

# Cultural impasse and structural change: how to address questions of gender equity for Haitian women across societal strata

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**Abstract:** Today, after twenty years of active and visible work on the national scene, Haitian feminism is at a crossroads. My paper seeks to address the nature of this crossroads, which I believe is at an impasse between legal reform and cultural shifts that have lagged behind the movement that occasioned structural change at the State level. Complicating this impasse further has been the effects of foreign policy between the US and Haiti that has unduly impacted the agricultural sector, especially rice production, an exclusively female domain historically. How do we think in simultaneity of the effects foreign policy and state control on the lives of women, of state involvement in gender issues, especially in ensuring physical security for women in the sub-strata of society whose vulnerability is at once an effect of their economic location and of cultural bias? This paper will suggest avenues for rethinking state involvement from the point of view of cultural shifts. I will argue that without a commitment from the State that affects cultural bias and, vice versa, involvement of grassroots as well as more formalized feminist agendas, in the formation of new cultural paradigms, including a Haitian feminist version of “intersectionality,” advancements will be minimal.



**Rezime:** Jodi a, apre ven lane nan travay aktif epi vizib sou sèn nasyonal la, mouvman fanm ayisyen an twouve li nan yon etap enpòtan. Objektif atik mwen an se pou esplikè etap sa a. Dapre mwen, gen yon enpas lè nou ap konpare refòm legal ak chanjman kiltirèl sa yo ki kreye yon dekalaj ki kite mouvman an dèyè epi ki okazyonè chanjman estriktirèl nan nivo Leta. Sa ki rann sityasyon an pi konplike, se efè relasyon politik ant Etazini ak Ayiti ki te afekte initalman sektè agrikòl la, espesyalman pwodiksyon diri, yon domèn ki istorikman rezève pou fanm. Ki efè nou panse politik etranje ak kontwòl Leta ka genyen sou lavi fanm yo, nan patisipasyon Leta nan pwoblèm gason ak fanm, espesyalman nan garanti proteksyon fizik fanm yo nan kouch pòv sosyete a, kote yo frajil akòz sityasyon ekonomik yo ak prejije kiltirèl? Atik sa a ap sijere posibilite pou chanje fason Leta aji parapò ak chanjman kiltirèl yo. Dapre mwen, si pa genyen aksyon Leta sou prejije kiltirèl yo ansanm ak angajman moun ki ap batay sou teren an, mete sou sa, yon pwogram feminis pi fòmèl pou yon nouvo konpòtman kiltirèl avèk « entèseksyonalite », pwogrè yo ap piti anpil.

## 1. INTRODUCTION

Almost twenty years ago, I opined that Haitian women’s feminism was largely encompassed by what I called a *culture-lacune*, or a culture of gaps and absences<sup>1</sup>. It seemed, then, that though Haitian women were not altogether silent despite efforts to obliterate what feminist movement had been present in the early decades of the early twentieth century, that efforts at cohesion and advancement of women’s issues were cloaked in a sort of “double-speak” by which women organized from within their presumed absence, using their silencing as a cover for continued, if muffled, resistance. Today, after twenty years of active and visible work on the national scene, Haitian feminism is at a crossroads, never more so than during the advent of the Duvalier regime given the extensive losses of leadership for women’s groups in the aftermath of the 2010 earthquake; although a number of feminist leaders remain, it remains to be seen whether or not there will be sufficient will to rebuild avenues towards coalition already stressed in preceding decades due to differences of class and locale.

In short, I seek to address the nature of the impasse between legal reform and cultural shifts that have lagged behind the movement that occasioned structural change at the State level. A further complication has been the effects of foreign policy between the US and Haiti that has unduly impacted the agricultural sector, especially rice production [1], an exclusively female domain historically, but which has been most explicit in the forms of silence and avoidance of accountability with regard specifically to women’s security, as I will demonstrate via a topical example below. How do we think in simultaneity of the effects foreign policy and state control on the lives of women, of state involvement in gender issues, especially in ensuring physical security for women in the sub-strata of society whose vulnerability is at once an effect of their economic location and of cultural bias? I would like to suggest that we might rethink the State’s involvement from the point of view of necessary cultural shifts that can only emanate from within feminist, and specifically Haitian feminist paradigms.

## 2. ANALYSIS

In February 2013, AP services reported that a Canadian officer serving with MINUSTAH (the UN Stabilisation Mission

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1. See my *Framing Silence: Revolutionary Novels by Haitian Women* (1997). NJ: Rutgers University Press. 201 pp.

in Haiti) allegedly raped a Haitian woman while in service, boarded a plane back to Canada the day following, and escaped prosecution ever since. Human rights arms of CARICOM have requested accountability on the matter from the UN but a legal wrinkle, the fact that Canadian law does not admit charges against civilian UN staff for crimes committed abroad, has meant that justice for the Haitian female victim will remain elusive. In the aftermath of this occurrence, the Jamaica Gleaner confirmed 70 reported cases of sexual abuse by UN personnel in Haiti in the last several years, none prosecuted.<sup>2</sup> This case, then, briefly making headlines in Canada and abroad, and fast disappearing from internet searches, is perhaps an anomaly in the structural violence that the average Haitian woman experiences in the Haitian context but I make use of it here to suggest that the lack of redress for one Haitian woman, due to the increased permeability of Haitian borders, reveals the extensive sweep of disregard for Haitian women's security within and between countries.

In this particular case, mobility, foreign and domestic law all conspire to make a Haitian woman's story, and body, disappear while the harm inflicted remains. The alleged perpetrator of the crime walks freely, unaffected by the debris left behind. The fact is, however, that most crimes against Haitian women are perpetrated against them not by foreigners slipping in and out of the country but by their male citizenry, but just as often, with similar impunity despite the coterie of laws created by the "Ministère à la condition féminine et aux droits des femmes," including the 2005 amendment to the Haitian Criminal Code which introduced sexual assault as a juridical concept into the penal code. This change in the body of the law reflects cultural shifts occasioned by the vocalicity of Haitian women's groups and their human rights advocates. These groups are having a political impact in creating a renewed respect for women's rights, and of women's right to their own bodies. What is not so clear, in light of the sexual abuses reported in the post-earthquake period, especially in unsecured IDP camps for which no military or international guards were provided (with the exception of the camp run out of the Pétion-Ville golf course which was privately secured), is the degree to which legal measures can respond to systemic and societally sanctioned harm.

A report focused on police and judicial response to rape in the Haitian capital, issued by the UN in June 2012 (which, of course, makes no reference to MINUSTAH's implications in such crimes), states, point blank, that "[v]iolence against women remains a systemic problem in Haiti," and goes on to cite a 2009 IACHR (Inter-American Commission on Human Rights) report which in turn, while acknowledging that the government

has increasingly taken measures to protect women's rights, also asserts: "When rape is reported, victims are most often not able to obtain justice, despite the State's obligation to prevent, investigate, prosecute and provide remedy and reparation for victims of human rights violations."<sup>3</sup> While citing societal conditioning as one aspect leading to the State's ineffectiveness, the report also points out the following, that "[e]ven though the Constitution provides for equal protection before the law, Haiti does not have national legislation prohibiting and punishing discrimination against women."<sup>4</sup> Although the report goes on to outline Haiti's non-conformity to international law which has for at least two decades recognized violence against women as a human rights issue, it fails to recognize the complicity of its own participation in that non-conformity, neither protecting nor enforcing women's rights when it comes to its own personnel's flaunting of the law.<sup>5</sup> Most rapes and other forms of physical violation remain under-reported and, when reported, overwhelmingly under-prosecuted. What this suggests is that despite attempts of the State to address and provide protection for women's rights, despite gestures towards securing women's bodily freedom (via the police, military, or MINUSTAH), there is a disconnect between social mores, judicial arms, and international provisions for women's human rights in Haiti. The question this short piece thus examines is how can effective interventions take place to disrupt the structural bind in which Haitian women, especially of the working and poor classes, find themselves? Can new forms of solidarity and cultural consciousness be articulated from past and present Haitian feminist movements to create new potentialities for liberated Haitian women? My concrete suggestion for change is that it is imperative at this juncture that we work to piece together a Haitian feminist "intersectionality" which could adequately respond to Haitian women's isolation in social, legal and international life.

In *Tectonic Shifts: Haiti Since the Earthquake*, editors Mark Schuller and Palo Morales indicate that the concept of "intersectionality" developed by Black feminists in the US, might be a way to make sense of "the realities that Haitian women face" in terms of "the multiple forms of oppression based on distinct but overlapping identities"<sup>6</sup> to understand how such forms take place in a context of structural violence, socially and politically.

2. n. a., "Lawyer Does Not Expect Police Officer to Face Trial On Alleged Rape of Haitian Woman," *The Gleaner* (Jamaica, WI). Published Tuesday, April 23, 2013. 10:59 am. On-line edition. Accessed April 24, 2013; to date, there has been no additional reported information on this case. One can assume, then, that the legal protections in place intra-nationally remain as first reported without redress for the purported victim of the crime and others facing similar situations.

3. n. a. "A Profile of Police and Judicial Response to Rape in Port-au-Prince." United Nations: United Nations Stabilization Mission in Haiti. Human Rights Section. Office of the High Commissioner for Human Rights- Haiti. June 2012. P. 7 [http://www.ohchr.org/Documents/Countries/HT/RapportSGBV\\_en.pdf](http://www.ohchr.org/Documents/Countries/HT/RapportSGBV_en.pdf) Accessed April 21, 2013.

4. *Ibid.*, 8.

5. The report states that the UN Police (UNPOL) provided a policing plan but that it was effected «at the request of women living in camps...on foot" (11); the report does not clarify the form of the policing or why women had to request the form and extent of policing, nor do they clarify the extent to which women had to demand security and often provided their own, in collaboration with men in the camp who wanted to establish security for their families and community.

6. Schuller, Mark, and Morales, Palo. 2012. *Tectonic Shifts: Haiti Since the Earthquake*. Sterling, Virginia: Kumarian Press, p. 151.

I agree with Schuller and Morales that “intersectionality” provides an important tool for developing a critical language through which to explain and critique Haitian women’s lack of inclusion in the decisions that govern their lives structurally, but I would like to extend the concept of intersectionality somewhat further. Taking a cue from Kimberlé Crenshaw’s elaboration of the concept she herself coined, one that urges advocates for gender equity to be cognizant not only of the multiple ways in which Black women can suffer marginalization, exploitation, and subordination not only in function of their sex but of their sexuality, color, class, nationality, linguistic ability, religion (or lack thereof) and other markers of societal codification, but also the *differential* ways in which women can be treated structurally by virtue of such identifiers, that is, by virtue of their social enfranchisement, I want to suggest that what we need to do is to engage in an interventionist form of conscious, *Haitian feminist intersectionality*.

In the US context, in attempting to create a space in a white-supremacist context in which women of color’s heterogeneity is denied, Crenshaw suggests (speaking specifically to the issue of domestic violence) that “*intervention strategies based solely on the experiences of women who do not share the same class or race backgrounds will be of limited help to women who face different obstacles because of race and class.*”<sup>7</sup> In this social context, she adds, “*the cost of suppression is seldom recognized, in part because the failure to discuss the issue shapes perception of how serious the problem is in the first place.*”<sup>8</sup> In the Haitian context, in which foreign policy enacted from North to South is much stronger than any internal dynamic of white supremacy and minority marginalization, where women make up the majority of the population but where class disenfranchisement is the major basis for inequity, we must shift the ground of attention to the spaces of suppression which are shaped primarily by the forces of material poverty and the absence of political representation. At the same time, it is also clear that the resurgence of feminist activism post 1986 has owed its possibility to the covert acts of resistance and strength established among women across class and departmental lines through the period of the dictatorship and before it, when organizations such as the Ligue Féminine were active in organizing even if, as has been lamented, with a top-down approach. What some post-’86 organizations were able to do was to build upon this foundation to reach out to women from the provinces and lower economic strata, providing forums for exchange and organizing. Grassroots women’s organizations have also flourished in the last decades, from women forming unions in factory sectors to those, like Kofaviv, organizing women survivors of rape, and again, to those organizing transnationally with organizations like the Dominican-based, MADRE.

7. Kimberlé Crenshaw (2003), “Mapping the Margins,” In *Identities: Race, class, gender, and Nationality*. Eds., Alcoff & Mendieta, Malden, MA: Blackwell Publishing, p. 175-200.

8. *Ibid.*, 179.

In a recent report, MADRE and its allies reported on a major stumbling block for future organizing – the lack of recognition of grassroots women’s groups in formal participation and reconstruction [2]. They advocate not only for formal inclusion but for the rendering of reports and dissemination of information in Kreyol, the common language of all Haitians. But what has not been recognized to date are the myriad ways in which Haitian women have been forced to survive – as market women in the street, as factory workers, as (often coerced) sex workers, as working mothers, as untrained workers in a variety of menial labor positions – often in denial of the vulnerability of their sex. Women have kept silenced and soldiered on – sometimes to escape social disapprobation but, at others, to delimit their spheres of influence and to protect these from cooptation.

Given the ways in which foreign presences have seen fit to circumvent the law and to coerce the reconstruction process, it seems perhaps a feeble argument to advocate for an investigation of the ways in which Haitian women have survived and created cross-class alliances over the course of Haiti’s history. I believe, however, that we must insist on an intersectional Haitian feminism that does not deny the failings of the past but seeks to build upon the fragile culture of women’s common struggles for full citizenship and autonomy. The reality of the *success* of these struggles needs to be brought out, aggressively valorized (rather than exploited), and made the platform for actionable cultural, social and political change. This requires re-evaluating the impact of class on gender realities and the necessity to un-silence the void in which class has fallen when we speak of Haitian women’s condition as many of these relative successes operate in lower-class strata (or began in the lower strata to actively move next generations into higher ones). When laws protecting women’s bodily security and social rights were not in effect, the common Haitian woman found ways to maneuver within the society, to enact strategic modes of resistance and empowerment along with other women. What do we really know of these modes of survival? What might we gain by seeking to uncover and recover these strategies, some cloaked, some silent, others quite militant, and unifying these strategies in an intersectional way that increases rather than diminishes each woman’s right to be viewed as a full citizen? What might we gain by destigmatizing feminist activism within the country to recognize that women’s rights are human rights, a securing of every (wo)man’s rights and rights of citizenship?

### 3. CONCLUSION

The State plays a role in the excavation of Haitian modes of survival if it, by enforcing its laws such that these affect cultural bias and respects the involvement of grassroots feminist organizations, creates more formalized feminist agendas. The State can also play a role in the formation of new cultural paradigms, which could include, as has been done successfully in Rwanda, quotas for increased *judiciary* representation of women in elected posts. In many other developing countries, women

form the essential economic and social backbone of the nation. I would argue, that along with such structural measures, the social and cultural valorization of the *trans-generational* ability of Haitian women to survive and uplift their families holds the key to future transformation. ■

#### REFERENCES

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- 2 MADRE, CUNY School of Law, BAI, IJDH, and Lisa Davis, "Our Bodies Are Still Trembling: Haitian Women Fight Rape," In *Tectonic Shifts*. Eds. Schuller & Morales. Kumarian 2012. P. 161.

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