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Declaration

I, Elin Therese Didrichsen, declare that this thesis is a result of my research investigations and findings. Sources of information other than my own have been acknowledged and a reference list has been appended. This work has not been previously submitted to any other university for award of any type of academic degree.

Signature.....

Date: May 15, 2016

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Abstract

This thesis focuses on Ruling 168/13 by the Dominican Constitutional Tribunal. The ruling denies citizenship to children born to irregular migrants in the Dominican Republic, and allows for the retroactive revocation of Dominican citizenship back to 1929, accordingly affecting people from families who have been in the Dominican Republic for decades. The vast majority of them are of Haitian descent.

The objective of this thesis is twofold: First, this thesis uses the concept of anti-Haitianism to place Ruling 168/13 in a wider historical context by looking at conditions and developments in the Dominican Republic leading up to the ruling; the rationalities underpinning it. Second, this thesis explores how Ruling 168/13 affects the Dominican population of Haitian descent that the ruling concerns, both in a broad perspective focusing on the implications on the affected population as a whole, and in more specific terms exploring the effects on the lives of individuals. The thesis is based on a qualitative approach, and uses a combination of qualitative methods and data triangulation, relying on both a variety of existing literature and data from qualitative interviews for the analysis. Michel Foucault's notion of power; governmentality and bio-politics, is applied as theoretical framework.

This research argues that anti-Haitianism has played a significant part in shaping the current way of governing Haitians and their descendants in Dominican society. Dominican state authorities have, through a series of administrative, legislative and judicial decisions the last decade, steadily institutionalized efforts aimed at restricting children of Haitian migrants to access identity documents and ultimately Dominican citizenship. This has enabled the 2013 ruling, which draws on these legal foundations. The thesis also shows how the Dominican state, with Ruling 168/13, has managed to convert Dominican nationals of Haitian descent into foreigners, into migrants who need to be regularized, and who are being segregated from and denied the same rights as other Dominicans. The affected population is excluded from all activities that require official identification, such as working in the formal sector, attending school, accessing health services and so on. For many, it means being excluded from the only society that they have ever known.

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Abbreviations and acronyms

CARICOM	Caribbean Community and Common Market
CEB	Central Electoral Board
CT	Constitutional Tribunal
ENI	Primera Encuesta Nacional de Inmigrantes en la República Dominicana
EU	European Union
FNP	Fuerza Nacional Progresista
HRW	Human Rights Watch
IACHR	Inter-American Commission of Human Rights
IACtHR	Inter-American Court of Human Rights
JCE	Junta Central Electoral
MUDHA	Movimiento de Mujeres Dominicano- Haitianas
NGO	Non-Governmental Organization
PLD	Partido de la Liberacion Dominicana
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nation's Children Fund

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1 Introduction

Esta sentencia prácticamente destruye la vida de cualquiera en todo sentido.

*Prácticamente no existimos. No existimos!*¹

1.1 Introduction

The Dominican Republic and Haiti share the small Caribbean island of Hispaniola. Throughout the last century, Haitians have migrated, both legally and illegally, to work in the Dominican Republic and have become a stable supply of workers in the country. This long process of migration has led to a substantial population of residents of Haitian descent in the country: both recent immigrants and second and third generation Dominicans of Haitian descent. However, many decades of unregulated migration has resulted in a significant population of Haitians whose status is *irregular*, meaning that they lack identity- or migration papers establishing their right to be in the country (Ferguson 2003; Miranda 2014; Wooding & Moseley-Williams 2004).

Even though Haitians have been a steady source of labor and have contributed vastly to the growth and diversification of the Dominican economy during the last decades, Haitian integration into Dominican society, however, has been unwanted. Social and racial prejudice, discrimination and human rights abuses towards Haitian immigrants and their descendants has a long history in the Dominican Republic. For example, although the country followed the principle of *jus soli* throughout most of the last century, granting citizenship to people born on their national territory, with the exception of children of diplomats and those “in transit”, this has in practice been frequently denied to children of Haitian immigrants, thus depriving them of their constitutional rights (Ferguson 2003; Miranda 2014; Wooding & Moseley-Williams 2004). During the last decade, the Dominican state has passed a series of legislative, administrative and judicial acts to formalize a more restrictive definition of citizenship by birth, which some scholars argue has been a process of institutionalizing existing anti-Haitian

¹Fragments of testimonies of Dominicans of Haitian descent interviewed for this thesis on the effects of Ruling 168/13 by the Dominican Constitutional Tribunal. They read: “This sentence practically destroys anyone’s lives in every way”, and “We practically do not exist. We do not exist!”

sentiments in Dominican society (Baluarte 2006; Margerin et al. 2014; Martinez 2014b; Wooding & Moseley-Williams 2004).² The last “nail in the coffin” added to this development was Ruling 168/13 by the Dominican Constitutional Tribunal (CT) in September 2013. This highly controversial decision denies citizenship to children born to irregular migrants in Dominican territory since 1929. Ruling 168/13 thus allows for the retroactive revocation of Dominican citizenship, affecting people from families who have been in the Dominican Republic for decades- most of them of Haitian descent (IACHR 2013; Margerin et al. 2014). The ruling effectively threw thousands of people into a state of legal limbo. Various sources, including government sources, have estimated that the number of people affected by the ruling is as high as 200.000, although an exact number has not been determined (IACHR 2013:7; Margerin et al. 2014:12).

Ruling 168/13 generated massive criticism, both nationally and internationally. Nobel Prize winner in literature, Mario Vargas Llosa, even compared the ruling to the German Nazi-regime’s policies towards the Jews in the 1930’s in the Spanish newspaper *El País*.³ Due to extensive international pressure towards the country, the Dominican government established a solution to remedy the negative effects of the ruling. In May 2014 the Naturalization Law 169/14 (Law 169/14) was issued. The law divided the denationalized population into two groups. Group A consists of individuals who had previously possessed Dominican identity documents, which were to be restored, while persons of group B whose birth was never registered, was now provided a pathway to Dominican citizenship (Human Rights Watch 2015b; Wooding 2014). However, the problem is still far from resolved.

1.2 Problem statement and research questions

This research centers on Ruling 168/13, and the objective is twofold: first, this thesis aims to place the ruling in a wider historical context by looking at conditions and developments in the Dominican Republic leading up to the CT ruling. The intention here is not to investigate the motives or the political agenda for the ruling, *why* it was issued, but rather look closer into the mentalities and rationalities that have enabled it, *how* the ruling emerged. For this purpose, the

²Anti- Haitianism, or *antihaitianismo*, have been shaped and used as a political tool throughout the history of the Dominican Republic, and generally encompass certain perceived characteristics of Haitians that are closely linked to the fear of the presence of the Haitian “enemy” to the integrity of the Dominican nation and population (Sagás 2000:45).

³ See the op-ed. here: http://elpais.com/elpais/2013/10/31/opinion/1383233998_965346.html

focus will be on the role and development of anti-Haitianism, as this perspective offers insight into historical circumstances that have shaped the way of thinking about and governing Haitians and their descendants in the Dominican society, culminating in the 2013 ruling. Secondly, this thesis explores how Ruling 168/13 affects the Dominican population of Haitian descent in the country, both in a broad perspective in terms of the population as a whole, and also more in-depth on how it affects the lives of individuals. To explore this, the following problem statement has been formulated: *What rationalities have enabled the Dominican Republic's CT Ruling 168/13, and how does the ruling affect the Dominican population of Haitian descent in the country?*

To be able to answer the formulated problem statement, this research draws on Michel Foucault's concept of power; *governmentality* and *bio-politics*, respectively. Broadly speaking, Foucault understands power to be the ways in which people try to conduct, and to determine the behavior of others, as a mode of action upon the actions of others (Foucault 1982). Governmentality as the "conduct of conduct" suggests that governance takes place from a distance as the power to influence the actions of others. It involves the various knowledges, rationalities and techniques that are thought to be essential for governing the population, society and the economy, where we can find power relations that aims to shape, guide and affect the conduct of people. One such power technology is called bio-politics, and includes the control and management of populations. The reason for choosing this theoretical perspective is because it offers a broad framework for studying 168/13; both in the constitution of reality and the system of knowledge present in Dominican society that enabled the CT ruling in the first place, and how it produces power effects that has implications on the Dominican population of Haitian descent in the country. This will be further explained in chapter 4. The overarching theme in this thesis is thus power relations: power relations that shape the governing and managing of the Haitian population and their descendants in the Dominican Republic, and the effects this has on Dominicans of Haitian descent.

The problem statement will be addressed through answering the following three research questions:

1. How has anti-Haitianism traditionally been deployed by Dominican state authorities “to shape conduct”, and how has this developed up until Ruling 168/13?
2. How does Ruling 168/13 affect the Dominican population of Haitian descent in the country in terms of the population as a whole, and how can this be regarded as a form of state racism?
3. What are the effects of Ruling 168/13 on the lives of individuals of Haitian descent that the ruling concerns, and how does this relate to Foucault’s concept of *letting die*?

The first research question lets me explore the historical conditions and legal developments leading up to Ruling 168/13, focusing on how anti-Haitianism has been used and implemented in official practices of the state in order to govern the Haitian population and their descendants in the country. This part of the research is important as it shows that the CT ruling did not occur in a vacuum, but can be seen as the product of a long tradition of institutionalizing anti-Haitian sentiments in the country. The focus here is thus on *how* the issuing of CT 168/13 was made possible based on existing rationalities.

The second question opens up for an analysis of the CT ruling itself; of its definition of Dominican citizenship;⁴ the establishment of the role of the State in regards to recognizing Haitian descendants as Dominican nationals; and through which means and techniques this is implemented, which has implications on the affected population. This part also includes, to some extent, the different but interrelated processes following the CT ruling under Law 169/14; the (partial) restoration of identity documents for descendants born in the Dominican Republic, and the register of un-registered descendants. It does not provide an in-depth analysis of the latter processes however, as the main focus is on Ruling 168/13, but because these processes are closely interrelated with the CT ruling and directly affect the denationalized population, it was considered natural to include them as part of the analysis in the thesis.

⁴ This thesis will use the terms *citizenship* and *nationality* interchangeably, as this is common in international human rights texts and documents (Human Rights Watch 2015b).

The third and last research question opens up for an investigation of some of the “real-life” implications of affected individuals in the Dominican Republic. This question goes more in-depth than the previous question by showing some of the challenges and limitations that people without identity documents face in the country, to provide a “thicker” description of the situation. A qualitative, interview-based approach to answer this research question lets me explore some of the affected people’s perceptions and experiences on this issue.

1.3 Structure of the thesis and chapters

The thesis is structured as follows: chapter 2 outlines the research method and data gathering- and analysis methods that have been used throughout the thesis, as well as ethical considerations. Following, chapter 3 presents background information and historical context for the analysis. Here, the concept of anti-Haitianism and its historical origin will be presented, as well as Haitian migration to the Dominican Republic and the general situation of Haitian immigrants and their descendants in the country. This chapter thus touches upon the first research question, and what is presented here set the stage for what is more thoroughly discussed in chapter 5. Chapter 4 presents the theoretical framework that is used to structure, or frame, the analysis of the thesis. This part consists of a conceptualization and explanation, mainly according to Foucault but also other scholars following in his footsteps, of power, governmentality, and bio-politics. Chapter 5 proceeds with a presentation and discussion of the findings. This chapter will be divided into three parts, each addressing the related research question according to the theoretical framework. The last chapter (6) sums up and presents some conclusions, responding to the research questions and problem statement.

2 Methods

2.1 Research method and design

This research uses a qualitative approach to explore what rationalities have enabled CT Ruling 168/13, and how it affects the Dominican population of Haitian descent in the Dominican Republic. Because qualitative research refers to the what, how, when, where and why of things with the purpose of gaining unquantifiable knowledge (Berg & Lune 2012:3), this was considered the natural choice of method.⁵

In research, there are some who argue that ideas and theory must come before empirical research; a *theory- before- research* model (Frankfort-Nachmias & Nachmias, 2007 cited in Berg & Lune 2012:24). Others claim that empirical research is more than just testing theory- it helps shape the theory, and research must therefore occur before theory can be developed; a *research- before- theory* approach (Morten 1968, cited in Berg & Lune 2012:24). The research design in this thesis, however, follows a *spiraling research approach* (Berg & Lune 2012:25), which draws on both of these methods. This method is outlined by Berg and Lune (2012), and entails that research is not merely linear, but rather a spiraling process as it takes two steps forward and one or two steps back again as the research goes. Research is in this way more flexible as one goes back and forth, never actually leaving any stage of the research behind completely. It allows for the changing of the research questions during the research process, even though the focus remains the same (Berg & Lune 2012).

2.2 Data collection methods

What follows next is a general discussion of the chosen data collection methods applied, why they were chosen, as well as a description of how they were applied in this study.

⁵ Qualitative research aims to examine human behavior and the various social settings in which groups and individuals inhabit. Qualitative measures seek to investigate patterns among certain “cases”, and to provide ways of accessing unquantifiable knowledge, most often through surveys with open-ended questions, in order to learn and explore what gives meaning to people and the ways they structure their lives. A qualitative approach may therefore help us understand the variations and complexities of our surroundings (Berg & Lune 2012:8).

2.2.1 Document research

This thesis is largely based on document research, meaning through the use of different types of written sources. Document research is applied to provide background and historical context; to analyze the use and development of anti-Haitianism leading up to Ruling 168/13, and also to analyze the ruling itself and how it affects the Dominican population of Haitian descent in a broad perspective. The document research, thus, aims to provide answers to the first and second research questions. Sources from *official archives* have been used, such as academic literature; books and articles, as well as policy reports, news articles, and official documents (e.g CT Ruling 168/13), and to a very small extent video clips. There has been no use of *private archives* in this thesis (e.g autobiographies, letters, blogs, and diaries) (Berg & Lune 2012).

One clear advantage of using document research is the vast amount of data available. It is also a convenient and efficient methods of gathering information. However, it is also important to be cautious when using document data, for example to avoid using possible sources of error, for example with missing, outdated or misinformed data etc. To ensure the data's relevance to the topic and research questions, triangulation of data is important. This refers to the use of multiple procedures and sources, and different types of sources (Berg & Lune 2012). In this thesis, data triangulation is done through an extensive literature review and application of various different sources covering the same topic. This will be further discussed in section 2.3.

2.2.2 Interviews

Interviews have been applied in this research for the purpose of exploring the effects and implications of Ruling 168/13 on the lives of individual Dominicans of Haitian descent. Interviewing can be defined as simple as “a conversation with a purpose” (Berg & Lune 2012: 105). The purpose is, obviously, to gather information. The interview is a particular effective method of collecting information for qualitative research, for example in understanding people's experiences, perceptions, thoughts, feelings, and understandings, and in learning how people ascribe meanings to certain phenomena, events and to their social environment in general (Berg & Lune 2012).

Several studies and reports (for example Amnesty International 2015; Human Rights Watch 2015b; IACHR 2015) have documented many of the effects of CT 168/13 and of statelessness in the Dominican Republic, which means that information could have been gathered from such documents and contributed to an entirely document-based research. However, collection of first-hand qualitative data was still considered the best method for the purpose of this research. By conducting interviews and directly talk to people who are affected, see the circumstances in which they live, and personally hear what are their experiences, understandings, thoughts, and perceptions on how the ruling has affected their lives would provide the researcher with a better, more in-depth understanding of how the ruling works, in practice, as well as enhancing the credibility of the data. Interviews thus contribute to gain deeper insight and provide a “thicker” description of the situation of the people affected, more than what could have been gathered from reviewing literature.

The gathering of this information was done during a period of four weeks in the Dominican Republic in November/December 2015. To explore whether there were any variations and different complexities in implications and thoughts around this issue, units from four different *bateyes*⁶ in the Dominican Republic were interviewed. In total, 24 individuals, 16 women and 8 men between 18 and 28 years of age participated in interviews conducted for this research.

Choosing and finding informants

The units for data collection for this part of the research were mainly chosen due to their background and availability. The most important criterion for the choice of interview units was that they were born in the Dominican Republic to Haitian parents or grandparents and directly affected by the CT Ruling 168/13. Interview-units were thus chosen mainly due to their purposive function. Yet, to be able to access informants among this group of the population at all, a useful strategy was to interview people who were easily available, similar to what Berg and Lune defines as convenience sampling, relying on “available subjects- those

⁶ *Bateyes* were originally settlements on the sugar plantation estates to house temporary contract workers, particularly from Haiti. Over time, as Haitian migrant workers opted to stay in the Dominican Republic after harvest season, the *bateyes* became permanent communities for the workers and their families. The situation of Haitians and their descendants in the *bateyes* started to receive international attention in the 1980’s, and was then described as a slave-like system (Ferguson 2003). Although the situation of Haitian migrants in the Dominican Republic has changed much since the 1980’s, according to a report from 2001 by the *The State Enterprise Commission* (CREP) that oversaw the privatization of the sugar industry in the 1980s, fundamentally, little had changed in the *bateyes* since the 1980s. The living conditions were still very low, with no drinking water supply, very limited access to proper sanitation facilities and medical services, and almost no access to schools (Ferguson 2003).

who are close at hand or easily accessible” (Berg & Lune 2012:50-51). Additionally, a strategy similar to snowball sampling came to be very useful in locating more informants, in which interview-units and key informants would help in locating more informants in the same situation (Berg & Lune 2012:52). The following discusses the process of choosing and locating informants for this research in more detail.

Berg and Lune point out that all field investigations begin with the problem of *getting in* (Berg & Lune 2012:204). Locating informants who would be willing to participate in this research entirely on my own would have been a challenging task, especially due to limited time (four weeks) in the Dominican Republic and little time to gain people’s trust. Thus, locating *guides* and key informants prior to the fieldwork and shortly after arrival in the field was crucial in order to find participants. Berg and Lune define guides as “indigenous persons found among the group and in the setting to be studied” (Berg & Lune 2012:219). Prior to the fieldwork, I established contact with a local non-governmental organization (NGO) called *Movimiento de Mujeres Dominico-Haitianas* (MUDHA- Movement of Dominican-Haitian Women)⁷, which helped me enter the field and locate participants in two different *bateyes*. The general purpose of the research, and the specific purpose of the interviews was thoroughly discussed with leaders of the NGO shortly after my arrival to the country, who then suggested two possible *bateyes* to visit, and who gathered a group of participants to the interviews at the time of our visit to the *bateyes*. Thus, finding informants in these two communities were based on a purposive and convenience strategy.

Locating interview units in the other two *bateyes* however, resembled that of a convenience and snowball-approach. My entry into the third *batey* was through a contact and a friend, who brought me to a *batey* where she has been working for the last four years. This was also planned before my arrival in the Dominican Republic. Through her, I was first introduced to a woman of Haitian descent who was affected by the 2013 CT ruling, who became my key informant in this community and who helped me get in contact with other people in a similar situation who were willing to participate in interviews. Lastly, my entrance into the last community was far more random. After having been informed during the first week of the fieldwork about a foreign NGO working in a *batey* close to the third one where I conducted interviews, I simply contacted one of the volunteers in charge of the organization and asked if

⁷ See <http://mudhaong.org/> for more information about the organization.

I could come and visit. I introduced myself and my research, informed about what my intentions were, and I was then introduced to another woman of Haitian descent who was willing to participate in the study. After this, the snowball method was used to get in contact with more people affected by the court ruling.

When it comes to physical setting, the interviews were conducted in several different places. The locations and timing of the interviews were scheduled according to the informants' convenience. All interviews lasted between 30 minutes and 1 hour. The issues covered in the interviews are summarized in appendix 8.1. This will be elaborated on later in the thesis.

Individual interviews

During the gathering of data for this research, four individual interviews, and four focus groups were conducted. The interviews followed mainly a semi-standard design. The semi-standardized interview can be located somewhere between a standardized and unstandardized interview, meaning they are more or less structured with an interview-guide containing a set of open-ended questions and topics to be discussed. The questions are subject to changes in wording and in order, and subject to clarifications and “follow-up questions” during the interview. One benefit of this type of data collection method is that even though the semi-standardized interview is carried out systematically, it opens up for new ideas and understandings to be brought up as a result of what the interviewees responds (Berg & Lune 2012).

Before the fieldwork, an interview-guide was prepared for individual interviews. This guide consisted of a set of open-ended questions, which were all subject to changes in wording and in order as the interviews progressed. The prepared interview-guide ensured some structure to the interviews, but at the same time allowed for a great deal of flexibility, because the interviewees were allowed and encouraged to speak freely and elaborate on what they considered important. All the interviews started with a few, easy and non-threatening questions such as the name, age and civil status of the interviewee, and continued with an open question, or rather a topic, which opened up for a “free-flowing” conversation about the topic of interest, namely Ruling 168/13 and its effects on their lives. The interviews were all informal and relaxed in character, and lasted between 30 minutes and one hour.

Focus group interviews

In addition to individual interviews, four focus group interviews were conducted to gather information to this research. A focus group interview is an interview style designed for small groups of unrelated individuals, which is formed by an investigator and led in a group discussion on some particular topic. In other words, focus groups are: “guided or unguided group discussions addressing a particular topic of interest or relevance to the group and the researcher” (Berg & Lune 2012:166). Focus groups only contains a few number of participants, and the structure of the interview should encourage the participants to speak freely about the main subject. Although this approach is best suitable for examining motivations, decisions and priorities, it is also used in opinion research, and in exploratory investigations of areas of interest (Berg & Lune 2012: 166-168).

According to Berg and Lune, there are a number of disadvantages of focus group interviewing. Some of these are that the quality of the data generating from the interview can be highly influenced by the skills of the moderator- the person leading the group interview. The analysis of group interviews is different than might be carried out with surveys or individual interviews; the length of the interview needs to be fairly brief (ideally between 30 and 60 minutes, although longer focus groups can occur), a limited number of questions can be used; and dominant personalities may overpower and steer the group’s responses. Additionally, it does not actually provide the same depth of information as, for example, a long semi-structured interview (Berg & Lune 2012: 174). Well aware of these disadvantages, focus group interviews were still considered a highly efficient data collection method in this research. Contrary to the disadvantages listed above, focus groups can also be very flexible, for example in terms of number of participants and duration; it can provide insights into topics that were previously not well understood; related but unanticipated topics may arise in the group’s discussion that can be further explored, and, it is also an effective and convenient way of gathering much information from several people simultaneously (Berg & Lune 2012: 174-175). Due to limited time in the field and my role as a foreign researcher whom the participants had no relation to, focus groups were considered a good option for collecting data, as both suitable *and* convenient. The goal of the interviews was to have a relaxed and informal conversation on the topic, where the participants felt safe and comfortable to share their experiences and thoughts in a collective setting. The initial idea was that if there were more people in a similar situation participating in a group interview, this would facilitate for a more safe and comfortable environment for the participants, something which also would

provide better results. Also, before deciding to conduct focus group interviews, a concern was that of power relations among the participants, and that dominant persons would steer the group conversation, and hence influence the validity of the data. In order to remedy this, data triangulation was used and several interviews were conducted, both individual and focus groups.

There was conducted one focus group interview in each of the four *bateyes* where data was gathered. The focus groups consisted of 3-7 people, and 20 people participated in total. Before the fieldwork, a semi-standardized interview guide for the focus groups was prepared with a set of topics and open-ended questions that was of particular interest to the research. The group interviews, as the individual interviews, also started with an open question, aiming to start a “free-flowing “, spontaneous conversation among the participants about the topic. Because all the interviews were subject to voice-recording, the full focus was on the participants and the ongoing discussion, which made it easy leading the participants discretely over to the next question or subject that was of interest. The aim was to interrupt as little as possible, in order to listen, observe and explore what were the informants’ thoughts and reflections, hence, gather credible data. All the questions prepared were subject to changes, both in order and wording.

Three of the group interviews were carried out in classrooms in school buildings within the *bateyes*. The fourth interview was conducted in the living room of a private house. The locations and timing of the interviews were scheduled according to the informants’ convenience. All interviews lasted between 45 minutes and one hour.

Safeguarding of data from interviews

Safeguarding of data deriving from interviews can be done in different ways. Voice recording and manual notes are probably the most common ways, and both of these have their own advantages and disadvantages. By excluding the use of a voice recorder and focus on taking manual notes, the participants may feel more relaxed and comfortable, and the researcher is spared of hours of transcribing the interviews after. The researcher is also safe from technical difficulties. On the other hand, using a voice recorder has many advantages. When conducting interviews without a voice recorder, valuable information can be lost as the researcher does not have time to write down everything that is being said, or miss important information that is being said while taking notes. Additionally, important non-verbal gestures during the

interview may go unnoticed. By using a voice recorder the researcher can fully concentrate on the interviewees and what they say, and at the same time look for non-verbal signs during the interview. This also makes it easier to ask follow-up questions. The recorder is taping both *what* is being said, and *how* it being said. It is also a great advantage to have the whole interview on tape afterwards, to be able to cross-check information, and to be able to cite using the exact words of the participants. Although this technique is subject to time consuming transcription, it does increase the credibility of the data (Repstad 1998).

In this research, all the interviews, both individual and focus groups, were recorded. This was mainly due to the language barrier. All the interviews were conducted in Spanish, and it was therefore considered more convenient to be able to fully concentrate on what the informants said, in order to enhance the validity of the data, even though I speak Spanish quite well. Since the use of a translator was omitted, important information and details that was lost during the interview because of this were kept recorded. The transcription process following the interviews was time-consuming, but also crucial to provide good and credible data in this thesis.

2.3 Data triangulation, validity and reliability

Validity is concerned with the how well the data represents what we want to research; the “appropriateness” of the sources, data gathering and analysis. Reliability is about the trustworthiness and consistency of data (Berg & Lune 2012). Triangulation is important to ensure the validity of the data, and involves applying multiple sources, methods, and analysis, to cross-check data by examining it from different angles, thus producing more complete data. Triangulation can be done through the use of multiple research strategies, different theories, different sources, or multiple researchers (Berg & Lune 2012).

In this research, triangulation is done through the use of different sources and data gathering methods. In the part of the thesis which is founded on a document study approach, there have been used multiple sources, and a variety of types of sources. The data used in this part consists of both primary (e.g CT 168/13) and secondary sources, mainly based on qualitative research, such as reports based on conducted interviews, books, scholarly articles, and newspaper articles, which are different in authors, publication way and intended audience. The last part of the thesis exploring the effects of Ruling 168/13 on the lives of individuals is

based on first-hand information through qualitative interviews. For this part of the research, data has been gathered from several different sources (24 individuals), in four different communities, through the use of both individual, and focus group interviews. In this way, the research is able to enhance the validity of the findings and enable a deeper understanding of the topic. Triangulation is completed.

2.4 Data analysis

Succeeding the data collection comes the organization of all the data. In order to keep track of, access, use and analyze the amounts of data, it is necessary to create a system that ensures “high quality accessibility to the data” (Berg & Lune 2012: 55). The following describes the data analysis method applied in this thesis: content analysis⁸.

In terms of the document research, a large number of relevant, available and trustworthy academic literature and reports was gathered. The literature was first skimmed through by a quick, superficial examination. Relevant texts and passages in each of the sources were identified and later more carefully read through. Relevant themes, findings, explanations, historical events, and major claims relevant to the research were subsequently interpreted and written down. This provided an overview of the literature and of the relevant events and issues included in this research.

After the interviews were carried out and all data was collected, the voice recordings were transcribed and made into readable texts. These texts were then analyzed to find meaning units and ideas expressed by the sources. The content of the different texts were finally compared to find trends, similarities and dissimilarities. The findings/main points from the interviews were then organized and placed in a table to get a better overview of the data collected. Subsequently, meaning units were placed in a data collection table, which made it possible to further develop codes and to later extract conclusions. Each of the meaning units

⁸ Content analysis can be defined as a “careful, detailed, systematic examination and interpretation of a particular body of material in an effort to identify patterns, themes, biases, and meanings” (Berg & Lune 2012: 335). Content analysis can be performed on a number of different forms of human communications, including written documents, audiotapes and videotapes. To make qualitative data more readily accessible, understandable, and to be able to identify certain patterns and themes, the collected data needs to be reduced and coded (Berg & Lune 2012).

and codes were then ascribed a number. Extracts of raw data (citations) from the interviews were then placed in a table with a number (or numbers), illustrating which meaning unit/code the citation expresses. This was done to get an overview over how frequent the different meaning units occurred, and how they overlap. This part of the research requires coding, structuring and analysis of the findings, and is one of the most demanding, but also rewarding, parts of a research process (see appendix).

2.5 Ethical considerations

When conducting a research, it is important to consider ethical issues. The impact of research could be both great and harmful on people's lives and it is important to be careful. Berg and Lune state that "we are taking from others in order to benefit ourselves (...) We take their time, and we reduce important elements of their lives into data" (Berg & Lune 2012:98). For this reason, researchers must therefore take into consideration the rights of the people and communities that make up the studies. The researcher has the responsibility to ensure the rights, privacy and welfare of the people that participate in the study. *Do no harm* is consequently a fundamental tenet of ethical social scientific research (Berg & Lune 2012:68).

Ethical issues were carefully considered when conducting this research. All the interviews are based on the concept of *informed consent*: "the knowing consent of individuals to participate as an exercise of their choice" (Berg & Lune 2012:90). It included a written statement, confirming both the reason and objective of this research, as well as emphasizing the confidentiality and anonymity of the informants. Before each interview, the participants were informed about the context, reason and objectives of this research, and were subsequently asked if they would still like to participate. They were also informed that their anonymity would be secured, and that the interview would be recorded, mainly due to the language barrier, and to ensure the validity of the data. They were informed that the recordings would be kept in a safe place out of reach from any outsiders, and that they would be deleted after finishing the thesis. Also, they were informed that they could choose to leave the interview at any time without any justification, and choose to not answer any question they did not want to answer.

3 Background and context

The following chapter provides historical and social context for the analysis. The chapter starts by introducing the Dominican Republic and Haiti, and the general relationship between the two countries, as well as the historical background for this. Here, anti-Haitianism is defined, and the roots and development of it is briefly presented. Thus, this chapter touches upon the first research question, which will be further and more thoroughly discussed in chapter 5. Thereafter, Haitian migration to the Dominican Republic is briefly outlined, as well as the general situation of Haitians and their descendants in the country the last few decades. This contributes to paint a picture of the situation in which the ruling was issued.

3.1 Hispaniola: one island- two nations

The Dominican Republic and Haiti share the small Caribbean island of Hispaniola. Both countries share a number of common historical experiences such as colonial origin, American occupation, and former autocratic regimes, and both have experienced a quite recent transition into democracies. However, they share very little else. While the Dominican Republic was a Spanish Colony until 1821, and then from 1861-65, Haiti was under French rule until 1804. Subsequently, the two nations have developed, and are separated by, different cultures, religions, languages, ethnic compositions (Dominicans are mostly mulattos while Haiti has a predominantly black population) and collective identities (Yri & Marsteinteredet 2008). In addition, the Dominican Republic and Haiti are separated by a border that constitutes one of the largest socio-economic divides between two countries in the world. The Dominican Republic is far from a rich country, but it has the largest economy of Central America and is classified as an “middle-income” country by the World Bank (World Bank 2015). Haiti on the other hand, a country that for decades has suffered from political instability and natural disasters, is the poorest country in the western hemisphere with over 80% of the population living under the poverty line (Diamond 2005).

Historically, the bilateral ties between the Dominican Republic and Haiti have been characterized by many conflicts and tensions. Much of the existing literature concerning the two countries establishes that the relationship between the two countries has generally been long and troubled, and rarely amicable. In the Dominican Republic, the antagonism between

the two nations has led to the creation of a set of anti-Haitian prejudices called anti-Haitianism (*antihaitianismo* in Spanish). The concept is much more complex than the English translation of it indicates, though. It is not merely a rejection of Haiti and Haitians. According to some scholars, these Dominican attitudes towards Haiti and Haitians have their roots in the colonial past, and is the result of a long process of racial, nationalist and cultural prejudices (for example Sagás 2000). Political scientist Ernesto Sagás published in 2000 his book *Race and Politics in the Dominican Republic* devoted to the concept of anti-Haitianism. According to Sagás, anti-Haitianism was created by the Dominican intellectual and political elite, and has been used to further the ends of the oligarchy. He explains it this way: “*Antihaitianismo* ideology is the manifestation of the long-term evolution of racial prejudices, the selective interpretation of historical facts, and the creation of a nationalist Dominican ‘false consciousness’” (Sagás 2000; Sagás [no date]). This process has been, as he further explains: “orchestrated by powerful elite groups in the Dominican Republic with strong interests to defend” (Sagás 2000; Sagás [no date]). Nevertheless, scholars tend to diverge on anti-Haitianism. Much scholarship on Dominican-Haitian relations holds that most Dominicans are anti-Haitian, presenting a view that the two peoples are in some kind of permanent struggle (for example Wucker 1999 in Wooding 2014:100), and that anti-Haitian prejudice and discrimination permeates all levels of Dominican society (for example Paulino 2006). Others claim that anti-Haitianism is much less prevalent and virulent today than during the mid-twentieth century, but recognizing that there still is “widespread ignorance and prejudice, especially when provoked by extremists for domestic political ends” (Fumagalli 2013; Wooding 2014:100). This thesis will not go further into a discussion on whether or not most Dominicans are anti-Haitian, nor investigating what interests the elite might want to defend, according to Sagás, but instead focus on *how* anti-Haitianism has been deployed and actively used by the Dominican government and other state authorities up until the 2013 ruling. But, in order to understand how these attitudes came into being, and subsequently how they have been used and developed, a brief review of the history of the island is needed.

Columbus “discovered” Hispaniola in 1492, and the Spanish settled down on the eastern part of the island.⁹ During the latter part of the seventeenth century, French settlers started to

⁹ I write “discovered”, because before the Spanish arrived, the island was already inhabited by Indigenous people, called Taínos. When Columbus arrived, the estimated number of the indigenous population was about 400.000. However, the Taínos were subdued and exploited by the Spanish Colonists, and only after a few generations the Taínos were extinct (Howard 2001).

occupy the western part of Hispaniola, which is now Haiti. At the beginning of the sixteenth century, Hispaniola served as the first port of entry to the African slaves arriving in the Spanish territories in the Americas to work on the sugar plantations. This marked, as Torres-Saillant notes: “the start of the black experience in the western hemisphere” (Torres-Saillant 1998). However, the plantation economy soon declined in the Spanish colony, and the economy became more concentrated on cattle rearing. This required less slave labor, and the number of slaves remained relatively low in relation to the Spanish settlers (Howard 2001; Sagás 2000). The French settlement on the western side of the island however, relied primarily on a plantation-based economy, which required much more slave labor than in the Spanish colony. By the end of the eighteenth century, slaves made up almost ninety percent of the total population in Saint Domingue (Haiti), while the population on the eastern side was mainly made up of mulattos. After Haiti was declared independent from France in 1804, as the only nation in the world established as a result of a successful slave revolt, the population in the Spanish colony, however, emphasized their Spanish and European ancestry, as opposed to the proud black nation of people who embraced their African culture and heritage at the other side of the border. While the elites of Santo Domingo were more “white”, Catholic, and stemming from Hispanic culture, most Haitians on the other hand, were the opposite; black, voodoo- practicing, with African culture (Sagás 2000). By this time, Haiti was much richer, stronger and more populous than the Spanish part of the island (Diamond 2005).

In 1822, Haiti managed to occupy the eastern side of the island, an occupation that lasted for 22 years. During this period, Spanish Santo Domingo was declared as part of the Republic of Haiti, and all inhabitants of the eastern side of the island were considered Haitian citizens. This was strongly rejected by the Hispanic elite in Santo Domingo. Many lost their privileges and administrative jobs to lower class blacks and mulattos, resenting the lack of manners and finesse of most of the Haitian army officers (who were ex-slaves themselves) and, consequently, many families left the country during the period of the Haitian occupation (Sagás 2000). On February 27, 1844, the Dominican Republic managed to declare independence from Haiti, and came into being as a sovereign state at this point (Sagás 2000; Torres-Saillant 1999). After its independence, the Dominican Republic experienced three Haitian military invasions, yet unsuccessful. These Haitian-Dominican wars to consolidate independence contributed to foster the anti-Haitian attitudes among the general Dominican population (Sagás 2000; Torres-Saillant 1999). The Haitian occupation has been characterized

by David Howard as “the key historical referent for anti-Haitian sentiments in the Dominican Republic” (Howard 2001:28), and according to Torres-Saillant: “gave rise to a nation-building ideology that included an element of self-differentiation with respect to Haitians” (Torres-Saillant 1998:28).

3.2 Haitian migration to the Dominican Republic

The history of the large scale migration of Haitians to the Dominican Republic can be traced back to the development and growth of the sugarcane industry in the Dominican Republic (1875-1930), and the U.S military occupation on the island (The U.S occupied the Dominican Republic from 1916-24, and Haiti from 1915-1934) (Martinez 1999). It was during the American occupation that Haitian immigration became an established practice, as Haitians served as cheap labor-workers for the flourishing Dominican sugar industry, which was for the most part in U.S hands. The U.S military government of Haiti and the Dominican Republic started a process for the state to actively engage in the *bracero* (migrant cane cutters)-recruitment and resettlement, and both countries experienced a series of new reforms and the establishment of a national police force under U.S rule (Martinez 1999; Sagás 2000). The Dominican Republic continued to rely on Haitian labor in the sugar industry after the U.S withdrew from the country in 1924, and Haitians became a stable, but exploited supply of workers (Ferguson 2003).

In 1937, president Trujillo¹⁰ ordered for the assassination of thousands of Haitians in the country. Those who were killed were living mainly in the provinces along the border area, while Haitians living and working on the sugar estates were spared. After the 1937-massacre, the Haitian government suspended permission for recruitment of *braceros*. However, because the Dominican Republic relied heavily on cheap Haitian labor, a new migration law was enacted in 1939 which aimed principally at preventing Haitians to enter the country, except when they were needed for the sugar harvests (Martinez 1999; Wooding & Moseley-Williams 2004). In 1952, the two countries reached new agreements for recruiting *braceros*. While they previously had regulated labor circulation under their own respective laws, separately, the

¹⁰ Rafael Trujillo came to power in 1930, after first having been the Dominican chief of police and later the head of the army. He ruled the Dominican Republic ruthlessly as dictator for 31 years, a period that has been described as one of the bloodiest eras ever in the Americas (Miranda 2014:21).

new agreement placed the matter under an international treaty for the first time. Sugar companies still paid for recruitment, while Haitian authorities was responsible for the organization and issuing of five-year contracts to *braceros*. The government was also responsible for the repatriation of the workers after the harvest season. The *braceros* lived in *bateyes*, and were in practice prisoners on the sugar estates. Any undocumented Haitian outside the sugar estates could be detained and sent back to a sugar estate, assuming that they had abandoned their workplace. Samuel Martínez describes it this way: “In brief, the contract applied a veneer of free and informed consent on continuing forced recruitment practices” (Martinez 1999:75). This contract-labor system lasted until the fall of Haiti’s dictator Jean-Claude Duvalier, “Baby Doc”, in 1986. Yet, one important note on Haitian migration to the Dominican Republic during this period is that even though thousands of contract workers entered, there were also a significant number of seasonal migrants entering by clandestine means. This is still referred to as *amba fil* (under the wire), meaning that many entrants cross the border undetected and bribe their way to different places in the Dominican Republic (Martinez 1999). Wooding and Moseley-Williams point out that after the ending of the contract-labor system, and in the recent years, the number of migrant workers crossing the border *amba fil* has increased immensely (Wooding & Moseley-Williams 2004).

Every year a small minority of the seasonal workers did not return to Haiti after the harvest’s end, but stayed in the country and ultimately settled in the *bateyes*. Over time, the *bateyes* have become permanent communities and home to other people than the workers, such as families of first, second and even third generations of Dominicans of Haitian descent (Ferguson 2003; Martinez 2014b). During the 1980s, the state owned sugar industry in the Dominican Republic experienced an abrupt decline, and Haitian workers in the *bateyes* migrated in search for work. Haitian migration now took on a new form where Haitians immigrants, both former *bateyanos* (people living in the *bateyes*) and new migrants from Haiti found jobs in other sectors of the Dominican society, such as in agriculture, the construction industry, domestic services, and in the informal sector of the economy of the cities (Wooding & Moseley-Williams 2004:44). This new migration of Haitian laborers represented a shift in Haitian presence in Dominican society. While Haitians formerly were relegated to the sugarcane estates and the *bateyes*, Haitians were now brought into mainstream society. Haitian presence became more visible and integrated in the Dominican economy and society. This presents an interesting paradox, though, as explained by Shaina Aber and Mary Small:

“On one hand, these changes have proven incompatible with the Dominican desire for a purely seasonal, temporary Haitian presence. On the other, the Dominican economy was built on a supply of inexpensive and compliant labor, and still depends on it for continued growth” (Aber & Small 2013:80). During the 1990’s and in the 2000s, the life circumstances of Haitian migrants and their descendants in the Dominican Republic changed enormously. Most people of Haitian origin no longer live on the sugar plantation estates, and those who do are no longer kept there against their own will. On the other hand, Haitians and their descendants now face other challenges and restrictions than being physically relegated to the *bateyes* (Martinez 2014b). This is presented in the following section and discussed thoroughly in chapter 5.

3.3 Haitians and their descendants in the Dominican Republic

Despite the high level of Haitian migration to its neighbor country and the increased need for their labor power, a state sponsored system of migration has been absent since 1986. Many decades of unregulated migration of Haitians has therefore ultimately resulted in a significant population of Haitians and their descendants whose status is *irregular*. Irregular in this sense means that they lack identity- or migration papers establishing their right to be in the country. *Primera Encuesta Nacional de Inmigrantes en la República Dominicana* (ENI- First National Survey of Immigrants in the Dominican Republic),¹¹ estimated the number of the Haitian migrant population to 458.233. In the same survey, the estimated number of children of Haitian migrants (first generation of Dominicans of Haitian descent) was 209.912 (Oficina Nacional de Estadística 2013).

Haitian migration to the Dominican Republic has given rise to major human rights issues, as these people have generally have had few rights in the Dominican Republic and therefore also have been vulnerable to many forms of mistreatment and discrimination (Ferguson 2003; Miranda 2014; Wooding & Moseley-Williams 2004). Wooding and Moseley-Williams describes it this way: “Immigrants from Haiti [and also their children] are mostly unprotected by law and administrative practice. They are subject to discrimination and abuse by labour contractors, employers, agents of the state (the police, the military, the migration authorities), the judiciary, and the public education and health services” (Wooding & Moseley-Williams

¹¹ Conducted in 2012 by the European Union, the United Nations Population Fund (UNFPA) and the National Statistics Office (ONE).

2004: introduction). For example, Haitians and their descendants in the Dominican Republic have for decades been at risk of detention and deportation, and many have experienced a constant fear and uncertainty due to that risk. This has probably been the most common Dominican response to unwanted Haitian presence in the country, and normally takes two forms: large scale, widely reported mass deportations, and day-to-day expulsions of individuals and groups. For example, mass deportations are often military-led and centrally planned, and used to convey a political message, often around election times or as a response to international criticism of Dominican labor practices. In either way, in the process of deportations, several human rights abuses takes place. For example, families are often separated and children are left alone (Ferguson 2003; Wooding & Moseley-Williams 2004). According to a 2002 report by the Human Rights Watch (HRW), deportees “have no chance to contact their families, to collect their belongings, or to prepare for their departure in any way. They are frequently dropped off at the Haitian border within a matter of hours after their initial detention, sometimes with nothing more than the clothes on their back” (Human Rights Watch 2002, cited in Ferguson 2003:18). Additionally, and an important part of this research, even though those born in the country traditionally have had the right to Dominican nationality, this has often been denied to them in practice. Chapter 5.1 discusses this in more detail.

4 Theoretical Framework

This research draws on elements of Michel Foucault's thinking about power and power relations. More specifically, it uses *governmentality* and *bio-politics* as a framework for the analysis. Mark Kelly points out that Foucault's political work seem to have two things in common: a historical perspective, studying social phenomena in historical contexts, and a discursive methodology. As such, the general political importance of Foucault's thought is to understand "how the historical formation of discourses have shaped the political thinking and political institutions we have today" (Kelly [no date]). One reason for choosing Foucault as a point of departure in this research lies first in the framework's embedded capability to study Ruling 168/13 in its historical perspective, to see how discourses about Haiti and Haitians in the Dominican Republic have led to the thinking about Haitian descendant Dominicans as "non-Dominicans", consolidated in the 2013 ruling. Within this framework, the analysis of power both focus on the type of power that is exercised; the techniques and mechanisms used which affects children of Haitian immigrants, and also the constitution of reality and the system of knowledge that enables this use of power. Thomas Lemke points out this important aspect of governmentality: "the semantic linking of governing ("gouverner") and modes of thought ("mentalité") indicates that it is not possible to study the technologies of power without an analysis of the political rationality underpinning them" (Lemke 2002:50).

Moreover, much of Foucault's work focused on the different techniques of power and their effects upon subjects. Jarmila Rajas, in her 2014 doctoral dissertation called "State Racist Governmentality: a Foucaultian discourse theoretical analysis of Finnish immigration policy", points out that governmentality studies "requires analysis that goes beyond the discursive surface and investigates the technologies and rationalities and their power effects" (Rajas 2014:16). Therefore, equally important as studying the background and rationalities for CT 168/13, is the effects this decision has on Dominicans of Haitian descent in the country, and what this say about the way this group of the population is understood within the Dominican society. In sum: governmentality is applied as a framework to analyze Ruling 168/13; as a power technique that controls and regulates the Dominican population of Haitian descent in the country, to discover the effects of that decision on a particular group of the population (Dominicans of Haitian descent), but also to study the historical background and rationalities;

the organized discourses and practices in place that allow such power technique to arise in the first place.

An important note, however, is that even though Foucault's thinking forms the basis for the theoretical framework in this thesis, this part will rely heavily on secondary sources and the work of other scholars following in Foucault's footsteps, in particular Mitchell Dean, Jonathan Gaventa, William Walters, Thomas Lemke, Mark Kelly, Nikolas Rose and Paul Rabinow, whom have all contributed to the development of arguments and forms of knowledge derived from studies of governmentality and bio-politics first presented by Foucault. The following section starts by introducing Foucault and his general understanding of power, and continue by defining and elaborating on the concepts of governmentality and bio-politics. Whereas some important connections between the theoretical framework and research questions are made clear throughout this chapter, a more thorough analysis relating the theory with the research questions will be done in chapter 5.

4.1 Foucault and Power

Foucault's work has been highly influential in shaping our understanding of power. One reason for this, is that his work marks a turning point from earlier ways of assessing and analyzing power. The most common underlying notion of power has usually been that power is something one can possess, for example the capacity of an agent to impose his will over the will of others, or to force them to do things against their will (referring to Robert Dahl's (1957) definition in Baldwin 2012). Foucault however, understands power as strategies rather than mere possession; as something that acts and manifests itself in a certain way (Foucault 1982). In his 1982 essay "The Subject and Power", Foucault claims that it is not power *per se* that is his main interest but rather the constitution of the subject:

To sum up, the main objective of these struggles is to attack not so much 'such or such' an institution of power, or group, or elite, or class but rather a technique, a form of power. This form of power applies itself to immediate everyday life which categorizes the individual, marks him by his own individuality, attaches him to his own identity, imposes a law of truth on him which he must recognize and which others have to recognize in him. It is a form of power which makes individuals subjects (Foucault 1982:781).

The word “subject” has two meanings attached to it. It means being subject to someone else by control and dependence, and also being subject and tied to one’s own identity by a conscience or self-knowledge. Both meanings propose a form of power “which subjugates and makes subject to” (Foucault 1982:781). Hence, this matter cannot be addressed in other ways than through an analysis of power, according to Foucault. He therefore extended the traditional idea of what power is by shifting the direction of the analysis, from “what is power?” to “how is power exercised?” (Foucault 1982:786). For Foucault then, what is most important is the effect of power on the world around us; on networks, practices, and on how our behavior can be affected, not power itself. Power, he argues, is a way in which certain actions modify others: “what defines a relationship of power is that it is a mode of action which does not act directly and immediately on others. Instead, it acts upon their actions: an action upon an action, on existing actions or on those which may arise in the present or the future” (Foucault 1982:789). Thus, power is something that exists only when it is put into action, and the exercise of power consists in guiding the possibility of conduct and putting in order the possible outcome (Foucault 1982:789).

For Foucault, “power is everywhere”, and “comes from everywhere”. Power is not only exercised as top-down domination and coercion, which is in line with more traditional theories of power. Foucault also understands power as “strategies”, which are produced through the composition of power relations that exist throughout society. It is rooted in the system of social networks. Power is dispersed and pervasive. Wherever people interact there are power relations, and every attempt of influencing others is power (Foucault 1982; Gaventa 2003): “Power is everywhere; not because it embraces everything, but because it comes from everywhere. [...] power is not an institution, and not a structure; neither is it a certain strength we are endowed with; it is the name that one attributes to a complex strategical situation in a particular society” (Foucault 1978:93). However, power in this sense is not only negative. It does not necessarily signify that it is exercised against the interests of the other part of a power relationship, or that it is fundamentally bad. In the sense that Foucault gives to the term power relations does not always result in a removal of liberty or options available to individuals, but on the contrary, power could result in an “empowerment” or “responsibilization” of subjects, forcing them to “free” decision-making in fields of action (Lemke 2002:53).

Power is also inseparable from knowledge. Power is a kind of *regime of truth*, that is, mechanisms that produce discourses which function as true. These regimes of truth, or, “the general politics” of a society, are in constant change and negotiation, and infuses society through accepted forms of knowledge, scientific understanding and “truth”. Power is in this way dispersed and incorporated in discourse; in knowledge (such as psychiatry or medicine), and is constantly strengthened through the education system, the media, and political and economic ideologies (Gaventa 2003). Power as strategies can therefore take many forms, for instance ideological manipulation or rational argumentation, such as, for example, anti-Haitiansim in the Dominican Republic, which will be discussed later.

Moreover, power can also be a source of social discipline and conformity, what Foucault calls *disciplinary power*. That is not to say that power is discipline, but one way through which power is exercised. For example, institutions such as prisons, schools, and mental hospitals and their mechanisms of surveillance and assessment teach people how to discipline themselves and to behave in certain expected ways, and does therefore not require force or violence. Physical bodies are, in a sense, subjugated and made to behave in certain ways (Gaventa 2003). However, while discipline is about the control of individual bodies, *bio-politics* is about control and managing of entire populations, which grew up based on the concept of disciplinary power. Both disciplinary and bio-politics are what Foucault calls *technologies of power* (Gaventa 2003), which relates to the concept of *governmentality*, “the conduct of conducts”.¹² Foucault also argues that power now has become more and more under state control, meaning that power relations have become governmentalized, elaborated, rationalized, and centralized in the form of state institutions, as *power technologies* (Foucault 1982:793). This is evident in this case in the Dominican Republic, for instance, where anti-Haitian sentiments have, in recent years, become more incorporated in official practices of the

¹² Some concepts that are important to clarify are *technology* and *technique*, which Foucault often used interchangeably. Both of these are linked to the exercise of power and different political rationalities. *Technology* refers to a set of skills, practices and knowledge that are instruments for realizing a given object, while *technique* refers to some of these specific skills one uses to reach towards the objective. Furthermore, the concept *mechanism* is used to describe a technique or a procedure where certain power effects are carried out in reality. The combination of all these terms is referred to as *apparatus*- used to produce certain effects (Kristensen 2013:19).

state, which all work towards the restricting of rights to Dominicans of Haitian descent in the country, and which will be thoroughly discussed later in the thesis.

4.2 Governmentality as the “conduct of conduct”

William Walters (2012) points out that pinning down exactly what Foucault means by governmentality is not an easy, straightforward task. Foucault uses the concept in a number of different ways, and the precise interpretation of the term has therefore become subject to a significant debate among scholars in recent years. Some claim that governmentality is a distinctive approach to the kinds of power relations that are characteristic of liberalism, while others claim that Foucault uses governmentality in a number of senses, both specific (relating to liberalism) and more general (Walters 2012). While recognizing that governmentality may have plural rather than a unitary meaning, a productive way to approach governmentality, at least in this research, is by regarding it as a set of analytical tools instead of a social or political theory. Foucault himself also reckoned this as a useful manner, and once compared his own books to a box of tools that others were free to pick up and use as they saw fit (Foucault in Walters 2012:45). So, instead of “diving” further into governmentality and its numerous different interpretations, governmentality in this research will be regarded in its broadest sense, as “a heading for a project that examines the exercise of power in terms of the ‘conducts of conducts’, consisting of a special stratum of discourses and organized practices of knowledge and power; of techniques and procedures designed to govern the conduct of people in every level of society” (Walters 2012:11). In the following, some important aspects to the notion of governmentality as will be used in this thesis will be highlighted.

Mitchell Dean elaborates on Foucault’s definition of government as the “conduct of conduct”. He points out that the definition plays on several senses of the word “conduct”. It means to lead, to direct or to guide, but also “to conduct oneself”. This turns the attention to a form of self-direction (Dean 2010:17). Additionally, as noun, “conduct” refers to “the articulated set of our behaviors”. Here, the sense of self-regulation or -guidance is often involved. For example when talking about our “professional conduct” or the conduct of schoolchildren, these types of discussions tend to have an evaluative or normative role, meaning that conforms to a “they presume a set of standards or norms of conduct by which actual behavior can be judged, and which act as a kind of ideal towards which individuals and groups should

strive” (Dean 2010-18). This implies that our behavior can be regulated and controlled rationally. There are agents, such as teachers or professional associations who are responsible for overseeing that regulation occurs. Combining these meanings of “conduct” together to put it simple, involve any attempt to shape deliberately (however with different degrees), different aspects of our behavior according to a particular set of norms and for a number of different ends. A definition of government as the “conduct of conduct” can thus be:

Government is any more or less calculated and rational activity, undertaken by a multiplicity of authorities and agencies, employing a variety of techniques and forms of knowledge, that seeks to shape conduct by working through the desires, aspirations, interests and beliefs of various actors, for definite but shifting ends with a diverse set of relatively unpredictable consequences, effects and outcomes (Dean 2010:18).

This definition, although quite wide, implies that government involves an attempt to deliberate on and direct human conduct. Human conduct, from the perspective of those who govern, can be regulated, shaped and controlled in order to meet specific ends. “Rational” means simply any form of thinking that is relatively clear, systematic or explicit about aspects of “external or “internal” existence: how things are or simply how they ought to be. However, there is no single, universal Reason but rather a multiplicity of rationalities and different ways of thinking, of making calculations and for defining purposes and employing knowledge. In this sense, rationality also links with moral questions. For example, the government is moral in that national government and other governmental bodies presumes to know, although with varying degrees of explicitness and by using different forms of knowledge, what is good, honest, appropriate and responsible conduct of individuals and collectives (Dean 2010:18).

Regarding governmentality as the “conduct of conducts” thus includes the different rationalities, or mentalities of government. But, there is both a rational, and a-rational aspect of mentalities of government. Rationalities, as mentioned above, is any systematic way of reasoning, of thinking about, calculating and responding to a problem, often drawing upon formal bodies of knowledge or expertise. The notion of “mentalities”, however, does not necessarily carry the rationalist weight. Mentalities implicates that thinking is a collective activity, and can be described as a condition of forms of thought, a matter of the bodies of knowledge, belief and opinion in which we are immersed. The idea of mentalities of government emphasizes how the thinking in governmental practices is explicit and embedded in language and other technical instruments, but, is also relatively taken for granted. Hence,

the manner in which we think about exercising authority draws upon the expertise, vocabulary, theories, ideas and other forms of knowledge that are available to us. For example, in rationalist contemporary polities, these mentalities often derive from the human sciences such as economics, management or medicine. Yet, and important to this research, mentalities of rule might rely on a-rational elements as well, such as when political discourse and vocabulary tend to rely on mythology and imagery with a strong emotional resonance (Dean 2010), as in this case where anti-Haitiansim has formed part of political discourse and practices. An important aspect of governmentality thus deals with how *thought*, rationalities and mentalities, operates within our organized ways of doing things, within our regimes of practices, and subsequently with its ambitions and effects. In other words, it concerns the way in which thought is linked to and embedded in programs and technical means for the direction, the shaping and reshaping of conduct, and also how *truth* is produced in social, cultural and political practices. Various existing “truths” about our existence and nature as human beings is what guides both the governing and the governed, in the conduct of others and ourselves, but at the same time this contribute to producing truth. These practices for the production of truth and knowledge can be referred to, as mentioned earlier, *regimes of truth*, or also *regimes of government* (Dean 2010:26-28). Therefore, in order to study the technologies of government we have to study the rationalities that reinforce them (Lemke 2002).

Following Foucault, governmentality also relates to the emergence of political economy, and entails a regime of government which has “the population” as its main object. Government as a government for “each and all”, showing a concern for the population as a whole, its health, welfare, prosperity and happiness, represents a new form of exercising and thinking about power, in contrast to the previous feudal monarchy and royal power:

This form of power is bound up in the discovery of a new reality, the economy, and concerned with a new object, the population. Governmentality emerges in Western European societies in ‘the early modern period’ when the art of government of the state becomes a distinct activity, and when the forms of knowledge and techniques of the human and social sciences become integral to it (Dean 2010:28).

Here, the notion of governmentality also implies a connection of government to other forms of power; sovereignty and discipline. Earlier sovereign power, as an element in royal power and strength, was exercised through the juridical and executive arms of the state. Discipline

concerned the power over and through the individual; the body and its capacities. Although governmentality still retains and utilizes the same techniques and rationalities which were characteristic to both earlier sovereignty and discipline, it at the same time departs from, and has deployed a new meaning to them. While the object of sovereign power is the exercise of authority over the subjects of the state within a definite territory, the object of disciplinary power is to regulate and order the number of people within that territory. Consequently, the population as a new object of government means that it is a resource that can be fostered, used and optimized for the benefit of the state. Governmentality, then, strive to control the population by the use of what Foucault refers to as *apparatuses of security* (Foucault et al. 2007:10). Such types of apparatuses include armies, police forces, diplomatic corps, and intelligence services and so on, as well as health, welfare and education systems. Consequently, Foucault finds that it is best to regard these forms of power as a triangle: “In fact we have a triangle: sovereignty, discipline, and governmental management which has population as its main target and apparatuses of security as its essential mechanism” (Foucault et al. 2007:107-108). Instead of replacing discipline and sovereignty then, the “modern art of government” recasts them for the purpose of optimizing the population, and the forms of knowledge and technical means appropriate to it. One of these techniques is referred to by Foucault as *bio-politics*.

4.3 Bio-politics as power over life

Bio-politics grew up on the basis of disciplinary power and is about monitoring the births, deaths, reproduction and health of an entire population through institutions, with the goal of producing people that would have beneficial consequences for the state. This means, for example, to ensure a healthy work force. Foucault defines the concept of bio-politics in *Security, Territory, Population*:

(...) the set of mechanisms through which the basic biological features of the human species became the object of a political strategy, or general strategy of power, or, in other words, starting from the eighteenth century, modern Western societies took on board the fundamental biological fact that human beings are species (Foucault et al. 2007:1).

Even though bio-politics is related to sovereign power, it at the same time differs from the earlier juridical form of sovereign power, “the politics of death” in the manner in which it instead represents a form of power that is exercised at the level of life, as power over life

(Rabinow & Rose 2006:196). Bio-politics, to quote Foucault, is characterized as a power to “invest life through and through” (Foucault 1978:139). Bio-politics refers to a web of relations that has the population, the species and the race as its object, with the most important objective being the health of the population. However, the population and its health is not governed for its own sake, but the health of the population is, as Foucault notes: “an economic and political problem: population as wealth, population as manpower or labor capacity, population balanced between its own growth and the resources it commanded” (Foucault 1978:25). Dean offers a broad, but concrete definition of the term:

Bio-politics is a politics concerning the administration of life, particularly as it appears at the level of populations. It is the attempt, starting from the eighteenth century, to rationalize problems posed to governmental practice by phenomena characteristic of a set of living beings forming a population: health, hygiene, birthrate, life expectancy, race [...] Bio-politics must then also concern the social, cultural, environmental, economic and geographic conditions under which humans live, procreate, become ill, maintain health or become healthy, and die. From this perspective, bio-politics is concerned with the family, with housing, living, and working conditions, with what we call “lifestyle”, with public health issues, patterns of migration, levels of economic growth and the standards of living (Dean 2010:118-119).

A central and important aspect of bio-politics, is how it functions through the constitution of norms. A norm can be defined as “...a way for a group to provide itself, or be provided with, a common denominator without any recourse to a point of externality” (Dean 2010:141). Foucault argues that “(...) a power whose task is to take charge of life needs continuous regulatory and corrective mechanisms” (Foucault 1978:144). *Regulatory*, in this context, indicates an association with norms and normalizing powers (Dean 2010:140). The argument here is that the judicial system of the law does not cease to be important, but rather that it loses its exclusive role in directing people. Law and norms are increasingly intertwined: “judicial institution is increasingly incorporated into a continuum of apparatuses (medical, administrative, and so on) whose functions are for the most part regulatory” (Foucault 1978:144). Bio-politics as power over life, in a way, directs people to internalize certain norms. Bio-politics therefore differs from previous forms of power in the sense that individuals and the population are not only obedient of the sovereign, whereas the normal and the abnormal set forth in different discourses, institutions and practices. Furthermore, and quite important to this study, is that norms does not derive from a general view of the cosmos, of being or of human nature, but rather from the characteristics or attributes of things, activities, or populations to which it is applied (Dean 2010:142).

4.4.1. The dark side of bio-politics: to foster life or disallow it

Within the field of bio-politics, populations are oftentimes divided into sub-groups, which will either retard, or contribute to the welfare of life of populations. It is here within this field that the criminal and dangerous classes of the population are discovered, for instance, and the attempts to prevent, contain or eliminate them. Foucault notes that it is within this framework that we can locate the modern form of racism “in which the notion of race appears as a defense of the life and welfare of the population against internal and external enemies” (Dean 2010:119).

Foucault contrasts sovereignty and bio-politics, and how these two registers of government deal with different forms of power to concern with matters of life and death. While sovereignty entailed a form of power that could put subjects to death- a right to kill if necessary, in the defense of the sovereign, bio-politics on the other hand concerned the fostering of life. However, the right to take life can also be understood as a “right to take life or let live”, and also as power over life, as a power “to foster life or disallow it”. Bio-politics then, although centered on *life*, reestablishes the earlier right of death and places it within a new and different form, as the right to disqualify life or to disallow the life of people who are considered a “threat” to the life of a population (Dean 2010:163-164; Foucault 1978:138). As such, the new sovereignty right does not erase the old right, but, according to Foucault, does penetrate and permeate it to: “the right to make live and to let die” (Foucault et al. 2003:241). Bio-politics in this sense also has a dark side: while one function is to enhance the life of a population, another is to exercise “death”, for example through war, which bio-politics provides with new and more “sophisticated” strategies, or in killings of own populations, for instance in “ethnic cleansing”, “genocide” and mass killings of classes and groups (Dean 2010:163-164). Foucault notes that: “wars are no longer waged in the name of a sovereign who must be defended; they are waged on behalf of the existence of everyone; entire populations are mobilized for the purpose of wholesale slaughter in the name of life necessity: massacres have become vital” (Foucault 1978:137). Power is exercised at the level of life and of populations, and subsequently wars will be waged at that level: “If genocide is indeed the dream of modern powers, this is not because of a recent return of the ancient right to kill; it is because power is situated and exercised at the level of life, the species, the race, and the large-scale phenomena of population” (Foucault 1978:137). With the emergence of bio-politics

then, racism, state racism, got inscribed as a basic mechanism of power of the modern state (Foucault et al. 2003:254).

The primary function of bio-political racism, according to Foucault, is to determine who must live and who must die. It “establishes a positive relation between the right to kill and assurance of life” (Dean 2010:165) in the manner in which the life of the population (its health, vigor, capacity to survive etc.) become linked to the elimination of internal and external threats. An important note, though, is that “race”, according to Foucault, had little to do with physical appearance. “Race” and “nation” were once used interchangeably, and it is within this broad sense of “race” that the division between population/race/nation and its enemies is called state racism (Kelly 2004:62). Thus, state racism can be approached as a central power mechanism in the bio-political domain, as a dividing line in modern bio-political states between who is part of the population and who is not. Our society can be identified as a “race”, which is threatened by enemies without and within; by internal and external agents threatening the population which with bio-politics is concerned, and which can grow stronger by removing, or eliminating, those threats. However, Mark Kelly argues that the bio-political exclusion of certain groups of the population, for example criminals, needs only *the idea* that they are harmful to society and the population, not that they are racially dangerous at a genetic level (Kelly 2004:61-62). This certainly applies to the case of the Dominican Republic and Ruling 168/13, which constitutes a dividing mechanism between who has, and who has not the right to Dominican citizenship. This will be thoroughly discussed in the next chapter, in section 5.2.

5 Findings and discussion

In this chapter the findings are presented and discussed according to the theoretical framework, in order to answer the research questions. The chapter is divided into three parts. The first part focuses on research question number 1) “How has anti-Haitiansim traditionally been used by Dominican state authorities “to shape conduct”, and how has this developed up until Ruling 168/13?” The second part deals with question number 2) “How does Ruling 168/13 affect the Dominican population of Haitian descent, and how can this be regarded as a form of state racism?” Finally, the last part discusses research question 3) “What are the effects of Ruling 168/13 on the lives of individuals of Haitian descent that the ruling concerns, and how does this relate to Foucault’s concept of *letting die*?” Together, these three questions will form the basis for answering the problem statement: “*What rationalities have enabled the Dominican Republic’s CT Ruling 168/13, and how does the ruling affect the Dominican population of Haitian descent in the country?*”

Even though presented separately, the following sections will not answer the related question exhaustively, but to some extent overlap and complement each other. For instance, section 5.1 discusses anti-Haitianism and its development up until the CT ruling, to be able to discover what rationalities have enabled the court ruling. However, it is not until we look closer into the CT ruling itself, in section 5.2, that we see how the ruling draws on the already existing rationalities that has been discussed in the previous chapter. In addition, section 5.2 analyzes Ruling 168/13 and investigates how it affects people of Haitian origin in the country in terms of the population as a whole. Even though this part answers the second research question, the last part of the thesis, section 5.3 explores this further and provides a deeper, more in-depth understanding of the effects on people’s lives. These two parts therefore, to some extent, complement each other.

5.1 Anti-Haitiansim in the Dominican Republic

This section attempts to answer the first research question: “How has anti-Haitianism traditionally been deployed by Dominican state authorities “to shape conduct”, and how has this gradually developed up until Ruling 168/13?” The following is based on what was briefly presented in chapter 3, however, this part will provide a more in-depth presentation of the

topic. Focusing on the role of anti-Haitianism through the lens of governmentality is helpful to understand the historical conditions and rationalities that have enabled Ruling 168/13; how the court ruling emerged. Through the use of this perspective, one can see how thought, rationalities and mentalities, about Haiti and Haitians, has operated in shaping the managing and governing of the Haitian population and their descendants in the Dominican Republic throughout the last century and especially the last decades, leading up to and culminating in the 2013 ruling.

The first part of the upcoming analysis discusses anti-Haitianism up until the beginning of the 21st century. This part illustrates how anti-Haitian have been used by politicians, leaders and other Dominican authorities, mainly since the Trujillo era until today, and how these discourses have cultivated and shaped anti-Haitian sentiments in the country. The word “discourse” here refers to an aspect of power which relates to the creation and maintenance of the “truth”, or at least what is generally accepted as the truth (Foucault & Gordon 1980:96-108). The second section focuses on a shift in which anti-Haitian attitudes have become more embedded in administrative and legal practices of the Dominican state in order to control and manage the Haitian, and the Dominican population of Haitian descent in the country. Accordingly, this part of the thesis shows how existing rationalities and mentalities about Haiti and Haitians, which in this case is mainly based on myths, imagery and distorted historical facts, has operated within the Dominican regimes of practices and organized ways of doing things, making Haitians subjects to a “regime of truth” in Dominican society. The overall intention with this part of the thesis is to look into the emergence of the “regime of truth”; exploring the ways in which this truth have been formed and from where it is generated, and subsequently how it has been put into practice. This will, hopefully, contribute to place Ruling 168/13 in a wider context, and to understand some of the background for it, and rationalities that has enabled the court ruling.

5.1.1. Development of anti-Haitianism up until the 21st century

As shown in the background chapter (3), the tensions between the Dominican Republic and Haiti can be traced all the way back to the colonial era. Ever since this period, and especially after the Haitian occupation, the Dominican government and other important political figures have deliberately promoted anti-Haitian attitudes to the Dominican people. Even though

Spanish rule ended in 1865 and the Dominican Republic became permanently independent at this point, it was the expulsion of the Haitians and the end of Haitian occupation in 1844 that became the foundation of Dominican nationhood. To this day, Dominicans celebrate their independence day on February 27 (the day the country gained its independence from Haiti), as the only country in Latin America that does not celebrate its independence from a colonial power (Howard 2007; Paulino 2006). Many scholars thus argue that from its beginning, then, the Dominican Republic has, quite literally, been constructed on the basis of rejection of Haiti (Howard 2001; Paulino 2006; Sagás 2000).

The features of anti-Haitianism that exists today stems, in particular, from the dictatorship of Rafael Trujillo (1930-61), and from his successor Joaquín Balaguer¹³ (Wooding & Moseley-Williams 2004). When discussing anti-Haitianism and its origins, Samuel Martínez puts it this way: “[anti-Haitianism] surely owes its prominence in Dominican culture and politics largely to government propaganda during and after the Trujillo regime” (Martínez 2003:82). The Trujillo regime honored Hispanic culture and Catholicism, which was regarded as the core of the Dominican nation. During this era, anti-Haitian sentiment was formalized as a state discourse. It was employed as a political tool, transformed from being a loose and unorganized set of ideas to becoming an official state discourse that perceived and depicted Haitians as inferior and a threat to the Dominican nation. It was used to maintain support for the Dominican Republic’s nationalist policies in the Catholic Church, state machinery, and politics, and aimed at building Dominican nationalism into what Sagás calls a “cultural shield” against Haitian influences (Sagás 2000:46):

The ideology of antihaitianismo, as promoted during the Trujillo era, operated on simple principles: Haitians were an inferior people, the pure descendants of black African slaves who were illiterate, malnourished, disease-ridden, and believed in voodoo; Dominicans, on the other hand, were portrayed as the proud descendants of the Catholic Spanish conquistadores and the brave Taíno Indians (Sagás 2000:47).

The highpoint of Trujillo’s anti-Haitian policy was in 1937, when Trujillo ordered for the assassination of thousands of Haitians living in the provinces along the border area.

Dominican soldiers were instructed to kill those that did not have identity papers, under a

¹³ Joaquín Balaguer served as president from the assassination of Trujillo in 1961, to 1962, then from 1966 to 1978, and in a third and final period from 1986 to 1996. He was also a writer, one of Trujillo’s intellectuals, and an important political figure in the Dominican Republic throughout most of the last century until his death in 2002 (Sagás 2000).

false assumption that all Dominicans possessed these documents. The victims were identified on the basis of their skin color and accents. This event, still frequently referred to as *El Corte* (“the cutting”, or “mowing down”) by Dominicans, and *Kout Kouto-a* (“the stabbing”) by Haitians (Turits 2002:590), has been described by Edward Paulino as “[marking] the modernization of anti-Haitianism: the state sponsored institutional and ideological campaign to turn Haitians into the official enemy of the Dominican state”(Paulino 2006:266), and by Howard as “the most remarkable and disturbing manifestation of this hatred [referring to anti-Haitiansm]” (Howard 2001:29). Exactly how many Haitians were killed during the massacre is unknown. The number ranges from 4000, to as many as 35,000 (Krohn-Hansen 2001a:80; Paulino 2006:269). The event of 1937 was the result of the *Dominicanization* of the frontier, a manifestation of the measures to reduce the number of Haitians in the country. However, because Haitian labor was also highly needed, Haitians in the sugar plantations were spared (Wooding & Moseley-Williams 2004:20).

After the massacre, the main strategy of the Dominican regime was to further develop anti-Haitian nationalism; to encourage the development of a state discourse that established a clear separation between Haiti and the Dominican Republic in the minds of the Dominican people (Howard 2001; Krohn-Hansen 2001a; Martinez 1999; Sagás 2000). In this way, the Trujillo regime was able to legitimize the “nationalist efforts” in 1937. Christian Krohn-Hansen describes how the Dominican state attempted to justify the *Dominicanization* policy by depicting Haitians as an external enemy from which the Dominican nation had to be defended:

After the 1937 Haitian massacre, the Trujilloist state embarked on a heavy propaganda campaign to demonize the Haitian other, representing the slaughter as incidents between Dominican border residents and Haitian livestock thieves, and the 'Dominicanization' as a necessary and legitimate attempt to construct a defense against the evil which was infiltrating from the other side (Krohn-Hansen 1997:55).

Krohn-Hansen’s argument is clearly reflected in Balaguer’s defending of the massacre as part of the Dominican state and Trujillo’s national ideological strategy:

(...) by 1935 there were 400,000 Haitians in our country, resulting in the corrosion of national solidarity; voodoo, a kind of African animism of the lowest origins, became the preferred cult among Dominicans of the border area. The *gourde*¹⁴ replaced the *peso*¹⁵. Peasants were

¹⁴ The currency of Haiti.

¹⁵ The currency of the Dominican Republic.

learning from the Haitians anti- Christian customs, such as incestuous unions. We were about to be absorbed by Haiti (Balaguer cited in Howard 2001:29).

The state thus attempted to create an enduring myth, an image of Haitians as a dangerous threat, and upheld that it was only due to Trujillo's extreme measures that the Dominican Republic managed to save itself from the "Africanization" and "the Haitian danger". An important note, however, is that these attitudes towards Haiti as a "threat" had no military basis at this point, contrary to the nineteenth century right after the country's independence from Haiti (Krohn-Hansen 2001b; Sagás 2000). Since Haiti now had undergone decades of political instability and economic decline, the Dominican government and leadership did no longer fear a military invasion from the west. But, since neither of the two governments had much control over the border, and people from both sides circulated freely between the two countries, and due to the substantial number of Haitian sugarcane workers in the Dominican Republic, the former fear of Haiti shifted to an apprehension about an *invasión pacífica* (pacific invasion) from the western part of Hispaniola (Martinez 1999; Sagás 2000). This was a fear that: "Haiti might insidiously gain hegemony over all of Hispaniola via infiltration by its numerically superior population into Dominican territory. Elite observers assumed that Haitian frontier settlers would not assimilate Dominican ways and would be capable of Haitianizing the Dominicans with whom they came into contact" (Martinez 1999:70). In current political debates as well, political figures have revived common fears of a pacific invasion from Haiti, which will become a social burden for Dominicans (Human Rights Watch 2015b). Many Dominicans fear that the political, economic, and environmental "anarchy" that has gripped Haiti will spill over across the border in the form of more Haitian migration (Paulino 2006). This fear of a silent invasion has thus further contributed to the promotion of both anti-Haitian sentiments and the need to take measures to defend Dominican national identity and sovereignty among the Dominican political elite (IACHR 2015).

Trujillo and his regime thus implemented anti-Haitian ideas in the practices of the state. The *Dominicanization* of the border region is one such practice. The people living in the border provinces became subject to an intense religious and educational propaganda campaign due to their proximity to Haiti. The Church was recruited as an attempt to combat the feared effects of the Haitian voodoo-practices, missionaries were hired to reestablish Catholicism in the border areas, and dozens of new churches and chapels were constructed and maintained by the

Dominican government. The churches, in addition to serve as centers for Catholic training, also served as “propaganda bases” for Dominican nationalism. The number of schools in the border provinces also increased immensely in the years following the massacre, from fewer than seventy in 1936 to more than 250 in 1960. Compulsory education law was harshly enforced in the borderland areas, much more than in the rest of the country. The recruitment of teachers were carefully supervised by the government, alongside with strict government control of the curriculum. Every aspect of education emphasized patriotic themes: there was great emphasis on the study of the Spanish language, on history and geography (history books were often full of distortions and exaggerations about Haiti and Haitians, and of the suffering of the Dominican population during the Haitian occupation), flag-raising ceremony in the morning, propaganda broadcasts from Santo Domingo on the radios in the classrooms, and so on. Thus, both the Church and the educational system became promoters of anti-Haitianism and used as instruments of political influence by Trujillo (Augelli 1980; Sagás 2000). However, some of this is still evident today. Sagás points out that by analyzing Dominican history textbooks from the early 20th century to the present reveals plenty of anti-Haitianism, portraying Haitians as the eternal enemies of the Dominican people (Sagás 2000). A study published in 2006 supports this. The study shows how present social science textbook used in Dominican public schools portray national identity and ethnicity, shows that textbooks are being used as a form of ethnic propaganda in the Dominican curriculum. According to Sheridan Wigginton who conducted the research, there are three major themes emerging from the textbooks’ illustrations of blackness (which is perceived as typical of Haitians), all holding anti-black racial cultural ethos: blackness represents less desirable social status; blackness can be prevented through generational *blancamiento* (whitening); and blackness is represented by negative and exaggerated stereotypes. Wigginton further emphasize that these themes are not only prevalent in school textbooks, but also in a range of other data sources consulted for the research, such as in newspapers, magazines, and in television- and radio broadcasts (Wigginton 2005). Evidently, this is a type of institutionalized form of anti-Haitianism, supported by the state, and designed to form Dominican citizens; “shape conduct” (Sagás 2000).

Anti-Haitianism was further promoted after Trujillo’s death, albeit not as an official political discourse, and has developed into having stronger nationalist and cultural overtones, while moderating racial issues. Dominican culture is still perceived as superior, and “any contact

with or influence from the Haitian culture can only have detrimental effects for the Dominican Republic” (Sagás 2000:73). The agent responsible for this cultural infiltration is, of course, the Haitian migrant to the Dominican Republic. In Balaguer’s 1984 book *La Isla al Revés: Haiti y el Destino Dominicano* (“The island upside down: Haiti and Dominican destiny”)¹⁶, this “new” brand of anti-Haitianism is detailed. Here, Balaguer defends the Dominican nation, which he claims is unfortunate to exist next to Haiti and facing the Haitian infiltration: “The immense wave of color [referring to Haitians] that daily invades Dominican territory, not only exposes Santo Domingo to the loss of its national character, but also corrupts its customs and lowers moral standards” (Balaguer cited in Howard 2001:160). Even though this thesis does not attempt to enter into a discussion of whether or not most Dominicans share anti-Haitian attitudes, it is nonetheless worth mentioning that *La Isla al Revés* instantly became a national bestseller in the country. Because Balaguer was not only a writer, but also president on seven occasions and an important political figure in the Dominican Republic throughout most of the last century until he died in 2002, suggests that the book and the topic appealed to the public and that many Dominicans actually shared his views. According to Leiv Marsteinteredet and Jørgen Yri, *La Isla al Revés* is probably the most influential book forming Dominicans’ perceptions of the relationship between the two nations (Yri & Marsteinteredet 2008:189).

There has generally been, and still is, a strong and influential anti-Haitian discourse promoted by certain political elites in the country (Paulino 2006). Perhaps the clearest historical example of obvious anti-Haitian rhetoric used in political discourse can be found in the presidential election in 1996, of what has been called the “political crucifixion” of the late Jose Francisco Pefia Gómez. During his campaign for the Dominican presidency, Peña Gomez, dark skinned and of Haitian ancestry, became the target of an openly racial campaign (Martínez 2003). His political opponents labeled him either as “Haitian” or of “Haitian descent”, and warned Dominicans “that history would repeat itself if a ‘Haitian’ became president, and that this would usher in another Haitian invasion of the Eastern end of the island” (Paulino 2006:273-274). Today, anti-Haitian sentiment is often expressed by Dominican nationalists in different positions, most notably by Pelegrín Castillo in the right-wing political party *Fuerza Nacional Progresista* (FNP- National Progressive Force), an anti-

¹⁶ *La Isla al Revés* was a new edition of Balaguer’s 1947 book called *La Realidad Dominicana* (“The Dominican Reality”).

Haitian, xenophobic ally of the previous president Fernandez (2004-2012), and part of the government coalition with the leading party *Partido de la Liberación Dominicana* (PLD-Dominican Liberation Party) since 2004 (Martinez 2014b:102).

Even as excessive the promotion of anti-Haitian attitudes during the last century can be said to have been, they were nevertheless informal, meaning that they lacked any kind of legal basis. Power relations were thus mainly “diffuse”, dispersed and incorporated through anti-Haitian discourse and constantly strengthened through the promotion and maintenance of these discourses, while not operating on juridical or legal rules. The power generating here was power structures based on rational argumentation (although principally based on a-rational elements), exerting control by creating conditions for Haitians to comply with in Dominican society. Haitians became subjects to a standard “regime of truth” in the Dominican society, perceived as an agent responsible for a cultural infiltration of the Dominican nation, representing the black and primitive, barbaric Africa, opposed to Dominican culture predominantly perceived as Spanish, with its roots in the white, western civilization (Sagás 2000). Thus, Haitians and their descendants became subjects to the Dominican state’s control by the spread, maintenance and regulation of that “truth”, making the Dominican state the formal power holder of the two since Haitians as social actors within Dominican society could not, and cannot, act without reference to the social context and the discursive frame that exist and function as “true” (Foucault 1982). In this sense, Haitians have been imposed an identity onto themselves in Dominican society, and they are bound to act within this environment. In recent years, though, this has taken on a different form in which anti-Haitian attitudes have become more implemented in the official population policy of the Dominican state, thus taking on a more normalizing function. Samuel Martínez states: “the basis of anti-Haitian exclusionism is shifting from custom and rude force to the law and public administration” (Martinez 2014b:104). This will be discussed in the following.

5.1.2 Anti-Haitianism becomes bio-political

For most of the last century, from 1929 to 2010, the Dominican Constitution followed the principle of *jus soli*; granting citizenship to children born on their national territory, regardless of their national origin, skin color, or the social status of their parents. There were two exceptions to the *jus soli* principle, however, which was stated in the Migration Law 95 of 1939; children of diplomats in the country, and children born to parents who were “in transit”

during their time of birth. People who were “in transit” meant persons travelling through the country to another place for a maximum period of ten days, such as short term visitors and those persons “not habitually residing in the locality in question” (Hannam 2014:1130; Margerin et al. 2014). Yet, anti-Haitian attitudes have long guided government action and unofficial policy in the spheres of citizenship practices in the country. In the 1980’s for example, despite the existing *jus soli* principle incorporated in the constitution at the time, civil registry officials at the Junta Central Electoral (JCE- Central Electoral Board), the state agency in charge of issuing identity documents, began to systematically incorporate a restrictive interpretation of the “in transit” clause, and denying identity documents to children of Haitian immigrants and consequently depriving them of their constitutional rights. In other cases, civil registry officials refused to issue identity documents on the basis of the applicants’ having Haitian sounding names, on being black and speaking accented Spanish, or for not having Dominican *cédulas*. This has been the institutional policy of the JCE, and has been defended as such by lawyers of the JCE in courts, which amounts to systematic discrimination (Wooding & Moseley-Williams 2004). Over time, thousands of children who were born to parents living in the Dominican Republic for years were denied identity documents and Dominican nationality, and were left effectively stateless. Wooding and Moseley-Williams argues that “the issue of the birth certificates, part of the broader question of nationality and citizenship, has become where the battle line between anti-Haitianism and human rights is increasingly drawn” (Wooding & Moseley-Williams 2004:52). While negation of identity documents to children of Haitian immigrants was an informal policy since the 1980’s, this took a formal turn from 2004. From that point, anti-Haitian mentalities became more and more implemented in official policies of the Dominican state through a series of legislative, judicial and administrative changes. Because Foucault’s thinking about bio-politics as power over life operates on a series of techniques and mechanisms for regulatory control of the population, I understand this machinery of legislative changes as a bio-politics of the population. Here, life itself is cautiously controlled and regulated, in order to produce certain power effects that are beneficial for the Dominican state in some way.

In 2004, the Dominican government passed the General Law on Migration 285-04, replacing the previous Migration Law 95 of 1939. The new migration law made dramatic changes to the existing immigration policies, and, according to several scholars can be regarded as an act to formalize anti-Haitian sentiment (for example Baluarte 2006; Margerin et al. 2014). The 2004

General Law on Migration established two changes which undermined birthright citizenship. First, the law broadened the definition of the term “in transit”. All non-residents were considered as being “in transit”; tourists, temporary workers, persons with expired residency visas, and undocumented migrant workers. Consequently, children born within Dominican territory to non-citizen parents were regarded as being “in transit” and therefore classified as foreign residents and “illegal”, and could therefore not gain citizenship- regardless of the time their parents had lived in the country. These children were therefore left stateless, with no legal access to basic human rights. Secondly, this differential residency status was enforced through a new birth certificate system. Instead of receiving the standard proof of birth document, non- resident “illegal” mothers received another type of document, with a different color than the birth certificates issued to Dominican nationals. The children of undocumented mothers were then registered in the “Book of Foreigners”, which was also created after the 2004 General Law on Migration (Margerin et al. 2014; Open Society Justice Initiative 2010). The 2004 General Migration Law was thus not concerned with the constitutional right to birthright citizenship to children of migrant workers in the country (the vast majority of Haitians), but instead limited and removed entitlements to citizenship from this group of the population. It can therefore be argued that anti-Haitianism started to reach farther into Dominican society at this point, as the exclusion of birthright citizenship of Haitian descendant children now gained a more precise legal foundation, as opposed to previously when it lacked any clear basis in law. Thus, technical means for governing and controlling the Haitian, and Haitian descendant population, within an actual legal framework was adopted, and the public administration (JCE) of the country started to categorize and place people into different groups of the population (e.g with issuing of different birth certificates), in this case based on ethnic and cultural heritage. This is also visible, for instance, in that the Dominican government has included skin color as a biometric indicator in the national identity card, the *cédula* (Mazzaglia & Marcelino 2014; Sagás 2000). Most Dominicans fall within the *indio* category, a term which corresponds with what might be referred to elsewhere as mulatto (Howard 2001:41), and which is closely aligned with anti-Haitianism¹⁷. *Indio* has become an

¹⁷ *Indio* is a term that is extensively used in the Dominican Republic. *Indio* dates back to the last quarter of the nineteenth century, to the romantic literary trend of *indigenismo* and the Dominican elite’s search for a national identity. However, it is an ambiguous term, mainly because the majority of the indigenous population died or was killed shortly after the arrival of Columbus to Hispaniola. *Indigenismo* established a symbolic link between the Taínos and the Dominican people. During this period, the pro-Hispanic elites of the Dominican Republic attempted to depict the Dominican people as descendants of the Indians and Spanish colonists, and deliberately omitting the black element in their society (Sagás 2000). The creation of the myth of the Dominican *Indio* was an immensely important ethnic construction developed in the late nineteenth century, and is still highly influential today. Mulattos, who make up most of the Dominican population, lexically disappeared and were

official ethnic category, accepted and used by the Dominican government for identification and classification purposes. Consequently, the use of the term *indio* has made it possible to continue to shape ideas about essential differences between the Haitians, normally seen as blacks and Dominicans seen as whites and light-skinned mulattos, or *indios* (Krohn-Hansen 2001b:177). According to Natalia Mazzaglia and Pedro Marcelino, the government distinguishes between the categories of white (blanco), light indian (indio claro), dark indian (indio oscuro), mixed race (m), and black (negro/a). They further point out, as does Sagás, that very few Dominicans are labeled black, not even on request (Mazzaglia & Marcelino 2014:166; Sagás 2000).

Further administrative resolutions were adopted in the JCE in 2007 that provided civil registry officials broad discretion to deny and void documents that they considered irregular, hence permitting the government to arbitrarily deny documents and to reclassify persons as “in transit”, and therefore also equating them to be “illegal”. Circular 017, which was issued by the administrative chamber of the JCE, in practice permitted civil registry officials from giving anyone with “suspect” documents (based on skin color, racial features, accent, and Haitian-sounding names) certified copies of their birth certificates. Whether documents were “suspect” was entirely up to each civil registry servant to decide. It further ordered civil registry officers to pass all suspect documents and related requests to the JCE headquarters for further investigation (Open Society Justice Initiative 2010). Resolution 12-2007 was issued the following year, which further restricted Dominicans’ of Haitian descent access to their personal identity documents. In this resolution, civil registry officials were authorized to suspend official identification documents that were considered “irregular”. The effects of this document “suspension”, a process that for many lasted for years, have been severe, as affected individuals in the meantime could not do anything that required proof of citizenship or lawful residence (Aber & Small 2013; Hischnjakow 2011). Moreover, in January 2010 the Dominican government revised the Constitution. While the Constitution up until this point had followed the principle of *jus soli* (at least in theory), the new revised Constitution

replaced by *indio*. It was a way for the blacks and mulattos to reinterpret their African past, to distance themselves from the legacy of enslavement, and instead classify themselves as the more desirable *indio*. Despite the historical evidence that the Taínos were extinct only a few decades after the arrival of Columbus, *the Indio myth* has been propagated through school textbooks, the press and through political discourse, and has played a significant part in Dominican anti-Haitian ideology (Howard 2001; Sagás 2000). According to Howard, it is “an attempt to legitimize and vindicate the construction of a false history inspired by racial prejudice” (Howard 2001:46).

introduced an exception to the right of nationality for children born to mothers who were non-legal residents, thus adopting the principle of *jus sanguinis*; granting citizenship by bloodline and birthright, but excluded the children of foreigners “in transit” or those “illegally” residing in the country. However, the 2010 Constitution stated that this new added principle only applied to the future (Aber & Small 2013; Margerin et al. 2014). The Open Society Justice Initiative, following the amendment to the Constitution in 2010, described the general situation of Dominicans of Haitian descent in this way:

In the Dominican Republic, enjoyment of the right to nationality has become all but impossible for persons of Haitian descent. Following decades of ad hoc discrimination in access to the identity documents that recognized them as lawful citizens, Dominicans of Haitian descent have since 2004 faced an avalanche of hostile legislative changes and administrative policies that have restricted their ability to enjoy the nationality that is guaranteed to them under the Dominican constitution. Singled out because of their national origin and their skin color, thousands of Dominicans of Haitian descent have been left effectively stateless and permanently excluded from the political, economic social and cultural life of their country of birth and residence (Open Society Justice Initiative 2010:2).

These events are crucial as they laid important foundations for the definition of acquisition of citizenship in the CT’s 2013 ruling, as will be discussed in the succeeding chapter. This series of legislative and administrative changes can be understood as a power technology, a bio-politics constructed to govern the population in the country, particularly Haitians and their descendants. Implementing several laws and regulations in order to determine the citizenship rights of a population, is a crucial form of regulatory control which immediately affects the Haitian descendant population, especially those practices who orders for investigations in the civil registry and retroactive deprivation, or “suspension” of citizenship.

At the same time as the formalization of anti-Haitian sentiments has led to power being exercised at a different level than earlier, providing the Dominican state more official control over the governing and regulation of Haitians and their descendants in the country through various techniques and mechanisms, this development can also be seen as an effect of the twentieth century anti-Haitian rationality. The underlying, informal, ways of thinking about governing the Haitian population promoted through anti-Haitian discourses and practices has now become more deeply embedded, manifested and transmitted to the population through various mechanisms, in this case migration laws, administrative policies in the JCE, change in the constitution, and high court verdicts. This toolkit of rationalities and technologies, the bio-political power technology, is therefore just as much an effect of Dominican-Haitian power

relations, as they also produces power effects. Wooding and Moseley-Williams recognize that this institutional development is a reflection of the anti-Haitian attitudes preeminent in the country for decades:

The distinction between Haitians and Haitian-Dominicans [Dominicans of Haitian descent] is not accepted, or is at least fudged, by a strong current of opinion running through parts of society and the state bureaucracy, which wants to deny Dominican status to the children of Haitian immigrants, and seeks to lump the two categories together into what is called *los Haitianos* [Haitians]. This stems from a general prejudice, which has its roots in Trujillo's 'Dominicanisation' policy, taken forward by Balaguer and his stated belief in the corrupting effect of the mixture of people from the two countries (a belief which many others shared, and not only from his political party) (Wooding & Moseley-Williams 2004:32).

However, as much as this is an effect of the anti-Haitian "truth" discourses, it also contributes to maintaining that truth, keeping alive the same myths and prejudices about Haitians that previous generations created- albeit in a new, more sophisticated form, with at least a veneer of legality running through them. Haitians have been, and still are, often depicted in political and public discourse as a "threat" from which the Dominican Republic and Dominican nationality has to be protected. Even though much has changed since Trujillo, three decades of discriminatory efforts towards people of Haitian descent in the official state arena, culminating in CT 168/13, seem to support a belief that Haitians are only temporary visitors (and therefore illegal), which equals children of Haitians with illegality and therefore places them in the same category as temporary Haitian migrant workers. Considering also that biopolitics constitutes a type of power that has a normalizing function, since the technologies and mechanisms through which power is exercised is assumed to be based on rational knowledge, the "truth", and promoted through competent authorities, it seems as if the Dominican state hopes that this eventually will become the norm. Haitians are thus not only subject to the Dominican state's sovereign power, but a kind of power that decides what is normal, or standard, in Dominican society. As Foucault puts it: "A normalizing society is the historical outcome of a technology of power centered on life" (Foucault 1978:144).

It is quite interesting to note, nonetheless, how the exercise of anti-Haitianism has shifted in recent years in line with the economic and social developments in the country. When Dominican political economy relied mostly on the sugar industry, Haitian migration was mainly state sponsored and restricted to when they were needed for harvest season in the sugar plantations, and any Haitian outside the sugar estates was unwanted. When the Dominican sugar industry declined and the political economy shifted toward a more

neoliberal doctrine, Haitians started to migrate from the sugar estates and became more integrated into mainstream Dominican society and political economy. Their labor power was much needed, but their presence in Dominican society was still mostly unwanted. Even though Haitians and their descendant no longer are only relegated to the sugar estates and their presence is highly visible in the Dominican society, now “fewer and fewer can escape the shadow of the law and the bureaucracy”, as Samuel Martínez neatly explains it (Martinez 2014b: 92). Instead of being physically excluded from Dominican society, Haitians and their children are now facing legal challenges in terms of restricted or no access to citizenship and to their fundamental rights. Because bio-politics characteristically entails power dealing with life, the population, and with the goal of producing people that is beneficial for the state, one can wonder how this “citizenship-regime” restricting the rights of Haitian descendants, benefits the Dominican state, then. This research does not intend to go into that discussion, nor comment on the underlying reasons or political agenda for Ruling 168/13. It is nevertheless interesting to note, that powerful groups of the Dominican elite and of the private sector that control the economy, might have an actual interest in having an irregular and undocumented Haitian presence in the country, as illegal migrants and undocumented workers are a source of cheap and docile labor, for example in sectors such as agriculture, construction, and in the tourist industry, on which the Dominican economy is built (Fumagalli 2013; Wooding 2014). Some scholars have also recently argued that the events taking place from 2004-2010, eventually culminating in Ruling 168/13, is, at least partially, a mobilization process to take control over the country’s citizenship regime (see for example Marsteinteredet 2014; Martinez 2014b). The rights situation of Haitian migrants and their descendants have gained much attention internationally since the 1980’s. The Inter-American System of Human Rights, in particular, have since the late 90’s argued that the Dominican Republic both should and must respect their *jus soli* birthright principle. But instead of complying with the international human rights pressure, as we have seen, the Dominican political elite instead mobilized against what was perceived as an attack on national sovereignty and the loss of control over the country’s citizenship regime. Instead of pursuing liberal rights, anti-liberal, and most of all anti-Haitian, policies that further restricted rather than upholding access to citizenship were pursued. Dominicans of Haitian origin has, consequently, faced other forms of exclusion than before international pressure started towards the country to uphold human rights (Marsteinteredet 2014; Martinez 2014b). Regardless of the reasons for this development, however, it is clear that Dominican-Haitian power relations has experienced a shift. The previous way of governing, or thinking about governing Haitians within Dominican

society has now become more and more under official state control with its basis in the law, where individual rights seems to yield to sovereign rights.

The reason for dedicating this quite extensive part to the research is to provide a wider context for the analysis of Ruling 168/13. In order to look into and analyze a high court ruling that strips thousands of people of their *only* citizenship, it is crucial to have some background information and to see what rationalities have contributed to reinforce this practice in the first place. This thesis does not argue, however, that anti-Haitianism is the sole reason behind the issuing of the ruling, as that would be too simplistic, nor, as pointed out, does it intend to dive into a discussion of what the underlying objective(s) for the court ruling might be. Yet, the findings in this thesis so far indicate that the *use* of anti-Haitianism by the Dominican political elite seems to be a rather deliberate attempt to “shape conduct” and guide in the direction of creating a clear divide between Haitian and Dominican nationals, and to prevent people of Haitian origin to obtain Dominican citizenship. Anti-Haitianism and the legal development the last decade, in particular, can therefore be regarded as some of the underlying rationalities for the CT ruling. This shows that Ruling 168/13 did not emerge out of nowhere, and by applying this perspective we can see that it might be a socially constituted practice, and the end result (thus far) of a long tradition of anti-Haitian exclusionism in the country. In a way, the ruling can be considered a manifestation of the linkage between power and knowledge in the Dominican society, meaning the power that has shaped Dominicans’ thinking about Haiti and Haitians and how they should be governed.

5.2 Ruling 168/13: a population-dividing power technique

This thesis now turns its attention to Ruling 168/13, and aims to answer research question number two: “How does Ruling 168/13 affect the Dominican population of Haitian descent in the country in terms of the population as a whole, and how can this be regarded as a form of state racism?” In order to answer this question, it is necessary to look at how the ruling works and what it actually entails; how it produces power effects. The following part will therefore look into the ruling’s definition of Dominican citizenship and nationality; how it establishes the role of the State in regards to recognizing Haitian descendants as Dominican nationals, and how the ruling proposes to implement this, in practice. The chapter also provides a brief analysis of the interrelated processes following the ruling under Law 169/14, and discusses

the findings according to the theory. Foucault's notion of bio-politics, and particularly state racism will be preeminent to explain how the ruling affects the Dominican population of Haitian descent.

5.2.2 Converting citizens into foreigners

Ruling 168/13 was handed down as a response to the case of a woman of Haitian descent, Juliana Deguis Pierre, who initiated the case after the JCE suspended her birth certificate in 2008 (following resolution 12-2007), and refused to issue her *cédula* on the basis that her parents were foreigners, and she was therefore not entitled to citizenship, even though she had lived in the Dominican Republic and had citizenship since she was born in 1984 (Amnesty International 2015:17; Tribunal Constitucional 2013). According to the Court, the JCE was right in refusing to issue Ms. Deguis Pierre the *cédula*, because she never should have acquired Dominican nationality in the first place. The court confirmed that she was wrongly registered and granted birth certificate, because her parents were “foreigners in transit” at the time of her birth, and she was therefore classified as a foreigner in the Dominican Republic (Amnesty International 2015:17; Tribunal Constitucional 2013).

The basis for stripping of citizenship presented in Ruling 168/13 is grounded in the 2010 Constitution's interpretation regarding the acquisition to nationality in the Dominican Republic. The CT ruling emphasizes that not all children who are born on Dominican territory are Dominican nationals, and refers to the interpretation of the “in-transit” clause brought forward by the General Migration Law of 2004. The ruling clarifies that an individual born to a foreign “irregular” mother who cannot prove her residency status in the country at the time of birth is *not* a Dominican (Tribunal Constitucional 2013:7). The CT stressed that its ruling did not only concern Juliana Deguis Pierre, but rather all people of foreign descent who were born and registered in similar circumstances as her (Tribunal Constitucional 2013:22). It establishes that all individuals who cannot prove the regular migration status of their parents at the time of their birth, are no longer considered Dominican nationals, although the Constitution in effect at the time of their birth entitled them to Dominican nationality. As such, the legal foundation for this decision is based on the series of legal, administrative and judicial developments the last decade which was discussed in the previous part of the thesis.

The ruling is based on the 2004 General Migration Law's definition of "in-transit", it confirmed Resolution 12-2007, and gave the 2010 Constitution retroactive effect.

In an attempt to defend the legality of CT ruling 168/13, the Dominican authorities have tried to depict it as a solution to deal with immigration issues, such as the large number of undocumented migrants in the country, and have tried to defend it as a positive development. By looking closer into ruling 168/13, and seeing this in the larger socio-historical and context presented earlier in this thesis, however, it can certainly be argued that the government's argument is not the case. Even though unregulated migration has been an issue for years in the country, and undocumented Haitian migrant workers are affected by this as well, most of those who are affected are not undocumented, illegal immigrants, but children of immigrants, people who were born in the Dominican Republic and have lived their entire life in the country, with no other ties to Haiti than their parents, or grandparents, being Haitian-born nationals. Because the Constitution in effect up until 2010 clearly stated their right to Dominican nationality through the *jus soli* principle, and because many have possessed Dominican birth certificates and other identity documents up until the 2013 ruling, most of the affected, naturally, consider themselves to be Dominican nationals and identify the Dominican Republic as their own country. This is therefore not an immigration issue as much as it is a human rights issue.

In the Dominican Republic, as in most other countries, having a nationality is directly linked with the realization of a number of different rights, such as the right to education through access to public schools, right to health and medical care through social services, secure individuals' freedom of movement, their political participation, and access to judicial services, among other things (Margerin et al. 2014). The ruling highlights that there is a large number of undocumented foreigners in the Dominican Republic who would like to obtain Dominican nationality, but states several times that the determination of nationality and national sovereignty, however, as well as its preservation and safeguarding, is the responsibility of the sovereign nation state:

Nationality is an aspect of national sovereignty, a discretionary authority of the State, conceived as an attribute granted to its nationals; therefore, its scope cannot be defined solely by the will of an ordinary judge¹⁸ (Constitutional Tribunal 2013:7).¹⁹

The determination of nationality is a matter of domestic law that corresponds to each State, as an expression of its national sovereignty (Constitutional Tribunal 2013:7).²⁰

Nationality is a matter of public policy whose preservation, amendment and safeguarding is a function of the registrar's office of each country (Constitutional Tribunal 2013:12).²¹

In the exercise of its sovereignty, the Dominican State, within its internal jurisdiction, determines through its Constitution and laws to which people it grants nationality and the ways in which it may be revoked (Constitutional Tribunal 2013:104).²²

The importance of nationality is that, as a legal and political bond that ties an individual to a particular state, it allows the individual to acquire and exercise the rights and responsibilities of membership in a political community. Thus, nationality becomes a prerequisite for the exercise of certain rights (Constitutional Tribunal 2013:110).²³

A special emphasis is on the link between the individual and the state in the CT ruling. The ruling states that even though nationality is a legal and political bond between an individual and a state which grants citizens with access to different rights and services, it is also a sociological bond between the state and the population. This bond involves a set of historical, ethnic and linguistic traits, among other things. Both the sociological and the political bond are up to the state itself to define, which seems to indicate that the state is entitled to grant nationality based on cultural and sociological traits they favor:

Generally, nationality is considered a legal and political bond that binds an individual to a State, but in a more technical and accurate way, it is not only a legal bond, but also a sociological and political bond, whose conditions are defined by the State itself, because multiple rights and obligations of a social nature emerge from this legal bond; it is sociological, because, among other things, it involves the existence of a set of historical, linguistic, racial and geopolitical traits, that shape and sustain particular idiosyncrasies and

¹⁸ The English translations of excerpts from the CT ruling are taken from an unofficial English translation by the document by the Haitian American Lawyers Association of New York. This has been to provide an accurate English translation.

¹⁹ *Que la nacionalidad es un aspecto de la soberanía nacional, discrecional de los Estados, la cual es concebida como un atributo otorgado por estos a sus nacionales y cuyo alcance, por tanto, no puede ser definido por la voluntad de un juez ordinario (Tribunal Constitucional 2013:7).*

²⁰ *La determinación de la nacionalidad es un asunto de derecho interno que corresponde a cada estado, como expresión de su soberanía nacional (Tribunal Constitucional 2013:7).*

²¹ *Que la nacionalidad es una cuestión de orden público que corresponde al Registro Civil de cada país su conservación, corrección y salvaguarda (Tribunal Constitucional 2013:12).*

²² *En ejercicio de su soberanía, el Estado Dominicano en su fuero interno determina por medio de la Constitución y las leyes, a cuales personas otorga su nacionalidad y la forma en que la revoca (Tribunal Constitucional 2013:104).*

²³ *La importancia de la nacionalidad reside en que ella, como vínculo jurídico y político que liga una persona con un Estado determinado, permite que el individuo adquiera y ejerza los derechos y responsabilidades propias de la pertenencia a una comunidad política. De esta manera, la nacionalidad se convierte en un prerequisite para el ejercicio de determinados derechos (Tribunal Constitucional 2013:110).*

collective aspirations; and political, because it essentially grants access to powers inherent to citizenship, that is, the ability to elect and be elected to hold public office in the State's government (Constitutional Tribunal 2013:24).²⁴

Even though the ruling presents the interpretation regarding the acquisition to nationality by people born in the country to undocumented foreigners in the country in general, Dominicans of Haitian descent have been particularly affected by this decision. The CT does not explicitly mention that the ruling is aimed at Haitians and their descendants, but nevertheless, a persistent need to link the right to citizenship to several sociological traits, and distinguishing mainly from their Haitian neighbors, is evident when reading through the document. For example, the ruling refers to the 2013 ENI-survey, which found that Haitian immigrants and their descendants represents an overwhelming part of the immigrant population residing in the country (Tribunal Constitucional 2013:22-23). The survey further shows that undocumented Haitians represents the largest group of foreigners who would like to obtain Dominican nationality, and that only eleven thousand out of 458,233 Haitian immigrants were legally registered in the Dominican Republic National Migration Office. Juliana Deguis Pierre is therefore not the only person affected by this ruling, according to the CT, rather, a large number of *Haitian* immigrants and their descendants (668,145 people in total) are affected (Tribunal Constitucional 2013:22-23). The CT also makes it clear that the Dominican state is responsible and clear about who are, and who are not considered Dominican nationals, and makes here an interesting reference to 1844, the year the Dominican Republic gained its independence from Haiti and established its first constitution. It may therefore seem like the Court attempts to make a clear distinction between themselves and their Haitian neighbors: “Since 1844, the Constitutional assembly has established who are considered Dominicans, a principle that has remained in effect since the amendment of nineteen ninety-nine (1929) without any modification to date” (Constitutional Tribunal 2013:7).²⁵ Again, this thesis does not attempt to suggest any answers to the underlying intention behind CT 168/13, as there is probably a number of different factors involved and this research lacks all kinds of empirical

²⁴ *De manera general, la nacionalidad se considera como un lazo jurídico y político que une a una persona a un Estado; pero, de manera más técnica y precisa, no es solo un vínculo jurídico, sino también sociológico y político, cuyas condiciones son definidas y establecidas por el propio Estado. Se trata de un vínculo jurídico, porque de él se desprenden múltiples derechos y obligaciones de naturaleza civil; sociológico, porque entraña la existencia de un conjunto de rasgos históricos, lingüísticos, raciales y geopolíticos, entre otros, que conforman y sustentan una idiosincrasia particular y aspiraciones colectivas; y político, porque, esencialmente, da acceso a las potestades inherentes a la ciudadanía, o sea, la posibilidad de elegir y ser elegido para ejercer cargos públicos en el Gobierno del Estado (Tribunal Constitucional 2013:24).*

²⁵ *Que, desde el 1844, el constituyente ha establecido quienes eran dominicanos, principio este que se ha mantenido desde la reforma de mil novecientos noventa y nueve (1929) sin alteración alguna hasta el día de hoy (Tribunal Constitucional 2013:7).*

evidence for that purpose. That being said, taking the aforementioned into account when looking at the Dominican state's long tradition of promoting anti-Haitian sentiments, as well as the development leading up to the court ruling in which these attitudes have become more and more entrenched in the legal framework of the state, it might not be too bold to imply, or to say that it *seems* as if the Court continues to make a clear distinction between Dominican and Haitian characteristics and nationality, and that Haitian attributes are not desirable when infused with Dominican nationality and culture.

Moreover, the ruling subsequently establishes the importance of protecting and preserving Dominican national identity from persons who may try, and for a long time have tried to defile it. This paragraph seems to imply that Dominican national identity is under attack, and has been under attack for a while, and therefore the State must take measures to “clean up” the civil registries to be able to protect their nationality:

The (Central Electoral Board) reiterates its commitment to comply with and enforce the mandate of the Constitution and laws while offering assurances that national identity will be zealously protected and preserved by this institution, and that we are implementing a bailout and clean-up program of the Civil Registry Office to shield it from the fraudulent and deceitful actions, forgeries and impersonations, that have long affected the Dominican Civil Records Registry system, so that we can provide efficient and reliable service with regard to the vital records that are the source and basis of our national identity (Constitutional Tribunal 2013:9).²⁶

Considering again the CT's reference to the ENI-survey that highlights the overwhelmingly large prevalence of Haitians and their descendants in the country in relation to other immigrants (whose immigration status is not alluded to), and that undocumented Haitians are the largest group of foreigners wanting to obtain Dominican nationality, it seems as if Dominican nationality must be protected from Haitian permeation. This also fits well with the fear of a pacific invasion from Haiti in recent years, that have been much revived in media and in current political and public debates concerning immigration issues, where a need for measures to protect Dominican national identity and sovereignty has been promoted (Human Rights Watch 2015b; IACHR 2015). Nevertheless, as Haitians and their descendants make up

²⁶ *Que la recurrida reitera su compromiso de cumplir y hacer cumplir el mandato de la Constitución y las leyes, a la vez de que da garantía de que la identidad nacional será resguardada y preservada celosamente por esta institución, y que estamos aplicando un programa de rescate y adecentamiento del Registro del Estado Civil a fin de blindarlo de las acciones fraudulentas y dolosas, falsificaciones y suplantaciones que por tanto tiempo han afectado el sistema de Registro Civil dominicano, de tal manera que podamos brindar a la ciudadanía un servicio eficiente y seguro respecto de los actos vitales que son el soporte y la base de la identidad nacional (Tribunal Constitucional 2013:9).*

the largest group of immigrants in the country, they are, naturally, also the largest group of people who are affected by this decision.

In addition, Ruling 168/13 uses language that criminalizes both parents who registered their children “illegally” as Dominican nationals, which, according to the CT, was a violation of the constitution at the time: “(...) the parents of the petitioner are foreigners who unlawfully and illegally registered their children in the Registration books of the Civil Registry Office, in clear violation of the Constitution in effect at the time of the affidavit of birth” (Constitutional Tribunal 2013:6), and also those individuals who were wrongly registered. The CT states that it is illegal for anyone to possess identity documents that they should not have acquired in the first place (which withdraw all responsibilities from the civil registry officials who issued these documents), describing the individuals who were “irregularly” registered as offenders who should not have any rights, and whom the Dominican nation has to be protected from by the use of legal means (Tribunal Constitucional 2013:9-10). In order to protect Dominican nationality, the CT provides the state, through the JCE, the right to use all actions to undertake an investigation of the applicants for identity documents, and also the Electoral Register, to “tossing an removing”, thus, sort out those who are not entitled to Dominican nationality:

The law empowers the Central Electoral Board to take all actions aimed at controlling and purging applications for identification documents, in order to strengthen the process of purging the Electoral Register and, if we reason according to the maxim the accessory follows its principal, since the birth certificate is the main document giving rise to the identity and voter card, and the law allows the Central Electoral Board to investigate and take any action it deems pertinent to purge the Electoral Register, one would have to ask how else would purging occur if not by tossing and removing any element that is alien to all that is being purged, which, in no case, amounts to discrimination (Constitutional Tribunal 2013:8).²⁷

It seems here as if the CT is operating on the logic of a drive to defend the national population, and subsequently adopts legal and technical means for protecting Dominican nationality, other than those already in place. Citizenship plays an important role in this context, and provides the state with at least some legitimacy in removing certain groups from

²⁷ *Que la Ley faculta a la Junta Central Electoral a tomar todas las previsiones tendentes al control y depuración de las solicitudes de documento de identidad, a los fines de fortalecer el proceso de depuración del Registro Electoral y, si razonamos de acuerdo con la máxima lo accesorio sigue la suerte de lo principal, siendo el acta de nacimiento el documento principal que da origen a la Cédula, y la Ley le permite a la Junta Central Electoral investigar y tomar cuantas medidas entienda pertinente para la depuración del Registro Electoral, habría que preguntarse cómo se depura cualquier cosa sino radiando, alejando todo elemento que sea ajeno al conjunto que se encuentra en depuración, lo que, en ningún caso, es discriminación (Tribunal Constitucional 2013:8).*

the official, “true” population (mostly children of Haitians), as an act of national defense. Here, we see how the governing of the population in Dominican Republic promoted in CT 168/13 entails a relation between *making live* and *letting die* in which the Dominican state has decided on who is to receive the benefits of the state through access to citizenship and the rights that follow with it, and who is not. Ruling 168/13 is not concerned with the 2010 Constitution (in effect at the moment) stating that this definition of acquisition to nationality should only apply to the future and not be implemented with retroactive effect (Dominican Constitution 2010:§110). Instead, it functions as a technique that both define, limit and remove entitlements to citizenship from people (the majority children of Haitian migrants), and thereby create a group of “foreigners” within the Dominican state. It thus enables the Dominican state to exercise authority over and control the Haitian-ancestry population within the Dominican society, based on the rationality of protecting Dominican nationality and sovereignty, and firmly establishes that the determination and protection of Dominican nationality against those who attempt to defile it, is a matter entirely relegated to the Dominican Republic as a sovereign nation state. Also, after Ruling 168/13 was issued, one of the most central responses by the Dominican Republic to the international and national criticism was that that these expressions were interfering with the country’s sovereignty, in the same traditional way as Dominican authorities have tended to defend its anti-Haitian policies the last decade. For instance, Pelegrín Castillo of the political party FNP held a speech on the panel for the CT’s ruling’s implications for the Dominican Republic, in which he emphasized the importance of taking measures to protect Dominican sovereignty and nationality:

(...) what is being debated today is not the question of who has the right to Dominican citizenship, but an issue of higher importance: Who defines nationality? Is it the powers of the State? Who has the constitutional right to decide this? (...) Furthermore, what is being defined in this debate is whether the Dominican Republic will end up assuming the responsibility of becoming the ultimate solution to Haiti’s most acute problems, and with this, consolidating its role of pivotal state. The acceptance of an imposed national minority, albeit “Dominican” by judicial standards, yet politically and culturally responsive to powers from abroad, implies the mediatization of its sovereignty, and a loss of its capacity of self-determination. Due to these circumstances, the time to act and function like a state is now or we risk being treated worse off than a colony (Castillo 2013).

Because state racism is generally legitimized by the idea that non-citizens threaten the national population, either from without or from within, particularly by “stealing” resources from the state that should rightfully be spent on citizens, this certainly corresponds with this

case. As we have seen, the ruling identifies an enemy within its territory; those who have acquired Dominican nationality illegally in a “deceitful” and unlawful manner and who “threatens” Dominican identity, and later orders for the “elimination” of that enemy by investigating the civil registry. After the JCE had carried out a thorough audit of all civil registries from 1929 to the present, they were ordered to transfer the birth registration of all “foreigners who had been irregularly registered” in the civil registry of the country to special registries, and to pass the list of people who had been wrongly registered to the Ministry of Foreign Affairs and the Minister of the Interior and the Police. This “clean up” of the civil registry does not only include the administrative errors in which children of Haitian migrants had been irregularly registered at birth, but also according to the desirable sociological traits mentioned previously in this chapter, for example based on the last name of those in the civil registry, a similar procedure as in Resolution 12-2007 (Amnesty International 2015:17). A retroactive application of such a decision means, as Dominican Legal Scholar Juan Bolívar Díaz has pointed out: “having to inform 80-year-old Dominicans born in the country that they are no longer Dominicans” (cited in Margerin et al. 2014:12). With no automatic access to Haitian nationality, thousands of people of Haitian origin were left legally stateless by this ruling.

Furthermore, the Court ordered the National Immigration Council to prepare a National Regularization Plan for Illegal Foreign Nationals living in the country (Regularization Plan), within 90 days of notification of CT 168/13 (Tribunal Constitucional 2013:96-97). The Regularization Plan provided that foreigners (those who had been deprived of their citizenship, and others in an irregular situation) wishing to regularize their migratory situation in the Dominican Republic should apply within 18 months of the date on which the Plan took effect, i.e., June 17, 2015. The regularization plan would officially change their legal status from nationals to foreigners. Hence, the ruling would first strip those affected of their citizenship, but then provide a procedure to incorporate them into Dominican society and political economy by regularizing their status to “non-Dominicans”. Consequently, the affected were left with two options: regularize their status in the regularization plan, or resist and remain denationalized, stateless. The Regularization Plan also stated that a foreigner in an irregular migratory situation, who neither qualifies for nor invokes the established regularization provisions, should be subject to deportation according to the Constitution and the laws, however, deportations were forbidden during the execution of the regularization plan (IACHR 2015:85).

Based on the abovementioned, this thesis argues that Ruling 168/13 functions as a mechanism of *state racism* in the Foucauldian sense of the term; as a means of classifying and opposing a population; as a dividing practice in the Dominican society in which two groups of people coexisting in the same territory is divided on the basis of historical, ethnic and sociological traits, by being granted different privileges, customs and rights, and the unequal distribution of wealth (Foucault et al. 2003). Because many of the affected are not immigrants, but children of immigrants; people who have had the constitutional right to citizenship, this is a type of racism that Dominican society directs against itself, against its own elements and products, creating, in a way, an internal bio-political border between the “real” Dominican population and the population of Haitian descendant. Foucault notes about state racism: “an internal racism of permanent purification, and it will become one of the basic dimensions of social normalization” (Foucault cited in Rajas 2014). Ruling 168/13, in this sense, is an example of how bio-politics, originally a mechanism to foster life, reestablishes the earlier sovereign right of death and places it within a new and different form, as the right to disqualify and exclude the life of people who are considered a “threat” to the life of a population. While the primary function of bio-politics is to enhance the life of a population, as power over life, another is to exercise death, or simply *letting die*, representing a darker side of bio-politics and of how power effects are produced (Dean 2010: 163-164). In this case then, both sides are exercised. Even though Haitians and people of Haitian descent are an important part of Dominican society and political economy, nationalists among the Dominican social and political elite have for years used Haitian migrants and their descendants as a political scapegoat, calling them “a social burden” on the government that puts a strain on public goods like education and health care, and, according to some scholars, have tended to promote anti-Haitian, xenophobic attitudes to distract public attention from their own difficulties and shortages (Sagás 2000; Wooding & Moseley-Williams 2004). “Eliminating” Haitians and their descendants from Dominican society, not physically but as official citizens with no legal rights, would thus, possibly, enhance the life and welfare of “real” Dominican nationals. This is stated in the ruling: “...we are implementing a bailout and clean-up program of the Civil Registry Office (...) so that we can provide efficient and reliable service with regard to the vital records that are the source and basis of our national identity” (Constitutional Tribunal 2013:9). This way of thinking about Haitians and their descendants presented in the CT ruling is not a new phenomenon or way of defining this group of the population, as the previous part of this thesis has illustrated. There has been a

steady process leading up to this ruling aiming to restrict the birthright citizenship to Haitian descendants which now seems to be firmly established.

5.2.3 Law 169/14: a complex pathway to citizenship

Several international organizations have expressed concern for the negative effects on the human rights of those affected by the ruling, for example the United Nations (UNHCR, UNICEF), the Inter-American Commission on Human Rights (IACHR), the European Union, the Caribbean Community and Common Market (CARICOM), as well as several other foreign governments (Amnesty International 2015:24; Gamboa & Reddy 2014:54). The IACHR called the decision an “arbitrary deprivation of nationality”, and claimed that the ruling “has a discriminatory effect, given that it primarily impacts Dominicans of Haitian descent, who are Afro-descendant persons; strips nationality retroactively; and leads to statelessness when it comes to those individuals who are not considered by any State to be their own nationals, under their laws” (IACHR 2013:9). Different sources, such as the UNHCR and various government sources, have estimated that more than 200.000 people are affected by the decision (Canton & McMullen Jr 2014; IACHR 2013:7). Following the massive criticism, President Danilo Medina established “a special regime for people who were born in the national territory and irregularly registered in the Dominican Civil Registry and on naturalization” (cited in Amnesty International 2015:25). Law 169/14 was adopted in May 2014 in order to re-nationalize those who had been deprived of their Dominican citizenship, and was operationalized through a period of six months, ending February 1, 2015. Law 169/14 further divided the affected into two groups. While group A, consisting of individuals like Juliana Deguis Pierre, registered Dominican citizens who have irregularities in their civil registry because they are descendants of undocumented migrants, should have their documents restored immediately, persons of Group B whose birth was never registered, were to sign up and regularize as foreigners with the possibility of applying for naturalization after two years (Human Rights Watch 2015b; Wooding 2014). Because the subsequent processes conducted under Law 169/14 are direct results of Ruling 168/13 and have implications on the affected population, it was considered necessary to include them in this thesis, however in brief.

According to the JCE’s initial audit of the civil registry, there were 24.392 individuals in Group A, who were deprived of their Dominican nationality after Ruling 168/13 (Canton &

McMullen Jr 2014). Law 169/14 stated that the plan to restore citizenship to those individuals was quite forthright. Because they were already registered at birth, the JCE (ironically, though, the same institution that in previous years has tried to block their access to identity documents), would only acknowledge their original registry as valid, and issue new identity documents, if necessary, so that people could exercise their citizenship rights. However, in practice, the JCE has first transcribed original registries into new transcription registries, issued new documents, and tried to annul original registries. This has been a pending process. Many are still effectively stateless and unable to exercise their rights, and has also become “segregated” from other “regular” Dominicans by being placed in separate registers. A report published in 2015 by the Human Rights Watch explains the situation this way:

Instead of fully restoring the rights of registered nationals, relying on textual ambiguities in Law 169-14, the CEB has developed an unnecessarily bureaucratic audit and transcription process, which intentionally sets denationalized Dominicans apart from other “regular” Dominicans. The process needlessly consumes government resources to create a segregated citizenry, and jeopardizes the nationality rights of registered nationals. Additionally, while transcription is pending, nationals’ documents are often disabled, rendering people unable to carry out regular transactions (Human Rights Watch 2015b:16).

In September 2014 the JCE presented a public appeal to 13,305 persons who were obliged to present themselves for interviews on their documentation situation. This was to complement the auditing process of the JCE, and became highly criticized by different civil society organizations as this procedure was originally not mentioned in Law 169/14. Some people were unaware of this process, or unable to take part in them, and as a consequence, many later found out that their documents had been cancelled (Wooding 2014:110-111). While issued as a response to remedy the situation for the people affected by the ruling, the law has actually further entrenched the discriminatory ruling for the majority of affected individuals, and at the same time included requirements for each individual to present themselves and “prove” to be rightful Dominican citizens, thus, still not recognizing their birthright.

In the 2013 ENI survey, the estimated number of children of Haitian migrants (first generation of Dominicans of Haitian descent) was 209,912 (Oficina Nacional de Estadística 2013). Since “only” 24,392 of those persons were registered and belonged in group A, the majority of people affected by Ruling 168/13 thus belong in group B. Under Law 169/14 this group, who lacked any kind of identity documents, was directly classified as foreigners in their own

country of birth and obligated to follow a naturalization process. First, they had to be able to prove that they were born in the country by presenting one of the following four requirements: certificate of live birth issued by the hospital; notarized act with seven witnesses; sworn statement by the midwife; notarized act of Dominican family members (Wooding 2016: 108). Then, they would be registered as foreign nationals in the foreigners' book contemplated in the General Migration Law of 2004. After having been registered in the book of foreigners, they could apply for the Regularization Plan ordered by the CT ruling. Finally, after two years, individuals have the opportunity to naturalize as Dominicans. This process, as mentioned earlier, was delegated to the Ministry of Interior and the Police (Human Rights Watch 2015a:14-15). Bridget Wooding (2014) notes, however, that further requirements and restrictions initially not intended were routinely asked for in the application process. For instance, applicants were asked to show more than one of the requirements mentioned above, in addition to identity documents of their parents, especially from the mother. But, the reason that many has remained unregistered in the first place is due to lack of such documents (Wooding 2014). Hence, similar to the people in group A, unregistered individuals continue to be deprived of their nationality rights, as explained in the 2015 Human Rights Watch report:

First, the process has forced thousands of Dominicans, mainly children, to enter the civil registries as foreign nationals first. These applicants have eventually been promised Dominican nationality through a naturalization process devised for foreigners, which does not grant the same rights as other Dominicans (Human Rights Watch 2015b:23).

The problems many were facing due to Ruling 168/13 is therefore far from resolved. On the contrary, both Ruling 168/13 and the following processes under Law 169/14 appear to have further complicated the "citizenship regime" for people of Haitian descent, enabling the Dominican state to exercise more control over and regularize thousands of affected persons in the country. The practices through which this is implemented, the techniques of power that is used, directly affects the population. These processes makes it impossible for the affected population to act without reference to this "regime of truth". They have to live and act within this particular environment. Per definition they are no longer citizens in their own country (affected in group A are only re-nationalized due to administrative errors committed by the Dominican state), and people have been given individual responsibilities in order to prove his or her "worthiness" to be appropriate Dominican citizens and subsequently claim entitlements from the state through citizenship (Martinez 2014a). Whereas the affected in group A was to

have their citizenship automatically restored, affected in group B only remained with two options; either register as foreigners in the country they identify as their own, or resist to do so. However, resisting to register means they remain undocumented, which therefore actually augment what perhaps many thought to be resisting, or wanted to resist. Unregistered people affected by CT ruling 168/13 still remain in the same situation as before, as an internal “foreign”, stateless group of “non-Dominican” people within the Dominican Republic; as second class citizens who do not possess the same rights as other Dominicans. This is thus a “neat” (in lack of a better word) little trick of power, where the power effects are mostly to the advantage of the Dominican state either way.

In a way, the CT ruling provides a pathway for the Dominican state to sort out, and select preferable citizens, based on cultural and sociological characteristics. In the meantime, many of the affected are not Dominicans, nor Haitians, but in a state of legal limbo. People who previously had the right to Dominican nationality under Dominican law is rendered effectively stateless while their records are under the process of audit and transcription, while many others had to self-report and regularize as foreigners residing illegally in their own country, in order to be able to *apply* for Dominican nationality. But although they have been provided a pathway to apply for citizenship, does not necessarily mean that they will obtain it. This remains to be seen. Santiago Canton, former Executive Secretary of the IACHR, points out that should the government eventually grant naturalized citizenship to Dominicans it has deprived of birthright citizenship, it would create a category of second-class citizens without the same rights as Dominicans citizens by birth (Canton & McMullen Jr 2014). Thus, the Dominican state has essentially managed to convert Dominican nationals, mainly of Haitian descent, into foreigners in their own country, into migrants who need to be regularized, and who are being segregated from and denied the same rights as other Dominicans. The Constitutional Tribunal with its Ruling 168/13 has, to quote the words of Santiago Canton: “put its stamp of approval on a long list of xenophobic government regulations propagated over the past decade” (cited in Canton & McMullen Jr 2014).

5.3 Excluded from one's own society

This part of the thesis continues with exploring the effects of Ruling 168/13, and aims to answer the third and last research question: “What are the implications of Ruling 168/13 on the lives of individuals of Haitian descent that the ruling concerns, and how does this relate to Foucault’s concept of *letting die*?” The previous part has provided an overview of the situation and the general implications of the affected population of Haitian descent. But, how does this affect people’s lives, in practice? What implications does this have on their daily lives? The following chapter explores this and goes more in-depth on the lives of individuals. Implications regarding their legal and citizen rights is in particular focus. The findings in this section is mainly based on first-hand collected data; on affected people’s explanations and understanding of the situation and how this affects their lives. The initial objective was to only investigate the effects of the 2013 ruling, but as the interview process started, it became apparent that many of the affected did not possess identity documents before the ruling either, and some have been effectively stateless for years already (as a consequence of resolution 12-2007). The findings therefore also discusses some general effects of being stateless in the Dominican Republic, but highlights possible changes resulting from Ruling 168/13 and Law 169/14 and the implementation of these processes. Because the previous part has discussed Ruling 168/13 as a state racist power mechanism that divides and establishes a “bio-political border” between the population in the country, this part of the research will discuss whether the findings “on the ground” possibly relates to Foucault’s notion of *letting die*, conceived by the deprivation of access to citizenship and basic rights.

24 Dominicans of Haitian descent who are affected by the CT ruling, from four different *bateyes* in the Dominican Republic have participated in the study. All participants remain anonymous, and therefore neither the names of the *bateyes* nor the participants are mentioned. The purpose of interviewing people from different communities and from different parts of the country was to examine whether there were any major differences in how the ruling has impacted their lives, or impacted their mindset around this issue. No major differences in the impacts were found within and between the people from the different *bateyes*, however, some of the interview-units in *one* of the communities expressed a different *perception* of the ruling than the rest of the interviewees. In order to identify key elements in how the ruling has affected the participants, the results were grouped and coded in relation to different themes. During the interviews and the succeeding transcription and coding process, it became

apparent that some themes were referred to more than others, nevertheless, all themes are included in this section. Although presented separately, most of the themes go hand in hand and overlap (illustrated in appendix 8.2), but this way of presenting the findings provides a tidy structure. To include all themes that emerged during the interview process has been a deliberate choice to show the broad scope of the effects and to paint a picture of the whole situation in which the affected Haitian ancestry persons find themselves in.

An important note, though, is that this part is more a presentation than a discussion as it goes, although a discussion which links the findings to theory is included at the end. The following chapter includes quite much “raw data”, meaning direct quotes from informants, which have been translated into English. All quotes are from the interviews for this particular research, and further reference is therefore not included.

5.3.2 Nationality and identity

Denied and deprived of identity papers

All persons interviewed for this research have had the right to Dominican nationality according to the constitution in effect at the time of their birth. 17 received birth certificates at the time of their births and have been registered in the civil registry (belonging in group A of the affected), but have continuously been denied their *cédulas* (following resolution 12-2007) and therefore remain effectively stateless. 7 of the participants did not possess birth certificates and had never been registered in the civil registry (belonging in group B). All participants in the latter group have followed the pathway to citizenship provided by Law 169/14, now regularized as foreign nationals, waiting to have their Dominican citizenship naturalized. These persons have received a temporary residency- and identity card, a *carrión*, which states the name and age of the card holder and that they are foreign (Haitian) nationals born in the Dominican Republic. This card grants them legal residence in the Dominican Republic for two years, after which they are able to apply for Dominican citizenship and naturalize as Dominicans. However, in the meantime, these cards do not enable people to access formal employment and services, or to fully exercise their fundamental rights, because the holders of such cards would also need to attain an identity card, a *cédula* for foreign nationals. One of the requirements for obtaining an identity card for foreign nationals is by

presenting a passport, which people in group B do not have. This participants in this group therefore remains legally stateless at the time of this research.

One of the informants told that she had been waiting for her *cedúla* for eight years. After the 2013 ruling, she has been told at the civil registry office that she is not in the system, and every time she visits the civil registry office close to where she lives, the civil registry officials tell her that her birth certificate is under investigation (due to the transcription process ordered by CT 168/13): “*They still don’t want to give me my documents [cedúla], because they say they are investigating, but they don’t have to investigate because me birth certificate is valid. I am from here, I was born here. So, I am still not in the system and because of that they don’t give me the cédula.*”²⁸ Another participant tells a similar story. For seven years now, she has continually been denied her *cedúla* at the civil registry office, and following the 2013 ruling, she has been told that her records now are under the process of transcription. She explains her story like this:

*I was born here. I got my birth certificate because when my parents came here they worked here. And the sugarcane workers were given a document, a card that states his/her name and when they arrived. And with that card they got the birth certificates for their children. That's what happened to mine. Then I went to school until eighth grade, and to high-school. When I became an adult, I went to get my identity card, to apply for a cédula. I went, and I got it. But then, when I went to the Central Electoral Board to give me the card, they said 'no', because further down in this paper [the birth certificate] it says that my parents are foreigners, and that I had no right to have an identity card. And so far I still don't have it. And now they are making a transcript. This is what is happening to me right now.*²⁹

This certainly illustrates the long-lasting effects and duration of resolution 12-2007 as well, and taking into account that the interviews were conducted a year and a half after Law 169/14 was implemented illustrates the pending transcription and re-naturalization process conducted by the JCE for registered nationals in possession of birth certificates. People are still left effectively stateless, unable to exercise and function as full members of society. Similar

²⁸ “*Todavía no quieren entregar mis documentos, porque dicen que estan investigando, pero no tienen que investigar porque mi acta es legal. Yo soy de aqui, nací aqui. Entonces, todavía yo no estoy en el sistema, y por eso no me entregan la cedúla.*”

²⁹ “*Yo nací aqui. Obtuve mi acta de nacimiento porque cuando mis padres vinieron aqui ellos trabajaban aqui. Y entonces a esos personas que trabajaban de caña le dan un documento, un carnét, que dice su nombre y dice cuando llegaron. Y con ese carnét ellos sacaron el acta de nacimiento a sus hijos. Eso es lo que pasó con el mio. Entonces yo fui a la escuela, hasta octavo, hasta el bachiller. Cuando cumplí mayor de edad, fui a buscar mi cedula, a buscar una acta fin de cedula. Me busqué, y me la dieron. Pero despues cuando yo fui a la junta central, para que me dieran la cedula, dijeron que ‘no’, porque mas abajo en este papel sea que mis padres son extranjeros. Y que yo no tenía derecho de tener una cedúla. Y hasta ahora todavía no tengo. Ahora estan haciendo una transcripción. Esto es lo que me esta pasando en este momento».*

stories were told by nearly all the participants. One woman in a group interview told her story about how she went to the JCE to get her *cédula*, and now, 7 years later, she still has not received anything: “*I was born here, and I have my birth certificate. I went to the Junta Central to get my cédula, to claim my rights. Well, they made me wait day by day, and I still haven’t received anything!*”³⁰ This statement started a quite loud and aggressive discussion within the group, as the others told similar stories and experiences, and expressed their frustration over this. Even though they have original birth certificates which clearly states that they are born in the Dominican Republic, several of the participants have been told at the JCE, both before and after the ruling, that they do not have the right to a *cédula* on the basis that their parents are Haitians, and therefore they are also considered Haitians: “*Everybody classify us as foreigners, as Haitians*”³¹.

There are also cases where some members in the same family are granted identity documents, while others are being denied it, in spite of being registered with the same type of documentation by their parents. For example, there was one case involving two sisters. Both received birth certificates, but was for years (after resolution 12-2007) denied a *cédula*. Now, after the 2013 ruling, one of them have been granted a *cédula*, while the other sister (the one participating in this study) is still continuously being denied it on the basis that her parents are Haitians, and in spite of Law 169/14 stating that her documents should be restored. Another young woman tells her story about how her birth certificate was annulled after the 2013 ruling. She was born in a hospital, just like her 5 siblings. They were all registered with the same type of document, and they all received birth certificates. Shortly after the ruling was issued, an official from the JCE came to their house in the *batey* where she and her family lives, and told her that her birth certificate was being annulled. None of her siblings’ birth certificates were annulled- in spite of the fact that they were all declared with the same type of documentation by their parents. “*My problem is that they [the JCE] have annulled my birth certificate. I don’t know what the reason is. They simply sent an official to my house and annulled my birth certificate. So, the ruling has affected me a lot. My mother registered me and my siblings with the same document. Today, my siblings have their cédulas, and I do not, because they annulled my birth certificate*”.³² For both of the women mentioned here, it

³⁰ “*Nací aquí, y tengo mi acta de nacimiento. Fui a la Junta Central para buscar mi cedúla, a reclamar mi derecho. Pues, me ponen días tras días esperando, y todavía no he recibido nada!*”

³¹ “*A todos nos clasifican como extranjeros, como haitianos.*”

³² “*El problema mia es que han [JCEI] anulado mi acta de nacimiento. No sé cual es la razon. Simplemente me mandaron un oficial a la casa, anulando mi acta. Entonces, a mi La Sentencia me ha afectado bastante. Mi*

means they are not allowed to enroll in higher education at university-level, which they both had plans to do, and which they both expressed great frustration and sadness over. Their lives are currently on hold.

Unable to register children

Not having citizenship, or papers establishing citizenship, leads to people not being able to register their children at birth. These children thus inherit their parents' situation, and is in practice stateless with no legal rights in the country. Children without documents are often not allowed to enroll in school, and if they are, they are forced to quit in eighth grade due a national exam which requires them to show a valid birth certificate. One woman, who only has her birth certificate and has been denied a *cédula* for several years, was clearly frustrated and tired of this situation and stated that: *"This birth certificate is useless, I can't do anything. I have 4 children who are not yet registered because I don't have a cédula."*³³ While discussing how this ruling has affected the lives of the participants in general, a woman in one of the group interviews, who was also clearly frustrated, says with an angry voice: *"I need to have my documents to register my children. My situation is passed on to my children!"*³⁴ One of the individual interviews was with a 26 year old woman. The interview took place in the interviewees' house. During the interview, her youngest child, a 6 months old baby was sleeping in her arms, while 4 other little ones were playing outside. When she was asked how her life was affected by the ruling, she said: *"I want to register these young ones. I have 5 kids who don't have birth certificates."*³⁵ This therefore increases the problems by passing it on to new generations.

Sense of no identity, not belonging

Besides the more practical effects, I find it worth mentioning some of emotional effects of the 2013 ruling. Even though the participants in this research were all born and raised in the Dominican Republic, they are not officially recognized as Dominican nationals. Ruling 168-13 was the "nail in the coffin", formally taking away their rights to citizenship, and has had great impact of people's sense of identity. Many now lack a sense of belonging in their own

madre nos declaró, a mi y mis hermanos con el mismo documento. Hoy en día mis hermanos tienen sus cedúlas, y yo no, por la razón que han anulado mi acta."

³³ *"Esta acta no sirve para nada, no puedo hacer nada. Tengo 4 hijos que todavía no están declarados porque no tengo cédula..."*

³⁴ *"Yo necesito tener mis documentos para declarar a mis hijos. El caso mio les pasa a los hijos míos!"*

³⁵ *"Quiero declarar a esos muchachos. Tengo 5 muchachos que no tienen actas de nacimiento."*

country, even though they have no personal ties to Haiti. For example, a 24 year old man in one of the group interviews expressed how the ruling has made him feel: *“We feel bad because you don’t know any other country, you don’t have documents from another country. Your parents’ country you don’t have. Where you were born you don’t have your documents, so, when they [the Junta Central] don’t want to give you your documents you feel bad”*³⁶. Agreeing with this statement, another participant in the same interview followed up: *“Yes, we feel bad. This is called denaturalization, because we were born here”*³⁷. Many others also expressed that they felt that they practically did not exist in their own country, like they were worthless: *“If a person don’t have his/her documents, that person don’t have a life. I can say that one does not exist...”*³⁸ Statements like *“We are nothing here”*³⁹, *“So, right now we feel like we are nothing”*⁴⁰, and *“We practically do not exist. We do not exist! For them [the government], we do not exist. The only thing one have around here is God”*⁴¹ were frequently stated by several of the participants.

People of Haitian ancestry who have lived their entire lives in the Dominican Republic generally feel accustomed to Dominican culture and traditions, while having very little knowledge of Haiti. They know “everything” about the Dominican Republic; the national anthem, popular music, historic events, traditions, customs and so on, but nothing about Haiti. Previous studies have also reported that children of Haitians have tended to assimilate rapidly into Dominican society, normally identifying more as Dominicans rather than Haitians in terms of language, culture, and values and expectations (for example Wooding & Moseley-Williams 2004). When their right to citizenship suddenly is ripped formally out of their hands, on the basis of having different “social, racial and linguistic traits”, or for being a “threat” to the Dominican nation, this has severe consequences for people’s general well-being. When participants in this study were asked whether they feel like Dominicans or Haitians (on the basis that Haitians, and Dominicans of Haitian descent rarely are recognized as two different groups of the population), many responded that they now feel confused, and that they are not

³⁶ *“Nosotros sentimos mal porque tu no sabe otro pais, tu no tienes documentos de otro pais. El pais de tus padres tu no lo tienes. Donde tu naciste tu no tienes tu documentos, entonces cuando no quieren entragar tus documentos uno si siente mal.”*

³⁷ *“Si, nosotros sentimos mal. Esto se llama desnaturalizacion, porque nosotros nacimos aqui.”*

³⁸ *“Si una persona no tiene sus documentos, no tiene vida. Yo puedo decir que uno no existe..”*

³⁹ *“Nosotros no somos nada aqui...”*

⁴⁰ *“Entonces, nos sentimos ahora mismo que no somos nada.”*

⁴¹ *“Prácticamente no existimos. No existimos! No existimos para ellos (el gobierno). El único que uno tiene aqui es Dios.”*

sure of what they are anymore. They are not Dominicans, but neither Haitians, but something in the middle. As one of the interviewees responded: *“I feel like I am in a limbo because I do not know whether I am Dominican or Haitian”*⁴². Another participant stated that *“We are not Dominican-Haitians, we are Dominicans, but the Dominican nation is taking away our rights to be Dominicans. So, what are we? We are in the middle, like dogs”*.⁴³ One participant expressed that although she was born in the Dominican Republic and really does not know anything about Haiti, she cannot present herself as Dominican either, due to lack of identification papers. She therefore identifies herself as Haitian: *“They are taking away my right. I cannot say I'm Dominican, because I cannot present myself as Dominican. I was born here, I really do not know anything about Haiti, but to me I'm Haitian”*⁴⁴. Many clearly feels frustration over not being recognized as Dominicans and as citizens in the country they consider as their own:

*Because our parents are foreigners, they don't want to give us [identity] documents. So, this drags down many Dominicans, who were born here, of Haitian descent. We have many problems because of this, and we shouldn't have all these problems because we are not culpable for our ancestors having been foreigners. We feel really bad, because this is reality. They are discriminating us, they are taking our rights to our society, to our country. Even though we don't have documents, we were born here*⁴⁵.

5.3.3 Economic effects

No access to formal employment

One of the most severe consequences of being denied, or deprived of citizenship as it was expressed in this study, is the economic effects. Without citizenship and the *cédula* one cannot be formally employed. Life without identity papers can therefore be difficult and complicated many clearly pointed out, as it often is difficult to find work and earn money. Subsequently, this affects their economic situation and way of living. As one man puts it: *“Without [identity] documents, one can't work. It is impossible to do anything without*

⁴² *“Yo me siento en un limbo porque yo no sé si soy dominicana o haitiana.”*

⁴³ *“Nosotros no somos dominico- haitianos, nosotros somos dominicanos, pero la nacion dominicana nos quitan el derecho a ser dominicanos. Entonces, que somos? Estamos en el medio, como unos perritos..”*

⁴⁴ *“Ellos me estan quitando el derecho, yo no puedo decir yo soy Dominicana, porque yo no puedo presentar como yo soy Dominicana. Yo nací aqui, en verdad yo no se nada de Haiti, pero, para mi yo soy Haitiana.”*

⁴⁵ *“Porque nuestros padres son extranjeros, no quieren darnos documentos. Entonces, por eso arrastra a muchos dominicanos, que nacimos aqui, con descendientes haitianos. Tenemos muchos problemas por eso, y no deberiamos tener todos estos problemas porque nosotros no somos los culpables de que nuestros ancestros hayan sido extranjeros. Nosotros nos sentimos realmente mal, porque es realidad. Nos estan discriminando, nos estan quitando el derecho a nuestra sociedad, a nuestro pais. Aunque no tenemos documentos, nacimos aqui.”*

documents. Everywhere they ask for *cédula*”.⁴⁶ Similar statements were expressed by all the people interviewed for this research, for example: “We have difficulties getting a job, because without documents we can’t work”⁴⁷, and “There is no way to get a job. If we don’t have it [*cédula*], there’s no future! There’s no economy!”⁴⁸ One woman states: “We can’t work, and if one can’t work, one can’t talk of economy!”⁴⁹ Among the participants in this study, only a handful had (informal) jobs or ways to earn money that provided them with a small income.

Especially those with children and a family experiences the economic situation as critical at this point. A single 24-year old mother of 4 children told about her situation. She says that without the *cédula*, she can’t find a job, and she therefore struggles to provide for her children: “It is difficult. If one doesn’t have [identity] papers, one can’t find work. There are people who sell stuff, things on the street, but that is not enough because sometimes they cannot get money. It is not sufficient to educate your children, for example. One should have a job to help ones children”⁵⁰. She, like many others, relies on support from family and friends to buy food, water and so on. Another mother points out that she cannot obtain a formal job, and she therefore sells fruit in her community. She is waiting for her *cédula*, as she has been for the last 8 years, and explains her situation like this: “Our life is complicated. We are living a bad life. If you want a job, you can’t get one without the *cédula*. I sell fruit and avocados. This is what I sell, in my community. So, the ruling has affected us a lot, because if you were born here, it doesn’t take much time to give you your *cédula*. It shouldn’t take two years [referring to the waiting during the transcription process]”⁵¹. Further, she says: “Without documents, one can’t work. I work mentally and with God, but I don’t work anywhere. Without documents they don’t hire you. And this has many effects. Without documents, you’re not worth anything”⁵². Although none of the affected people participating in this research did

⁴⁶ “Sin documentos, uno no puede trabajar. Es imposible hacer nada sin documentos. En todos partes piden cedula.”

⁴⁷ “Tenemos muchas dificultades conseguir un trabajo, porque sin documentos no podemos trabajar.”

⁴⁸ “No hay manera de obtener un trabajo. Si no lo tenemos (cedúla), no hay futuro! No hay economía!”

⁴⁹ “No podemos trabajar, y si uno no puede trabajar, no puede hablar de economía!”

⁵⁰ “Es difícil. Si uno no tiene papeles, no puede buscar trabajo. Hay gente que vende cosas, cositas en la calle, pero eso no es suficiente porque algunas veces no pueden tener dinero. No es suficiente para poder educar a sus hijos por ejemplo. Uno debe tener un buen trabajo para ayudar a sus hijos.”

⁵¹ “La vida de nosotros esta muy complicado. Estamos viviendo una vida mal. Si quieres un trabajo, no lo puedes sin la cedula. Yo soy vendedora de frutas y aguacates, Esto yo vendo, en mi comunidad. Entonces, la sentencia nos afecta mucho, porque si naciste aqui, no coge mucho tiempo pa’ entragarte tu cedula. Eso no deberia coger dos años.”

⁵² “Sin documentos uno no puede trabajar. Yo trabajo con mi cabeza con Dios adelante, pero yo no trabajo en ninguna parte. Sin documentos no te dan trabajo. Y eso afecta mucho. Sin documentos, sin tu cedula, to no vale nada.”

possess *cédulas* prior to the 2013 CT ruling either, all agree that their economic situation has worsened considerably after the issuing of 168/13. One reason for this is because their mobility has been severely restricted following the ruling, according to the affected in this study. This topic will be discussed later in this chapter, in section 5.3.3.

Unable to open a bank account/save money

In addition to be formally employed, the *cédula* grants access to a number of other economic services, such as opening a bank account, save money in the bank, and cashing a cheque. Those affected by the 2013 ruling and without citizenship are unable to do this. Several of the participants explained this. For example, while discussing the general effects of the ruling on their life, one participant says: *“We can’t do anything! We can’t put money in the bank or anything, because the birth certificate is used to get access to school if I’m a little girl, but now I’m adult. It’s not useful for this”*⁵³. Another woman explains that she would like to have a bank account so that she could save some money if she earns some, but without *cédula*, she can’t: *“I don’t have [identity] documents (...) I have a birth certificate, but the birth certificate is worthless. I can’t put money in the bank with the birth certificate. I would like to, if they give me my *cédula*, if I have 5000 pesos, to put 3000, or 2000 pesos, so I don’t spend it”*⁵⁴. Another participant also mentions this, while she explains the whole situation in general: *“If a person does not have his/hers documents, he/she does not have a life. I can say that one does not exist, because you can’t work, go to the university, save money in the bank, nothing! You can’t go to the doctor, because you don’t have insurance, and you can’t do anything”*⁵⁵.

5.3.4 Mobility/ freedom of movement

Exposed to deportation/ expulsion

Yet another consequence has to do with the mobility of the people affected. People, and especially Haitians and their descendants (generally “targeted” because their darker skin),

⁵³ *“No podemos hacer nada! No podemos poner cuarto en banco ni nada, porque la acta sirve pa’ ir a la escuela si yo soy niña pero ahora yo soy adulta. No sirve para eso.”*

⁵⁴ *“Yo no tengo documentos (...) Tengo una acta de nacimiento pero la acta no vale nada. No puedo poner cuarto en banco con la acta. Yo quisiera, si les entregan mi cedula, si yo tengo cinco mil pesos, puedo poner un tres mil o dos mil pesos, que yo no lo gasto.”*

⁵⁵ *“Si una persona no tiene sus documentos, no tiene vida. Yo puedo decir que uno no existe, porque tu no puedes trabajar, ir a la universidad, guardar dinero en el banco, ni nada! No puedes ir al médico, porque no tienes seguro, y no puedes hacer nada.”*

without proper documentation are at the risk of being deported from the country, as they have been for decades. *“Now, if you don’t have your identification [documents], they bring you [to Haiti]”*⁵⁶.

At the beginning of this year, 2016, an estimated 14.000 *Haitianos* (Haitian migrants and descendants of Haitians) have been officially deported, while many more have left on their own, about 70.000, according to the Dominican Republic’s director general of immigration- and in this way becoming, as Jonathan Katz describes it: “voluntary migrants of the least voluntary sort, fleeing an atmosphere of fear and confusion(...)” (Katz 2016). This fear of being deported is a serious and predominant effect following the ruling as it is explained by participants in this study. While deportations of Haitians and their descendants have been going on for years in the Dominican Republic, the participants emphasized that this has been extremely worsened after the ruling and after the following Regularization Plan ended in June 2015. Earlier, they could travel outside of their community and feel relatively safe, whereas now they can only travel on specific days, in order to avoid being stopped and arrested by the immigration authorities who are much more “aggressive” now, as many participants pointed out. Frequent deportations and expulsions following the ruling thus limits the affected people’s right to freedom of movement and to travel freely around in the country they have lived their entire lives.

Increased fear of leaving the community

People are afraid to move around in their own country, and most prefer to stay in, or very close to their community if it is not absolutely necessary for them to go somewhere outside. Many clearly expressed their frustration with the situation. As one woman puts it: *“If you don’t have your documents you can’t walk in the streets. The migration [authorities] can take you and bring you to your country [Haiti]. One is afraid”*⁵⁷. Another one supported this statement and elaborated on the issue: *“Before, we could go out without any problems. We worked, and walked freely in the streets. But now with the ruling, we have to be very careful so we don’t run into the immigration [authorities]”*⁵⁸. Describing her general situation, a woman in one of the group interviews, with high voice and an angry tone, explained: *“It is a*

⁵⁶ *“Ahora, si uno no tiene su identificacion, se aportan.”*

⁵⁷ *“Si uno no tiene documentos no puede andar en la calle. La migración puede cogerle y llevarle para su país [Haiti]. Uno tiene miedo.”*

⁵⁸ *“Antes de la Sentencia, nosotros podíamos trabajar sin documentos, podíamos andar en la calle. Ahora tenemos que tener días específicos para salir.”*

struggle! They are mistreating us very much because we can't work, we can't go and look for jobs anywhere. We can't sell things in the streets either, because they can take us and bring us to a country where we don't know anything"⁵⁹. Consequently, this has a great impact on people's economic situation, as, in many cases, when people are not able to travel outside of their communities and neighborhood without the risk of being deported, this prevents them from obtaining jobs. Even though the *cédula* is needed to get a formal job, one possibility to earn some money is by obtaining an informal job, for example in the agricultural sector, or by selling things in the streets, as the woman in the previous paragraph pointed out. She explained that she is unemployed and struggles hard to get money to pay for rent, gas, water and so on, and the only possibility for her to get a job is within the informal sector. However, that means that she has to leave and go outside of the *batey* where she lives every day, without any type of identification document. And now after the ruling and the regularization plan ended, she is absolutely terrified of meeting the migration authorities and being deported from her own country. A similar story is told by another participant, a 28 year old mother of a 4 year old girl, who is also unemployed and afraid to leave her community: *"I have a daughter. No job. My economic situation has been bad after the ruling. I can't work! (...) What am I going to say if they [the migration authorities or the police] ask me for my documents?"*⁶⁰ This concern is also expressed by several others, for example by a young man: *"We can't work (...) I have to find specific days to go out, because if I meet with them [migration authorities] and they ask me for documents they'll bring me to a country where I don't know the culture, I don't know anyone, and I don't know anything about it [Haiti]"*⁶¹. He had tried to apply for a few jobs nearby where he lives, but everywhere they ask for his *cédula*, and he is afraid to apply for other jobs which is farther away. *"Without documents here, we can't work, go out in the streets... Everything is a little difficult without documents"*⁶², he says.

Thus, many bears with them a constant fear of being deported from their home country to a place they have never been or have no knowledge of. For example, one interviewee, a 21 year

⁵⁹ *"Es una lucha! Nos estan maltratando mucho porque no podemos trabajar, no podemos ir a buscar trabajo en ningun lado. No podemos tampoco vender en la calle porque tambien pueden agarrarnos y llevarnos a un pais donde no conocemos nada."*

⁶⁰ *"Yo tengo una niña. No trabajo. La situación economica ha sido mal despues de la Sentencia. No puedo trabajar! Qué voy a decir cuando ellos me piden documentos?"*

⁶¹ *"No podemos trabajar (...) Tengo que coger días especificos para poder salir, porque si encuentro con ellos y me piden documentos me lleven a un pais donde no conozco la cultura, no conozco a nadie, y no se nada de ella [Haiti]."*

⁶² *"Sin documentos aqui no podemos trabajar, salir en la calle... Todo es un poco difiicil sin documentos."*

old man explained that he had tried to obtain a *cédula* for 3 years now, but has continually been denied it. After the ruling, every time he visits the civil registry office, he is told that his records are under investigation, and that he should return in a few weeks. However, in the meantime, he says: “*We are walking in fear for not having these identity papers.*”⁶³ A woman in the same interview followed up: “*I am also afraid because if they bring me, I don’t know where I will go. Supposedly, I have family there, but I don’t know in which part.*”⁶⁴ Similar statements were expressed by many during the interview- process. “*We’re afraid to walk far, we, ‘the Haitians’, when they say that they are going to bring us, the migration authorities, we can’t leave (...) We have to stay here. You get nervous!*”⁶⁵ one young woman says. Another interviewee described how she, and many others, are affected by the ruling. She describes why they are afraid to leave their community in this way:

*After the ruling, many of us have to reserve the days we are going to leave because we are afraid that the migration [authorities] find us in the streets, they ask us for documents and we don’t have it, and they bring us to a country where we don’t know absolutely nothing! So, this has affected me a lot, and I know that there are many of us who were born here in the [Dominican] Republic who have been affected a lot by this ruling.*⁶⁶

People without identity documents are not able to apply for visas or passports to leave the country either. Consequently, if they get the chance to travel abroad for instance, they cannot do it:

*Sometimes I travel to Puerto Plata with fear, because I travel alone, without any type of documentation. So, if they want, if they find me, they can send me to Haiti, and if they send me there, what will become of me? Because I don’t know anyone, I don’t know anything about Haiti. Thus, one feels afraid. (...) You can’t either, if you get the chance to leave the country, you can’t do it. If you want to, for example, visit Haiti, you can leave, very good, bye- bye. But to come back... you won’t be able to come back. They will not let you back in.*⁶⁷

⁶³ “*Nosotros andamos con mucho temor, por no tener estos papeles de identidad.*”

⁶⁴ “*Tengo miedo tambien porque si me llevan, yo no sé donde voy a ir. Supuestamente tengo familia allá, pero yo no sé en que parte.*”

⁶⁵ “*Tenemos miedo de caminar lejos. Nosotros, “los haitianos”, cuando dicen que van a mandar, la migración, no podemos salir (...) Tenemos que quedarnos aquí. Te pones nerviosa!*”

⁶⁶ “*Después de la Sentencia, muchos tenemos que reservarnos los días que vamos a salir porque tenemos miedo de que inmigración nos encuentran en la calle, nos piden documentos, y no tenemos, y nos llevan a un país donde no conocemos absolutamente nada! Entonces, a mí ha afectado mucho, y sé que hay muchos de lo que hemos nacidos aquí en la república que ha afectado mucho de esta sentencia.*”

⁶⁷ “*A veces yo voy a Puerto Plata con un temor. Porque yo voy sola, sin ningún tipo de documento. Entonces si ellos quieren, si ellos me encuentran, pueden enviarme a Haití, y si me llevan allá que va a ser de mí? Porque no conozco a nadie, no sé nada de Haití. Entonces uno se siente de temor (...) No puedes tampoco, si tienes una oportunidad de salir del país, no lo puedes hacer. Si tu quieres por ejemplo visitar a Haití, te fuiste, muy bien bye-bye. Pero a regresar.. Tu no vas a poder regresar. No te van a dejar entrar.*”

Those belonging in group B however, and now in possession of a *carnét* have been granted legal residence in the country for two years. That means that they, for now, can travel around within the country without fear of being deported, and thus feel safer than earlier at this point: *“We are calm because we have a card where we can walk without fear, without fear for nothing”*⁶⁸, one interviewee explained. Nevertheless, the *carnét* is not useful for anything else, though, and does not grant access to any other services, because that requires a *cédula*, which are granted when presenting a passport, which this group naturally do not have because they do not possess any identification papers. *“The carnét is useful for going out in the street, to protect oneself from the migration authorities. It’s not useful for more,”*⁶⁹ one of the participants stated. They can thus move around more freely at this point, but are still not being granted the same rights as other Dominicans⁷⁰: *“And with this paper [the carnét] which they give us, it is a little useful, but on the other hand it is not important because you can’t study at the university. You can’t learn anything. This paper is not useful for everything.”*⁷¹

Threats from neighbors and people in and around their community

Whereas people without identity documents are at the risk of being deported and are afraid to leave their community, some also frequently deals with threats and comments from Dominican neighbors and people in and around their community as well: *“Here, sometimes, when we’re walking in the streets, there are people who say: ‘bring your papers with you, they’re going to take you!’”*⁷². Even people in their community, who have known them throughout their whole lives, who knows they are born there and have grown up there, now comments on their status. One interviewee explains:

For example, right here, there are Dominicans who have known us our whole life, who have seen us grow up here. And for, a couple of months ago, when everything with this regularization plan happened, there were persons from right here, who have known us our entire life, they saw us grow up here, born and grown for those who were born here, said like ‘Listen! Your time here is almost over, for you to go back to your country...’ And how can a person, knowing me for all my life, see me being born and grow up here, and never move away from here, because it’s bad luck that we have all that are here. We have lived our entire lives in the same place because we don’t have the resources that we need to go and study, travel to another country. We have lived our whole lives in this bad place of a batey. And all

⁶⁸ *“Estamos tranquilos porque tenemos un carnét donde podemos caminar sin miedo, sin temor para nada...”*

⁶⁹ *“El carnét sirve pa’ salir en la calle, pa quidarse de la inmigracion. No sirve pa’ mas.”*

⁷⁰ This is also reported in the recent 2015 report by Amnesty International (Amnesty International 2015).

⁷¹ *“Y con este papel que nos dan, es útil un poco, pero no es importante en otra parte porque uno no puedes ir a estudiar en la universidad. Tu no puedes aprender algo... Este papel no sirve para todo.”*

⁷² *“Aquí, a veces, cuando andamos en la calle, hay gente que dicen: ‘anda con los papeles, te van a llevar!’”*

these people know us, for our entire lives. And so you see that these people are ignorant. They even tell us: ‘look, your time is almost over for you to go to your country...’⁷³

This, of course, also affects people’s general well-being and sense of belonging. Having been born and lived their whole life in the same place, they are still not being recognized as Dominicans, neither by the Dominican state authorities, nor by their closest Dominican friends and neighbors: *“Sometimes you feel bad, because you think that this person, this Dominican who were born here and has his papers is your friend, and in reality he is not your friend because he says: ‘yes we are friends, but you’re a foreigner [Haitian]”⁷⁴*. This has been frequently reported by media as well, where several deported *Haitianos* (both migrants and their descendants) and “voluntary migrants” at the border have explained how they started to receive threats from neighbors and people around their community following the 2013 ruling. One example is found in an article in the New York Times in December 2015: *“They said they would drop bombs on our homes (...) When they said they would kill us, I departed with my family”* (cited in Ahmed 2015). Another example is found in January 2016: *“Some Dominicans began greeting their neighbors with a countdown: ‘Just a few months left, moreno⁷⁵!’ ‘The buses are ready. You get ready, too (Cited in Katz 2016).’”*

5.3.5 Health and medical care

No health insurance and restricted access to public hospitals

Quite a few of the respondents pointed out that one effect of not possessing identity documents, is the lack of health insurance and thus only restricted access to public hospitals. Without *cédula* people are not able to obtain health insurance, and therefore have very limited opportunities to receive medical care, mainly due to high costs at the hospitals. This is most

⁷³ *“Por ejemplo, aca mismo, hay dominicanos que nos conociamos de toda la vida, que nos vieron crecer aqui. Y para, hace unos meses, cuando pasaron toda este con el plan de regularizacion, hay personas, de aca mismo de que nos conocen de toda la vida, nos vio crecer aqui, nacer y crecer a los que nacieron aqui, dijeron como ‘oye! Tu tiempo casi termina para te irte para tu pais... Y cómo puede una persona, conocerme de toda la vida, verme nacer y crecer aqui, y nunca moverme de aqui, porque es la mala suerte que tenemos todos que estamos aqui. Tenemos toda la vida viviendo en el mismo lugar, porque no tenemos los recursos que necesitamos para ir a estudiar, ir a otro pais. Tenemos toda la vida viviendo en este peor sitio de un batey. Y todas estas personas nos conocen, de toda la vida. Y para que veas que ignorante que son estas personas. Incluso, nos dicen: ‘mira, tu tiempo esta casi terminando para que te vayas a tu pais..’”*

⁷⁴ *“A veces uno se siente mal, porque tu piensas que esa persona, este dominicano que nacio aqui y que tiene sus papeles, es tu amigo y en realidad no es tu amigo porque el dice: ‘si, somos amigos pero tu eres extranjero’”.*

⁷⁵ *Moreno* means “brown” in Spanish, and the term is generally used to approach dark skinned persons, most often Haitians.

often linked with not having a formal job and, subsequently, no money. Statements like “*If you don’t have documents, you can’t have health insurance*”⁷⁶, were frequently mentioned during the interviews. One participant summarized the life situation in this way: “*We can’t go out, we can’t register children, we can’t get insurance. We can’t do anything!*”⁷⁷ Not having health insurance signifies having to pay for medical care themselves at the hospitals, which is expensive, and obviously difficult without having a job nor money. “*I’m not sick, thank God. I have never gone to the hospital, but if this happens once, without cédula you can’t do anything at the hospital. If you don’t have cédula, you’re gonna have to pay more in the hospital*”⁷⁸, one of the units expressed with a worried voice. Medical care at public hospitals, is the only type of help one *can* receive without an insurance. However, it is not only expensive but neither as optimal as it should be for people without proper documentation:

*If you don’t have a job, you don’t have insurance. If you don’t have documents, you don’t have insurance. So, we don’t have any type of insurance. The only thing we can do, is go to the public hospitals, where the [medical] attention is terrible. It’s terrible, but they help us. But, if we had a job, if we had our documents, we could have a good insurance. For example, if we got a serious illness, or if we were in a serious accident and would need surgery or something, we could rely on the insurance to do it. But what happens now, if you need surgery or something, where are you going to get the money? Your parents don’t have it!*⁷⁹

Something similar is explained by yet another participant: “*You can go to the hospital, but they don’t receive you as they should receive you. Because, if, for example, if we have the cédula we can get an insurance, and this insurance can help us. So, if you don’t have cédula, you don’t have insurance. You have to pay. And without a job, with what are you going to pay? You don’t have money...*”⁸⁰ Some believed that this also had changed after the ruling. While previously it was possible to receive help at public hospitals without proper documentation and insurance, now they do not receive medical care at all: “*For example, we*

⁷⁶ “*Si uno no tiene documentos, no puede tener seguro médico*”

⁷⁷ “*No podemos salir, no podemos declarar los hijos, no podemos sacar seguro. No podemos hacer nada*”.

⁷⁸ “*No estoy enferma, gracias a Dios. Yo nunce he ido pa’ l hospital, pero si una vez pasa esto, sin la cédula no puedo hacer nada en el hospital. Si no tienes cédula, tu vas a gastar mas en el hospital.*”

⁷⁹ “*Si no tienes trabajo, no tienes seguro. Si no tienes documentos, no tienes seguro. Entonces, no tenemos ningun tipo de seguro. Lo unico que podemos hacer, es ir a las hospitales publicos, donde la atencion es pesima. Es pesima, pero nos atienden. Pero, si tuvieramos un trabajo, si tuvieramos nuestros documentos, pudieramos tener un buen seguro. Por ejemplo en caso de tener una enferma grave, o si pasa un accidente grave y necesitamos cirugía o algo, pudieramos contar con ese seguro para hacerlo. Pero que pasa ahora, si necesitas una cirugía o algo, donde vas a conseguir el dinero? Los padres no los tienen!*”

⁸⁰ “*Tu puedes ir al hospital, pero no te reciben como deberian recibirte. Porque, si, por ejemplo, si tenemos la cedula podemos encontrar un seguro, y ese seguro podia ayudarnos. Entonces si tu no tienes cedula, no tienes seguro. Tienes que pagar. Y sin trabajo, con que vas a pagar? No tienes dinero...*”

don't have insurance. When we go to the hospitals, if at this point you don't have insurance, they don't help you. So, it is very important to have documents, in order to have insurance”⁸¹.

5.3.6 Civil life

Restricted access to school, and no access to higher education

In the Dominican Republic, children without birth certificates are allowed to enroll in public schools up until the eighth grade. At this point, students are required to take a national exam and must present a birth certificate. Without birth certificate, students are not allowed to take the test, and thus not allowed to continue through secondary school. Those who are registered and possess birth certificates are allowed to continue through secondary school- known as *el bachillerato*- but the *cédula* is needed in order to enroll in higher education at university level. A great majority of the respondents in this research emphasize that they are now unable to enroll in higher education due to lack of identity documents, the *cédula*. Others have not been able to continue through and finish *el bachillerato* due to lack of birth certificates.

It was obvious during the interviews that being denied access to education was one of the most severe effects of the ruling on people's lives, and an issue of great concern to most of the participants. The majority of the participants clearly expressed how it, for example, limits their opportunities to obtain a profession and a good job. When asked how ruling 168/13 affects their life, a 21 year old man says: *“We can't take any courses, not go to the university, or work, or get married, due to lack of this important document [the cédula]. It limits us a lot”⁸²*. He further told that he was able to finish his *bachillerato* and graduated with good grades, and would like to continue studying to become a doctor, but because he still has not received his *cédula*, he has not been able to apply for university. As one of the other interviewees explained it: *“We finished school. We can't continue at the university, because they ask us for a lot of documents to be in the university. We want a profession because we can't be in the streets all the time, but we can't do anything without documents”⁸³*. Several others expressed similar concerns and frustrations, like one woman in one of the group

⁸¹ *“Por ejemplo, nosotros no tenemos seguro.. Cuando vamos al hospitales, si ahora mismo no tienes seguro, no la atiende. Entonces, es muy importante tener documentos, para tener seguro.”*

⁸² *“No podemos hacer ni curso, no ir a universidad para estudiar, ni trabajar, ni casarse, por falta de esto documento tan importante. Limiterémos mucho.”*

⁸³ *“Terminamos en el escuela. No podemos seguir en la universidad, porque nos preguntan por muchos documentos para estar en la universidad. Queremos una profesión porque no podemos estar en la calle todo el tiempo, pero no podemos hacer nada sin documento.”*

interviews who finished her *bachillerato* 6 years ago. She has been waiting for her *cédula* for 7 years, and now her records are under the transcription process. She explains that her life is “on hold”, like the life of many others, and she is waiting for her *cédula* to continue her academic career: “*At this point we are waiting for our documents, to continue studying and get a good job*”⁸⁴, she explained first. Then she continued: “*I finished school a long time ago, like six years ago I believe, and in these 6 years I should have finished a career already, but I can’t go to the university, because if you don’t have your documents they are not going to accept you*”⁸⁵. “*I want to study, or do something with my life, but how are you going to do this without having your [identity] papers?*”⁸⁶

Besides affecting the participants’ opportunities to obtain good jobs, many expressed that not being allowed to study at the university affects their general happiness and contentment. Many stated that they feel sad and hopeless for not having opportunities to learn, or simply to do something with their lives. In the words of one of the participants: “*... I quit school because I didn’t have any type of [identity] documents. And thus, if you don’t have documents, you can’t continue after eighth grade. You need to have your documents to go to the university. Without documents, you have to quit school, go home, sit down, and don’t do anything. You can’t learn anything, because you don’t have papers or anything*”⁸⁷. Others expressed similar frustration of not doing anything in their lives: “*I haven’t studied in many years, and my life continues like this, without doing anything*”⁸⁸. Another interviewee added: “*I feel really bad because I want to study, I want to do something in the mornings. I quit my studies 6 years ago, due to lack of documents.*”⁸⁹ One woman said that she had difficulties obtaining a job because of not having a *cédula*. She talked about how she wanted to take a beauty course, in order to open up or work in a beauty salon, but now she does not have the

⁸⁴ “*Ahora mismo estamos esperando a nuestro documentos, para seguir estudiando y obtener un buen trabajo*”

⁸⁵ “*Yo tengo mucho tiempo que terminé la escuela, tengo como seis años yo creo, y ya, en seis años yo debí terminar una carrera ya, pero no puedo ingresar a la universidad, porque si no tienes tus documentos no te van a aceptar.*”

⁸⁶ “*Yo quiero estudiar, o hacer algo en mi vida, pero cómo tu vas a poder eso sin tener tus papeles?*”

⁸⁷ “*Pero, dejé de la escuela porque no tenía ningún tipo de documentos. Y entonces, si uno no tiene documentos, no puede seguir después del octavo. Uno tiene que tener sus documento para ir a la universidad. Sin tener documentos, tienes que terminar la escuela, venir a su casa, sentarse, y sin hacer nada. No puedes aprender nada, porque no tienes papeles ni nada.*”

⁸⁸ “*Tengo muchos años sin estudiar, y mi vida se queda así, sin hacer nada.*”

⁸⁹ “*Yo me siento muy mal porque yo quiero estudiar, quiero hacer algo en la mañana. Tengo siete años que dejé mis estudios, por falta de documentos.*”

opportunity to do it: “*Without cédula everything is difficult. I want to take a beauty course, but without having cédula, I can’t.*”⁹⁰

Unable to marry and divorce, and unable to vote during elections

Only one participant touched upon the matrimonial issue, while mentioning a number of effects following the ruling: “*We can’t take any courses, not go to the university, or work, or get married, due to lack of this important document [the cédula]. It limits us a lot.*”⁹¹

Likewise, only one participant mentioned something related to political effects of the ruling: “*I want to vote in the elections but I can’t*”.⁹² Nevertheless, those are still mentioned in this section as effects of the ruling, as previous studies have shown, for example that of Katerina C. Hischnjakow called *Vidas Suspendidas* (“Suspended lives”) concerning effects of Resolution 12-2007, that it is not possible to marry and divorce, nor participate in the political life, for example to vote, without a *cédula* in the Dominican Republic (Hischnjakow 2011).

Most of what derived from the interviews was by far negative understandings and experiences with Ruling 168/13 and Law 169/14. Even though the people in this study know that Law 169/14 has provided them a pathway to regularize their status and naturalize as Dominicans, many stated that they had very little confidence in the government, and do not think the Dominican state would actually grant citizenship to most of the affected. Most believed it was only an act to distract the attention away from the international pressure towards the country following the ruling. As it was expressed during the interviews, this was mainly based on their own experiences, some having spent their whole life being denied a birth certificate, while others their whole adult life waiting for a *cédula*. They were generally frustrated with their lack of resources and possibilities to work, study, travel, and achieve something in their lives, which they so desperately want. Among all these negative effects though, were some positive expression as well, which should be further addressed.

5.3.7 Positive effects of Ruling 168-13

Among some participants in *one* of the *bateyes* where interviews were conducted, was the perception of the CT ruling as something positive, or, at least that there is a positive aspect to

⁹⁰ “*Sin cedula todo es dificil. Quiero hacer un curso de belleza, pero, sin tener cédula, no puedo.*”

⁹¹ “*No podemos hacer ni curso, no ir a universidad para estudiar, ni trabajar, ni casarse, por falta de esto documento tan importante. Limiterémos mucho.*”

⁹² “*Quiero votar en las elecciones pero no puedo.*”

it as well. All of the participants interviewed in this community belonged in group B of the affected, who never had possessed birth certificates nor any other identity documents. Although the naturalization process required them to register as foreign nationals in their own country before they can be naturalized as Dominicans, some expressed that, although not entirely happy about it, they felt relieved only to be registered at all, and to have a document (the *carnét*) that states their identity, and perhaps receive a *cédula* in a few years. Most of them were not entirely convinced that they are going to be granted citizenship, but did not see any other option than regularize their status. One of the interviewees' mentions that if something happens to her now, at least people will know who she is and can contact her family, contrary to when she did not have any type of identification document: "*Without your documents and you drop dead in the streets, you're like a dog. You're nobody.*"⁹³ Another one mentioned that he is tired of not having any type of identity document, of not getting a job, and of not having any opportunities to get one without a *cédula*. He said that the ruling did not have negative effects on his situation, but, instead it was helping him: "*It [the ruling] isn't affecting us, but helping us. To work anywhere you have to have your documents. For those who lacks it, they now give us time to get our papers.*"⁹⁴ This is of course a positive thing, providing hope and a sense of security for affected persons, and also shows that power is not merely a negative thing, as Foucault notes. In this case, power relations has resulted in new options, guiding their actions in a positive direction, in their own opinion, which could eventually lead to an "empowerment" of these individuals- if they eventually would be granted citizenship. Still, it does not change the fact that they have been denied their birthright to citizenship, which was stated in the constitution in effect at the time they were born, and that they are now regularized as foreign nationals in the country they recognize as their own. As many of them clearly stated, they are not Haitians, nor Haitian-Dominicans, they are Dominicans. Yet, as of now they are registered as Haitian nationals, with no further rights in the country than the residency permit granted by the *carnét*. Whether they will be naturalized as Dominicans remains to be seen.

⁹³ "*Sin tus documentos y tu caes en la calle, eres como un perro. Eres nadie.*"

⁹⁴ "*No está afectando nuestra vidas, pero ayudandonos. Para trabajar en cualquier sitio uno tiene que tener sus documentos. Para los que faltan, ahora darnos tiempo para nosotros para poder obtener nuestro papeles.*»

5.4 Lives on hold

Because citizenship in the Dominican Republic is directly linked with state protection and the realization of a number of different fundamental rights, not having this consequently have effects on people's lives. As illustrated in this part, people affected by Ruling 168/13, and those who remain stateless have very few, almost non-existing, possibilities of human and social mobility. Their lives is fundamentally "on hold". It seems here as if the findings in this research fits well into the analysis of Ruling 168/13 as a state racist power technique, a vehicle through which the affected individuals are exposed to a push-pull dynamic between human rights and sovereign power. People affected by the CT ruling consider themselves Dominicans at heart, yet, they are not recognized or treated as such. This is apparent in this chapter and the previous. As clearly stated by most of the participants in this study: in practice they do not exist. Or at least they feel that they do not exist, as if they are worthless. Whereas Law 169/14 did provide a solution to the negative effects for those affected by the CT ruling and a pathway for naturalization, which of course can be interpreted as a means for the Dominican state to take responsibility and including them as part of the population in the country, this has not yet been accomplished on behalf of the participants in this study. Some have yet to have their documents restored, at the same time as they are being placed in separate registers. They are still "differentiated" from other, normal Dominicans. The other group are regularized as foreigners, and according to several sources will most likely never receive equal access to rights and services as other Dominicans, even if they eventually will be granted citizenship (Canton & McMullen Jr 2014; Martinez 2014a). Thus, the population is still divided into different groups, and there are clearly barriers and unequal distribution of wealth and services between "normal" Dominicans and Dominicans of Haitian descent. Power is exercised differently towards the two groups of the population. This makes Foucault's explanation of racism as a dividing practice as applicable to this case: "...we can say that two races exist when there are two groups which, although they coexist, have not become mixed because of the differences, dissymmetries, and barriers created by privileges, customs and rights, the distribution of wealth, or the way in which power is exercised" (Foucault et al. 2003:77).

Foucault claimed that bio-politics and sovereign power is intertwined, granting bio-politics the "right" to *disallow life*, or *let die*, those who threatens the sovereign and the life of populations, in the form of dividing the population into citizens and non-citizens; into those

who can receive benefits from the state, and those who cannot. One important aspect to comment on regarding the findings in this research, however, is that some of the themes and effects mentioned here might not, at least separately, relate to Foucault's concept of *letting die*. For example, the sense of not belonging, the restriction to higher education, being denied access to open a bank account, or the possibility to vote or get married does not automatically pose a "risk of death" to these people's lives. Yet, the sum of all the effects together illustrates how extensive the effects are, and the combination of them have, or might have, severe implications on people's lives. Ruling 168/13, the deprivation of citizenship and being denied identity documents basically impacts all aspects of the affected people's lives, to the point where they are not entitled to claim any kind of services from the state, and they are therefore, in practice, excluded from all parts of formal Dominican society. One can ask, then, what life is left to those persons who are deprived of their nationality, their identity, access to health care and medical service, possibility to be formally employed and to travel around safely in their own country without the risk of expulsion, to work and earn money, and basically their entire civil life?

Because this research is based on a qualitative approach, the overarching aim has not been to generalize the findings to the whole population, especially not this last part. One of the intentions with this part of the thesis was to learn how the affected persons themselves experience this in order to gain a deeper understanding of the situation that these people find themselves in. That being said, because of the fact that there are many people in the same situation as the participants in this research (documented in the ENI-survey, for example), and according to several other studies and reports on the same issue (for example Amnesty International 2015; Human Rights Watch 2015b; IACHR 2015), it might not be too bold to state that much of what is expressed here also, most likely, goes for many others in the same situation. However, interviews with other people affected, for instance with some who have had their citizenship restored, would likely have provided different answers. Based on the findings presented here, though, I would argue that in terms of access to basic rights and possibilities for human and social mobility, the denationalized population are in sense "exposed to greater risk of death", or at least granted a slighter merit to live, than which the "regular" part of the population are exposed (Kelly 2004), at least until they receive their *cedúlas* and are granted citizenship rights. Until then, it seems as if they go on living their lives indifferently.

6. Concluding remarks

This thesis has attempted to answer the problem statement “*What rationalities have enabled the Dominican Republic’s CT Ruling 168/13, and how does the ruling affect the Dominican population of Haitian descent in the country?*” This final chapter briefly summarizes the findings.

6.1 Summary of the findings

This thesis has used the concept of governmentality as a framework to understand what historical conditions and rationalities that have enabled Ruling 168/13. Through the use of this perspective, this thesis has illustrated how rationalities and mentalities about Haiti and Haitians have operated in shaping the way of governing and managing the Haitian population and their descendants in the Dominican Republic, leading up to and culminating in the 2013 ruling. Anti-Haitian attitudes have, for instance, long guided government action and unofficial policy in the spheres of citizenship practices in the country, starting with informal denial of citizenship to children of Haitians in the 1980’s. This took a formal turn starting in 2004, in which anti-Haitian attitudes became more embedded in official administrative, judicial and legislative decisions of the Dominican state, which has steadily institutionalized efforts aimed at restricting birthright citizenship to children of immigrants, particularly affecting those of Haitian descent. Based on this, this thesis argues that anti-Haitianism now reaches farther and more deeply into society, providing the exclusion of Haitian descendants in Dominican society a legal foundation. Anti-Haitianism has become a part of the official bio-politics of the population in the Dominican state, and it appears that Ruling 168/13 draws heavily on these rationalities.

This thesis has also discussed how Ruling 168/13 affects the Dominican population of Haitian descent by applying Foucault’s notion of bio-politics and state racism as analytical framework. When analyzing Ruling 168/13 in its larger historical context, this thesis argues that Ruling 168/13 assumes the role of a state racist mechanism, in line with Foucault’s understanding of the term. Chapter 5.2 has illustrated how the ruling functions as a dividing practice which the Dominican Republic directs against elements of its own population, particularly on the basis of “a set of historical, linguistic, racial and geopolitical traits” (Constitutional Tribunal 2013:24) which has ultimately been detrimental to the Haitian ancestry population. This is done on what appears to be a logic on a drive to defend Dominican

sovereignty and nationality, which legitimizes (at least to some extent) the “elimination” of its enemies, in order to protect Dominican nationality. Law 169/13 has further contributed to a division of the population into different groups, either by placing affected Dominicans of Haitian descent in separate registers, or by creating a group of “second-class citizens”, regularized as foreign nationals waiting to be naturalized, who do not possess the same rights as other Dominicans.

By implementing Ruling 168/13 and the following Naturalization Law 169/14, the Dominican state has, basically, managed to convert Dominican citizens of Haitian descent into foreigners in their own country, into migrants who need to be regularized, and who are being segregated from other “normal” Dominicans. The most severe effect of this decision is that thousands of people of Haitian origin, who identify the Dominican Republic as their own country and who does not have any ties with Haiti, nor automatic access to Haitian nationality, have been left stateless. Based on the historical context presented, it appears that Ruling 168/13 consolidates three decades of Dominican discriminatory efforts towards persons of Haitian descent, and puts its stamp on the belief and dominant “truth” set forth by Dominican authorities, especially the last decade, that Haitians are temporary visitors “in transit” (and therefore illegal), which equals Haitian ancestry people born in the Dominican Republic with illegality and therefore places them in the same category as temporary Haitian migrant workers (Wooding & Moseley-Williams 2004).

This thesis has also documented some of the effects of Ruling 168/13 on the lives of 24 Dominicans of Haitian descent that are affected by the ruling. Even though the affected have been re-granted their citizenship, in theory, and been provided a pathway for naturalization, the participants in this study remain effectively stateless, as they have been for several years. This affects their economic situation; their access to health and medical care; their mobility and freedom of movement; opportunities to enroll in school and higher education; as well as their civil-, political- and social life. In sum, being denied Dominican nationality basically affects all parts of their lives to the point where they are excluded from all parts of formal Dominican society. Their lives are currently on hold. They practically do not exist. Seeing the findings in this part of the research in connection with the analysis of the ruling in section 5.2, as a state racist power mechanism, this thesis argues that the sum of the effects on people’s lives are so extensive that the ruling does contribute to *let die* the affected group of the

population, according to Foucault's notion of the term, conceived by the deprivation of citizenship and state protection.

6.2 Final reflections

This thesis has been driven by a desire to understand a complex reality, and has contributed to a deeper understanding of Ruling 168/13, and its background and effects. Even though a number of reports and other academic texts already have documented much of what has been discussed in this thesis, as well as Dominican-Haitian relations in general, not much can be found that employs this particular theoretical framework. This is probably where this thesis can offer something “new”.

Moreover, as much as this process has provided me with much valuable knowledge and a deeper understanding of the circumstances described in this thesis, other questions and topics of interests have also emerged along the way. Particularly the role of local civil society in mobilizing against these practices, and in changing attitudes towards Haitians and their children would be interesting to look closer into. During my stay in the Dominican Republic I spent a few days with a local NGO, MUDHA (Movement of Dominican-Haitian Women), who informed me about their organization and how they work actively and with various strategies to support Haitian immigrants and their descendants in the country. Given the fact that international pressure towards the country have proven to “backfire” in terms of upholding human rights of the Haitian population, perhaps more attention should be given to local civil society to increase their role on the matter. Additionally, this research was conducted less than a year after the deadline for the applications in naturalization process was due, which means that the end results were not ready yet. It would therefore be interesting to do a follow-up on this topic, to learn more about the long-term implications of Ruling 168/13 and Law 169/14 on the affected population.

7. References

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8. Appendix

8.1 Research design fieldwork

Sub-RQ/ main issue	Data collection methods	Data from collection methods	Unit-categories/sizes
<p>The implications of Ruling 168/13 on the lives of those it concerns</p>	<p>Group- and individual, semi-structured interviews</p>	<p>Recordings and transcription of interviews, covering the informants' experiences, thoughts and reflections around:</p> <ul style="list-style-type: none"> • Ruling 168/13 and what it entails • effects related to education and employment on the lives of the informants • the economic effects of the ruling on the lives of the informants • effects related to health and medical care • effects related to the informants' mobility • effects on the civil life of the informants • effects on the informants' sense of identity and belonging • general challenges to their daily lives resulting from the ruling • how the lives of the informants have changed after the ruling was issued 	<p>24 Dominicans of Haitian descent from 4 different communities in the Dominican Republic</p> <p>4 women has participated in individual, semi-structured interviews</p> <p>20 people, 8 men and 12 women, have participated in 4 group interviews.</p> <p>All are born and raised in the Dominican Republic, and all are between 18 and 28 years old.</p>

8.2 Coding frame

Meaning unit	Code	Category	Subtheme	Theme
Denied, and deprived of identity papers	Effects on nationality/identity	1	Effects on the judicial rights and their rights as citizens	Effects of Ruling 168-13 on the Dominican population of Haitian descent
Unable to register children				
Sense of no identity, not belonging				
No access to formal employment	Economic effects	2		
Unable to open a bank account/save or transfer money				
No health insurance	Effects related to health and medical care	3		
Restricted access to public hospitals (expensive)				
Exposed to expulsion/deportation	Effects on mobility/ freedom of movement	4		
Unable to travel and apply for visas/passports				
Increased fear of leaving the community				
Unable to marry and divorce	Effects on civil life	5		
No access to higher education				
Unable to vote	Effects on political life	6		
Discriminated by Dominican neighbors/other people in and around their community	Effects on social life	7		

8.3 Meaning units table

Citations and meanings	Categories						
	1	2	3	4	5	6	7
“Sin documentos, no puedes trabajar. Sin documentos, no te dan trabajo.”		2					
“Yo necesito tener mi documentos para declarar a mis hijos. El caso mio les pasa a los hijos mios”.		1					
“Sin documentos uno no puede trabajar. Es imposible hacer nada sin documentos. En todos partes piden cedula.”		2					
“Ahora, si uno no tiene su identificacion, se aportan (la inmigracion).”		2		4			
“Nosotros andamos con mucho temor, por no tener estos papeles de identidad.”				4			
“No podemos hacer ni curso, no ir a universidad para estudiar, ni trabajar, ni casarse, por falta de esto documento tan importante. Limiteremos mucho.”		2			5		
“Me gustaría terminar el bachillerato, y entrar en la universidad, pero sin mi acta de naciminiento no puedo.”					5		
“Sin cedula todo es dificil. Quiero hacer un curso de belleza, pero, sin tener cedula, no puedo”					5		
“Por ejemplo, nosotros no tenemos seguro..Cuando vamos al hospitales, si ahora mismo no tienes seguro, no la atiende. Entonces, es muy importante tener documentos, para tener seguro.”			3				
“Ahora mismo estamos esperando a nuestro documentos, para seguir estudiando y obtener un buen trabajo.”		2			5		
“No podemos salir, no podemos declarar (los hijos), no podemos sacar seguro. No podemos hacer nada”.		2	3	4			
“Despues de la Sentencia, muchos tenemos que reservarnos los dias que vamos a salir porque tenemos miedo de que inmigracion (immigrasjonspolitiet) nos encuentran en la calle, nos piden documentos,y no tenemos, y nos llevan a un pais donde no conocemos absolutamente nada!”				4			
“Si no tienes trabajo, no tienes seguro. Si no tienes documentos, no tienes seguro. Entonces, no tenemos ningun tipo de seguro. Lo unico que podemos hacer, es ir a las hospitales publicos, donde la atencion es pesima. Es pesima, pero nos atienden. Pero, si tuvieramos un trabajo, si tuvieramos nuestros documentos, pudieramos tener un buen seguro. Por ejemplo en caso de tener una enferma grave, o si pasa un accidente grave, y necesitamos cirugía o algo, pudieramos contar con ese seguro para hacerlo. Pero que pasa ahora, si necesitas una cirugía o algo, donde vas a conseguir el dinero? Los padres no los tienen!”			3				
“Tenemos muchas dificultades conseguir un trabajo, porque sin documentos no podemos trabajar. Entonces, a mi ha afectado mucho, y sé que hay muchos de lo que		2					

hemos nacidos aqui en la republica que ha afectado mucho esta sentencia.”							
“No podemos trabajar. Tengo, como ella dice, tengo que coger dias especificos para poder salir, porque si encuentro con ellos y me piden documentos me lleven a un pais donde no conozco la cultura, no conozco a nadie, y no se nada de ella [Haiti].”		2		4			
“Tengo miedo tambien porque si me llevan, yo no sè donde voy a ir. Supuestamente tengo familia allà, pero yo no sé en que parte.”				4			
“Es una lucha! Nos estan maltratando mucho porque no podemos trabajar, no podemos ir a buscar trabajo en ningun lado, no podemos tampoco vender en la calle porque tambien pueden agarrarnos y llevarnos a un pais donde no conocemos nada.”		2		4			
“Yo tengo una niña. No trabajo. La situación economica ha sido mal despues de la sentencia. No puedo trabajar! (...) Que voy a decir cuando ellos me piden documentos? De todas las formas la sentencia nos afecta mucho.”		2					
“Nosotros nos sentimos realmente mal, porque es realidad. Nos estan discriminando, nos estan quitando el derecho a nuestra sociedad, a nuestro pais. Aunque no tenemos documentos, nacimos aqui.”	1						
“De todas las formas esto (la sentencia) nos afecta mucho.”							
“Nosotros sentimos mal. Esto se llama desnaturalizacion, porque nosotros nacimos aqui”.	1						
“Yo me siento muy mal porque yo quiero estudiar, quiero hacer algo en la mañana. Tengo siete anos que dejé mis estudios, por falta de documentos.”					5		
“Antes de la sentencia, nostros podíamos trabajar sin documentos, podiamos andar en la calle. Ahora tenemos que tener dias específicos para salir.”				4			
“Antes podiamos salir sin ningun tipo de problemas, trabajabamos y andamos en la calle libremente. Pero ahora con la sentencia tenemos que quidarnos mucho para no encontrarnos con la inmigracion.”				4			
“Yo tambien [se siente como dominicano], nunca he ido a otro pais”. “Yo naci aqui, creí aqui, pero hay una gente que dicen: ‘no, no eres de aqui. Tienes familia en Haiti...’”	1						7
“Yo nací aqui, obtuve mi acta de nacimiento porque cuando mis padres vinieron aqui ellos trabajaban aqui. Y entonces a esos personas que trabajaban de caña le dan un documento, un carnét, que dice su nombre y dice cuando llegaron. Y con ese carnét ellos sacaron el acta de nacimiento a sus hijos. Eso es lo que pasó con el mio. Entonces yo fui a la escuela, hasta octavo, hasta el bachiller. Cuando cumplí major de edad, fui a buscar mi cedula, a buscar una acta fin de cedula. Me busqué, y me la dieron. Pero despues cuando yo fui a la junta central, para que me dieran la cedula, dijeron que ‘no’, porque mas abajo en este papel sea que mis padres son					5		

extranjeros. Y que yo no tenía derecho de tener una cédula. Y hasta ahora todavía no tengo. Ahora están haciendo una transcripción. Esto es lo que me está pasando en este momento. Necesito ir a la universidad, pero yo no puedo ir, por esta razón...”							
“Si una persona no tiene sus documentos, no tiene vida. Yo puedo decir que uno no existe, porque tu no puedes trabajar, ir a la universidad, guardar dinero en el banco, ni nada! No puedes ir al médico, porque no tienes seguro, y no puedes hacer nada.”	1	2	3		5		
“Esta sentencia prácticamente destruye la vida de cualquiera en todo sentido.”							
“Nosotros no somos nada aquí...”	1						
“Por ejemplo, acá mismo, hay dominicanos que nos conocíamos de toda la vida, que nos vieron crecer aquí. Y para, hace unos meses, cuando pasaron toda esta con el plan de regularización, hay personas, de acá mismo de que nos conocen de toda la vida, nos vio crecer aquí, nacer y crecer a los que nacieron aquí, dijeron como ‘oye! Tu tiempo casi termina para te irte para tu país... Y cómo puede una persona, conocerme de toda la vida, verme nacer y crecer aquí, y nunca moverme de aquí, porque es la mala suerte que tenemos todos que estamos aquí. Tenemos toda la vida viviendo en el mismo lugar, porque no tenemos los recursos que necesitamos para ir a estudiar, ir a otro país. Tenemos toda la vida viviendo en este peor sitio de un batey. Y todas estas personas nos conocen, de toda la vida. Y para que veas que ignorante que son estas personas.. incluso, nos dicen: ‘mira, tu tiempo está casi terminando para que te vayas a tu país.’”							7
“No podemos trabajar, y si uno no puede trabajar, no puede hablar de economía.”		2					
“No hay manera de obtener un trabajo. Si no lo tenemos (cedula), no hay futuro! No hay economía.”		2					
“A todos nos clasifican como extranjeros, como haitianos.”	1						
“Yo me siento en un limbo porque yo no sé si soy dominicana o haitiana.”	1						
“Esta acta (acta de nacimiento) no sirve para nada, no puedo hacer nada. Si uno no tiene cedula, no puede trabajar ni nada.”		2					
“Si, yo he ido pa' la escuela. Pero, dejé de la escuela porque no tenía ningún tipo de documentos. Y entonces, si uno no tiene documentos, no puede seguir después del octavo. Uno tiene que tener sus documentos para ir a la universidad. Sin tener documentos, tienes que terminar la escuela, venir a su casa, sentarse, y sin hacer nada. No puedes aprender nada, porque no tienes papeles ni nada. Si uno no tiene documentos no puede andar en la calle, la migración puede cogerle y llevarle para su país (Haiti). Uno tiene miedo.”				4	5		
“Es difícil. Si uno no tiene papeles, no puede buscar trabajo. Hay gente que vende cosas, cositas en la calle,		2					

pero eso no es suficiente porque algunas veces no pueden tener dinero. No es suficiente para poder educar a sus hijos por ejemplo. Uno debe tener un buen trabajo para ayudar a sus hijos.”							
“Si uno no tiene documentos, no puede tener seguro médico.”			3				
“No me siento bien, porque uno naci aqui y debe tener sus documentos de aqui. No les pueden negar sus documentos solo porque uno es negro, de la raza negra.”	1						
“Cómo no pueden darme documentos? Yo no soy de Haiti. Yo no sé nada de Haiti. Pero aqui hay mucho rasismo, muchas rasistas, que no quieren que nosotros tenemos nuestro papeles. Por eso, nosotros los "haitianos", ponen "extranjero" en nuestro papeles. Pero no somos extranjeros, somos hijos de extranjeros!”	1						
“Terminamos en el escuela. No podemos seguir en la universidad, porque nos preguntan por muchos documentos para estar en la universidad. Queremos una profesión porque no podemos estar en la calle todo el tiempo, pero no podemos hacer nada sin documentos.”					5		
“Tengo muchos años sin estudiar, y mi vida se queda así, sin hacer nada.”					5		
“Yo quiero estudiar, o hacer algo en mi vida, pero cómo tu vas a poder eso sin tener tus papeles? Nos estan negando, y te quitan el derecho de tener documentos, aqui en la republica.”	1				5		
“Nosotros no somos Dominico- Haitianos, nosotros somos dominicanos, pero la nacion dominicana nos quitan el derecho a ser dominicanos. Entonces, que somos? Estamos en el medio, como unos perritos....”	1						
“Sin tus documentos y tu caes en la calle, eres como un perro. Eres nadie.”	1						
“Tenemos miedo de caminar lejos. Nosotros, "los haitianos", cuando dicen que van a mandar, la migración, no podemos salir. Podemos salir a Montellano y aqui, pero no mas lejos. Tenemos que quedarnos aqui. Te pones nerviosa!”				4			
“Lo que no me gusta es que me quitan el derecho, que yo soy nacido aqui, en la republica, que me den un documento que dice "extranjera". No soy extranjera. Mis padres son extranjeros. Yo no soy extranjera porque soy nacido aqui. Ellos (el gobierno) nos quitan el derecho de ser dominicanos igual que ellos. Porque no somos del mismo color, nos quitan el derecho y nos dan "extranjeria". Y con este papel que nos dan (carnét), es útil un poco, pero no es importante en otra parte porque uno no puedes ir a estudiar en la universidad. Tu no puedes aprender algo... Este papel no sirve para todo.”	1						
“Quiero votar en las elecciones pero no puedo.”						6	
“Quiero declarar a esos muchachos. Tengo 5 muchachos que no tienen actas de nacimiento. Siempre un lio cuando van pa’ la escuela.”		2					
“La vida de nosotros esta muy complicado, estamos viviendo una vida mal. Si quieres un trabajo, no lo		2					

puedes sin la cedula. Yo soy vendedora de frutas y aguacates, Esto yo vendo, en mi comunidad. Entonces, la sentencia nos afecta mucho, porque si naciste aqui, no coge mucho tiempo pa' entregarte tu cedula. Eso no deberia coger dos años."							
"Yo no tengo documentos, Aunque yo naci aqui, yo soy haitiana porque no tengo documentos. No tengo ni de haiti, ni de aqui. Tengo una acta de nacimiento pero la acta no vale nada. No puedo poner cuarto en banco con la acta. Yo quisiera, si les entregan mi cedula, si yo tengo cinco mil pesos, puedo poner un tres mil o dos mil pesos, que yo no lo gasto. Pero la acta sirve para la escuela, y ya yo soy mayor, no sirve para mi. Es pa' muchachos, niños. Pa' adultos como yo, no. Por eso esto me esta afectando mucho. Porque yo soy de aqui, yo nací aqui, no deberían investigarme entonces porque yo no tengo nada de ocultar."	1	2					
"Ellos me estan quitando el derecho, yo no puedo decir yo soy dominicana, porque yo no puedo presentar como yo soy dominicana. Yo nací aqui, en verdad yo no se nada de Haiti, pero, para mi yo soy haitiana."	1						
"Sin documentos uno no puede trabajar. Yo trabajo con mi cabeza con Dios adelante, pero yo no trabajo en ninguna parte. Sin documentos no te dan trabajo. Y eso afecta mucho. Sin documentos, sin tu cedula, to no vale nada."		2					
"No estoy enferma, gracias a Dios. Yo nunce he ido pa' l hospital, pero si una vez pasa esto, sin la cedula no puedo hacer nada en el hospital. Si no tienes cedula, tu vas a gastar mas en el hospital".			3				
"No podemos hacer nada! No podemos poner cuarto en banco ni nada, porque la acta sirve pa' ir a la escuela si yo soy niña pero ahora yo soy adulta. No sirve para eso."		2					
"Nosotros sentimos mal porque tu no sabe otro pais, tu no tienes documentos de otro pais, el pais de tus padres tu no lo tienes. Donde tu naciste tu no tienes tu documentos, entonces cuando no quieren entregar tus documentos uno si siente mal."	1						
"No estamos en el sistema, y por eso no tenemos cedúla. .. y sin cedula no puede hacer nada. No puedes ir a la universidad, no puedes tener trabajo, nada.. nada."		2			5		
"Si andan sin documentos, se llevan!"				4			
"A veces yo voy a Puerto Plata con un temor. Porque yo voy sola, sin ningun tipo de documento. Entonces si ellos quieren, si ellos me encuentran, pueden enviarme a Haiti, y si me llevan alla que va a ser de mi? Porque no conozco a nadie, no sé nada de haiti. Entonces uno si siente de temor. Uno no puede viajar de Montellano a puerto plata. no puedes tampoco, si tienes una oportunidad de salir del pais, no lo puedes hacer. Si tu quieres por ejemplo visitar a Haiti, te fuiste, muy bien bye-bye. Pero a regresar.. tu no vas a poder regresar. No te van a dejar entrar."				4			

“Tu puedes ir al hospital, pero no te reciben como deberian recibirte. Porque, si por ejemplo, si tenemos la cedula podemos encontrar un seguro, y ese seguro podia ayudarnos. Entonces si tu no tienes cedula, no tienes seguro. Tienes que pagar. Y sin trabajo, con que vas a pagar? No tienes dinero...”			3				
“Prácticamente no existimos. No existimos! No existimos para ellos (el gobierno). El único que uno tiene aqui es Dios.”	1						
“Yo tengo mucho tiempo que terminé la escuela, tengo como seis años yo creo, y ya, en seis años yo debí terminar una carrera ya, pero no puedo ingresar a la universidad, porque si no tienes tus documentos no te van a aceptar.”					5		
“A veces uno se siente mal, porque tu piensas que esa persona, este dominicano que nacio aqui y que tiene sus papeles, es tu amigo y en realidad no es tu amigo porque el dice: ‘si, somos amigos pero tu eres extranjero’.”							7
“Sin documentos aqui no podemos trabajar, salir en la calle... Todo es un poco dificil sin documentos.”		2		4			
“Sin documentos nada es posible.”							
“Entonces, nos sentimos ahora mismo que no somos nada.”	1						
“El carnét sirve pa’ salir en la calle, pa quidarse de la inmigracion. No sirve pa’ mas.”							
“Estamos tranquilos porque tenemos un carnét donde podemos caminar sin miedo, sin temor para nada. Podemos trabajar, pero dicen con el carnét, uno no puede ir a la universidad para estudiar. Solamente puede estudiar en una escuela de básica, en un colegio. No puedes ir a estudiar en una universidad.”							
“Entonces, por eso arrastra a muchos dominicanos, que nacimos aqui, con descendientes haitianos. Tenemos muchos problemas por eso, y no deberiamos tener todos estos problemas porque nosotros no somos los culpables de que nuestros ancestros hayan sido extranjeros.”							
“Tengo 4 hijos que todavía no estan declarado porque no tengo cédula...”	1						
“Todavía no quieren entregar mis documentos, porque, dicen que estan investigando, pero no tienen que investigar porque mi acta es legal. Yo soy de aqui, nací aqui. Entonces, todavia yo no estoy en el sistema, y por eso no me entregan la cedúla.”	1						
“Nací aqui, y tengo mi acta de nacimiento. Fui a la Junta Central para buscar mi cédula, a reclamar mi derecho. Pues, me ponen días tras días esperando, y todavía no he recibido nada!”	1						
“El problema mia es que han [la Junta Central] anulado mi acta de nacimiento. No sé cual es la razon. Simplemente me mandaron un oficial a la casa, anulando mi acta. Entonces, a mi La Sentencia me ha afectado bastante. Mi madre nos declaró, a mi y mis hermanos con el mismo documento. Hoy en día mis hermanos	1						

tienen sus cédulas, y yo no, por la razón que han anulado mi acta.”							
“Aquí, a veces, cuando andamos en la calle, hay gente que dicen: ‘anda con los papeles, te van a llevar!’”							7

8.4 Interview guide

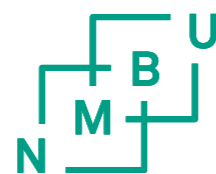
Individual interviews:

1. ¿Podría decirme un poco sobre Usted? ¿Cuál es su nombre? ¿Cuántos años tiene Usted? ¿Dónde nació? ¿Trabaja, o estudia? ¿Tiene hijos?
2. ¿Podría decirme cómo Usted y su familia vinieron a vivir aquí?
3. ¿Fue Usted inscrito como Dominicano/a en el registro civil (JCE) cuando nació? Si no, ¿sabe por qué? ¿Qué tipo de documentación de identidad posee?
4. ¿Podría contarme sobre sus experiencias obteniendo/buscando documentos de identidad en las oficinas del registro civil? ¿Cuales desafíos ha encontrado?
5. ¿En su opinión ¿qué es lo que dicta La Sentencia 168/13?
6. ¿Podría explicarme cómo Usted está afectado/a por La Sentencia? ¿Cómo se enteró que está afectado/a?
7. ¿Conoce a muchas personas que también se ven afectadas por la sentencia?
8. ¿Podría decirme un poco sobre cómo La Sentencia ha afectado su vida en general?
9. ¿Cómo ha cambiado su vida después que fue dictada La Sentencia?
10. ¿Cuáles son algunos de los desafíos que ha encontrado como efectos de La Sentencia?
11. ¿Cuales son los efectos económicos para Usted?
12. ¿Cuales son los efectos relacionado con el empleo y la educación para Usted?
13. ¿Cuales son los efectos políticos? ¿Puede usted votar en las elecciones?
14. ¿Cuáles son los efectos respecto a la salud? ¿Tiene acceso al hospital y otros institutos médicos?
15. ¿Si usted se enferma (gravemente), ¿qué hace?
16. ¿Hay algo que le gustaría hacer, pero que no es posible ahora, a causa de la Sentencia? ¿Podría elaborar?
17. ¿Cómo ha afectado su sentido de identidad? ¿Se siente Dominicano/a o Haitiano/a? ¿Por qué?
18. ¿En general, de qué manera está siendo tratado en las instituciones del estado? ¿Como Dominicano o Haitiano? ¿Ha cambiado después de La Sentencia?
19. ¿Cómo se siente que las autoridades Dominicanas no reconocen su ciudadanía?
20. ¿Sabe cómo se explica las autoridades esta privación de la ciudadanía/nacionalidad?
21. ¿De qué manera ha afectado la privación de la nacionalidad su vida civil?
22. ¿Cómo ha afectado su movilidad? ¿Usted se siente que puede viajar por el país? (Si no, ¿por qué?

23. ¿Qué cree Usted es la razón por la cual las autoridades no reconocen la nacionalidad a muchos dominicanos de ascendencia haitiana?
24. ¿Su situación ahora ha afectado su manera de identificarse con la comunidad? ¿Cómo?
25. ¿Está usted inscripto en El Plan Nacional de Regularizacion o en la ley de Naturalizacion?

Focus groups:

1. ¿En sus opiniones, ¿qué es lo que dicta La Sentencia 168/13?
2. ¿Podrían contarme un poco sobre cómo La Sentencia ha afectado sus vidas?
3. ¿Cuales son los efectos económicos para ustedes?
4. ¿Cuales son los efectos relacionados con el empleo y la educación?
5. ¿Cómo se sienten que las autoridades Dominicanas no reconocen su ciudadanía?
6. ¿Se sienten como Dominicanos o Haitianos?
7. ¿Su situación ahora ha afectado su manera de identificarse con la comunidad? ¿Cómo?
8. ¿Que desafíos han encontrado después de La Sentencia?
9. ¿Hay algo que les gustaría hacer, pero que no es posible como resultado de La Sentencia?
10. ¿En general, cómo se sienten tratados en las instituciones del estado? ¿Como Dominicanos o Haitianos? ¿Y entre dominicanos en general? ¿Podrían contarme un poco sobre sus experiencias relacionados con esto?
11. ¿Que les parecen es la razón (o razones) de que las autoridades no quieren reconocer su ciudadanía?



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