Florida Law Review

Volume 55 | Issue 1 Article 23

January 2003

Carriers of Globalization: Loss of Home and Self Within the African Diaspora

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CARRIERS OF GLOBALIZATION: LOSS OF HOME AND SELF WITHIN THE AFRICAN DIASPORA

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I. INTRODUCTION

Constantly negotiating between native culture and adopted culture, assimilated and/or hyphenated existence, I often wonder, where is home?[1] Having felt that the places of my residence were never truly my home, I am left to ponder this question even more, now that I have heard of the increasing violence[2] against "returnees" in the island of my birth, Jamaica.[3]

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1. Professor Hope Lewis states: "Where is 'home' for Jamaican women? In my experience, it was East Flatbush, Brooklyn, as well as Kingston, Jamaica." Hope Lewis, *Lionheart Gals Facing the Dragon: The Human Rights of Inter/National Black Women in the United States*, 76 OR. L. REV. 567, 570 (1997); *see also* Trinh T. Minh-ha, *Other Than Myself/My Other Self*, *in* TRAVELLERS' TALES: NARRATIVES OF HOME AND DISPLACEMENT 9 (George Robertson et al. eds., 1994) [hereinafter TRAVELLERS' TALES].

2. *See, e.g.*, Ian Broad, *Murder Gangs Threaten Dream Retirement Isle*, EVENING STANDARD (London), Sept. 13, 1999, at 18; Jon Hunt, *Jamaican 'Returnees' Targeted By Criminals*, BIRMINGHAM POST, Sept. 13, 1999, at 3; Daniel McGrory & Tim Teeman, *Island Dream Ends in Ambush and Murder*, TIMES (London), July 16, 2001, at 13 (noting that Danny Gayle's delight at coming home did not last long because ten minutes from the Kingston airport in Jamaica, the retired hospital porter from London became the fifty-fourth returnee to be murdered in the past

The returnees are those ambitious folks who emigrated from Jamaica seeking a better life. Like other voluntary immigrants and migrant groups, many Jamaicans who leave home expect that the short-term sacrifices will eventually result in a better life for their families.[4] At the end of their time abroad, these Jamaicans seek to return home to live out their remaining years.

Jamaicans started emigrating to foreign lands at the beginning of the twentieth century, first to Panama to assist in the construction of the canal, and to other Caribbean and Central American countries such as Cuba, Costa Rica, and Nicaragua, then to the United States starting in the 1920s and continuing in the 1930s.[5]

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five years); Daniel McGrory, *Jamaica 'Returnee' 50th to be Murdered*, TIMES (London), Aug. 3, 2000 [hereinfter *50th to be Murdered*]; Daniel McGrory, *Fatal Homecoming in Paradise*, TIMES (London), Aug. 2, 2000, at 28; Rajeev Syal, *Jamaican Returnees Warned of Violence by High Commission*, SUNDAY TELEGRAPH (London), July 2, 2000, at 13; Kenneth Taylor, *Paradise Lost; A Spate of Savage Killings Has Shocked Jamaica. The 29 Victims Are All Elderly, Returning From Britain and America to the Rural Idylls They Remember From Their Childhoods. But Times Have Changed and They're Not Welcome Anymore . . .*, THE INDEP. (London), Mar. 19, 1999, at 1; *Wealth Clue to Jamaican Death Spree*, BIRMINGHAM EVENING MAIL, Sept. 13, 1999, at 16.

3. Jamaica, the name of which was derived from the country's Arawak Indian name "Xaymaca," means "the land of wood and water." *Jamaica: Historical Background, available at* www.caribcentral.com/jamaica (last visited Sept. 14, 2002). An island in the Caribbean Sea, Jamaica is 146 miles long from east to west and is 51 miles across at its widest point, from north to south. *Jamaica: Geography, available at* http://luna.cas.usf.edu/~alaing/jainfo.html#geography (last visited Sept. 14, 2002). After being a colonial possession of the United Kingdom for 300 years, Jamaica gained independence from Britain on August 6, 1962, and is now a constitutional monarchy and a member of the Commonwealth. *Jamaica: Historical Background, available at* www.caribcentral.com/jamaica (last visited Sept. 14, 2002).

4. *See* Lewis, *supra* note 1, at 596-97. "Immigration is not just movement from one country to another or a change in the place of residence and work. It connotes expectations—on the part of those in the host [country] . . . that the [newcomer] will become a part of their new society." Martin Heisler, *Contextualizating Global Migration: Sketching the Socio-Political Landscape in Europe*, 3 UCLA J. INT'L L. & FOREIGN AFF. 557, 560 (1998). Such expectations of assimilation and acculturation are not necessarily the norm for migrant workers who are expected to return home. *See id.*

5. Nearly half of the people of Jamaica go abroad to work in North America and Europe. *See* PHILIP KASINITZ, CARIBBEAN NEW YORK: BLACK IMMIGRANTS AND THE POLITICS OF RACE 19 (1992) (noting that "[f]ew societies on earth have been as shaped by the movement of their people as those of the Caribbean[, who,] subject to . . . chronic overpopulation, scarce resources, seclusion, and limited opportunities of small island nations, . . . have utilized migration as a survival strategy whenever they [have been able] to do so"), *cited in* Lewis, *supra* note 1, at 567 n.3; *see also* Peggy Antrobus, *Women in the Caribbean: The Quadruple Burden of Gender, Race, Class and Imperialism*, *in* CONNECTING ACROSS CULTURES AND CONTINENTS: BLACK WOMEN SPEAK OUT ON IDENTITY, RACE AND DEVELOPMENT 53, 57 (Achola O. Pala ed., 1995) (discussing migration of Caribbean women as a survival strategy); Nancy Foner, *Race and Color: Jamaican Migrants in London and New York City*, 19 INT'L MIGRATION REV. 708 (1985); Fredrick W. Hickling, *Double Jeopardy: Psychopathology of Black Mentally Ill Returned Migrants to Jamaica*, 37 INT'L J. SOC. PSYCHIATRY 80, 80-89 (1991); Lino Briguglio, *Small Island Developing States and their Economic Vulnerabilities, available at* http://www.gdrc.org./oceans/lino.html (last visited Mar. 20, 2002) (on

Approximately one quarter to a third of all Jamaicans presently live abroad, mostly in the United States, Canada, and the United Kingdom.[6] Indeed, rates of migrancy in the Caribbean are amongst the highest in the world.[7]

Despite these statistics, many Jamaicans abroad left their hearts at home hoping one day to return. Even Jamaicans who have obtained foreign citizenship maintain a close tie with the island, making Jamaica what Professor Orlando Patterson has called "a transnational society."[8]

The returnees who spend years abroad often endure the compounded travails of economic hardship, isolation, racial violence, and harassment in their adopted homes, all the while dreaming of the day when they could return home to breathe the ocean air and live in peace in the invigorating sunshine. They deal not only with the pain of separation from family and loved ones, but often with the resentment of hostile populations in their adopted homes.[9]

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file with author) (recognizing that "[m]any small island developing states (SIDS) face special disadvantages associated with small size, insularity, remoteness and proneness to natural disasters," rendering the economics of SIDS particularly "vulnerable to forces outside their control").

6. "The United States is the primary host country for migrant Jamaicans, followed by Canada and the United Kingdom." *Remittances as a Development Tool: A Regional Conference, Remittances to Latin America and the Caribbean: Comparative Statistics, Jamaica*, at 17 (Inter-Am. Dev. Bank, May 17-18, 2001), *available at* http://www.iadb.org/mif/eng/conferences/pdf/Comparativeremittan2.pdf [hereinafter *Remittances Conference*]. There are nearly as many Jamaicans living abroad as in the country itself. *Id.*; *see also* Orlando Patterson, *The Roots of Conflict in Jamaica*, N.Y. TIMES, July 23, 2001, at A17 (noting that the author is a professor of Sociology at Harvard, and was special advisor for social policy and development to late Prime Minister Michael Manley from 1972-1980).

7. Elsa M. Chaney, *The Context of Caribbean Migration*, *in* CARIBBEAN LIFE IN NEW YORK CITY: SOCIOCULTURAL DIMENSIONS 1, 8-9 (Constance R. Sutton & Elsa M. Chaney eds., 1987) (noting high rates of emigration from the entire Caribbean to Europe and North America and that the rate reached sixteen percent of the population of Jamaica in the mid-1970s).

8. *See* Patterson, *supra* note 6, at A17.

9. In addition to racial hostility from majority White populations in their adopted homes, Caribbean immigrants and migrant workers who view themselves as Black may additionally be regarded as "other" by people of African descent in their adopted homes. *See* Lewis, *supra* note 1, at 574 (noting that although most Jamaican women identify themselves as Black, they are still regarded as "other" by some Americans, including some African Americans. Conversely, the particularity of their experience may be subsumed under an externally imposed essentialized definition of "blackness."); *see also* Leonard M. Baynes, *Who is Black Enough for You? An Analysis of Northwestern University Law School's Struggle Over Minority Faculty Hiring*, 2 MICH. J. RACE & L. 205, 207-13, 218-21 (1997) (discussing the controversy surrounding the hiring of a Black female law professor who is of White Australian and Black Cuban descent). In both Canada and England, the problem of race is often perceived to be co-extensive with "the immigrant problem." Leonard M. Baynes, *Who Is Black Enough for You? The Stories of One Black Man and His Family's Pursuit of the American Dream*, 11 GEO. IMMIGR. L.J. 101-02 (1996); *see also* Kevin R. Johnson, *Race, the Immigration Laws, and Domestic Race Relations: "A Magic Mirror" into the Heart of Darkness*, 73 IND. L.J. 1111, 1116 (1998) (recognizing that the treatment of "aliens," particularly noncitizens of color, reveals volumes about domestic race relations); Malcolm

As home *is* where the heart is, Jamaicans abroad send commodities[10] and money home[11] in amounts second only to tourism in contributing to the economy's net foreign earnings.[12] Despite being a land with

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Gladwell, *Black Like Them*, THE NEW YORKER, Apr. 29 & May 6, 1996, at 74 (discussing competing images of Caribbean immigrants as "different Blacks" in the United States and Canada); Arun Kundnani, Institute of Race Relations 2001, *From Oldham to Bradford: The Violence of the Violated*, *at* http://www.irr.org.uk/riots (last visited Mar. 20, 2002) (discussing the recent violent confrontations between young Asians and the police in the northern English towns of Oldham, Burnley, and Bradford.) "[T]he 2001 riots were the worst riots in Britain since the Handsworth, Brixton, and Tottenham uprisings of 1985." *Id.* The Essay references concern over immigration and segregation as a primary cause of the recent riots. *Id.*; *see also Racism Eh?: A Critical Interdisciplinary Anthology of Race in the Canadian Context* (Camille Nelson & Charmaine Nelson eds., forthcoming 2003). For additional information on racism and immigration in Canada, see David Matas, *Racism in Canadian Immigration Policy*, *in* PERSPECTIVES ON RACISM AND THE HUMAN SERVICES SECTOR: A CASE FOR CHANGE 93 (Carl E. James ed., 1996); ANTHONY H. RICHMOND, GLOBAL APARTHEID: REFUGEES, RACISM, AND THE NEW WORLD ORDER *passim* (1994); see also information provided by the Canadian Race Relations Foundation, *available at* http://www.crr.ca/EN/default.htm (last visited Mar. 20, 2002) ("The Foundation is committed to building a national framework for the fight against racism in Canadian society. We will shed light on the causes and manifestations of racism; provide independent, outspoken national leadership; and act as a resource and facilitator in the pursuit of equity, fairness, and social justice."); *Saxakali People of Color Portal*, *at* http://saxakali.com/index.htm (last visited Mar. 20, 2002) (addressing racism and immigration through its "Issues of Color" section).

10. *See generally* RAMESH F. RAMSARAN, THE CHALLENGE OF STRUCTURAL ADJUSTMENT IN THE COMMONWEALTH CARIBBEAN *passim* (1992). The great majority of such shipments come from the United States and Canada, where most of the estimated two million émigrés reside. Due to the effect of Structural Adjustment Programs (SAPs), devaluations of the Jamaican currency meant large price increases for the Jamaican people. Lewis, *supra* note 1, at 571 n.17 (citing MICHAEL MANLEY, THE POLITICS OF CHANGE: A JAMAICAN TESTAMENT 219-55 (2d ed. 1990)). These increases had a large impact on the cost of imported items. Joan French, *Hitting Where It Hurts Most: Jamaican Women's Livelihoods in Crisis*, *in* MORTGAGING WOMEN'S LIVES 165, 167 (Pamela Sparr ed., 1994). Accordingly, immigrants and migrants abroad were informed by their relatives of the scarcity and high cost of staple goods and the practice of sending such items home became commonplace. *Id.* For a discussion of the political impact of SAPs on Jamaican politics, see MANLEY, *supra*, at 219-55 (containing an epilogue, written in 1989, discussing changes in Jamaican political economy since the original edition of the book in 1975).

11. See discussion of remittances, *infra* note 37.

12.

> With nearly as many Jamaicans residing abroad as [at home], remittances have long played a vital role in the economy. On a per capita basis, Jamaica receives the highest remittance inflows of any country in the region. Annual remittances for 1999 were estimated to total more than 50% of the country's income from exports and 63% of the revenues from tourism . . . and [is] almost thirty-five times greater than the amount of official development assistance [received].

Remittances Conference, *supra* note 6, at 17. As Professor Lewis has noted, for many Caribbean immigrants and migrants to Canada, the United States, and the U.K., there is always an empty shipping barrel in our homes ready to be packed with food, clothing, and other staples to be sent to relatives back home. Lewis, *supra* note 1, at 569. Indeed, most Caribbean newspapers and magazines in Canada, the United States, and the U.K. feature prominent ads from shipping

tremendous natural resources, Jamaica is an island of stark contrasts—a dreamy tropical resort for most visitors who frolic on the island's luxurious resorts and a land of grinding poverty for many Jamaicans.[13]

A recent article in the *London Times* chronicling the targeting of returnees left me adrift in sorrow as I read of the violent demise of fifty returnees to Jamaica in the past few years.[14] The peaceful existence many returnees expected has been elusive. Being torn between the reality of living like a caged animal, often behind bars, fortifying one's retirement home, or risking the possibility of armed violence, returnees may become disenchanted. Although not naïve, returnees may not have expected to become targets in their native land and have faced a double jeopardy of sorts upon their return home. Returnees who, while living abroad, were quick to defend and support their island paradise found themselves the subject of jealousy, envy, and even scorn as their return signals the very embodiment of the developed world within the developing world. While tourism has familiarized native Jamaicans with this juxtaposition of the first world within the third, the personification of this paradigm within the body of the returnee and performed by the returnee[15] signifies a more "in

companies competing for this lucrative business. *See Barrels of Hope for Jamaicans*, CHI. TRIB., May 24, 1992, at 7B (acknowledging the practice, common amongst Jamaican migrants, of sending barrels home from the United States and Canada to relatives and friends in Jamaica); Nicole Raymond Di Pinheiro & Alejandro Bianchi, *Industry Focus, Émigrés Send Food Online to Old Country: Retailers Seek to Tap Into Billions Repatriated by Latino Immigrants to the U.S.*, WALL ST. J., Nov. 6, 2002, at B3 (noting that in 2001 Jamaicans abroad sent remittances exceeding 967 million back to Jamaica). This figure accounts for 15% of the country's GDP.

13.

> Historically, the Jamaican economy has had an agricultural base, dependent on a few staple export crops, primarily sugar and bananas. New economic development began within bauxite mining (after 1952), and the tourism boom in the 1950s and 1960s. [Since] the 1990s, tourism has become the major earner of foreign exchange.

Jamaican Information Service: An Executive Agency of the Government of Jamaica, *The Economy*, *at* http://www.jis.gov.jm/information/economy.html (last visited Mar. 20, 2002). For additional information on the economy of Jamaica, see A. LYNN BOLLES, SISTER JAMAICA: A STUDY OF WOMEN, WORK, AND HOUSEHOLDS IN KINGSTON 105-13 (1996) (discussing economic developments in Jamaica since the 1970s); ANDERS DANIELSON, THE POLITICAL ECONOMY OF DEVELOPMENT FINANCE: PUBLIC SECTOR EXPANSION AND ECONOMIC DEVELOPMENT IN JAMAICA *passim* (1993); OBIAGELE LAKE, RASTAFARI WOMEN: SUBORDINATION IN THE MIDST OF LIBERATION THEOLOGY 37-58 (1998).

14. *See 50th to be Murdered*, *supra* note 2.

15. *See* JUDITH BUTLER, GENDER TROUBLE: FEMINISM AND THE SUBVERSION OF IDENTITY 163-90 (1990); Judith Butler, *Gender Trouble, Feminist Theory, and Psychoanalytic Discourse*, *in* FEMINISM/POSTMODERNISM 324 (Linda J. Nicholson ed., 1990); Judith Butler, *Imitation and Gender Insubordination*, *in* INSIDE/OUT: LESBIAN THEORIES, GAY THEORIES 13 (Diana Fuss ed., 1991); Martha M. Ertman, *Reconstructing Marriage: An Intersexional Approach*, 75 DENV. U. L. REV. 1215, 1234-35 (1998) (discussing Judith Butler's concept of gender performativity); Katherine M. Franke, *The Central Mistake of Sex Discrimination Law: The Disaggregation of Sex*

your face" reminder of the exploitative consequences of globalization and evidences the gap between rich and poor.[16] On some level, Jamaican returnees function as, or are presumed to be, the very embodiment of globalization and function as the "carriers of globalism" and its effects.

The project of this Essay is to give content to a "post-colonial Diaspora," that is a diasporic community that emerges out of, and is structured by, the political forces of post-coloniality. Jamaicans abroad are part of this post-colonial Diaspora. They are deeply connected—spiritually, culturally, economically, and politically—to their homeland, and they are deeply interested and invested in their return. The ability of Jamaicans to return is made difficult by the realities of globalism; one cannot understand the recent violence against the returnee without considering both its material and symbolic effects. Jamaican

from Gender, 144 U. PA. L. REV. 1, 3 (1995) (arguing that "[t]he targets of antidiscrimination law . . . should also include the social processes that construct and make coherent the categories male and female"); Ariela J. Gross, *Litigating Whiteness: Trials of Racial Determination in the Nineteenth-Century South*, 108 YALE L.J. 109, 112-13, 158-76 (1998) ("documenting the role of racial 'peformance,' '[d]oing the things a white man or woman did,'" in legal determinations of racial classification); Zachary Potter & C.J. Summers, *Reconsidering Epistemology and Ontology in Status Identity Discourse: Make-Believe and Reality in Race, Sex, and Sexual Orientation*, 17 HARV. BLACKLETTER L.J. 113, 113 n.2 (2001) (citing JUDITH BUTLER, BODIES THAT MATTER 5 (1996))("If gender is the social construction of sex, and if there is no access to this 'sex' except by means of its construction, then it appears not only that sex is absorbed by gender, but that 'sex' becomes something like a fiction . . . ."); *id.* at 114 n.6 ("Race may be America's single most confounding problem, but the confounding problem of race is that few people seem to know what race is." (quoting Ian F. Haney Lopez, *The Social Construction of Race: Some Observations on Illusion, Fabrication, and Choice*, 29 HARV. C.R.-C.L. L. REV. 1, 5-6 (1994))); Noah D. Zatz, *Beyond the Zero-Sum Game: Toward Title VII Protection for Intergroup Solidarity*, 77 IND. L.J. 63, 119 nn. 294-95 (2002).

16. The returnee as personification of privilege may resonate with the imagery of house-slave versus field-slave narrative. House slaves were often seen as "selling out" by going to live with the master to do his bidding. This intentionally exploited and constructed slave dichotomy served the purpose of creating division amongst slaves and furthering the master's agenda. By going to live amongst the "masters" in the West and by reaping the rewards of the "master's" world, returnees may be the subjects of resentment grounded in the legacy of history. Hence, our complicity as returnees in the devastation of our semi-native lands may be based upon our seeming acquiescence or participation in foreign markets, which function to a large extent on the expectation and actualization of an ordering of worlds—first, second, and third with its corresponding economic, financial, and lifestyle implications. Alternatively, the violence that some returnees encounter may be attributable to the dysfunction of family—that which is familiar is often that which we abuse the most and take for granted since alternative venues for the release of frustration have more serious repercussions and are not as easily accessed. See Bell Hooks' discussion of Black on Black violence as abuse and frustration which cannot be directed against White America without serious consequences. BELL HOOKS, KILLING RAGE: ENDING RACISM 13-14 (1995). For information about self-destructive behaviors in Black communities, see generally Alton R. Kirk, *Destructive Behaviors Among Members of the Black Community with a Special Focus on Males: Causes and Methods of Intervention*, 14(1) J. MULTICULTURAL COUNSELING & DEV. 3 (1986) (contending that stress is significantly related to the degree and amount of power perceived by an individual within the societal context and that, consequently, Blacks experience a great deal of stress).

returnees are, thus, quite literally "carriers of globalization."[17] Indeed, it is precisely because the returnees embody globalism, spreading and reproducing its effects, that their bodies have become the sites for bloody violence.

What impact, if any, can we "privileged"[18] "inter/nationals,"[19] we carriers of globalization, have upon the homelands we cherish and to which we seek a safe return?[20] Are we, by virtue of our acquired

17. Globalization has been defined broadly as "the economic phenomenon—the internationalization of production, of financial and banking services, and of neo-liberal economic policies promoting privatization and liberalization, all of which are facilitated by advances in technology that have completely transformed traditional understandings of time and space." Antony Anghie, *Time Present and Time Past: Globalization, International Financial Institutions, and the Third World*, 32 N.Y.U. J. INT'L L. & POL. 243, 246 n.3 (2000).

> Despite the difficulties of generalizing about a phenomenon as complex and contradictory as globalization, considerable evidence suggests that globalization intensifies inequalities both within and between states and that, on the whole, it further undermines the precarious position of the poorest and most vulnerable, the vast majority of whom live in third world countries . . . . For me, the impact of globalization on third world countries raises two problematic and interrelated themes: first, the relationship between globalization and human rights as it is manifested in the context of third world countries, and second, the different pressures globalization exercises on the third world state.

Id. at 246-47. For renditions of clarity and intensity about the negative impact (actual or potential) of the WTO and international trade law on Third World development, see generally JEREMY BRECHER & TIM COSTELLO, GLOBAL VILLAGE OR GLOBAL PILLAGE: ECONOMIC RECONSTRUCTION FROM THE BOTTOM UP (2d ed. 1998); GRAHAM DUNKLEY, THE FREE TRADE ADVENTURE: THE URUGUAY ROUND AND GLOBALISM—A CRITIQUE (1997); JOHN GRAY, FALSE DAWN: THE DELUSIONS OF GLOBAL CAPITALISM (1998); WILLIAM GREIDER, ONE WORLD, READY OR NOT: THE MANIC LOGIC OF GLOBAL CAPITALISM (1997); ARTHUR MACEWAN, NEO-LIBERALISM OR DEMOCRACY? (1999); HANS-PETER MARTIN & HARALD SCHUMANN, THE GLOBAL TRAP: GLOBALIZATION AND THE ASSAULT ON PROSPERITY AND DEMOCRACY (Patrick Camiller trans., 1997); DANI RODRIK, HAS GLOBALIZATION GONE TOO FAR? (1997); GEORGE SOROS, THE CRISIS OF GLOBAL CAPITALISM (1998); WORLD TRADE: TOWARD FAIR TRADE AND FREE TRADE IN THE TWENTY-FIRST CENTURY (Jo Marie Griesgraber & Bernhard G. Gunter eds., 1997); Raj Bhala, *Marxist Origins of the "Anti-Third World" Claim*, 24 FORDHAM INT'L L.J. 132, 133 n.3 (2000). For a discussion on the negative effects of globalization on women, see Barbara Stark, *Women and Globalization: The Failure and Postmodern Possibilities of International Law*, 33 VAND. J. TRANSNAT'L L. 503 (2000).

18. I feel it is imperative that I acknowledge my acquired privilege, largely derived from the sacrifices of generations of my family. As an academic I have the luxury to contemplate these issues in relative peace.

19. I appreciate Professor Hope Lewis' use of this term to suggest the existence of dual national and cultural identities as well as an international and transnational identity going beyond traditional conceptions of nationality. *See* Lewis, *supra* note 1.

20. I acknowledge that middle- and upper-class persons who were born into poverty and have remained in their countries of origin but who have taken up residence in more affluent surroundings might experience similar sentiments regarding their places of origin. For instance, middle-class African-Americans who might have left the inner-city neighborhoods of their childhood for

"otherness" unwelcome advisors, forever unable to reinsert ourselves into our homes with legitimacy and credibility? Do we have any standing to make demands or suggestions after our long absences? These questions implicate "the new cultural politics of difference."[21] These theories are "distinct articulations of talented (and usually privileged) contributors to culture who desire to align themselves with demoralized, demobilized, depoliticized and disorganized people in order to empower and enable social action."[22]

It is within this framework that a candid exploration of the predicament confronting the returnee will be undertaken. Throughout this Essay, lyrics from Jamaican music will be utilized as reference points. These songs represent but a portion of the social poetry that is represented by Jamaican music. These artists sang from the heart about relevant experiences affecting their lives and their families—things lived and suffered. Music, in the Jamaican context, provides social commentary and a means of tapping into the very fabric of society. Part II discusses the plight of the returnees. Part III examines the impact of globalization upon Jamaica and other developing countries. Part IV concludes with a search for solutions. Such articulation is but the first step in the move from theory to action. Many scholars have recognized the need to transfer our continued theoretical vigilance into practice to ensure the well-being of our sisters and brothers and our own well-being in multiple locales.[23] This

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residence in predominantly White suburbs may have analogous concerns about conceptions of "home," loss of community, and the possibility of return. With each passing generation there is a greater psychological, cultural, and economic distance that may impede the ability of these "returnees" to reclaim their past homes as well. What might remain, however, is the spiritual connection generating care, concern, and involvement.

21.

> [T]he new cultural politics of difference consists of creative responses to the precise circumstances of our present moment—especially those of marginalized First World agents who shun degraded self-representations, articulating instead their sense of the flow of history in light of the contemporary terrors, anxieties and fears of highly commercialized North Atlantic capitalist cultures (with their escalating xenophobias against people of color, Jews, women, gays, lesbians and the elderly). The thawing, yet still rigid, Second World ex-communist cultures . . . and the diverse cultures of the majority of inhabitants on the globe smothered by international communication cartels and repressive postcolonial elites . . . or starved by austere World Bank and IMF policies that subordinate them to the North . . . also locate vital areas of analysis in this new cultural terrain.

Cornel West, *The New Cultural Politics of Difference*, *in* OUT THERE: MARGINALIZATION AND CONTEMPORARY CULTURES 19 (Russell Ferguson et al. eds., 1990) [hereinafter OUT THERE].

22. *Id.* at 19-20.

23. *See, e.g.*, Deven W. Carbado, *Motherhood and Work in Cultural Context: One Woman's Patriarchal Bargain*, *in* CRITICAL RACE FEMINISM: A READER 339 (Adrien Katherine Wing ed., 1997); Antony Anghie, *"The Heart of My Home": Colonialism, Environmental Damage, and the Nauru Case*, 34 HARV. INT'L L.J. 445 (1993); John O. Calmore, *Critical Race Theory, Archie*

Shepp, and Fire Music: Securing an Authentic Intellectual Life in a Multicultural World, 65 S. CAL. L. REV. 2129 (1992); Robert S. Chang, *Toward an Asian American Legal Scholarship: Critical Race Theory, Post-Structuralism, and Narrative Space*, 81 CAL. L. REV. 1241 (1993); Pat K. Chew, *Asian Americans: The "Reticent" Minority and Their Paradoxes*, 36 WM. & MARY L. REV. 1 (1994); Ruben J. Garcia, *Critical Race Theory and Proposition 187: The Racial Politics of Immigration Law*, 17 CHICANO-LATINO L. REV. 118 (1995); James Thuo Gathii, *International Law and Eurocentricity*, 9 EUR. J. INT'L L. 184 (1998); Harvey Gee, *Changing Landscapes: The Need for Asian Americans to Be Included in the Affirmative Action Debate*, 32 GONZ. L. REV. 621 (1997); Ruth Gordon, *Saving Failed States: Sometimes a Neocolonialist Notion*, 12 AM. U. J. INT'L L. & POL'Y 903 (1997); Isabelle R. Gunning, *Diversity Issues in Mediation: Controlling Negative Cultural Myths*, 1995 J. DISP. RESOL. 55; Isabelle R. Gunning, *Expanding the International Definition of Refugee: A Multicultural View*, 13 FORDHAM INT'L L.J. 35 (1989); Isabelle R. Gunning, *Modernizing Customary International Law: The Challenge of Human Rights*, 31 VA. J. INT'L L. 211 (1991); Angela P. Harris, *The Jurisprudence of Reconstruction*, 82 CAL. L. REV. 741 (1994); Berta Esperanza Hernández-Truyol, *International Law, Human Rights, and LatCrit Theory: Civil and Political Rights—An Introduction*, 28 U. MIAMI INTER-AM. L. REV. 223 (1997); Elizabeth M. Iglesias, *Global Markets, Racial Spaces and the Role of Critical Race Theory in the Struggle for Community Control of Investments: An Institutional Class Analysis*, 45 VILL. L. REV. 1037 (2000); Elizabeth M. Iglesias, *Identity, Democracy, Communicative Power, Inter/National Labor Rights and the Evolution of LatCrit Theory and Community*, 53 U. MIAMI L. REV. 575 (1999); Elizabeth M. Iglesias, *International Law, Human Rights, and LatCrit Theory*, 28 U. MIAMI INTER-AM. L. REV. 177 (1997); Elizabeth M. Iglesias, *Out of the Shadow: Marking Intersections In and Between Asian Pacific American Critical Legal Scholarship and Latina/o Critical Legal Theory*, 19 B.C. THIRD WORLD L.J. 349 (1998); Elizabeth M. Iglesias & Francisco Valdes, *Religion, Gender, Sexuality, Race and Class in Coalitional Theory: A Critical and Self-Critical Analysis of LatCrit Social Justice Agendas*, 19 CHICANO-LATINO L. REV. 503 (1998); Chris K. Iijima, *The Era of We-Construction: Reclaiming the Politics of Asian Pacific American Identity and Reflections on the Critique of the Black/White Paradigm*, 29 COLUM. HUM. RTS. L. REV. 47 (1997); Indu M. John, *International Dimensions of Critical Race Theory*, 91 AM. SOC'Y INT'L L. PROC. 408 (1997); Kevin R. Johnson, *Celebrating LatCrit Theory: What Do We Do When the Music Stops?*, 33 U.C. DAVIS L. REV. 753 (2000); Kevin R. Johnson, *"Melting Pot" or "Ring of Fire"?: Assimilation and the Mexican-American Experience*, 10 LA RAZA L.J. 1259 (1997); Johnson, *supra* note 9; Hope Lewis, *Global Intersections: Critical Race Feminist Human Rights and Inter/National Black Women*, 50 ME. L. REV. 309 (1998); Lewis, *supra* note 1; Ian F. Haney López, *The Social Construction of Race: Some Observations on Illusion, Fabrication, and Choice*, 29 HARV. C.R.-C.L. L. REV. 1 (1994); Isaac Moriwake, *Critical Excavations: Law, Narrative, and the Debate on Native American and Hawaiian "Cultural Property" Repatriation*, 20 U. HAW. L. REV. 261 (1998); Makau wa Mutua, *Why Redraw the Map of Africa: A Moral and Legal Inquiry*, 16 MICH. J. INT'L L. 1113 (1995); Kenneth B. Nunn, *Law as a Eurocentric Enterprise*, 15 LAW & INEQ. 323 (1997); Carrie Lynn H. Okizaki, *"What Are You?": Hapa-Girl and Multiracial Identity*, 71 U. COLO. L. REV. 463 (2000); Dianne Otto, *Rethinking the "Universality" of Human Rights Law*, 29 COLUM. HUM. RTS. L. REV. 1 (1997); Dianne Otto, *Subalternity and International Law: The Problem of Global Community and the Incommensurability of Difference*, 5 SOC. & LEGAL STUD. 337 (1996); David R. Penna, *Cultural Dominance*, 90 AM. SOC'Y INT'L L. PROC. 193 (1996); Nigel Purvis, *Critical Legal Studies in Public International Law*, 32 HARV. INT'L L.J. 81 (1991); Henry J. Richardson, III, *"Failed States," Self-Determination, and Preventive Diplomacy: Colonialist Nostalgia and Democratic Expectations*, 10 TEMP. INT'L & COMP. L.J. 1 (1996); Henry J. Richardson, III, *The Gulf Crisis and African-American Interests Under International Law*, 87 AM. J. INT'L L. 42 (1993); Ediberto Román, *Reconstructing Self-Determination: The Role of Critical Theory in Positivist International Law Paradigm*, 53 U. MIAMI L. REV. 943 (1999); Victor C. Romero, *"Aren't You Latino?": Building Bridges Upon Common Misperceptions*, 33 U.C. DAVIS L. REV. 837 (2000);

is but one such call to action—an attempt to recognize cause for concern and to assist in the seeking of solutions for a just and peaceful resolution.

II. PLIGHT OF THE RETURNEE

It should come as no surprise that returnees might find the adjustment from their adopted homes difficult, or at least not without challenge. Longing and reminiscing necessarily give way to a reality that is not as rose-colored as their nostalgic recollections. Indeed, this disconnect between the real and imagined Jamaica is a strategy of self-preservation and the fulcrum around which the quest for security and prosperity, so basic to the desires of the immigrant, turn. Without the apex—return to Jamaica—enduring the hardships abroad might prove too much to bear. The stress of such an uphill battle being in vein would, necessarily, take its toll on the morale and psyche of many immigrants.[24] Social psychiatry presents a disturbing picture of the situation confronting some returnees.[25]

Natsu Taylor Saito, *Beyond Civil Rights: Considering "Third Generation" International Human Rights Law in the United States*, 28 U. MIAMI INTER-AM. L. REV. 387 (1997); Natsu Taylor Saito, *Crossing the Border: The Interdependence of Foreign Policy and Racial Justice in the United States*, 1 YALE HUMAN RTS. & DEV. L.J. 53 (1998); Natsu Taylor Saito, *Justice Held Hostage: U.S. Disregard for International Law in the World War II Internment of Japanese Peruvians—A Case Study*, 40 B.C. L. REV. 275 (1998); Natsu Taylor Saito, *Model Minority, Yellow Peril: Functions of "Foreignness" in the Construction of Asian American Legal Identity*, 4 ASIAN L.J. 71 (1997); Ana Sljivic, *Why Do You Think It's Yours? An Exposition of the Jurisprudence Underlying the Debate Between Cultural Nationalism and Cultural Internationalism*, 31 GEO. WASH. J. INT'L L. & ECON. 393 (1997); M. Sornarajah, *Power and Justice in International Law*, 1 SING. J. INT'L & COMP. L. 28 (1997); Symposium, *Citizenship and Its Discontents: Centering the Immigrant in the Inter/national Imagination*, 76 OR. L. REV. 207 (1997); Chantal Thomas, *Causes of Inequality in the International Economic Order: Critical Race Theory and Postcolonial Development*, 9 TRANSNAT'L L. CONTEMP. PROBS. 1 (1999); Philip R. Trimble, *International Law, World Order and Critical Legal Studies*, 42 STAN. L. REV. 811, 815 (1990); Francisco Valdes, *Foreword: Poised at the Cusp: LatCrit Theory, Outsider Jurisprudence and Latina/o Self-Empowerment*, 2 HARV. LATINO L. REV. 1 (1997); Francisco Valdes, *Latina/o Ethnicities, Critical Race Theory, and Post-Identity Politics in Postmodern Legal Culture: From Practices to Possibilities*, 9 LA RAZA L.J. 1 (1996); Leti Volpp, *Talking "Culture": Race, Nation, and the Politics of Multiculturalism*, 96 COLUM. L. REV. 1573 (1996); Robert A. Williams, Jr., *Vampires Anonymous and Critical Race Practice*, 95 MICH. L. REV. 741 (1997); Adrien Katherine Wing, *A Critical Race Feminist Conceptualization of Violence: South African and Palestinian Women*, 60 ALB. L. REV. 943 (1997); Adrien Katherine Wing, *Critical Race Feminism and the International Human Rights of Women in Bosnia, Palestine, and South Africa: Issues for LatCrit Theory*, 28 U. MIAMI INTER-AM. L. REV. 337 (1997); Donna E. Young, *Culture Confronts the International*, 60 ALB. L. REV. 907 (1997).

24. *See* EDWARD W. SAID, OUT OF PLACE: A MEMOIR (1999).

25. *See* Hickling, *supra* note 5, at 80. This research indicates

> that Jamaican people who have lived as migrants in the U.K., [United States,] or Canada for a number of years develop schizophrenia in much greater incidence than a similar group of Jamaicans who had not migrated, and that on their return from overseas have moved from one difficult situation to another . . . . [T]he Jamaicans who had been living in first world countries for long periods of time

Psychiatric literature from the United Kingdom has identified patterns of psychiatric morbidity in Afro-Caribbean immigrants, "with schizophrenia being identified as the most common diagnosis."[26] While it has been suggested that these diagnoses relate to the increased likelihood that British psychiatrists will label nonwhite patients schizophrenic,[27] other psychiatrists have determined that the increased rates may be due to sociopolitical stresses such as racist discrimination encountered by immigrants of color in their adopted homes.[28] Therefore, overseas social stressors, coupled with limited opportunities, may influence or exacerbate the onset of mental disturbance in Afro-Caribbeans.[29] Interestingly, Frantz Fanon has described some of the migration to colonial and neocolonial metropoles as dysfunctional and counterproductive in the first place.[30] He

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had almost twice the rate of schizophrenia than a similar group of Jamaicans who had never migrated.

Id. at 87.

26. *See id.* at 80; *see also* Christopher Bagley, *Mental Illness in Immigrant Minorities in London*, 3 J. BIOSOC. SCI. 449 (1971) [hereinfter *Mental Illness*]; Christopher Bagley, *The Social Aetiology of Schizophrenia in Immigrant Groups*, 7 INT'L J. SOC. PSYCHIATRY 292 (1971); G. Dean et al., *First Admission of Native-born and Immigrants to Psychiatric Hospitals in South-East England 1976*, 139 BRIT. J. PSYCHIATRY 506 (1981); E.B. Gordon, *Mentally Ill West Indian Immigrants*, 111 BRIT. J. PSYCHIATRY 877 (1965); Ari Kiev, *Psychiatric Morbidity of West Indian Immigrants in an Urban Group Practice*, 111 BRIT. J. PSYCHIATRY 51 (1965).

27. *See* Dean et al., *supra* note 26; M. London, *Mental Illness Among Immigrant Minorities in the United Kingdom*, 149 BRIT. J. PSYCHIATRY 265 (1986).

28. F. Hashmi, *Community Psychiatric Problems Among Birmingham Immigrants*, 3 BRIT. J. PSYCHIATRY 196 (1968); ROLAND LITTLEWOOD & MAURICE LIPSEDGE, ALIENS AND ALIENISTS: ETHNIC MINORITIES AND PSYCHIATRY *passim* (1982); *see also* NEW XENOPHOBIA IN EUROPE (Bernd Baumgartl & Adrian Favell eds., 1995); ROBIN OAKLEY, TACKLING RACIST AND XENOPHOBIC VIOLENCE IN EUROPE *passim* (1996); THE REVIVAL OF RIGHT-WING EXTREMISM IN THE NINETIES *passim* (Peter H. Merkl & Leonard Weinberg eds., 1997).

29. *See Mental Illness*, *supra* note 26, at 452, 455-56. For literature detailing increased levels of depression, anxiety, and somatic illness due to racism, see Elsie J. Smith, *Cultural and Historical Perspectives in Counseling Blacks*, *in* COUNSELING THE CULTURALLY DIFFERENT: THEORY AND PRACTICE 141, 146 (Derald Wing Sue ed., 1981) (stating that it was historically reported that "Blacks suffered from a high rate of schizophrenia, a claim that is still made today because of this group's precarious racial position in the United States"); James H. Carter, *Racism's Impact on Mental Health*, 86 J. NAT'L MED. ASS'N 543 (1994); Patricia J. Falk, *Novel Theories of Criminal Defense Based Upon the Toxicity of the Social Environment: Urban Psychosis, Television Intoxication, and Black Rage*, 74 N.C. L. REV. 731, 774 (1996) (stating that the majority of social scientists agree that Black individuals' mental and physical health suffers negative effects as a result of racism (citing Chester M. Pierce, *Psychiatric Problems of the Black Minority*, *in* AMERICAN HANDBOOK OF PSYCHIATRY 512 (Silvano Arieti ed., 2d ed. 1974))); Mark J. Wolff, *Sex, Race, and Age: Double Discrimination in Torts and Taxes*, 78 WASH. U. L.Q. 1341, 1454-55 n.737-39 (2000) (citing Eugene Cash, Jr., *Extra-Dimensional Systemic Frustrations That Endanger the Mental Health of Black People*, *in* KEY MENTAL HEALTH ISSUES IN THE BLACK COMMUNITY 2 (Eugene Cash, Jr. et al. eds., 1976)).

30. FRANTZ FANON, BLACK SKIN, WHITE MASKS *passim* (Charles Lam Markmann trans., Grove Press 1967) (1952).

argued that such migration represents a yearning to reject familiar cultural forms in exchange for a wholehearted, but ultimately disappointing, adoption of those of the colonizer.[31] Bob Marley, while narrating the quest of Africans around the world for a better life, dealt with the theme of an exodus from an oppressive regime (Babylon) to liberation in the homeland.[32] The central message of his 1977 song *Exodus* was a vision of glorious end to the suffering of all "Jah's"[33] people.

> Men and people will fight ya down
> when ya see Jah light
> Let me tell you, if you're not wrong
> ev'rything is alright
> So we gonna walk, alright, through the roads of creation
> We're the generation
> trod through great tribulation
>
> Exodus, movement of Jah people
> Exodus, movement of Jah people
>
> Open your eyes and look within
> Are you satisfied with the life you're living?
> We know where we're going; we know where we're from
> We're leaving Babylon, we're going to our fatherland
>
> Exodus, movement of Jah people
> . . .
> Send us another Brother Moses gonna cross the Red Sea
> . . . .
> Jah come to break down 'pression, rule equality
> *Wipe away transgression, set the captives free* . . . .[34]

The Marley refrain chronicles an exodus from Jamaica to Africa, yet the returnees seek a homecoming to Jamaica as their sanctity from Babylon. Freedom, liberation, salvation, peace, and simple relaxation form part of the impetus for returnees to return to Jamaica. Yet upon their return home, they face the additional and disappointing challenge of (re)adjusting to a culture from which they have been absent for many years, the corresponding charges of "foreignness," and the danger posed by seeming to have too much money.[35] Returnees face the dilemma of having to

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31. *Id.*

32. *See, e.g., infra* note 34 and accompanying text.

33. Term often used by Rastafariasns to reference God.

34. Thirdfield.com: The Ultimate Bob Marley Fan Site, *Exodus*, *at* http://www.thirdfield.com/ bob.html (last visited Mar. 20, 2002) (emphasis added).

35. *See Jamaica: Foreign Minister Denies Jamaicans Who Come Home Are Persecuted*, BBC MONITORING, Jan. 12, 2001, *available at* 2001 WL 12465965 (documenting radio broadcast

(re)assert their "Jamaicaness," a quality that the savvy immigrant may have learned to disguise while abroad. This (re)inventing of the very same otherness that was necessarily hidden abroad presents the complication of mitigated authenticity due to repression, aversion, or denial abroad. As the experiments of Pavlov[36] indicate, in layman's terms, once bitten, twice shy—the sting of negative associations generated by ethnicity or race abroad may unconsciously create risk-averse behavior in the returnee such that making oneself vulnerable based on "Jamaicaness" is difficult, even in one's homeland.

Imagine the disillusionment—living abroad in a foreign land, being marginalized, discriminated against, and told to go home. You agree—who wants to die in this cold place anyway? You send money[37] home to your

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in which returnees spoke out "about the treatment meted out to them by fellow citizens, who often referred to them as foreigners, [saying] they were fed up with the level of crime and the generally low level of respect shown to them by other members of the [Jamaican] society") [hereinafter *Jamaica Political Report*].

36.

> The Russian physiologist, Ivan Pavlov (1849-1936), performed a series of experiments on dogs to show how digestive secretions are regulated. Digestive secretions are influenced by three stimuli. Pavlov noted that dogs began to salivate if they were able to see, smell, or taste food. Pavlov suspected that digestion must be partly controlled by sensory stimuli.
>
> Pavlov first cut a hole in a dog's esophagus (to prevent food from entering the stomach). A device to collect and measure gastric juice was placed in the dog's stomach. Food placed in the mouth initiated gastric secretions, even though no food entered the stomach. When the vagus nerve was cut, gastric secretions were reduced. The mechanical stimulus of swallowing created peristaltic motions, which, in turn, also stimulated the production of gastric juices.
>
> In a second experiment, Pavlov connect[ed] the circulatory systems between two dogs. When he fed the first dog, the second dog began to produce gastric secretion, even though no food was in the second dog[']s stomach.

Ivan Pavlov, *available at* http://www.sturgeon.ab.ca/rw/digestion/ivan_pavlov.html (last visited Mar. 27, 2002).

> [Thereafter, w]hen presented food (the unconditioned stimulus), the dog salivates (an unconditioned response). Initially, a loud bell evokes no similar response. However, after the bell is paired with the food on several trials, the bell alone will generate salivation. The bell is now a conditioned stimulus, and salivation to it is a conditioned response.

Pavlov's History and Experiments, *available at* http://webserver.rcds.rye.ny.us/id/science/Rob's%20fantastic%20Pavlov/pavlov_experiment.html (last visited Mar. 27, 2002). For more information on Ivan Pavlov and his experiments with dogs, see JEFFREY A. GRAY, IVAN PAVLOV (1979); DANIEL TODES, IVAN PAVLOV: EXPLORING THE ANIMAL MACHINE (2000).

37. "Remittances, the money that migrants [and immigrants] earn working abroad and then

relatives over the years, educate your children, make your retirement plans, and head back home once you have managed to "scrimp and save"[38] enough to guarantee the lifestyle that you have worked so hard to achieve.

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send back [home] to their countries of origin, are one of the most visible impacts of the migration phenomenon...." Deborah Waller Meyers, *Migrant Remittances to Latin America: Reviewing the Literature*, *available at* http://www.iadialog.org/meyers.html (last visited Mar. 20, 2002). The flow of remittances to families and communities "back home" is not unique to Latin Americans and Caribbeans "but rather occur[s] throughout the world, with over $71 billion estimated in remittances worldwide in 1990 and over $5.7 billion in the Latin America/Caribbean region." Sharon Stanton Russell, Report before State Department Conference on Latin American Migration: The Foreign Policy Dilemma (1995), *cited in id.*

> In addition to tourism, garment assembly, and the export of sugar and bauxite, the Jamaican economy depends a great deal on the remittances, both cash and in goods that Jamaican[s]... send home to support family and friends. In a country with high inflation and unemployment rates (unemployment reached as high as fifty percent in 1980), the food, clothing, medicine, and money sent home by [Jamaicans abroad] is essential.

Lewis, *supra* note 1, at 599.

"[D]uring the first six months of 2000, remittance transfers of US $394.8 million entered Jamaica, an increase of US $48.4 million over the corresponding period last year." *Remittances Boosted Sales During 2000 Christmas Season*, JAMAICA GLEANER, Jan. 28, 2001, *available at* http://www.jamaicagleaner.com/gleaner/20010128/business/business1.html; *see also* Don Bohning, *Better Days Dawn for Jamaica*, DALLAS MORNING NEWS, Feb. 26, 1995, at 26A, *available at* 1995 WL 7464412 (noting that "[r]emittances from Jamaicans abroad... account for as much as $500 million annually of the incoming foreign exchange" surpassing even tourism, according to the Jamaican Finance Minister); Howard W. French, *Caribbean Exodus: U.S. is Constant Magnet*, N.Y. TIMES, May 6, 1992, at A1, *available at* 1992 WL 2105064, *cited in* Lewis, *supra* note 1, at 599 n.123 ("discussing high rates of emigration from the Caribbean to the U.S. and the importance of the reverse flow of remittances to the islands"), *cited in* Lewis, *supra* note 1, at 599 n.123. Remittances supply a valuable source of foreign exchange for developing nations and the $66 billion annually remitted by migrants to their families worldwide is "second in value only to oil and [is] larger than total overseas development assistance." Edith M. Lederer, *Unprecedented Migration Creating Crisis for Rich and Poor Nations*, ASSOCIATED PRESS, July 6, 1993, *available at* 1993 WL 4547623 (stating that the United Nations Population Fund reported that people are "migrating in search of better lives on a scale unknown in history, creating a crisis for both industrialized and developing nations").

Developing states have become increasingly dependent upon remittances from overseas migrant and immigrant workers. Joan Fitzpatrick & Katrina R. Kelly, *Gendered Aspects of Migration: Law and the Female Migrant*, 22 HASTINGS INT'L & COMP. L. REV. 47, 70 (1998). "Some sending states, such as the Philippines, impose an obligation on migrant workers to remit a substantial portion of their wages." *Id.* at 74; *see also* Cecilia Menjivar et al., *Remittance Behavior Among Salvadoran and Filipino Immigrants in Los Angeles*, 32 INT'L MIGRATION REV. 97, 97-126 (1998) (analyzing the factors that influence remittance behavior in the host country of Filipino and Salvadoran immigrants, two groups with high rates of U.S.-bound migration and/or remittances); Meyers, *supra* (examining the potential contribution of remittances to economic and social development in Latin America and the Caribbean as well as the economic and social well-being of Latino communities in the United States).

38. Jamaican dialect.

Imagine having taken few, if any, vacations and yearning for the island breeze that your colleagues describe in their appreciative voices upon their return from Jamaican vacations. As returnees we are envious of the liberties taken on the island. Not having had the luxury of visiting many of the island tourist attractions, returnees make a silent pledge that some day we will return home, "live the life," breathe easy, and truly "walk good."[39] Many returnees specifically, and immigrants generally, have never felt completely at home, accepted, or appreciated in their adopted countries.[40] This tension, often a function of class, race, and place, is similar to the tension felt by the "upwardly mobile" in the West. Returnees look back and reminisce about happier, perhaps simpler times in their homeland.

> Millions of people in the world today are searching for "roots", they go back to the town, the country or the continent they came from long ago. They try and learn something of that culture, that history. These are the people who in some way have found it difficult "to form roots", to become firmly established. By learning about their "roots", they (hope to) gain a renewed pride in their identity.[41]

I believe the above description will resonate for many of us set adrift in the African-Diaspora—the post-colonial expanding space to which many of us flee, flock, or are forced. This is, however, a temporary space, for many of us "cannot take the cold"—a descriptor relating to more than just the weather. How sad it would be for us to remain homeless,[42] never truly being welcomed into our foreign homes,[43] and never feeling completely at ease out of our natural (albeit not truly original) habitats. Does any one really have such habitats any more? The question is of increasing relevance given globalization of the economy, the easing of

39. Jamaican dialect.

40. *See generally* THE LATINO/A CONDITION: A CRITICAL READER, Parts III & IV (Richard Delgado & Jean Stefancic eds., 1998).

41. Madan Sarup, *Home and Identity, in* TRAVELLERS' TALES, *supra* note 1, at 95-96.

42. I use this term not in the sense of being without shelter, but rather as a reference for the disconnect felt when one is without community and family.

43. I wish to emphasize the point that even in the face of an often incongruous fit in our adopted homes, Jamaicans abroad attempt to "recreate home" by bringing what "Jamaicanness" we can into our new residences. *See* Lewis, *supra* note 1, at 599-602. We rely on the food, music, dress, and accent, to help ease our adjustment in a foreign land. *See id.* at 599-601. In turn we influence the host country as well—witness the growing popularity of dreadlocks and reggae music in the colonial metropole of London and the neocolonial metropoles of Toronto and New York. This seeming acceptance or "appropriation" of "Jamaicanness" in our adopted lands adds another layer of irony to the alienation felt by Jamaican immigrants. This acceptance is, however, based solely upon a complex interaction of aesthetics, fashion, entertainment, and release. *See id.* at 599-600.

transportation barriers, and continued disparities in wealth between the North and the South.[44] Inter/national spaces of business, employment, education, and family are increasingly commonplace. The plight of refugees also signals the mass movement of people, often by the thousands.[45] Thus, a more encompassing definition of "exile" as including the uncountable masses dispersed by poverty, colonialism, globalization, and war is preferable. Clearly, it is not just we Jamaicans seeking to return to our homelands who might be affected and afflicted with sentiments of longing and ambivalence. As Edward Said stated, exile on the twentieth century scale is "strangely compelling to think about but terrible to experience," as a phenomenon it is "irremediably secular and unbearably historical."[46]

> For people who have been dispossessed and forced to leave for an uncertain destiny, rejected time and again, returned to the sea or to the no man's land of border zones: for these unwanted expatriated, it seems that all attempts at exalting the achievements of exile are but desperate efforts to quell the crippling sorrow of homelessness and estrangement. The process of rehabilitation, which involves the search for a new home, appears to be above all a process by which people stunned, traumatized and mutilated by the shifts of events that have expelled them from their homelands learn to adjust to their sudden state of isolation and uprootedness.[47]

That is the essence of the African-Diaspora. Can one ever really go home? As indicated by the following quote from Edward Said, the possibility of such denial of home is traumatic. "I knew again how fragile, precious, and fleeting were the history and circumstances not only gone

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44. *See* Fitzpatrick & Kelly, *supra* note 37, at 93-96 (acknowledging and addressing reasons for increased migration and detailing how gender shapes the plight of the female migrant). A strong theme in female migration is the cultural association of women with home and the tasks of social reproduction. This association creates an anomaly—female migrants are uprooted from their homes, yet typically attach great significance to family and caregiving responsibilities. *See* Lewis, *supra* note 1, at 601. Professor Hope Lewis notes that one way to conceptualize remittances is "as an attempt to retransfer wealth from the North back to the South." *Id.* at 599. She notes that "[a]t best, this means of transfer has been inefficient" as the "transfers are not in forms that promote the sustainable development and economic diversification needed in Jamaica and other parts of the Caribbean." *Id.*

45. The United Nations High Commissioner for Refugees (UNHCR) stated that, "[a]t the start of 2001 the number of people 'of concern' to UNHCR was 21.8 million, or one out of every 275 persons on Earth." *See* Statistics: Refugees by Numbers 2001 Edition, *available at* http://www.unhcr.org/ (last visited Mar. 20, 2002). Latin America & Caribbean people made up 575,600 of the 21.8 million. *Id.*

46. Edward Said, *Reflections on Exile, in* OUT THERE: MARGINALIZATION AND CONTEMPORARY CULTURE 357-58 (R. Fergusson et al. eds., 1990).

47. Minh-ha, *supra* note 1, at 12.

forever, but basically unrecalled and unrecorded except as occasional reminiscence or intermittent conversation."[48] Perhaps this desire is rehabilitative reverie—a quest for healing by a return to that which is familiar and comfortable. After years abroad—twenty, thirty, forty years—one cannot, however, return unchanged. Our accents are different, our attire has changed, and we have been assimilated and acculturated in order to survive and prosper in our adopted homes. Whether the assimilation was strategic or whether we were strategically assimilated remains an issue.[49] Further, like it or not, we are out of touch with the issues facing our brothers and sisters back home, especially those issues resulting from global marginalization.[50] Perhaps worst of all, because of our financial ability to rejoin our respective communities, we are privileged. We have accumulated capital abroad from the same systems that have impoverished our brothers and sisters back home—wealth is, after all, relative. We have gone abroad, worked hard, saved, and managed to return home to an elevated class position by virtue of our pensions and investments in the very markets from which our countrymen and women have been excluded from equitable participation—the same markets which many Jamaicans believe are exploitative of our/their national interests.[51] For instance, while returnees might have profited from investment portfolios, pensions, or mutual funds geared towards investment in large multinational corporations, these same multinationals profit from shifting economies of scale, often assisted by free-trade zones, tax-free zones, and cheap and/or child labor, which effect dire consequences on countries like Jamaica.[52]

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48. SAID, *supra* note 24, at xiii.

49. *See* Camille A. Nelson, *Breaking Barriers: Strategically Assimilated or Assimilated Strategically*, Keynote Speech at the Black Law Students of Canada Conference, Ottawa, Canada, (Feb. 2001) (draft manuscript on file with author).

50. I use this term to denote the marginalization resulting from shifting global economies, which operate to create economic and financial ordering of places.

51. Admittedly, not all returnees are middle class, although these were the people who were heavily recruited by the North/West. Indeed, many returnees were skilled laborers and domestic workers in their adopted countries. While all returnees may experience an improved economic position after returning, this difference in initial position may be relevant to consider especially in light of the fact that the violence inflicted upon returnees as a group is without regard to how they made their money abroad. So, once back home it is of no consequence that a returnee may be from the same "class" as the person threatening them with violence.

52. For information on free-trade zones and tax-free zones established in Kingston, Jamaica by such companies as Tommy Hilfiger and Hanes, see DOING BUSINESS IN JAMAICA (Price Waterhouse 1993), *cited in* Steven G. Fishbach, *"The Quiet Revolution": Trade and Investment Liberalization in Chile and Jamaica*, 48 ADMIN. L. REV. 527, 534 n.68 (1996);

> Technological advances in the areas of transportation, telecommunications facilitate this strategy, as do host countries' implementation of new laws regarding free-trade zones. For example, Nike has globalized its operations particularly in

While returnees yearn for the old traditions, they might not recognize that the rug has been pulled out from under them, as traditions are themselves dynamic and unstable. "Tradition is fluid, it is always being reconstituted. Tradition *is* about change—change that is not being acknowledged."[53] It is likely that we returnees have taken a snap shot of home and expect to return to an unchanged welcoming environment. But we have changed, and changed. We have stumbled, scarred ourselves in the process, but still, relative to our brethren and "sistren,"[54] we have accumulated that which has enabled us to even contemplate a return to our island in the sun. While we might seek to distinguish ourselves from the other oppressors, the colonizers[55] who have exploited our people for generations, by our having voluntarily gone to live amongst these same "exploiters," have we become like them? We start to speak "their" language; we even dress like "them" and eat what "they" eat. While we previously pledged to uphold our "roots" and to abide by our culture, the words of Peter Tosh in his 1978 hit *Mystic Man* taunt us as we have partaken of some of the forbidden West/North in the name of assimilation, acculturation, and worst of all wealth.[56]

> I'm just a Mystic Man
> I man don't
> I don't drink no champagne
> . . . .

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the areas of production and sales. Nike contracts with factories in source countries which manufacture its products and then sells those products to markets in Europe, North and South America, and Asia.

Cristina Baez et al., *Multinational Enterprise and Human Rights*, 8 U. MIAMI INT'L & COMP. L. REV. 183, 192-93 (2000). For information on the use of child labor by large and reputable companies such as Nike, see Lena Ayoub, *Nike Just Does It—and Why the United States Shouldn't: The United States' International Obligation to Hold MNCs Accountable for Their Labor Rights Violations Abroad*, 11 DEPAUL BUS. L.J. 395, 406-11 (1999), *cited in* Madeleine Grey Bullard, *Child Labor Prohibitions are Universal, Binding, and Obligatory Law: The Evolving State of Customary International Law Concerning the Unempowered Child Laborer*, 24 HOUS. J. INT'L L. 139, 145 n.31 (2001); Michael Forbes, *Wal-Mart + Nike = Slavery*, IMMACULATA HIGH SCHOOL'S CHILD SLAVE LABOR NEWS, Apr. 2, 2002, *available at* http://www.geocities.com/cslnews/articles/nikewal_slavelabor.htm (last visited Apr. 1, 2002).

53. *See* Sarup, *supra* note 41, at 97.

54. Jamaican dialect.

55. On the history of colonization of Jamaica by Spanish then English rule, see W.J. GARDNER, A HISTORY OF JAMAICA, FROM ITS DISCOVERY BY CHRISTOPHER COLUMBUS TO THE YEAR 1872 (3d ed. 1971); WILLIAM BROWNELL GOODWIN, SPANISH AND ENGLISH RUINS IN JAMAICA (1946); EDWARD LONG, THE HISTORY OF JAMAICA (1972).

56. *See* Mystic Man (1978), *available at* http://www.fortunecity.com/tinpan/metallica/471/MysticManMain.html (last visited Mar. 20, 2002).

And I man don't
I don't sniff them cocaine
Choke brain
I man don't
. . . .

Don't take a morphine
Dangerous
I man don't
I don't take no heroin
. . . .

'Cause I'm a man of the past
And I'm livin' in the present
And I'm walking in the future
. . . .

I man don't
Eat up your fried chicken
Not lickin'
I man don't
Eat up them frankfurters
Garbage
I man don't
Eat down the hamburger
Can't do that
I man don't
Drink pink, blue, yellow, green soda
. . . .[57]

We deny it, but our native brothers and sisters call us "English," "American," and "Canadian" behind our backs—an insult as given and as felt.[58] We have become quasi-foreigners.

> Am I British? Yes, I have, as a friend pointed out, a 'white man's' house, and I've forgotten my mother tongue, but I do not feel British. I think of myself as an exile and it's painful here, *and* there in India when I return for short visits. I don't have the confidence to become, as some have suggested,

57. *Id.*

58. *See Jamaica Political Report*, *supra* note 35 (noting that "[s]ome returning residents spoke out on radio . . . about the treatment meted out to them by fellow citizens, who often referred to them as foreigners[, saying] they were fed up with the level of crime and the generally low level of respect shown to them by other members of the society").

> cosmopolitan. But like so many others, I am preoccupied by ideas of home, displacement, memory and loss.[59]

Perhaps, therefore, the violence inflicted on us upon our return home is not surprising given that in some ways we may embody those that we traditionally accuse of exploitation. Returnees are not those we seek to leave behind, but we now embody and perform much of what is alien, what is foreign about them. We expose the colony despite the pretense and insistence that we are no longer subjects of an empire. "But not my family," I cry, "We have done you no harm." Sound familiar?[60] Our post-colonial refrain and claims of neutrality betray us for the harm is unavoidable, since we have profited from the system that mandates the ordering of nations—we have benefitted materially from the maintenance of this hierarchy that has contributed to the subjugation of our countrymen and women. Indeed, the reason many of us moved in the first place was to improve our positions in this global order. While we might have recognized, in the back of our minds, that our departures *en mass* would

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59. Sarup, *supra* note 41, at 93 (emphasis in original).

60. Among the arguments is a claim that present generations should not be held accountable for the actions of those who were slave owners or who profited from the institution of slavery. *See generally* David Horowitz, *Ten Reasons Why Reparations for Blacks Is a Bad Idea for Blacks—and Racist Too*, FRONT PAGE MAGAZINE.COM, *at* http://www.frontpagemag.com/Articles/ReadArticle.asp?ID=1153 (last visited Sept. 3, 2002); Jay Parker, *An Apology and Reparations for Slavery?*, THE WORLD & I ONLINE, Feb. 2000, *at* http://205.178.185.71/public/2000/April/REPCON.html (stating that "[a]t this point in history, the problem facing black Americans has nothing to do with the legacy of slavery and, as a result, cannot be ameliorated by 'reparations.'"); *see also* W. Burlette Carter, *Race and Religion: Revising 'America's Most Segregated Hour': True Reparations*, 68 GEO. WASH. L. REV. 1021 (2000). The author states:

> I cannot help thinking that economic reparations advocates are engaging in a task sometimes referred to as "spitting into the wind" . . . . I am convinced that, in the present state of affairs, while the dire economic conditions that some black communities face did not occur at our own hands, restoration must continue to occur largely by our own hands. This is not a pessimistic view but a realistic one.

Id. at 1034; *see also* John H. McWhorter, *Against Reparations*, NEW REPUBLIC, July 23, 2001, *available at* http://www.tnr.com/072301/mcwhorter072301.html (last visited Sept. 2, 2002). For a list of several online articles discussing reparations, see *The Multiracial Activist: Issues—Slavery and Reparations*, *at* http://www.multiracial.com/issues/issues-slavery.html (last visited Aug. 23, 2001); *Paying for Past Sins: The Debate Over Slavery Reparations*, ABCNews.com: Taking Sides: Slavery Reparations (June 16, 2000), *available at* http://abcnews.go.com/sections/us/TakingSides/takingsides8.html (last visited Sept. 2, 2002). Professor Roy L. Brooks argues that "the only question left to be answered is not whether reparations should be paid, but rather how shall it be paid," in his piece *Asking the Right Question*. Roy L. Brooks, *Asking the Right Question*, *in supra*, NEW REPUBLIC, Professor Stephen Thernstrom, in his piece *The Wrong Answers About Reparations*, argues that Professor Brooks' view is "poisonous and crippling . . . . In effect, it says 'unlike other Americans, you are a victim of slavery. Without reparations, you can't be expected to get ahead.'" Stephen Thernstrom, *The Wrong Answers About Reparations*, *in id.*

be tantamount to a plundering of the island, we put the well-being of ourselves and our immediate families above our concerns for the nation state. To do otherwise would likely have been foolhardy given the fact that part of the reason we sought to leave Jamaica is that it, too, left much to be desired in terms of politics, class oppression, race relations, caste, and social systems.[61]

The plight of returnees is also dependent upon the fact that repercussions of violence against returnees might not provide an immediate disincentive to prevent violence against "tourists." Posters all over the island proclaim "Treat Our Tourists Right"—this same campaign does not apply with equal vigor for returnees who are not an equally prized economic vehicle. Returnees are also far more accessible, as we often seek out the genuine experience of home that so many tourists never wish to see. While returnees generally mingle with the people, live amongst the locals, and seek out the Jamaica of their childhoods, many visitors to Jamaica do not stray too far from their luxurious resorts—neither the hotel chains nor the tourists themselves wish their vacations ruined by the contrasting stark realities of the real Jamaica. Indeed, it is the preference of many hotel operators, manifested by passive and active discouragement of venturing "out there," that the tourists remain on the compounds and spend their valuable currency in the resort, rather than sharing the wealth with the locals who clamor outside the security gates.[62] Accordingly, returnees whose posture is away from the tourist traps and accompanying security, and towards an authentic Jamaican experience, may prove easy targets by sheer virtue of accessibility and the systematic enticement of tourist dollars away from Jamaican communities and towards the largely foreign-owned tourist resorts.[63]

What truly distinguishes us from our sisters and brothers who we left behind, but our temporary separation from, and desire to return to, the locales of our youth? Most returnees do not wish to live as a "have," not in the sense of being forced to retreat into a gated community. Instead we seek to live amongst our people—to be one, once again, with our local communities. Has the little money we earned abroad really changed us so

61. *See Jamaicans For Justice: The University of Human Rights*, THE GLEANER, Mar. 4, 2002, *available at* http://www.jamaica-gleaner.com/gleaner/2002/006/index.html (stating that "[t]he socio-political situation for the majority in Jamaica is often described as lacking opportunity, lacking resources and lacking social equity.").

62. *See* CARIBBEAN UPDATE, Apr. 1, 2001, at 3.

63. TOM BARRY ET AL., THE OTHER SIDE OF PARADISE: FOREIGN CONTROL IN THE CARIBBEAN 75-87 (1984); FRANK FONDA TAYLOR, TO HELL WITH PARADISE: A HISTORY OF THE JAMAICAN TOURIST INDUSTRY (1993); CARIBBEAN UPDATE, *supra* note 62 ("These resorts are self-contained entities that provide all accommodations, food, entertainment, and amusements. Guests never need to leave the confines of these secure compounds"); Ian James, *Jamaican Resorts Far From Violent*, ASSOCIATED PRESS, July 21, 2001, *available at* 2001 WL 25485564 ("Many of the estimated 1.3 million tourists who visit Jamaica each year stay in all-inclusive resorts.").

much?[64] Can we never truly be accepted as authentic[65] Jamaicans again, not modified, mitigated, or watered-down by our foreign otherness? Jamaicans at home are, generally, aware of the International Monetary Fund (IMF) and World Bank and the manner in which their policies affect the island.[66] They are conscious of globalization and recognize the returnees as participating in the global economic order, which they know disparately affects Jamaica. There is, therefore, a direct link in the minds of the average Jamaican between the economic policies wreaking havoc upon the island and the returnees as carriers of globalization whose very profit in the West/North renders them complicit in these policies. Given this nexus, the ironic issue for returnees becomes one of acceptance into their homelands.[67] That integration is even an issue presupposes some difference, invisible yet recognizable.[68] Globalism has created this

64. Both host countries and countries of origin have become "dependent on the migration relationship" to some extent. Heisler, *supra* note 4, at 557. The host country requires labor while the country of origin relies on migration "as a safety valve for overloaded labor markets and political institutions" and as producing "significant remittances and infusions of capital." *Id.*

65. Perhaps I am accepting too easily an us/them dichotomy that presupposes some essentialized notion of authenticity. Under this model the mere fact of continued habitation in Jamaica legitimates and authenticates one's Jamaicanness, but surely this cannot be the case. Therefore, what is it that is the distinguishing feature that creates and facilitates the us/them dichotomy necessary for the brutal violence towards the returnees? Presumably, it is what the returnees carry with them from the developed world—the impact of globalization.

66. Even a cursory and simple search of the *Gleaner*, the national Jamaican newspaper, reveals widespread concern for and indepth coverage of IMF and World Bank policies. On any given day, Jamaicans can open their newspaper, or search the Internet, and be reminded of the impact of globalization on their island.

67. That Jamaica's Foreign Minister downplayed the danger after over fifty-two returnees had been murdered by January 2001 by stating, "The fact is that the vast majority of returning residents have *integrated* into the Jamaican society and are making valuable contributions at both the community and national levels . . .," signals an us/them divide typically identified with other questions of integration. *Jamaica Political Report*, *supra* note 35 (emphasis added).

68. Dr. Frederick W. Hickling of the Department of Psychiatry, University of West Indies, provides a relevant case study in his article. *See* Hickling, *supra* note 5, at 84-86.

> The patient, who was seen by the author in 1978, was a 22 year old black male, dreadlock Rastafarian musician who had been born and raised in rural Jamaica by his maternal grandparents. He attended school in Jamaica and was considered a 'bright' student . . . . His parents had migrated to the United Kingdom when he was an infant, and were divorced in that country. When he was age 11, he joined his mother and stepfather in the UK, and entered the school system there. He was one of few black children in his school and reported many harassing experiences of racial hostility and discrimination at the school and in the environment in which he was growing. His own conduct became increasingly rebellious, and he began to get into serious trouble with the school authorities . . . and he was soon arrested by the police . . . . He continued to have trouble with police and social authorities, and he was sent to Jamaica by his parents. *As a cockney speaking dreadlocked Rastafarian he was viewed with suspicion in Jamaica and his behaviour* [sic] *became increasingly abnormal as he tried to*

potential for an us/them dynamic, rendering it difficult for the returnee to be (re)integrated into Jamaican life.

III. IMPACT OF GLOBALIZATION ON "HOME"

These questions have led me full-circle. I have reached an uncomfortable place within myself. It is unsettling to picture oneself as the colonizer—the proverbial leech on the skin and soul of a people. After all, returnees just want to go home, but it can never be, for it is as if the old island never existed. The romanticized notions of home that have sustained us all these long cold nights in a foreign land were likely but a sliver of the truth. Truly what do we know of our old home? We have a distant, almost spiritual recollection—a memory so glorified, so sugar-coated as to be unrealistic and possibly historically inaccurate. Perhaps the person who has roots takes them for granted, while the person with no roots, who has literally been uprooted, searches and seeks. The person lacking roots is vividly aware of this lack—like a phantom ache from an amputated limb—the pain is tangible, the wound unseen.[69]

In addition to our longing for home, many of us harbor feelings of guilt. We were deserters, leaving when they/we were most in need. Many of the "best and the brightest" fled—because they/we could.[70] Beginning in the 1950s the first world actively solicited our skilled laborers and university graduates[71]—they sought out our educators, health care practitioners, skilled laborers, and other professionals.[72] Indeed, it has been

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> *reconnect with his family who had accepted his return reluctantly.* He was finally brought to the author by some friends who had grown up with him in England, and who themselves had relocated to Jamaica once they had attained adulthood. They provided a comprehensive history of his life, and described the difficulties he was having in settling in Jamaica . . . .

Id. at 84-85 (emphasis added).

69. *See* Christopher Hampton, WHITE CHAMELEON (London Faber 1991), *cited in* Sarup, *supra* note 41, at 96.

70. Migration from the Caribbean to Canada, the United States, and Britain after World War II was spurred by labor shortages in those host countries following the war. *See* Dawn I. Marshall, *Toward an Understanding of Caribbean Migration*, *in* U.S. IMMIGRATION AND REFUGEE POLICY 113, 120-21 (Mary M. Kritz ed., 1983).

71. *See* Corinne Barnes, *Caribbean: Women Find It's Fertilizer that Makes the Grass Green*, INTER PRESS SERVICE, Aug. 18, 1995 (noting that "Jamaica . . . lost 50 percent of university graduates in the country between 1980 and 1986"), *cited in* Lewis, *supra* note 1, at 570 n.13; French, *supra* note 37, at A1 (noting that Jamaica had the highest rate of emigration in the world during the 1980s and noting the Jamaican government's concern about "exporting" trained professionals to the United States), *cited in* Lewis, *supra* note 1, at 599 n.123.

72. For information on recruitment efforts of immigrants to developing countries, see Scott L. Cummings & Ingrid V. Eagly, *A Critical Reflection on Law and Organizing*, 48 UCLA L. REV. 443, 471-72 (2001) (discussing new efforts "to generate new strategies to advance the interests of these marginalized workers."); John A. Scanlan, *Global Migration and the Future of the Nation-*

noted that Jamaica lost fifty percent of its university graduates in the country between 1980 and 1986 and had the highest rate of emigration in the world during the 1980s.[73] This generated concern in the Jamaican government about "exporting" trained professionals to the United States.[74] This is the legacy of a trend that started much earlier.

In the 1950s and 1960s the British government issued an appeal for labor from the British colonies, particularly in the areas of health and transportation.[75] Other governments similarly sought and recruited

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State: A View from the United States—Social, Economic, and Legal Change, The Persistence of the State, and Immigration Policy in the Coming Century, 2 IND. J. GLOBAL LEGAL STUD. 79, 83-85 (1994); U.S. COMM'N ON IMMIGRATION REFORM, LEGAL IMMIGRATION: SETTING PRIORITIES (Executive Summary 1995), *available at* www.utexas.edu/bj/nscir ("Immigration policy can contribute to this national interest by . . . [p]roviding incentives or penalties to help ensure that employers in the U.S. engage in serious recruitment of American workers (for example, national rather than local recruitment where appropriate) and contribute significantly to the training of the domestic U.S. workforce."). In the 1950s and 1960s the British government issued an appeal for labor assistance, particularly in the areas of health and transportation. *See* Hickling, *supra* note 5, at 86; Steven Greenhouse, *Labor, Revitalized with New Recruiting, Has Regained Power and Prestige*, N.Y. TIMES, Oct. 9, 1999, at A14; Roberto Suro, *Employers Are Looking Abroad for the Skilled and the Energetic*, N.Y. TIMES, July 16, 1989, at 4 (stating that recruitment has declined due to "downsizing" in many sectors of the health care industry).

73. *See* Barnes, *supra* note 71.

74. French, *supra* note 37, at A1.

75. *See* Marshall, *supra* note 70, at 120-23; Hickling, *supra* note 5, at 86. A recent incarnation of this emigration has been noted by the BBC News. *See, e.g.*, Mike Baker, *UK 'Poaching' Jamaican Teachers*, BBC NEWS, Mar. 15, 2002, *available at* http://news.bbc.co.uk/1/hi/education/features/1871706.stm; Katherine Sellegren, *Third World Schools "Sucked Dry,"* BBC NEWS, Mar. 28, 2002, *available at* http://news.bbc.co.uk/1/hi/education/1898800.stm. Indeed, in two articles entitled *Third World Schools 'Sucked Dry'* and *UK 'Poaching' Jamaican Teachers* the BBC noted the epidemic proportions of teacher recruitment from Jamaica to Britain as follows:

> Jamaica's Minister of Education, Senator Burchell Whiteman, described how Britain's teacher shortage has brought a sudden increase in recruitment from Jamaica by commercial teacher agencies.
>
> "Starting in 2000 and continuing into this year," he said, "we have seen recruiting agencies come down from Britain and North America and being quite aggressive and successful in recruiting our teachers."
>
> Jamaica's concern is all the greater because it is losing its best and most experienced teachers and those qualified to teach in shortage subjects such as maths and science.
>
> Senator Whiteman said the loss of such experienced teachers was putting the Jamaican school system "at risk."
>
> He said Jamaica had invested a lot in its schools, as the country depended heavily on education and training.

"qualified" Jamaicans to supply labor in areas of shortage. Canada, for instance, recruited teachers' college graduates and nurses.[76] Indeed, my father's story of migration provides a case in point.

As an honors graduate of the major teachers' college in Jamaica and of the University of the West Indies, my father heard the 1965 graduation speech given by then-Prime Minister of Canada, Lester B. Pearson. My father recalls Prime Minister Pearson's invitation—"any qualified Jamaican would find that the application process for Canadian citizenship had been considerably eased."[77] This whetted my father's appetite. Like other graduates, he was becoming disenchanted with low wages and limited prospects for career advancement on the island. Interestingly, part of the limited ability to advance was due to his status as a poor "outside child."[78] The Jamaican class and caste system has its own restrictions preventing easy movement between classes—this fact encourages ambitious Jamaicans to seek more equitable considerations for advancement elsewhere.

Upon learning from a fellow teachers' college graduate that the Canadian government was recruiting out of a Kingston hotel, my father attended one of the meetings, which he described as "secret." When I asked why such meetings would be secret, my father replied that:

> There were no advertisements, it was all word of mouth. You know how in Jamaica word of mouth is even faster than the telephone. Besides, the Canadian government didn't want the Jamaican government to know it was recruiting its teachers. The Jamaican government had paid for many of our teaching degrees and here we were running off to covert meetings with another government.[79]

It is curious that a representative of the Canadian Ministry of Immigration and Citizenship would meet with so many graduates under an almond tree at a fancy Kingston hotel; in my father's mind, there is no doubt that these meetings were for active recruitment, and were subversively arranged.

He added that "while we are prepared to pay our teachers well we cannot compete with the developed countries."

Mike Baker, *UK 'Poaching' Jamaican Teachers*, BBC NEWS, Mar. 15, 2002, *available at* http://news.bbc.co.uk/1/hi/education/features/1871706.stm; Katherine Sellgren, *Third World Schools 'Sucked Dry'*, BBC NEWS, Mar. 28, 2002, *available at* http://news.bbc.co.uk/1/hi/education/1898800.stm.

76. Telephone conversation with Maxwell Nelson, B.Sc. econ. M.E.D., M.B.A., M.I.R., C.M.A., C.F.P., St. Louis-Toronto (July 16, 2001).

77. *Id.*

78. Jamaican dialect for children born outside of wedlock.

79. *Supra* note 76.

My father's comments highlights that while the Jamaican government had subsidized or paid to educate many Jamaicans at the university level, the Jamaican government was never compensated in any way when they lost these nationals. This would eventually become a sore point for the Jamaican government, which realized the loss of what were essentially valuable national resources and sought to limit the exit of their most educated and qualified citizens. Such recruitment has clarified for me why it is that almost every single Canadian-Jamaican with whom I grew up had parents who were teachers, nurses, or administrators—these were and still are the people actively sought by foreign governments. Like the "brain-drain,"[80] this was the "brain-suck."

Such recruitment and enticement by transnational corporations, international economic agencies, and the governments that enable them to act as new imperial powers[81] fuels the construction of systems whereby millions of people and dollars move from South to North in the name of capital and back again.[82] The counterpart of the flow of human capital is the flow of remittances between developed and developing nations. Nowhere is this more apparent than in Latin America and the Caribbean where migration has created a situation where remittances constitute a critical flow of foreign currency to the majority of such countries.[83] The implications for national economies are vast and include major financial, developmental, and labor issues throughout the West Indies and Jamaica specifically.[84]

> Migration to these countries [the United States, Canada, and the UK] has been restricted mainly to the highest skilled and trained West Indian professionals, and the offspring of Afro-Caribbeans presently resident in those countries. Thus historically these Afro-Caribbean migrants have been highly motivated and often highly skilled people who have fled the harsh economic realities of the British colonial territories in which they grew up, and who, in the main, have been very

80. *See* French, *supra* note 37, at A1.

81. *See* Saskia Sassen, *Economic Globalization: A New Geography, Composition, and Institutional Framework*, *in* GLOBAL VISIONS: BEYOND THE NEW WORLD ORDER 61 (Jeremy Brecher et al. eds., 1993); *see also* Jonathan Cahn, *Challenging the New Imperial Authority: The World Bank and the Democratization of Development*, 6 HARV. HUM. RTS. J. 159 (1993) (discussing the increasing influence of international financial institutions in shaping both domestic and international law); Larry Rohter, *Blows From Nafta Batter the Caribbean Economy*, N.Y. TIMES, Jan. 30, 1997, at A1 (discussing the detrimental impact of the North American Free Trade Agreement (NAFTA) on Caribbean economies).

82. Lewis, *supra* note 1, at 571 (noting "[t]hat transnational corporations move freely from country to country to find low-cost labor and less-restrictive government regulation[s] and encourage migrant laborers to follow.").

83. *See supra* note 37.

84. *See generally Remittances Conference*, *supra* note 6.

> industrious and highly successful in the countries to which they have migrated.[85]

But who did these "highly skilled migrants" leave behind? While we struggled in our foreign homes to amass some semblance of savings, these were fortunes relative to what many of us had been accustomed to[86]—certainly it was more than many of those we left behind had ever been privy to. While many emigrants diligently send money and commodities back to our homeland, poverty on the island of Jamaica is still overwhelming.[87] With impoverishment comes desperation and despair, which in turn may foster criminality.[88]

An atmosphere which is devoid of (legal) opportunities for so many inevitably leads some to consider illegal methods to quench one's thirst, satisfy one's hunger, and provide for family. In these circumstances some Jamaicans consider the cultivation and sale of marijuana as a viable option.

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85. *See* Hickling, *supra* note 5, at 86-87.

86. While many returnees experienced a decrease in social class upon leaving Jamaica, the money made abroad, even for lower status positions, was greater. In the "First World" countries to which the returnees migrated, they were "likely to be employed at a lower occupational class level than their social (occupational) class level of origin," although the money earned was at a higher level than what they were accustomed to in Jamaica. *See id.* at 87-88.

87. Approximately 34% of Jamaicans are living below the poverty line. *See* CIA WORLD FACT BOOK 2001—*Jamaica, at* http://www.odci.gov/cia/publications/factbook/geos/jm.html (last updated Jan. 1, 2001).

88. Some have suggested that the increased crime rates in Jamaica stem from the deported criminals who have been returned from the U.K., the United States, and Canada. *See generally* LAURIE GUNST, BORN FI' DEAD: A JOURNEY THROUGH THE JAMAICAN POSE UNDERGROUND (1995) (suggesting that these deportees learned some of their more violent aspects from American gangs and American prisons; after deportation, they continue to wreak havoc, only now at home). These "deportees" are seen as undesirable as they were sent back home to help "clean up" American, U.K., and Canadian prisons and to reduce drug trafficking. *Id.* For information on the link between poverty and crime, see William C. Bailey, *Poverty, Inequality, and City Homicide Rates*, 22 CRIMINOLOGY 531, 544 (1984) (linking Black crime to economic deprivation); Colin Loftin & Robert Nash Parker, *An Errors-in-Variable Model of the Effect of Poverty on Urban Homicide Rates*, 23 CRIMINOLOGY 269, 280-81 (1985); Douglas S. Massey, *Getting Away with Murder: Segregation and Violent Crime in Urban America*, 143 U. PA. L. REV. 1203, 1203 (1995) (developing "a theory that links high rates of black crime to two features of U.S. urban society: high rates of Black poverty and high levels of Black segregation."); *id.* at 1206 n.24 (citing Kirk R. Williams & Robert L. Flewelling, *The Social Production of Criminal Homicide: A Comparative Study of Disaggregated Rates in American Cities*, 53 AM. SOC. REV. 421, 423 (1988)); Robert J. Sampson, *Race and Criminal Violence: A Demographically Disaggregated Analysis of Urban Homicide*, 31 CRIME & DELINQ. 47, 71 (1985); Kirk R. Williams, *Economic Sources of Homicide: Reestimating the Effects of Poverty and Inequality*, 49 AM. SOC. REV. 283, 288 (1984). *See also* Leonard J. Long, *Optimum Poverty, Character, and the Non-relevance of Poverty*, 47 RUTGERS L. REV. 693, 707 n.40, 708-09 (1995) ("The idea that poverty causes crime goes back at least as far as Aristotle, who called poverty 'the parent of revolution and crime.' But in the American inner city, the relationship is exactly the reverse. Poverty doesn't cause crime. Crime causes poverty–or more precisely, crime makes it harder to break out of poverty.").

Indeed, Beenie Man, born Anthony Moses Davis, considers the issue of legalizing marijuana as a means to eradicate island poverty in his dancehall hit "Ganja Farm."[89]

> Bowy mi nuh know what a gwan
> Tru me is a legal voter inna di country
> Mi can talk
> Mr. Prime Minister, what is happening in the country is not right
> People a suffer, man a dead fi hungry
> . . . .
>
> People a suffer 'cause nuttin' naw gwan
> Down inna Jamaica nuff pickney a bawn
> Tell di government dem fi cool an keep calm
> Unnuh louw di ganja farm, unnuh louw fi ganja farm
> Shotta deh a street a run di place warm
> Don't want di youth dem fi bus nuh more corn
> But how we a survive inna di drought an storm
> Unnuh louw di ganja farm, unnuh louw di ganja farm
> . . . .
>
> Come mek wi share up all a di land dem down a country
> Mek wi tell all di youth dem fi go farm it
> Come mek wi work it to the best of wi ability
> Because mi tired an mi fed up wid poverty
> So mi begging de police an di authority
> Try nuh badda stop wi 'cause wi livity
> Louw wi mek wi work an help wi self
> . . . .
>
> Ganja fi, ganja fi, ganja fi bun
> And money fi, money fi, money fi run
> And poverty, poverty haffi dun
> Tell di soldier man dem, do nuh cut it down
> 'Cause 10,000 pound every load a Kingston
> And mi ship it, mi ship it to Belgium
> . . . .[90]

Such a willingness to consider the pursuit of illegal enterprise for survival is not surprising. By recruiting and actively soliciting much of our burgeoning middle-class, it is possible that the "developed world" essentially left Jamaica even more impoverished than immediately

89. Beenie Man website–lyrics, *available at* http://www.beenie-man.com/ganjafarm.htm (last visited May 9, 2002).

90. *Id.*

following decolonization?[91] It may be appropriate, therefore, to question whether, in fact, we are post-colonial, given the "brain-suck" that took place in the 1950s and 1960s with its ongoing effects, including widespread poverty and pervasive criminality, which continue to resonate.[92] Indeed, this "active recruitment" may illuminate the "post empire"—Empire. As such, an intra-Imperial circulation of talent indicates the persistence of Imperial patterns in the present day. This perspective is given credence when one considers that the agent of recruitment for my father and many of his friends was an officer of the Commonwealth, not the American government, nor a multinational corporation. Colonial repercussions abound, including frustration, desperation, and despair. I am reminded of a dancehall[93] song, by Bounty Killer, born Rodney Basil Price, entitled *Look*, that I find startlingly candid and eerie, yet compelling in its recognition and articulation of the nexus between poverty, desperation, and criminality.

> Look into my eyes, tell me what you see?
> Can you feel my pain? Am I your enemy?
> Give us a better way, things are really bad,
> The only friend I know is this gun I have.
> Listen to my voice, this is not a threat
> Now you see the nine are you worried yet?
> You've been talking 'bout' you want the war to cease
> But when you show us hope, we will show you peace.
>
> Look into my mind, can you see the wealth?
> Can you tell that I want to help myself?
> But if it happen that I stick you for your ring
> Don't be mad at me it's a survival t[h]ing.
> Look into my heart, I can feel your fear
> Take another look can you hold my stare?
> Why are you afraid of my hungry face?

91. For information on Jamaica gaining its independence from Great Britain, and subsequent economic conditions, see MICHAEL MANLEY, THE POLITICS OF CHANGE: A JAMAICAN TESTAMENT 21-22, 172-78 (rev. ed. 1990), *cited in* Hope Lewis, *Universal Mother: Transnational Migration and the Human Rights of Black Women in the Americas*, 5 J. GENDER RACE & JUST. 197, 224 n.106 (2001). *See also* FIVE YEAR INDEPENDENCE PLAN, 1963-1968: A LONG TERM DEVELOPMENT PROGRAMME FOR JAMAICA (1963); Gordon Lewis, *The Challenge of Independence in the British Caribbean*, *in* CARIBBEAN FREEDOM: ECONOMY AND SOCIETY FROM EMANCIPATION TO THE PRESENT 511 (Hilary Beckles & Verene Shepherd eds., 1996) [hereinafter CARIBBEAN FREEDOM]; Rex Nettleford, *Race, Identity and Independence in Jamaica*, *in* CARIBBEAN FREEDOM, *supra*, at 519; JAN ROGOZINSKI, A BRIEF HISTORY OF THE CARIBBEAN: FROM THE ARAWAK AND THE CARIB TO THE PRESENT 309 (1999).

92. *See supra* note 71.

93. Dancehall forms part of the contemporary evolution of reggae music. In many ways it is similar to African-American hip-hop in its danceability and provocative engagement with difficult urban issues.

Or is it this thing bulging in my waist?

Look into my life, can you see my kids?
Let me ask you this, do you know what hungry is?
Well in this part of town, survival is my will
For you to stay alive you've got to rob and kill.
Look into my house would you live in there?
Look me in the eyes and tell me that you care,
Well I've made up my mind to end up in the morgue
Right now I'd rather die, cause man a live like dog.

Look down on my shoes, can you see my toes?
The struggle that we live nobody really knows
Stop and ask yourself, would you live like that?
And if you had to then, wouldn't you bus gun shot?
Look into the schools, tell me how you feel?
You want the kids to learn without a proper meal
Den what you have in place to keep them out of wrong?
If they drop out of school dem a go bus dem gun.[94]

Given the above described circumstances that afflict a large portion of the urban Jamaican population, is it any wonder that we returnees have become targets? Moving targets, literally speaking. The fact remains that Jamaica, like much of the developing world, is a desperately poor country.[95] The story of Jamaican workers, farmers, entrepreneurs, and even government officials is one where their economic prospects are deteriorating while local violence is substantially increasing.[96] "Jamaica now has vast shantytowns[,] unemployment at depression levels[,] high rates of economic inequality," one of the highest crime-rates in non-warring nations, and significant drug abuse.[97] The situation in the capital city of Kingston, the concrete jungle, is particularly grim for its less affluent residents. The grinding poverty shackles many residents and

94. Reggae Jams, *Look (Into My Eyes)*, *available at* http://www.reggaejams.com/Lyrics/look.htm (last visited Mar. 20, 2002).

95. *See World Development Report 2000/01: Consultations with the Poor, Country Report, Jamaica*, *available at* http://www.worldbank.org/poverty/voices/reports/national/jamaica.pdf (last visited Mar. 31, 2002).

96. *See* Patterson, *supra* note 6, at A17. There were more than nine hundred murders on the island in 1996. *See* Lloyd D'Aguilar, *Jamaica—Crime: Killing Frenzy Draws Fear and Concern*, INTER PRESS SERVICE, Mar. 19, 1997, *available at* 1997 WL 7074318. Most occurred in the urban ghettoes of Kingston and had their roots in political conflict, the international trade in guns and drugs, and widespread poverty. *See id.*; *see also* GLOBALIZATION AND SURVIVAL IN THE BLACK DIASPORA: THE NEW URBAN CHALLENGE (Charles Green ed., 1997).

97. *See* Patterson, *supra* note 6, at A17; *see also* D'Aguilar, *supra* note 96 (citing to statistics on crime levels in Jamaica and including information on recent violence in Tivoli Gardens, Kingston which left over twenty-seven dead). *See generally* THE URBAN CARIBBEAN: TRANSITION TO THE NEW GLOBAL ECONOMY (Alejandro Portes et al. eds., 1997).

prevents the realization of potential. As Bob Marley noted in his hit song *Concrete Jungle*, many residents of Kingston slums are captive to poverty.[98]

> No sun will shine in my day today
> . . . .
>
> The high yellow moon won't come out to play
> . . . .
>
> Darkness has covered my light
> And has changed my day into night
> Now where is this love to be found, won't someone tell me?
> 'Cause life, sweet life, must be somewhere to be found, yeah
> Instead of a concrete jungle where the livin' is hardest
> Concrete jungle, oh man, you've got to do your best, yeah.
>
> No chains around my feet, but I'm not free
> I know I am bound here in captivity
> And I've never known happiness, and I've never known sweet caresses
> Still, I be always laughing like a clown
> Won't someone help me?
> Cause, sweet life, I've, . . . got to pick myself from off the ground, yeah
> In this here concrete jungle,
> I say, what do you got for me now?
> Concrete jungle, oh, why won't you let me be now?
> . . . .
>
> *Concrete jungle, what do you got for me now?*[99]

Who is to blame for this situation? Without a doubt there are many factors contributing to "Third World" poverty. The role of the IMF, the World Bank, and other such international quasi-governmental economic institutions in the predicament of developing nations such as Jamaica has been identified and criticized.[100] These economic institutions, dominated

98. *See* The Words of Bob Marley, *Concrete Jungle*, *available at* http://www.bobmarley.com/ songs/ songs.cgi?concrete (last visited Mar. 20, 2002).

99. *Id.* (emphasis added).

100. *See*, e.g., 50 YEARS IS ENOUGH: THE CASE AGAINST THE WORLD BANK AND THE INTERNATIONAL MONETARY FUND (Kevin Danaher ed., 1994); James D. Hurwitz, *Abuse of Governmental Processes, the First Amendment, and the Boundaries of Noerr*, 74 GEO. L.J. 65, 92 (1985) (noting that "[a]scribing public character to private organizations raises serious issues."); National Center for Policy Analysis: Idea House, *available at* http://www.ncpa.org/pd/govern /govcc.html (commenting that "[m]any are questioning the propriety of such contributions by even quasi-governmental institutions."(citing *Public Funds, Private Agendas*, INVESTOR'S BUSINESS

by the world's richest nations, extract a steep price from developing nations that accept or refuse aid.[101] The late Prime Minister of Jamaica,

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DAILY, Feb. 23, 1996)). For articles criticizing quasi-governmental institutions, such as the IMF and World Bank, see Jim Chen, *"Globalization and Its Losers": Epiphytic Economics and the Politics of Place*, 10 MINN. J. GLOBAL TRADE 1, 8 (2001) ("As 'power seeps upwards' to the WTO, IMF, and World Bank, 'so does the attention of interest groups.' Critics routinely accuse the Bretton Woods institutions of eroding not only national sovereignty but also the labor and environmental interests guarded by national legislation."); FAIR: THE IMF & THE WORLD BANK, *available at* http://www.fair.org/issues-news/imf-worldbank.html (last visited Sept. 23, 2002); *IMF, World Bank Face Tough Questions on Corruption*, RADIO FREE EUROPE/RADIO LIBERTY, Oct. 2, 2000, *availble at* http://www.globalpolicy.org/socecon/bwi-wto/imf/2000/corrupt.htm.; *Indepth: IMF & World Bank*, CBC NEWS, Apr. 2000, *available at* http://cbc.ca/news/indepth/imfworldbank (noting that despite the IMF and World Bank's role of "bail[ing] out governments with troubled economies[,]" critics are upset because "[t]he IMF and the World Bank only provide money to governments under certain conditions, usually bound to strict currency and trade agreements. These imposed conditions, say critics, often make the situation worse in poor countries."); Charles A. Radin, *Critics Say IMF, World Bank Leave Struggling Nations Dependent*, BOSTON GLOBE, Apr. 13, 2000, *available at* http://www.globalpolicy.org/socecon/bwi-wto/wbank/bwi00-1.htm.

I recognize that to blame the problems of developing nations exclusively on colonization and the global economic order is to disempower, to some extent, the nations themselves and to discount their agency. There is, I am sure, also blame to be laid on the governments of many developing nations—corruption, incompetence, and disinterest are accusations that are voiced in an effort to provoke change. Professor Devon Carbado, addressing Jamaican migration to England, states "[o]f course, Jamaican workers, as a replacement labor force, were being exploited in England. But they were also being exploited in Jamaica as well." Devon W. Carbado, *Motherhood and Work in Cultural Context: One Woman's Patriarchal Bargain*, *in* GLOBAL CRITICAL RACE FEMINISM 117 (Adrien Katherine Wing ed., 2000). In this way, he recognized the simultaneous push and pull implicit in many migration scenarios. *See id.*; *see also* Patterson, *supra* note 6, at A17.

101.

> When the IMF and the World Bank began, the United States had approximately thirty-three percent and thirty-five percent of the vote, respectively, while the United Kingdom had approximately sixteen percent and fifteen percent of the vote, respectively. While many have criticized the United States for having an excessive proportion of the voting power, this proportion resulted from the dominant economic position that the United States held immediately after World War II. U.S. voting power has since steadily declined to the current levels of 19.1 percent in the IMF and 17.22 percent in the World Bank.

William N. Gianaris, *Weighted Voting in the International Monetary Fund and the World Bank*, 14 FORDHAM INT'L L.J. 910, 918-19 (1991).

> The IMF and the World Bank differ from most public international organizations because they follow a weighted voting system. Voting is based on quotas related to economic criteria. Quotas are based upon a complex formula that considers such relative economic strength factors as gross domestic product, external reserves, and variability of exports.

Id. at 921. "The final agreement reached for the IMF and the World Bank gave each nation 250 basic votes, with a weighted voting of one additional vote for each part of a nation's quota equivalent to US $100,000." Id. at 921-22.

Michael Manley,[102] stated that the energy crisis of the early 1970s forced his government to take out loans to cover the rising expenses of fuel-based imports.[103] As Jamaica had only recently emerged from colonialism, the economy was already vulnerable.[104] Since private banks do not make such loans, Manley went to the IMF and World Bank.

Countries in developing regions have challenged, or reluctantly accepted, the domination of international trade and lending agencies by developed countries; Jamaica is but one example.[105] As Dr. Robert Beckford, the Director of the Centre for Black Theology in the Department of Theology at the University of Birmingham has stated,

> On one level Jamaicans continued to be economically and politically exploited by larger and more economically advanced nations as soon as the Union Jack was taken down and the green, gold and black flag of Jamaica raised in its place. Jamaica's history demonstrates we cannot talk about

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> The IMF's weighted voting system is quite complex. Adjustments are made in certain instances relating to a member nation's net purchases of the currencies of other members and net purchases made by other members of its currency. For purposes of voting under IMF article V, sections four (waiver of conditions) and five (ineligibility to use the IMF's general resources), a member's voting power decreases when it has a net purchase of currencies of other members, and increases when other members have a net purchase of its currency.

Id. at 922.

102. Manley, who died in 1997, was head of the leftist People's National Party of Jamaica and a leading figure in international "Third World" politics. Pat Chin, *Cheddi Jagar, Michael Manley and the History of U.S. Intervention in the Caribbean*, WORKERS WORLD, Apr. 3, 1997, *available at* http://www.hartford-hwp.com/archives/43/034.html.

103. The combination of external economic shocks to the island's major economic industries, combined with the Manley government's agreement to the introduction of Structural Adjustment Programs (SAPs) led to the election of a new conservative government under former Prime Minister Edward Seaga of the Jamaican Labour Party in the violent elections of 1980. The present government is again led by the People's National Party under Prime Minister P.J. Patterson. Joan French notes that SAPs in Jamaica have led to "a widening gap between electorate and government as the latter acts more and more as a mere middle-level manager for the implementation of policies designed in Washington." French, *supra* note 10, at 166; *see also* Stephanie Black, LIFE AND DEBT (documentary film discussing Jamaica's economic woes). LIFE AND DEBT opened the 2001 Human Rights Watch Film Festival, and premiered Tuesday, Aug. 21, 2001 on PBS.

104. *See* World Development Report 2000/2001, "Consultations with the Poor," Country Report, Jamaica, at 2-3; ECONOMIC MANAGEMENT, INCOME DISTRIBUTION, AND POVERTY IN JAMAICA (Derick A.C. Boyd ed., 1988).

105. *See, e.g.*, LOUIS HENKIN ET AL., INTERNATIONAL LAW: CASES AND MATERIALS 1186-88 (2d ed. 1987) (discussing the internal structure of the IMF, weighted voting, and criticisms of the voting structure by developing countries). *See also* http://www.imf.org/external/hp/sec/memdir/members.htm.

> the "end of empire" without acknowledging how the empire lives on in a variety of benign and malignant forms.[106]

The Jamaican "government has met many of the conditions imposed by the [IMF] in return for much needed loans: [for instance, the country has] a stable annual inflation rate of 5.8 percent, falling interest rates [and] adequate international reserves."[107] Facing exclusion from the world's dominant financial and trade markets, many developing nations like Jamaica acquiesce to the involvement of such economic institutions and become compromised by debt, reduced social services, gear production to export markets, rather than local consumptions, and provide incentives to attract foreign investment, such as tax-free zones, limited environmental restrictions, and reduced standards. In this predicament, meeting payments on foreign debt takes precedence to satisfying the basic needs of some of the Jamaican populace. Jamaican "public debt is nearly 160 percent of the gross domestic product and interest consumes more than half of all government expenditure."[108] Understandably, little money is left to "trickle-down" to address the social problems, which has led to crime, poverty, and a lack of educational and employment opportunities.[109]

The gap between rich and poor has devastating consequences for both the "haves" and the "have-nots."[110] The "haves" seek to shield themselves from the poverty surrounding them and retreat into armed enclaves designed to keep the "have-nots" at bay. The "have-nots" see the posh mansions on the hillsides, recognize the designer attire and the cushiness of affluence—even the additional weight borne on the thighs, hips, and waistlines of the "haves" are signs of prosperity. Our bodies as signifiers

106. *See* BBC NEWS, *at* http://news.bbc.co.uk/2/hi/american/2166977.

107. *See* Patterson, *supra* note 6, at A17. The Statistical Institute of Jamaica states the inflation rate was 9.2% for 1997; 7.9% for 1998; 6.8% for 1999; and 6.1% for 2000, *at* http://www.statinja.com/ table-cpi.html (last visited Mar. 20, 2002).

108. *See* Patterson, *supra* note 6, at A17. Jamaica has carried one of the largest foreign debt loads per capita in the world. *See* GLOBALIZATION AND NEOLIBERALISM: THE CARIBBEAN CONTEXT 137-253 (Thomas Klak ed., 1998) (noting that Jamaica's "foreign debt/GDP ratio was 147 percent as of 1991").

109. Bruce Ackerman & Anne Alstott, *Your Stake in America*, 41 ARIZ. L. REV. 249, 250 (1999) (noting that "[t]rickle-down economics has utterly failed and will continue to fail in the globalizing economy of the future. The past is prologue: By 1995, the top one percent owned 38.5% of the nation's disposable wealth, up from 33.8% in 1983."); Ann D. Jordan, *Human Rights, Violence Against Women, and Economic Development (The People's Republic of China Experience)*, 5 COLUM. J. GENDER & L. 216, 240-44 (1996) (discussing trickle-down economics in the context of women's permanently marginalized status).

110. The United Nations Population Fund states that "[p]eople around the world are migrating in search of better lives on a scale unknown in history, creating a crisis for both industrialized and developing nations . . . . Tensions are growing as the haves and have-nots and different ethnic groups rub shoulders to a greater extent than ever before[.]" Lederer, *supra* note 37; *see also* THE POVERTY BROKERS: THE IMF AND LATIN AMERICA (Latin Am. Bureau 1983).

of class and other forms of difference has been well documented.[111] We must not forget that this gap between rich and poor is manufactured—created in the interest of capital, economies of scale, and globalization. In this scheme, labor is as fluid and portable as other economic goods. Concern for the ease with which labor is shifted is compounded when labor is also treated as disposable or expendable, as simply another entry in a ledger without recognition of the implications for that individual, his or her family, and the nation.

> How do places get produced? Why has there been a "resacrilization" of place? The first point to note is that places are not static, they are always changing. We must remember how capital moves, how places are created through capital investment. Capital is about technological change and the expansion of places. Places should always be seen in a historical and economic context. In recent years, money capital has become more mobile. Places are created, expanded, then images are constructed to represent and sell these places. Of course, there is always some resistance, "class" struggle in space, to this process.[112]

It is all the more clear that places are socially and economically structured—Jamaica is no exception. The economic crisis confronting ordinary Jamaicans is no accident; it has a long history, which is part of a colonial legacy. Jamaica was carefully constructed to serve the interests of a few.[113] The pillaging of the island's middle-class is consistent with a

111. *See* HOMI K. BHABHA, THE LOCATION OF CULTURE (1994). The author recognized that "a crisis of identification is initiated in the textual performance that displays a certain 'difference' *within* the signification of any single political system." *Id.* at 23 (emphasis added). "It becomes crucial to distinguish between the semblance and similitude of the symbols across diverse cultural experiences . . . and the social specificity of each of these productions of meaning as they circulate as signs within specific contextual locations and social systems of value." *Id.* at 172; *see also id.* at 1; JUDITH BUTLER, BODIES THE MATTER: ON THE DISCURSIVE LIMITS OF SEX (1993); QUESTIONS OF CULTURAL IDENTITY (Stuart Hall & Paul du Gay eds., 1996); REPRESENTATION: CULTURAL REPRESENTATIONS AND SIGNIFYING PRACTICES (Stuart Hall ed., 1997). For information on cultural studies resources, see Blackwell Cultural Studies Resources, *available at* http://www.blackwellpublishers.co.uk/cultural/; Cultural Studies Central, *available at* http://www.culturalstudies.net/ (last visited Mar. 20, 2002); Ethnic and Cultural Studies Resources, *available at* http://www.educationindex.com/culture/; and University of Iowa Cultural Studies Resources, *at* http://www.uiowa.edu/~commstud/resources/culturalStudies.html.

112. Sarup, *supra* note 41, at 96.

113. *See* RICHARD D.E. BURTON, AFRO-CREOLE: POWER, OPPOSITION, AND PLAY IN THE CARIBBEAN 13-46 (1997); MAVIS C. CAMPBELL, THE MAROONS OF JAMAICA, 1655-1796: A HISTORY OF RESISTANCE, COLLABORATION & BETRAYAL *passim* (Africa World Press, Inc. 1990); ORLANDO PATTERSON, THE SOCIOLOGY OF SLAVERY *passim* (1969); PHILIP SHERLOCK & HAZEL BENNETT, THE STORY OF THE JAMAICAN PEOPLE *passim* (1998); ERIC WILLIAMS, CAPITALISM AND SLAVERY 51-57 (Russel & Russel eds., 1961) (1944); Verene A. Shepard, *Livestock and Sugar:*

history steeped in such theft of labor dating from the Arawak Indians, most of whom were worked to death at the hands of the Spanish and English, and the English victors' transportation of African slaves to the island. Indeed, the history of Jamaica as an island refuge of pirates further corroborates this theme.[114] Bob Marley addressed this colonial history and its legacy in his *Redemption Song*,

> Old pirates yes they rob I
> Sold I to the merchant ships
> Minutes after they took I
> From the bottom less pit
> But my hand was made strong
> By the hand of the almighty
> We forward in this generation
> Triumphantly
> All I ever had, is songs of freedom
> . . . .
>
> Cause all I ever had, redemption songs
> . . . .
>
> Emancipate yourselves from mental slavery
> None but ourselves can free our minds
> Have no fear for atomic energy
> Cause none of them can stop the time
> How long shall they kill our prophets
> While we stand aside and look
> Some say it's just a part of it
> We've got to fulfill the book
>
> Won't you help to sing, these songs of freedom
> cause all I ever had, redemption song
> . . . .
>
> *These songs of freedom, songs of freedom*[115]

Aspects of Jamaica's Agricultural Development from the Late Seventeenth to the Early Nineteenth Century, in CARIBBEAN SLAVERY IN THE ATLANTIC WORLD: A STUDENT READER 253 (Verene A. Shepherd & Hilary McD. Beckles eds., 2000); Erik Flanagan, *Black Struggle in Colonization, at* http://debate.uvm.edu/dreadlibrary/flanagan.html (last visited Mar. 20, 2002); *Jamaica, available at* http://encarta.msn.wm/find/concise.asp?ti=761561054&sid=23#s23 (last visited Aug. 8, 2002).

114. For historical information on the Arawak Indians, Jamaican slavery, and pirates, see WILLIAM CURTIS FARABEE, THE CENTRAL ARAWAKS (1967); FRED OLSEN, ON THE TRAIL OF THE ARAWAKS (1974); ROGOZINSKI, *supra* note 91; *A Brief History of Jamaica, at* http://home.earthlink.net/~prestwidgew/jamaicanhistory.html (last visited Mar. 31, 2002).

115. Bob Marley, *Redemption Song, available at* http://www.songlyrics.co.nz/lyrics/b/bobmarley/redemption.htm (last visited Mar. 20, 2002) (emphasis added).

Presently constructed as a place for affluent westerners to enjoy an "anything goes" vacation, as a place of rum and reggae, cocoa, sugarcane, and ganja, the interests of the average Jamaican become subsumed within a complicated global matrix of economies of scale, market efficiency, and consumer demand. Both the cynic and the critic likely suspect that this construction is about power. Capital moves about the globe and creates what Madan Sarup has called *hierarchies of places*—the complex relationship between rich and poor nations emerging under the rubric of globalization.[116] Jamaica was not and is not near the top of this hierarchy as the destiny of many Jamaicans, both on and off the island, is manipulated by externalities in a manner that may leave some Jamaicans feeling resentful and desperate. This sentiment is echoed in *Destiny*, the song by reggae and dance hall singer/poet Mark Anthony Myrie, better known as Buju Banton, who has garnered acclaim with his distinct brand of social commentary.[117]

> The rich man's wealth is in the city
> Destruction of the poor is his poverty
> Destruction of your soul is vanity
> Do you hear
> I and I, I wanna rule my destiny
>
> . . . .
>
> Destiny, mama look from when you calling
> I wanna rule my destiny
> yeah, yeah oh help I please Jah Jah mek mi rule
>
> I've been blessed I've been touch[ed]
> I love Jah so much
> They keep fighting me I'm not giving up
> May the realms of Zion fill my spiritual cup
> Wisdom overstanding can never be too much
> Give I protection day and night
>
> Cast away their cords from us
> you have them in the region in the valley of decision
> Restraining the heathen with a rod of iron
> you know not the destiny of a next man
> Why hold him set him free too long
>
> My destination is homeward bound
> Though force try to hold I down

116. Sarup, *supra* note 41, at 96.

117. *See* Buju Banton Biography, *available at* http://www.bujubanton.net/biography.html (last visited Apr. 29, 2002).

Breaking chains has become the norm
I know I must get through no matter what a gwaan[118]

The destructive impact of economic globalization on the lives and livelihoods of farmers, workers, and ordinary folks of this once self-sustaining nation requires further study.[119] Like many so-called "Third World" nations, Jamaica suffers from its placement near the bottom of this global pecking order. Many of the ambitious natives who had the means or the connections fled and/or were lured to "First World" countries near the top of the global hierarchy of places. Thus, the returnees similarly bear the trappings of relative affluence gained during our sojourn in the "First World." We returnees reap the rewards from the "elevated" places to which we have migrated. Returnees were cognizant and desirous of the acquisition of such privilege and power. In retrospect, this "acquisition" of privilege is a mixed blessing. Have we cut off our noses to spite our faces?

IV. SEARCHING FOR SOLUTIONS

Part of the experience of being a carrier of globalization is, not only the sense of homelessness, but also the sense of disembodiment that comes with shifting selves and negotiated existences.[120]

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118. Jamaica Time, Buju Banton, *Destiny*, *available at* http://www.diegod.com/lyrics/buju-banton/destiny.txt (last visited Mar. 31, 2002) (emphasis added).

119. "Globalization promotes the free movement and exchange of ideas and commodities over vast distances." *A Closer Look: Cases of Globalization*, *available at* http://www.globalpolicy.org/globaliz/special/index.htm (last visited Mar. 20, 2002). Globalization has been defined as "the growing economic interdependence among countries as reflected in increasing cross-border flows of goods, services, capital, and know-how." John H. Farrar, *The New Financial Architecture and Effective Corporate Governance*, 33 INT'L LAW. 927, 930 (1999) (quoting VIJAY GOUINDARAJAR & ANIL GUPTA, MASTERING GLOBAL BUSINESS (1999)); *see* Amit Bhaduri, *Implications of Globalization for Macroecnomic Theory and Policy in Developing Countries*, *in* GLOBALIZATION AND PROGRESSIVE ECONOMIC POLICY 149-58 (Dean Baker et al. eds., 1998); Ha-Joon Chang, *Globalization, Transnational Corporations, and Economic Development: Can the Developing Countries Pursue Strategic Industrial Policy in a Globalizing World Economy?*, *in* GLOBALIZATION AND PROGRESSIVE ECONOMIC POLICY 97-113 (1998); Donald J. Lecraw, *Bargaining Power, Ownership, and Profitability of Transnational Corporations in Developing Countries*, *in* STRATEGIC ALLIANCES 338 (Paul W. Beamish ed., 1998); TRANSNATIONAL CORPORATIONS AND THE GLOBAL ECONOMY *passim* (Richard Kozul-Wright & Robert Rowthorn eds., 1998); Seymour J. Rubin, *Transnational Corporations and International Codes of Conduct: A Study of the Relationship Between International Legal Cooperation and Economic Development*, 10 AM. U. J. INT'L L. & POL'Y 1275, 1281 (1995).

For information concerning violence at G7 and G8 summit meetings, see Dave Crampton, *Debt Campaign Survives G8 Violence*, SCOOP, July 23, 2001, *available at* http://www.scoop.co.nz/mason/stories/HL0107/S00134.htm (last visited Mar. 20, 2002).

120. Cornel West has stated that the "state of perpetual and inheritable domination that Diaspora [Blacks] had at birth produced the modern Black Diaspora problematic of invisibility and namelessness." West, *supra* note 21, at 26.

> Colonized and marginalized people are socialized to always see more than their own points of view. As Said phrases it, "the essential privilege of exile is to have, not just one set of eyes but half a dozen, each of them corresponding to the places you have been . . . . There is always a kind of doubleness to that experience, and the more places you have been the more displacements you've gone through, as every exile does. As every situation is a new one, you start out each day anew."[121]

One's identity is attached to one's knowledge and sense of home. If one is without a home, what is one's identity? Either one is identity-less, or one is multiply constructed across time, space, and nation. It is a daring proposition to operate under exponential identities.[122] "[I]dentities are not free-floating, they are limited [and expanded] by borders and boundaries."[123] I would add, however, that identity does have a temporal component that resonates through time, making historical legacy tangible and relevant today. In *Slave Driver*, Bob Marley addressed this historical reality, which springs forward in time when he sang,

> *Ev'ry time I hear the crack of the whip*
> *My blood runs cold*
> *I remember on the slave ship*
> *How they brutalised our very souls*
> *Today they say that we are free*
> *Only to be chained in poverty*
> *Good god, I think it's all illiteracy*
> *It's only a machine that make money*
> . . . .
>
> Slave driver the table is turned baby now
> Catch a fire so you can get burned baby now
> Slave driver the table is turned
> Catch a fire so you can get burned
> . . . .
>
> Oh God have mercy on our souls.[124]

121. Minh-ha, *supra* note 1, at 16.

122. "It is hardly surprising then that when identity is doubled, tripled, multiplied across [time, cultures, generations, and space]," and "when differences keep on blooming within despite the rejections from without, she dares, by necessity." Trinh R. Minh-ha, *Cotton and Iron*, *in* OUT THERE, *supra* note 21, at 329.

123. Sarup, *supra* note 41, at 95.

124. The Words of Bob Marley, *Slave Driver*, *available at* http://www.bobmarley.com/songs/songs.cgi?slave (last visited Mar. 20, 2002) (emphasis added).

A space is carved out in the psyche of many persons to accommodate this history. The difficulty arises when these "identities" collide or when the realities of one's present situation forces the submergence or repression of other cherished identities.

> Love, miss, and grieve. This I can not simply deny. But I am a stranger to myself and a stranger now in a strange land. There is no arcane territory to return to. For I am no more an "overseas" person in their land than in my own. Sometimes I see my country people as complete strangers. But their country is my country. In the adopted country, however, I can't go on being an exile or an immigrant either. It is not a tenable place to be.[125]

Home for many carriers of globalization can hardly be more than a transitional or circumstantial and fleeting place since the (semi)original home cannot be recaptured, nor can its presence or absence be entirely banished in the "re-made home."[126] "Along with language, it is geography—especially in the displaced form of departures, arrivals, farewells, exile, nostalgia, homesickness, belonging, and travel itself—that is at the core of my memories . . . ."[127]

While my parents and other first-generation emigrants have a powerful sense of home, mine and that of other second-generation Jamaicans is but a whisper of a recollection—something intangible, yet guttural. It is likely as much a manifestation of absence as it is a memory of a reality once possessed. It is the re-creation of memory and the insisting call from afar, back home.[128] Trinh T. Minh-ha references this frustration of living a difference that has no name, yet too many names.[129] Straddling the center and the margins, North and South, developed and developing, relegates one to the fringes definitionaly.

> It is usually assumed that a sense of place or belonging gives a person stability. But what makes a place home? Is it wherever your family is, where you have been brought up? The children of many migrants are not sure where they belong. Where is home? Is it where your parents are buried? Is home the place from where you have been displaced, or where you are now? Is home where your mother lives? And, then, we speak of "home from home." I am moved when I am

125. Minh-ha, *supra* note 1, at 16.

126. *See* Sophia Cantave, *Home is . . .*, *in* BUTTERFLY'S WAY: VOICES FROM THE HAITIAN DYASPORA IN THE UNITED STATES 164-70 (Edwidge Danticat ed., 2001) [hereinafter BUTTERFLY'S WAY].

127. SAID, *supra* note 24, at xiv.

128. *See* Minh-ha, *supra* note 1.

129. *Id.* at 113.

> asked the phenomenological question "Are you at home in the world?" In certain places and at certain times, I am. I feel secure and am friendly to others. But at other times I feel that I don't know where I am.[130]

The longing of the returnee is borne of a strong affinity, the first true experience of comfort, but also from desperation and yearning for acceptance and a desire to de-hyphenize our segregated assimilated selves. This desire and longing for what has been called "future memory" reflects the mode of dwelling experienced when one navigates the back and forth between what once was and that which is yearned for once more.[131]

> If it seems obvious that the history of migration is one of instability, fluctuation,and discontinuity, it seems also clear for many Third World members of the diaspora that their sense of group solidarity, of ethnic and national identity, has been nourished in the milieux of the immigrant, the refugee, and the exiled.[132]

Returnees live a precarious existence, for much of their sense of self is dependent upon externalities including the vagaries of time, space, memory, and money. Here, identity is a product of articulation. It lies at the intersection of dwelling and traveling and is a claim of continuity within discontinuity, and vice-versa.[133]

In the case of the returnees, the articulation of a solution cannot be the product of one individual or one interested party. Rather, conceiving of how to accommodate and hopefully welcome returnees must necessarily generate discussion from all involved parties and groups—the government, which has an obvious stake in the money returnees invest and spend on the island; the returnees themselves, who may feel vulnerable; the Church,[134] which has traditionally been the center of Jamaican community and family life; and the masses, who may underestimate the contributions returnees have made and continue to make to their homeland, must all be involved in addressing these issues. A national dialogue is in order, lest Jamaica suffers yet another economic setback brought on by Jamaicans abroad who may be inclined to sever their relationship, economic and otherwise, with

130. Sarup, *supra* note 41, at 94.

131. Minh-ha, *supra* note 1, at 15 (referencing Jelloun); *see also* Joanne Hyppolite, *Dyaspora, in* BUTTERFLY'S WAY, *supra* note 126, at 7-11.

132. Minh-ha, *supra* note 1, at 14; *see also* Hyppolite, *supra* note 131, at 7-11.

133. *Id.*

134. Ken Ham, *Jamaica—Vacation or Evangelism?*, ANSWERS IN GENESIS MINISTRIES, Nov. 17, 2000, *at* http://www.answersingenesis.org/docs2/4406news11-17-2000.asp (last visited Mar. 20, 2002); Useless Facts: Places—Outside USA, *available at* http://www.brainofbrian.com/facts-places2.html (last visited Mar. 20, 2002) (stating that "Jamaica has the most churches per square mile than any other country in the world.").

the island. Our sense of community demands recognition of these issues, despite their genesis in the complicated schema of colonization, poverty, classism, resentment, envy, privilege, and love. Before we can remedy the situation we need to admit there is cause for concern. Accordingly, a campaign similar to the "Treat Our Tourists Right" movement may be in order, given the reciprocal interest at stake—the Jamaican economy needs the infusion of capital brought by the returnees and the returnees desire and need a peaceful return to their homeland.

Perhaps more importantly, however, we returnees must take up the struggle for justice in Jamaica for until there is justice for all Jamaicans, there will be no peace on the island. We must insist upon an improved standard of living for Jamaicans who are suffering from the effects of the global world order. Peter Tosh sang in his song *Equal Rights*, "Everyone is crying out for peace . . . none is crying out for justice . . . Everybody want to go to heaven, But nobody want to die."[135] Are we Returnees merely crying out for peace without probing into and demanding remedial action for injustices? Returnees must be a part of the solution; we must determine the ways in which we can release some of the baggage of globalization which we carry.

I have no happy resolution. I hope to establish a discourse through which these issues might become intelligible. There needs to be a kind of consciousness-raising about these matters so that strategies might be developed to mitigate the likelihood of violence and promote beneficial solutions for all concerned. Beneficial solutions, however, can only be achieved via a close examination of the economic situation confronting those most vulnerable in Jamaican society. Returnees can play a role in this movement.

Returnees did not leave Jamaica with ill will; they have always kept in touch with family and friends, have supported and sustained the island, second only to tourism, and have, generally, considered themselves Jamaicans first and foremost. The returnees felt compelled to seek opportunities that were not as readily available in Jamaica. It is human nature to seek a better life. The returnees demonstrated their good will for and love of their island not only by their connection to family and friends, but also by their choice of continual support of their island home, both financially and in terms of the commodities,. That is where the answer is. The *choice* to return home reflects profound love. Many, if not all, returnees could have decided to relocate to Florida, St. Lucia, St. Kitts, or the Bahamas, or they could have decided to stay in their adopted countries. They chose, however, to come home because they love and miss their

135. Http://www.geocities.com/rainforest/Andes/3454/petertosh/erights.html (last visited Oct. 6, 2002).

country. They want to enjoy their homeland with the good will of their brothers and sisters.

For second generation Jamaicans, birth abroad was beyond their control. To many of us, this fate does not make us any less Jamaican. With great pride, Jamaicans abroad often preserve and nourish what they determine to be their essential "Jamaicanness."I was raised in a Jamaican home in Canada. My parents would not have known how to proceed in any other way. From the ackee and saltfish, to the reggae and dancehall, to the dominoes, to the bush jackets, to the Appelton and Red Stripe, to the "labrish,"[136] the community and the culture were always Jamaican. We were taught to be proud of our heritage. Together with our parents, we have never forgotten home and we too have a desire to return.

136. Jamaican for dialogue and conversation.