# Rule of Law

## Cases, Strategies, and Interpretations

Edited by Barbara Faedda

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# Contents

# Based in Respect
## Street Politics and the Workings of an Informal Rule of Law in Haiti

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The first time I considered entering Bel Air, a poor, volatile district in the heart of Port-au-Prince, I was a graduate student writing a dissertation on Haitian street performance and politics. The year was 2008 and the neighborhood was reeling from political unrest. I had met Olsen Jean Julien, then Minister of Culture, and the directors of two music recording studios, and was instructed to overcome any worry and visit this "center of spectacle and politics," as Minister Olsen put it.

Yet their encouragement came with a warning. Before visiting the neighborhood, Minister Olsen implored me to meet with a man named Ti Snap and let him know what I was doing in the neighborhood. Ti Snap was the leader of a *baz*, or social clique, called "Grand Black," that claimed political representation of the neighborhood. In the meeting, he was variously described as a *lidè kominotè* (community leader), *chèf* (chief) of Bel Air, and a *dirijan lari* (street director), Whatever the name, the message was that all neighborhood matters went through Ti Snap. It was not that people thought he would be particularly helpful to my work, but that, as a sign of *respè* (respect), I should inform him of my studies and any projects I had in the area, especially an English class I was planning. It was clear that he could prove an obstacle if I did not show respect for his leadership and gain his permission (figure 1).

My friend Jean Marc, an employee at the Brazilian organization Viva Rio, finally brought me to meet Ti Snap. We had set up a meeting at the "Popular Sector," the neighborhood's local political office. When we arrived, a large, light-skinned man came to greet me on the street, introducing himself as Manno, "the man in charge of managing Grand Black's relations with outsiders." He told me to wait as they had some things to arrange for the upcoming street party that the Grand Black Foundation for the Development of Bel Air would be organizing. My friend and I were led into a dark back room, and the door was shut. In the corner of the room, on a cin-

der block, were two handguns, which I later learned were Beretta 92s, presumably kept there for safekeeping. As the time passed and passed, I was fully aware that Ti Snap was sending me a message about his power and influence. Eventually, he invited us inside the front room. Ti Snap, I saw, was a slight, short man with a round, bearded face and watchful but friendly eyes.

He asked why I was there, and I told him that I wanted to teach an English class in the neighborhood. He said the class was a nice idea and then asked if there was any money involved. I asked what he meant. "Who is sponsoring that? What organization is sponsoring this? What NGO do you have? Who is giving the money? Is this with MINUSTAH, the peacekeepers?" I told him it was just something I wanted to do, that there was no sponsor. He let out a big laugh, and he called to Manno who was in the back room. "The *blan* [foreign, white lady] comes to talk to me, and she has no money!"

He turned to me and said, "Look, we do development, we fight to defend the interests of Bel Air in the area of development, so the zone can find projects and programs. If you don't do development, what can I do?" Ti Snap then told me that we would talk later, because he had a meeting with the national commission for disarmament, and he got into a red Isuzu tracker and was off. After that I spent some time talking with Manno, who was the mayor's "popular delegate," an informal post he was given because, as he put it, "I can manage the baz in the popular quarters." He told me that the meeting had gone well, and I should be fine. Just that if anyone took an interest in my project (by which he meant gave money), I should come back and see Ti Snap. In what I would soon learn was a common sentiment, Manno told me:

Here, everything is organizations and projects. It's them who control everything. Look, we have so many organizations, you can't even count them all. You have to defend your rights. . . . Everyone has rights. That's democracy. But you can't wait for someone to give you. You must organize to get respect. So everyone makes an organization. Now you have a problem. You've got to fight organizations with organizations. Like that, we have so many now. I say, too many! That can create disorder if you don't have the force to keep a hard line.

The phrase *hard line* was a direct reference to the name of another baz called Lin Di, or the hard line, which acted as

the armed branch of Grand Black, hired to provide intimidation or take out political opponents when necessary. If Grand Black was the legal face of this street organization, the branch that applied for development projects and grants, then Lin Di was its violent underbelly, the branch that secured the organization's reign by threatening any alternative. Manno's point was that it was by straddling the lines of gangs, block associations, political leagues, and development organizations that baz leaders became "street sovereigns": leaders of their blocks, increasingly significant on the terrain of practical politicking but still marginal figures of formal structures of power.

## To Be or Not to Be a Gang

By focusing on the complicated workings of baz formations like Grand Black in urban Haiti, I seek to extend our understanding of the foundational relationship between violence and politics. In particular, I want to articulate the ways in which grassroots urban leadership structures can straddle the lines of service providers and exploitative aggressors, between social organizations and gangs. In many ways, baz are gangs. The baz exemplifies several traits highlighted in sociological definitions of gangs: it is a *durable* group of *youth* united under a *shared identity*, whose domain is the *street* and who exercise this authority in part through *violence*.[1] Yet what sets the baz apart in Haiti is that its main economy is not criminal (i.e., a drug market) but political. It does not operate outside the state but forms a crucial component of democratic politics in Haiti, in many ways performing the work that the state does not or cannot perform.[2] In this way, the baz can be seen as working beyond the structures of law to establish the rule of law where it is absent, often drawing on an alternative measure of ethical behavior. As Ti Snap once put it, "There are times when legal is not enough, when it is necessary to do what is illegal to set things right. We say as long as it has respect, respect for the *ti nèg* [little, Black man], you can do it to advance the people."

When I asked Ti Snap and other baz leaders what they do,

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1. Cheryl L. Maxson et al., eds., *The Modern Gang Reader* (Oxford: Oxford University Press, 2013.)

2. See Deborah A. Thomas, "The Anthropology of the State in the Age of Globalization," *Current Anthropology* 42, no. 1 (2001): 125–38.

2. Members of Baz Zap Zap keep watch over block. Photo by author, 2015.

they often said, "We defend the zone!"—and they meant that in just about every sense of the word. Baz act, on the one hand, as brokers between politicians and inner-city residents, managing political affairs in the area, organizing voters, directing protests, administering governmental handouts, and on the other hand, as agents of governance in their own right, managing the public water pump, organizing informal electrical connections, collecting the trash, and policing the area (figure 2). Baz are also involved in development work, acting as project managers who organize materials, labor, and payroll for foreign and national development agencies. To be sure, baz are also the gatekeepers for the resident anthropologist, as the opening vignette makes clear.

Though oriented around a local *chèf,* the baz is best understood as a bipolar network. Imagine a node from which broader political networks extend in one direction and a set of localized cliques in the other. These cliques, like many

3. See Michael Dziedzic and Robert M. Perito, *Haiti: Confronting the Gangs of Port-au-Prince* (Washington, DC: United States Institute of Peace, 2008).

gangs,[3] can incorporate youth involved in various activities simultaneously—including licit ones, like political associations, rara or carnival bands, and youth development organizations, and illicit ones, like informal trading, secret political plots, and other crimes. In this way, the baz is a project not totally independent but rather relatively autonomous, an attempt to claim a degree of sovereign authority over urban territory, while acknowledging that such a claim is dependent on recognition from state and international agents. Such relative autonomy is desirable for the resources it provides and the responsibility it abdicates, although it can also present limitations on the extent of baz governance, keeping the group's purview within project domains of broader governing institutions.

### The Origin and Development of the Baz

It is tempting to see baz as vestiges of frontier politics common to early nation building. Many baz leaders take inspiration from the peasant armies that controlled provincial areas and were funded by politicians to overthrow numerous heads of state throughout the nineteenth and early twentieth centuries.[4] Yet today's baz are more directly associated with the democratic movement that took hold after the fall of the dictatorship in 1986.[5] The term *baz* was first associated with the popular organizations that mobilized around the Catholic priest, liberation theologian, and anti-Duvalierist Jean-Bertrand Aristide, especially in the slums and ghettos of downtown Port-au-Prince, where his church was based. These organizations included youth, women's, arts, and labor collectives that saw the democratic turn as an opportunity for peacefully and civically uplifting the popular classes (figure 3).[6]

Today, however, the term *baz* does not indicate grassroots activism but rather the notion of *gang* (a word now used in Haiti). This second usage emerged when the popular quarters protested the first coup against Aristide and the resulting de

4. Michel Rolph Trouillot, *Haiti, State against Nation: The Origins and Legacy of Duvalierism* (New York: Monthly Review Press, 1990).

5. Alain Gilles, *Etat, Conflit et Violence en Haïti* (Oslo: Peace Research Institute, 2008); Gilles, *Lien Social, Conflit, et Violence en Haïti* (Oslo: Peace Research Institute, 2012).

6. Alex Dupuy, *The Prophet and Power: Jean-Bertrand Aristide, the International Community, and Haiti* (Lanham, MD: Rowman & Littlefield, 2007).

3. A baz hangout in Port-au-Prince. The background reads "Kolon Tou Natriyel" (Totally Natural Colonists). Photo by author, 2020.

facto government (1991–1994).[7] The association intensified during Aristide's second term, which began in 2001. Several baz formations were then organized into politicized militias supportive of the government.

Following the 2004 coup against Aristide, the neighborhood militias in Bel Air and other ghettos waged violent protests for several months in hopes of restoring Aristide's leadership— the so-called Operation Baghdad.[8] As the fighting continued, some baz became involved in thievery and kidnapping, but the movement retained political intentions. Nevertheless, the political opposition and international community construct- ed baz leaders, affiliates, and residents as criminal "gangs." In light of these events, baz formations have come to reflect a fundamental paradox of democracy: while they reflect the democratic hopes of the Haitian underclass, they are also tied to the novel forms of violence and insecurity that have arisen

7. Federico Neiburg, Natacha Nicaise, and Pedro Braum, *Leaders in Bel Air*, Viva Rio and Programa de Pós-Graduação em Antropologia Social Núcleo de Pesquisas em Cultura e Economia Museu Na- cional, Universidade Federal do Rio de Janeiro, 2011.

8. Dziedzic and Perito, *Haiti*; Peter Hallward, *Damming the Flood: Haiti, Aristide, and the Pol- itics of Containment* (London: Verso, 2007); Nick Nesbitt, "Aristide and the Politics of Democrati- zation," *Small Axe: Journal of Caribbean Criticism* 30 (2009): 137–47; Jeb Sprague, *Paramilitarism and the Assault on Democracy in Haiti* (New York: Monthly Review Press, 2012).

in the wake of the dictatorship. Put differently, whereas the baz was founded to erect a new democratic rule of law in Haiti, it has come to represent the thwarting of legality for the empowerment of select groups among the urban poor.

How can we understand the significance that urban baz like Grand Black have come to have in democratic and development politics in Haiti? How are baz challenging or enabling the role of the state or international governance agents? And what insights can their role provide about the way the international community, the state, and the neighborhood are being reconfigured in contemporary structures of governance and politics? These questions are now more important than ever, in part because of how the COVID-19 pandemic has yet again exposed the weakness of many contemporary states in addressing the needs of the public, and in part because of how this public crisis has collided with election cycles to fuel social rancor and insecurity in Haiti and elsewhere.

## Street Sovereignty and the Rule of Law

Early anthropologists were drawn to the problematic of the rule of law as a result of their inquiry into how power and authority were constructed in the absence of state institutions.[9] Ironically, the issues posed by so-called stateless societies have returned as the trends of neoliberalism and globalization have instituted state retrenchment, or the shrinking of the public sector. Indeed, much recent political anthropology in the Caribbean has shown how neoliberal development policies have destabilized the Westphalia model of sovereignty in which the state serves as the ultimate arbitral agent presiding over its territory and citizenry.[10] Most scholars tend to

9. Meyer Fortes and E. E. Evans-Pritchard, *African Political Systems* (London: Oxford University Press, 1940); A. R. Radcliffe-Brown, "Preface," in *African Political Systems*, ed. M. Fortes and E. Evans-Pritchard (London: Oxford University Press, 1955 [1940]), XI–XXIII.

10. Yarimar Bonilla, "Unsettling Sovereignty," *Cultural Anthropology* 12, no. 3 (2017): 330–39; Jennifer Greenburg, "The 'Strong Arm' and the 'Friendly Hand': Military Humanitarianism in Post-earthquake Haiti," *Journal of Haitian Studies* 19, no. 1 (2013): 60–87; Mark Schuller, *Killing with Kindness: Haiti, International Aid, and NGOs* (New Brunswick, NJ: Rutgers University Press, 2012);

Deborah A. Thomas, *Exceptional Violence: Embodied Citizenship in Transnational Jamaica* (Durham, NC: Duke University Press, 2011). In Haiti, these reforms have included lowering trade tariffs, privatizing state industries, and orienting the economy around the garment industry. See Alex Dupuy, "Globalization, the World Bank, and the Haitian Economy," in *Contemporary Caribbean Cultures and Societies in a Global Context*, ed. F. W. Wright and T. Martinez-Vergne (Chapel Hill: University of North Carolina Press, 2005), 43–70; and Robert Fatton, *Haiti's Predatory Republic: The Unending Transition to Democracy* (Boulder, CO: Lynne Rienner, 2002).

link this destabilization to nonstate actors—NGOs, the World Bank, the International Monetary Fund—increasingly taking on state-like features, tasks, and responsibilities. Within this broad consensus, however, are two camps. The first argues that as nonstate actors assume the work of governance, the state's authority and capacity are undermined. For Haiti, this view is represented by, for example, Mark Schuller and Pierre Etienne, who detail how international NGOs actively dismantle legislative action and policy.[11] The other camp argues that state power is in fact being extended in novel ways through governing technologies linked to transnational agencies. Here we can think of the work of Haitian anthropologist Michel Rolph Trouillot on nonstate actors' "state effects," or the ways nonstate actors reproduce the features of statehood through and beyond traditional governance structures. What unites these camps is that both focus on a privileged group of nonstate actors: aid agencies, NGOs, and contractors.

Much less research has looked at how historically marginalized groups are also enterinh the field of governance. It is, indeed, the case that many studies are concerned with how these processes are affecting subaltern groups.[12] Yet there have been few analyses of how subaltern groups like Grand Black are relating to global governance and the development apparatus. I suggest that they not only are finding a room of their own in the patchwork of governmental, nongovernmental, and transnational agents but are also playing a major role in transforming the rule of law and order. Under conditions of electoral politics, project-based governance, and localized development initiatives, the street gang has become a key player who negotiates and amalgamates relationships with global and national power structures—for better or worse.

Moving beyond mainstream analyses that have cast these

11. Mark Schuller, "Gluing Globalization: NGOs as Intermediaries in Haiti," *PoLAR: Political and Legal Anthropology Review* 32, no. 1 (2009): 84–104; Schuller, *Killing with Kindness*; Sauveur Pierre Étienne, *Haïti: l'Invasion des ONG*, Centre de Recherche et de Formation Economique et Sociale pour le Développement, 1996. See, for example, how international agencies have organized to shape and suspend legislation for minimum wage and workplace regulations for the offshore garment industry, in Beverly Bell and Alexis Erkert, "A Hard Day's Labor for $4.76: The Offshore Assembly Industry in Haiti," *Truthout*, 2013.

12. Works have focused, for example, on how these policies have exacerbated inequalities, limited democratic action, or reduced citizens to bare life. See Saskia Sassen, *Losing Control? Sovereignty in an Age of Globalization* (New York: Columbia University Press, 1996); Dupuy, "Globalization, the World Bank, and the Haitian Economy"; James G. Ferguson and Akhil Gupta, "Spatializing States: Toward an Ethnography of Neoliberal Governmentality," *American Ethnologist* 29, no. 4 (2002): 981–1002; and Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life* (Stanford, CA: Stanford University Press, 1998).

groups as apolitical, criminal gangs, I argue that they more accurately express a novel mode of street politics that has resulted from the confluence of liberalizing orders of governance and development with longstanding practices of militant organizing in Haiti. The baz exemplifies an innovative and effective platform for intervening in the contemporary political order, while at the same time reproducing gendered and generational hierarchies and precipitating contests of leadership that exacerbate neighborhood insecurity. Still, through the continual effort to reconstitute a state that responds to the needs of the urban poor, this story offers a poignant lesson for political thought today: one that counters prevailing conceptualizations of the state as that which should be flouted, escaped, or dismantled. Instead of a vitiated public sector, the state resurfaces as the aspirational bedrock of the good society. "We make the state," as baz leaders say.

Based on a division of powers and the supremacy of a constitution, the rule of law is not invulnerable, as was demonstrated in the violent attack against the U.S. Capitol on January 6, 2021. It can be used but also abused; it can be respected or exploited, exalted or undermined. It can even arouse skepticism, because it is not always effective against the realities of political life.

In a world facing social division, polarization, poverty, climate change, and pandemics, it is crucial to understand the roles of those who manage, control, or are touched by the rule of law.

This book's primary goal is to showcase the variety of perspectives, cases, and methodologies of the people and institutions that bring a range of expertise to bear in many fields.

The essays here — which encompass various geographic areas and social groups, as well as several historical periods — address racism, misinformation, human rights, the status of women, the treatment of indigenous peoples, the environment, and more.

The rule of law is not merely a set of principles that guarantees a just society. It must be more than a tool in the hands of legal experts; it cannot be a concept out of the reach of ordinary people. It is essential that every citizen feel a clear responsibility to protect and promote the rule of law, to denounce inequalities and oppose imbalances of power, if the common goal is to enjoy freedom, democracy, and justice for all.

**Barbara Faedda** is the executive director of the Italian Academy for Advanced Studies at Columbia University and adjunct associate professor in Columbia's Department of Italian, where she teaches courses on contemporary Italy. Among her publications are the books *Elite. Cultura italiana e statunitense tra Settecento e Novecento* (Ronzani, 2020); *From Da Ponte to the Casa Italiana: A Brief History of Italian Studies at Columbia* (Columbia University Press, 2017); *Present and Future Memory: Holocaust Studies at the Italian Academy*, editor (Italian Academy Publications, 2016); and essays including "An Italian Perspective on the U.S.-Italy Relationship" (The White House Historical Association, 2016); "Neurolaw: come le neuroscienze potrebbero cambiare l'antropologia giuridica"; and "We are not racists, but we do not want immigrants." In 2016 Dr. Faedda conceived the International Observatory for Cultural Heritage (IOCH), dedicated to all issues relating to the survival, protection, and conservation of cultural heritage. In 2019 she was appointed Ambassador, Permanent Observer for the European Public Law Organization to the United Nations.