of traits, and that everyone who belongs to a 'cultural group' shares exactly the same opinions, beliefs, and values. And even if such a definition of culture was true, then how does a state, with different cultural groups who are equal citizens but who have different ideas as to what is publicly or morally acceptable, decide which 'culture' is right?

This cultural vs. individual rights tension is at the crux of the debate about sexual orientation or sexual practices, rights, and the nation-state, both here in Barbados and in many other countries in and beyond the Caribbean region. Compounding the problem is that this tension has been manifested in the relationship between some developed and developing countries. Matthew Engelke has written about how the government of Zimbabwe, under President Robert Mugabe, has vigorously rejected international human rights groups supporting the rights of sexual minorities in his country. He has claimed that the language of human rights is imperialistic, disrespectful of their culture, and largely irrelevant to what it means to be human (Engelke 1999:290). As Engelke points out, it is problematic to speak about 'Zimbabwean culture' as a singular, undifferentiated entity, and in fact he found a range of positions and understandings about homosexuality amongst the people he interviewed. But it is also problematic to speak about 'gay rights' in a place where European or North American concepts of 'gay identity' do not apply or carry different ideas about individuality, sociality and sexuality (this is not to say that homosexual practices don't exist in Zimbabwe; as Engelke points out, they do, but they are not organized or labeled in the same way) (Engelke 1999:302).

A similar reaction to 'international human rights' groups advocating for gay rights emerged more recently in Jamaica, when the Human Rights Watch (HRW), the self-proclaimed 'largest Human Rights Organization in America' (but with offices in numerous other countries) published the report, "Hated to Death: Homophobia, Violence and Jamaica's HIV/AIDS Epidemic" (http://hrw.org/reports/2004/jamaica1104/). The report speaks of verbal and physical violence against men who have sex with men, and of a general level of societal discrimination. It outlines a number of recommendations including reforming the law enforcement system, repealing laws criminalizing sex between consenting adults, and revising the Charter of Rights and Freedoms to include sexual orientation and gender identity in the sections addressing anti-discrimination. Following its publication there was, not surprisingly, quite an outcry of indignation from many leading figures in politics, religion and the media. The government blasted Human Rights Watch, telling them it had no right to tell a sovereign nation what laws it should or should not have on the books. There were also strong denials that there was widespread discrimination against gays, and that groups like this should first fix the problems in their own backyard (i.e. address the ongoing discrimination against homosexuals in the United States) (Williams 2004). However, it should be noted that the reaction was not entirely one-sided. A number of articles and columns in the newspapers were sympathetic and supportive of the report and acknowledged that something must be done about these attitudes and actions against gays there (see Maxwell 2004), but that pressure from international organizations may not be the best method for engendering changes in attitudes and laws in Jamaica.

Furthermore, I think there are problems inherent in the language of some international human rights organizations' reports in their tendency to over-simplify and misrepresent what are in fact complicate and contested issues and experiences grounded in different political, historical and cultural contexts. For example, when the HRW report speaks of a 'culture of homophobia or hatred' in Jamaica, it does a disservice to many Jamaicans who are supportive, neutral or non-committal in their attitudes towards homosexuality, nor does it address how sexual behaviour or the relationships between sexuality, gender, private and public domains, race and class operate differently in different spaces and places across Jamaica. Or to put it slightly differently, the report shoots itself in the foot through its uniform condemnation and oversimplification of Jamaican society, and its implication that solutions must be imposed according to supposedly 'international' standards of human rights.

Echoes of this sentiment can be found in some comments reacting to the Walrond report here in Barbados, such that the claim for these 'rights' is interpreted to be another case of imperialist bullying, forcing Barbados to do something against their (cultural) will. So how can we negotiate rights, or work out competing claims for or against a group's right to equal treatment or non-discrimination if international human rights legislation is contradictory, unclear or, in some instances, interpreted to be hostile to a local cultural context? .

First and foremost, I think we must keep in mind Samuel Chamber's argument that we should not assume that rights are 'natural' or 'universal'. There is a tendency in Western democracies to see rights as a 'transcendental truth'—rights have always existed, albeit repressed or oppressed in other times and places, but that democratic politics is on a march forward from less rights to more rights (2003:164). Chambers argues that rights not 'natural' but are in fact the product of political struggles and mediation and that they can disappear after they appear—there is nothing 'absolute' about them. He notes that currently, in America, the Bush administration is actively trying to change laws pertaining to reproductive choice, and that in many states, women are losing their rights to reproductive choice, rights that were instantiated in law over 20 years ago. Chambers says it would be better to think of rights as 'ghostly', an idea which calls our attention to the vigilance and patience required to bring rights into being and to make sure they don't disappear (2003:165). Rights must be incarnated, and that incarnation takes place simultaneously through local political struggles and mediation across local, national and international boundaries.

If we keep in mind that 'rights' are 'ghostly' in that they can be created and they can disappear, and that they are located in local contexts of political cultural and social struggle, then how useful is the UN's Universal Declaration of Human Rights? Michael Freeman argues that most societies around the world would agree to the Declaration's basic principle of the inherent equality, dignity and worth of every human being, and that the Declaration can operate as a focal point through which groups or polities with differing value systems can meet to negotiate these differences, but it is still problematic in its ability to provide guidelines as to how relations between peoples with different beliefs should be governed (Freeman 2004:386). Freeman is particularly interested in how international human rights laws come into conflict with religious philosophies like Islam or Christianity, which, for many people, operate as the fundamental basis for all actions, and which, in many cases, hold principles that are contrary to or come into conflict with international human rights principles. Freeman suggests that human rights laws must be determined through 'internal dialogues', that is, the theory and practice of human rights ought to be developed by a dialogue that is generated by people from within a cultural or religious framework. He outlines how a number of Islamic scholars have been discussing women's rights through various interpretations of the Koran in relation to changes brought about through modernity (2004:377-378).

While I agree with the principle of 'internal dialogues' on how rights are to be defined and distributed, I think it is somewhat more difficult to enact this 'in practice': Globalization, and its attendant transformations brought about through constant movements of culturally diverse groups across national and international borders, not to mention the ever quickening flows of information and ideas communicated through new electronic technologies like television and the internet, mean that there are very few places in the world where we can speak of 'a' culture unaffected by different value systems. Cultures, societies, nation-states, everywhere are engaged in 'internal' discussions about social change but these are brought about through contact with differing ways of being in the world that are creating changes in these local contexts. The 'internal' dialogue is structured as much by what is happening externally as internally, or to put it slightly differently, the borders between what is external and internal are fuzzier than we might want to think.

In Barbados, I have heard some people at the Public Forums and in the newspapers that this is a "Christian" society or culture, and this is why laws should not be changed to grant rights to groups who ostensibly do not deserve them based on their interpretation of biblically based values. In other words, if we are to argue for human rights to be negotiated through an internal dialogue that is based on 'cultural or religious' principles, Barbados human rights policies should be determined on the basis of a particular theology. Now this is problematic for a couple of reasons: First, while it is true that he majority of Barbadians identified themselves as belonging to a Christian denomination in the 2000 Population and Housing Census, there were 11 different Christian denominations listed, plus 16,609 "Other Christians", 1657 Muslims, 2859 Rastafarians, 1293 belonging to other 'non-Christian' denominations, and 43,245 people who listed themselves as having no religious affiliation (or at least none listed on the census) (Barbados Statistical Service 2000:34). So if a Bajan generated language of human rights is to be negotiated through a local set of Christian religious principles, which one do we choose? What about those who belong to other religious faiths or do not belong to any church? Furthermore, a theological foundation of human rights sets in motion actions that run contrary to the principles of a democratic political system, which Barbados has adopted in its Constitution, which states 'no person shall be hindered in the enjoyment of his freedom of conscience… (nor)… compelled to take any oath which is contrary to his religion or belief" (Chapter 3, Sections 19.1, 19.5). Thus, the idea of an 'internal dialogue' approach to negotiating human rights may be easier said than done, for the 'culture' of a particular society or nation-state may be more complex than some of its members or minders care to admit.

Another direction to take in negotiating human rights can be found in the American Anthropological Association's Committee for Human Rights (CHR) Guidelines. Because anthropology is a profession dedicated to understanding cultural differences around the world, and in theory is dedicated to the promotion and protection of people and peoples everywhere to the full realization of their capacity for culture, human rights issues are an important part of its purview (American Anthropological Association: www.aanet.org/committees/cfhr/guide.htm). The Committee recognizes that international human rights laws do not adequately address all aspects of human rights, especially in terms of recognizing cultural difference. The conceptual framework of CHR's guidelines recognize that

> "People and groups have a generic right to realize their capacity for culture, and to produce, reproduce, and change the conditions and forms of their physical, personal and social existence *so long as such activities do not diminish the same capacities of others*" (emphasis added).

The guidelines suggest a 'communitarian view' of human rights, which stresses duties to the polity versus the individualistic view of human rights and individual human rights. Here then is a definition of human rights couched in terms that recognize different forms of social organization and worldviews, and also recognize that these forms and views may change. These differences and changes should be respected as long as they don't diminish the capacities of others.

I think a 'communitarian' perspective on rights can be applied to and developed for the Caribbean; in fact, one could argue that this perspective already exists, but in current discussions on rights pertaining to sexual minority groups, the wrong elements are being emphasized by both sides of the debate. In other words, I am arguing for ways to support claims for equality, dignity, security and liberty of all citizens that can be found within Caribbean social traditions and values which parallel concepts communicated through international human rights discourses, but which may be arrived at or constructed through different principles.

This is absolutely and fundamentally a politicized process, as it is clear that there are also Caribbean traditions and values that work to promote inequality and/or ranking of people based on behaviours and actions, as is most clearly the case in issues pertaining to sexual practices. If we are to adopt a 'communitarian' based approach to human rights then it is important to keep in mind that we are NOT claiming that there are, in Barbados, the Caribbean or whatever other 'community' context, a timeless, unchanging set of rules or principles which state in black and white what is acceptable and unacceptable. Furthermore, it is also problematic to think that any culture is composed of a group of people who all think exactly the same way and have the same opinions. Dissent, debate, and difference over what matters or what is right and wrong are equally universal to culture. Social change and internal difference is an inevitable fact of every community everywhere, so the issue then becomes one of how change is effected within local contexts and what principles or values are referred to in that process.

In the debate over 'sexual rights' in Barbados, Jamaica, and elsewhere in the Caribbean, one of the first priorities should be to reframe the parameters of the debate. The Walrond report, for example, has brought forward the issue of 'sexual rights' under the rubric of HIV/AIDS, arguing that it is important to work towards eliminating discrimination against those with HIV/AIDS as well as those groups who have traditionally been thought of as being at higher risk of infection (although the Commission notes that in the current climate all individuals are at risk and that transmission is now primarily through heterosexual contact). However, as Andil Gosine has pointed out, there are problems with linking rights of sexual minorities to HIV/AIDS as it restricts the terrain of conversation about sexuality to one that is only related to the alleviation of a deadly virus, which may reinforce negative stereotypes rather than alleviate them (Gosine 2004). Gosine argues that in both development and rights discourses, we must integrate the idea that sex, for most people who engage in it willingly, is a pleasurable activity. Furthermore, the right to sexual pleasure gives scope to sexual and cultural diversity, recognizing that there is more than one model of sexuality and that no one model (Western or otherwise) should necessarily be imposed.

Rights are also/always debated through claims of discrimination or unequal treatment of one group at the hands of another. This too, however, can be a complicated route through which to pursue social justice as there can be disagreement over what exactly constitutes 'discrimination', especially in the realm of sexuality. In Barbados I have heard both gay and straight people claim that homosexuals are not discriminated against in terms of employment, housing or general treatment as 'everyone knows' there are homosexuals in positions of power and influence and no one is forcing them to quit their jobs. I have also heard from a number of people whom I have interviewed that there are members of their family, friends and associates in the workplace who are supportive and/or have no issue with their sexual orientation. At the same time, I have also collected stories of harassment and violence from the majority of interviewees which range from being stoned or shot at in public, to being the subject of gossip and harassment in the workplace to being thrown out of one's home by angry parents. Furthermore, there is evidence that the situation here is not improving for these people—the majority spoke of how they felt that there is an increasing amount of hostility towards them compared to 15-20 years ago.

Based on these findings, to claim that Barbados as a society or the Caribbean as region is homophobic or discriminates against homosexuals is both correct and incorrect. I would argue that this type of claim glosses over a complex set of attitudes and differing values; it becomes a misleading appellation that obliterates the sexual diversity and acceptance of that diversity by many (albeit not a majority, but we can't just dismiss a minority as 'non-Caribbean can we?). Clearly, there are widespread opinions and beliefs that say otherwise, but to claim that there is no diversity of perspective on this problem is misrepresentative and forecloses further discussion of it.

I would suggest that instead of promoting 'rights' through an HIV/AIDS framework or solely upon proof of discrimination, that a more productive approach might be found in looking to other aspects of sociality or civil society in the Caribbean which emphasize aspects of humanity other than or in addition to sexual practices, and these might be applied to the development of legislation an policies that protect and represent all citizens equally. One such example might be through what might be glossed as a populist egalitarianism: Anthropologists, historians and other observers of Caribbean societies have observed, often amongst working and peasant classes, various social mechanisms through which equality, fairness and equal treatment were manifested. Examples of these mechanisms range from well known, institutionalized traditions of trade unionism and political organization in Barbados (ranging from Black self-help organizations at the beginning of the 20th century to the rise of nationwide labour movement in the 1930s and 40s) which were dedicated to redressing the colonial legacy of social, economic and political inequality faced by the majority of Barbadians (Beckles 1990:151-185), to more informal social mechanisms like humour, rum-shop debate, forms of entertainment like calypso, and even backyard gossip with the neighbours which often addressed (sometimes ruthlessly) people who were thought to be exploiting others or treating them unfairly. In many cases, these performances or conversations would work through disputes or show another side to a story, with the result that one might end up rethinking who is wrong and who is right, or at least that things might not be what they first appear. It seems to me that in popular culture here, and in much of the Caribbean, there is a long tradition of healthy skepticism towards people in positions of power, whether they be political, economic or religious, especially when the powerful are preaching about proper sexual behaviour.

One example of this came from an older woman who attended a talk on sexuality that I gave to a graduate class here at UWI. Afterwards, she came up to me and told me that although she was a devout member of the Wesleyan church, and although she had heard many sermons on the evils of homosexuality, she also had a neighbour who was known to be 'that way'. Her neighbour was one of the friendliest people in her community, and always says hello to her and has offered to walk to the store with her many times and helps her with her groceries. She said that even though she has problems with 'that aspect' of him, she respects and values him for who he is, and she is now uncomfortable when she hears negative things being said about these people in church.

Another example of how ' this tradition and sense of fair play and equal treatment' could operate as a discourse for recognizing the equality of sexual minorities came from a comment made by one of the members of UGLAAB during one of their meetings. The topic for the night was 'stereotypes' of homosexuals in Barbados, but the conversation had gone on a tangent about how, when they were younger, most of the members did not remember hearing so much negative talk about homosexuality. One woman, who is in her 30s, was mentioning how the popularity of dancehall music from Jamaica was conveying much of the hostile attitudes to today's youth, yet she remembers being positively influenced by another Jamaican musical tradition, reggae, back when she was a teenager. "I don't think Bob Marley ever said a negative word about homosexuality" she said. "In fact, I remember hearing his song, 'One Love', and thinking that it was meant to include everyone who loved everyone. What happened to that?"

Conclusions

Barbados, like the rest of the Caribbean, is facing a turbulent moment in its history, and may be about to embark on major economic changes through its participation in the Caribbean Single Market Economy (similar to the European Economic Union in its objectives to create stronger, more globally competitive economies amongst participating Anglo-Caribbean nations) which in turn may or may not bring about changes in the social fabric of life. Like many other smaller societies, it is also undergoing rapid technological changes through the increasing presence of computer, television and mobile communication technologies, which in turn link Barbadians to multiple, globally circulating ideas, values and identities relating to sexuality. Yet these changes and challenges are not necessarily all that new for Barbados or the Caribbean, as indeed these are societies that have been forged through the 'transnational' commerce of colonialism, migration of different ethnic groups, and exposure to multiple and often competing value systems for over 500 years. Homosexuality and homophobia appear to have been present in these societies from their colonial inception (albeit in culturally specific forms) but they have only in recent years become highly visible indices of morality and social (in)stability in particular public discourses. Barbados is at a crossroads in coming to terms with its sexual 'others': They are poised to become either the new 'pariahs' amongst those unhappy with the current socio-economic situation, who strive to return to a mythic past of a communal, heterosexual and homogenous (read: traditional Christian) society or they may become the vanguards of a new social order recognizing sexual diversity and the right to sexual pleasure as a non-threatening element of a productive, diverse society operating as an active partner in a globalizing economy.

I have suggested in this paper that the answers to this dilemma are not necessarily or only going to be found in the language of international human rights documents, nor in the attempt to piggyback rights on the shoulders of the HIV/AIDS crisis alone. There are, in fact many aspects of social life order in the Caribbean that appears to be challenged when sexual diversity is presented as a matter of 'rights'. But perhaps if we emphasize 'the equal' meaning of rights and tether it to, as well as develop it in local contexts in which issues of equality and fairness are negotiated, then acceptance of sexual diversity and of equal treatment and respect for that diversity may grow.

REFERENCES

American Anthropological Association

n.d. Committee For Human Rights Guidelines www.aanet.org/committees/cfhr/guide.htm

Barbados Statistical Service

2000 *Population and Housing Census*. Government Printing Department

Beckles, Hilary

1990 A *History of Barbados. From Amerindian Settlement to Nation State*. Cambridge: Cambridge University Press

Butler, Judith, E. Laclau and S. Zizek

2000 *Contingency, Hegemony, Universality: Contemporary Dialogues on the Left*. London: Verso

CARICOM Secretariat

n.d Charter of Civil Society for the Caribbean Community. (www.caricom.org)

Chambers, Samuel

2003 Ghostly Rights. *Cultural Critique* 54, Spring.

Engelke, Matthew

1999 We Wondered What Human Rights He Was Talking About: Human Rights, Homosexuality and the Zimbabwe Book Fair. *Critique of Anthropology* 19(3):289-314.

Foucault, Michel

1980 *The History of Sexuality Vol 1*. New York: Vintage Books

Gosine, Andil

2004 *Sex for Pleasure, Right to Participation, and Alternatives to AIDS: Placing Sexual Minorities and/or Dissidents in Development*. Sussex: Institute of Development Studies Working Paper #228.

Human Rights Watch

2004 Hated to Death: Homophobia, Violence and Jamaica's HIV/AIDS Epidemic. (http://hrw.org/reports/2004/jamaica1104/)

Markowitz, Fran

2004 Talking about Culture: Globalization Human Rights and Anthropology. *Anthropological Theory* 4(3):329-352

Maxwell, John

2004 A Culture of Bigotry. *Jamaica Observer*, December 5.

United Nations Office of the High Commissioner for Human Rights

n.d. The Universal Declaration of Human Rights. (http://www.unhchr.ch/udhr/index.htm)

Williams, Petre

2004 The Gay Debate. *Jamaica Observer*¸ December 5.