

2017

Racial Construction and Hierarchical Privilege in the Dominican Republic

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RACIAL CONSTRUCTION AND HIERARCHICAL PRIVILEGE IN THE
DOMINICAN REPUBLIC

By

Nicauris Heredia

An Honors Project Submitted in Partial Fulfillment of the Requirements for
Honors

In

The Department of Political Science

Faculty of Arts and Sciences

Rhode Island College

2017

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To

The Department of Political Science

ABSTRACT

The first step to solving any problem is admitting you have one. The Dominican government is in denial of a problem that is clearly noticeable to others. The government claims that there is no racial discrimination in the country and that anything said by the international community asserting the opposite is just a conspiracy against the State. Regardless of the Dominican Republic's position, it is clear that immigration policies in the Dominican Republic are a source of racialization. Immigration policy was the vehicle the government used to drive the national processes of racialization, the construction of racial identities, and the continuance of and disputes over racial boundaries in the country. Dominicans of Haitian descent, black Dominicans, and Haitian immigrants have been facing many obstacles that have been intentionally placed to obstruct them from enjoying the right to citizenship that had been guaranteed to them by the Dominican Constitution up until 2010. This paper analyzes the process of racialization in the Dominican Republic. In order to analyze racialization, I will examine different pieces of legislation passed by the Dominican government, among them a 2013 Dominican Constitutional Court ruling, which revoked citizenship from Dominicans of Haitian descent. Having examined the different pieces of legislation, as well as different international treaties that protect individuals from being discriminated against, I have come to the conclusion that the ruling along with other anti-Haitian policies undertaken by the Dominican government are discriminatory, and constitute a direct violation of human rights.

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Introduction

The concept of race is a political tool that reflects the social and political concerns of the day. Dominant groups in history have used race to validate the unequal distribution of power and resources by asserting that some groups are inherently inferior to others. American sociologist W.E.B. Du Bois made his prediction about race relations in the United States over a century ago stating that the “problem of the twentieth century is the problem of the color line” (1989,10). Du Bois predicted race-based conflict driven mainly by the color line and the veil. As he foretold, numerous racial and ethnic conflicts erupted in the United States, Germany, Rwanda, Bosnia, and across the globe. Race and ethnicity have been at the forefront of international conflicts seen throughout history such as, colonization, slavery, and the Holocaust. The reason for race’s primary role in these events is that it functions as a visible guide to regulatory discrimination. These racial conflicts did not end in the twentieth century, but continue to persist to this day.

This paper will focus on the process of racialization in the Dominican Republic. Meriam-Webster dictionary defines racialization as “the act or process of imbuing a person with a consciousness of race distinctions or of giving a racial character to something or making it serve racist ends” (*Meriam Webster Collegiate*). Despite the absence of Jim Crow-like segregation laws, the Dominican Republic’s racism has been made evident through their immigration policy. The Dominican Republic has used immigration policy to pursue a racist agenda. This paper seeks to prove the Dominican Republic’s intent to discriminate by demonstrating that race has been socially constructed in a society whose people reflect centuries of inter-racial marriages. Furthermore, this paper will examine the Dominican Republic’s troubled history with Haiti, its neighbor, and how the relationship between the two countries inform notions of racial classification. In order to prove my hypothesis, I will examine a court ruling made by the Dominican Constitutional Court in 2013

that revoked Dominican citizenship from Dominicans of Haitian descent. This court ruling along with other anti-Haitian policies undertaken by the Dominican Republic represent racial discrimination which are undoubtedly human rights violations.

The first section of this paper provides an examination of European colonialism and how racial theories in European, North American, and Latin American countries from the mid-nineteenth century have molded immigration policies. The second section of this paper describes the key concepts of race and ethnicity as well as dissect the socially constructed concept of race. In the examination of race as a social construct, I examine the development of biological categories of race and discuss the development of social Darwinism and eugenics in the 19th and early 20th century. In addition, I also discuss how racial categories are formed, transformed, destroyed and reformed over time. Ultimately, I seek to show that race is not fixed, unchallengeable, or embedded in nature but manmade.

The third section of this paper examines the literature regarding the perception and understanding of race in the United States and in Latin America, while also focusing on the Dominican Republic's place in the spectrum. The fourth section of this paper explores the colonial history of the island of Hispaniola. Later in this section, I discuss how Haitians have been stigmatized in the Dominican Republic based solely on the color of their skin and their African heritage. The fifth section of this paper analyzes the 2013 Dominican Constitutional Court's decision of revoking citizenship rights of hundreds of thousands of Dominicans of Haitian descent born as far back as 1929. This section will show how the Dominican Republic's policies are racially discriminatory. Lastly, this paper summarizes its contributions and outlines potential ideas for future research on the topic that might lead to potential solutions.

I. European Colonialism

Human history has been characterized by expansion, conquest, exploitation, and enslavement. The spread of European colonialism and the advancement of the United States in the 19th century strengthened the existence of a system that positioned Africans and Indians at the end of the hierarchy and at its top, the "civilized" white Europeans (Smedley 2011).

Throughout the age of exploration and European expansion, increasing competitiveness among the European nations to rule others affected the way Europeans perceived indigenous peoples (Smedley 2011). Consequently, the concept of *race* was used as a method of describing and classifying human beings. Race became a re-occurring term in the idioms of the Spanish, Portuguese, Italians, French, Germans, Dutch, and English as these groups established colonial territories in the New World and Asia (Smedley 2011). However, conceptions of and references to race varied greatly among the colonizing powers. Today, those diverse conceptions and perceptions of race from the mid 19th century continue to govern immigration policies.

II. Race and Ethnicity

Race and ethnicity are complicated terms that are often mistakenly used interchangeably. Though race and ethnicity share a line of common ancestry, they are different. An individual can only have one race but can proclaim multiple ethnic affiliations (Bonilla-Silva 1999; Omi and Winant 2014). Peter Wade introduces Michael Banton when examining race, claiming that,

the word 'race' entered European languages in the early sixteenth century. The meaning of 'race' was what Michael Banton calls "lineage", that is a stock of descendants related to a mutual ancestor; such a group of people shared a certain ancestry which might give them more or less common qualities (2010, 5).

Likewise, Max Weber suggests that,

We shall call 'ethnic groups' humans groups that entertain a subjective belief in their common descent because of similarities of physical type or of customs or both, or because of memories of colonization and migration; this belief must be important for the

propagation of group formation; conversely, it does not matter whether or not an objective blood relationship exists (1987,18).

Weber's and Wade's explanations of race and ethnicity imply that both terminologies initially grew out of the idea that people from a related and shared heritage are members of the same race or ethnic group (Wade 2010).

Prior to the 20th century, academics viewed race as something objective, biological, and inherent. The concept of race was considered something imbedded in classifications developed during the 18th century. Moreover, early theories of race measured race on the basis of physical characteristics such as skull size, hair texture, and nose shapes (Gilroy 2000; Wade 1997). During this time, scholars considered racial categories to be visible, embodied, and hierarchically ordered (Hesse 1997). Over time, racial categories were viewed as accepted and required to divide societies and were implemented by different groups (Telles 2014). As race was studied further, scholar such as Franz Boas, have commonly framed race as less of a biologically meaningful concept and more of a social and political construction (Omi and Winant 2014).

A. Race as a Social Construct

The idea that race is socially constructed is widely accepted within social science disciplines today. Although race is now generally acknowledged as a social construction, this was not always the case. Throughout history, science has often been used as a reasoning to propose and enact racist social policies (Dennis 1995). During the 18th century, the idea that race was a set of biologically intrinsic characteristics tied to color and other phenotypes had become a prevailing lens through which humans saw and comprehended each other (Ali 2016). Based on this biological supposition, races were "natural;" their characteristics were essential, given, and unchallengeable (Winant 2000). Biology does not support the view of a dominant race. Although race has been used to classify human beings positioned on biologically transferred traits that are assumed to be

socially significant, they are not. Today, it is widely recognized that there is no DNA or pool of genes shared to any one group of individuals.

In the early 19th century, scientists and academics began the search for the historical and biological origins of race. This pursuit began with the biological meaning of racism, which, joint with unequal power relationships, resulted in the definition of certain human qualities as being unwanted, and less superior (Bailey 2004, 72). At the time, academics went beyond the classification of race and moved towards a more meaningful explanation of race that categorizes appearances, personalities, and mental abilities. Due to the development of the sciences of evolutionary Darwinism and eugenics, scholars at the time provided further scientific strength to these aforementioned views, justifying the unequal power relationships by determining the inability of certain races to develop.

In the late nineteenth and early twentieth centuries, the impact of Social Darwinism was enormous, and the argument of eugenics gained countless support throughout the world. According to Rutledge Dennis (1995), the governmental support of ideas related with racial supremacy and inferiority were first given scientific legitimacy and credibility with the publication of Charles Darwin's revolutionary book, *The Origin of Species* (1859). Dennis claimed that before the beliefs of Social Darwinism celebrated the idea of European superiority as an important feature of natural evolution and selection the association between color and intellectual tendency had long been a subject of conversation among many European philosophers (1995).

Darwin studied animals, not humans. Darwin focused primarily on the biological evolution of animal species and never addressed the cultural or social consequences of this evolution for humans. However, Herbert Spencer, the biologist who first invented the phrase "survival of the fittest," reasoned that Darwinist ideologies intended to support the case that biological evolution

could be equally applicable to the human species (Dennis 1995). Spencer expressed that human species, like biological species, function according to the principles of natural selection, and thus are governed by competition and qualification thereby generating a superior and inferior race (Dennis 1995).

According to Dennis, Social Darwinism was accepted in the United States because it reinforced policies and practices that the country saw as compatible with its national interests (1995). The progression in imperialism was in a way acceptable by the narrative that the colonized were less developed and so it was a moral obligation for developed countries to take over and help (Dennis 1995). The explanation allowed European nations to feel as though they were doing Africans, Native Americans, Asians, and Latin Americans a service by teaching them the capitalist ways of the west, and enslaving them (Dennis 1995). Colonizers used the argument that certain people were naturally less developed than others, as well as the belief in natural selection and survival of the fittest, to promote their agenda of imperialism.

The United States used Social Darwinism to justify racial supremacy. In both cases, the Social Darwinist argument used by the United States was used to prove and certify already existing institutional structures. According to Professor Hofstadter (1992):

Although Darwinism was not the primary source of the belligerent ideology and dogmatic racism of the late nineteenth century, it did become a new instrument in the hands of the theorists of race and struggle. In the decades after 1885, Anglo-Saxonism, belligerent or pacific, was the dominant abstract rationale of American imperialism. The Darwinist mood sustained the belief in Anglo-Saxon racial superiority which obsessed many American thinkers in the latter half of the nineteenth century. The measure of world domination already achieved by the "race" seemed to prove it the fittest (172).

Du Bois was worried that race was being used as a biological explanation for what he comprehended to be social and cultural distinctions between different populations of people. He spoke out against the idea of "white" and "black" as distinct groups, maintaining that these

differences overlooked the extent of human diversity (Winant 2000). He differed with the idea of there being an inferior race.

That race is a social construction suggests that it has no biological or scientific rationality. Race is part of a group falsehood or of a prejudiced worldview shared by a specific group or built into a specific social system (Winant 2000). If race were not socially fabricated and it was based on science, then the categorization of individuals would be consistent. Racial classifications for individuals would need to remain constant across borders, but this is not the case. A person who is considered as 'black' in the United States might be contemplated 'white' in Brazil or 'colored' in South Africa, which comes to display that race is socially defined. Historically, the purpose of racial categorization has been to legitimize uneven distribution of power and to generate a hierarchy in which one powerful group dominates another (Omi and Winant 1994).

There is not a consensus on the meaning of race. Disagreement over the meaning and significance of race was augmented after World War II. The battle itself had substantial racial dimensions and left a legacy of disgust at racism and genocide. The social movements and radical upsurges that succeeded the war and terminated the colonial era also elevated the problem of race to a new level of importance. The concept of race after WWII was more cautiously challenged than ever before (Winant 2000). Race began to be seen as a socio-historical concept and scholars began to acknowledge that the meaning of race is given tangible expression by the specific social relations and historical concept in which they are implanted (Omi and Winant 1994). Racial meaning has varied over time and between different societies. Races are the result of diverse historical practices and are continually subject to challenge over their definition and meaning (Omi and Winant 1994). In other words, the definition of race has been one that changes throughout time and circumstance.

The United States is an example of the changes in racial categories over time. From the 1700-1900s, the qualification of blackness was a problem of state definition. Someone could be considered black in one state, cross the state line and they are no longer considered black. The United States has historically treated race as a biologically determined concept. This understanding is reflected in the “one-drop” rule that defined an individual with one drop of black blood as black. For example, until 1960, Virginia law provided that “every person in whom there is ascertainable any Negro blood shall be deemed and taken to be a colored person” (*Loving v. Virginia*, 388 U.S. 1). On the other hand, the state of Louisiana was more detailed. It specified that a person with $1/32^{\text{nd}}$ black blood was black. Under this definition, phenotype was deemed irrelevant when giving racial classifications (Marcus 1983).

Race is unstable and inconsistent across time and location. The most important thing about race is understanding that it is not just about categorization. The social construction of race indicates that our perception of race does not happen in a social vacuum. Social environments are important to explain our understanding and perception of race. Social environments also highlight the diversity of racial constructions across cultures (Brown 2015). The classification of race has changed repeatedly. In the United States alone, racial alignments as they appear in the US Census have changed over one dozen times since 1790 (Brown 2015). Moreover, despite the dismantling of Jim Crow in the southern United States, the end of apartheid in South Africa, the discrediting of scientific racism with the mapping of our genes, and despite numerous pronouncements by the international community in support of human rights, racial differentiations and institutional racism persist throughout the world.

III. Race Literature: International Lenses

A. Understanding of Race and Racial Categories in the United States

In the United States, racial limits are intensely maintained and have widespread social consequences. For instance, to understand the country's racial categories, society uses usually recognized connotations by which ancestry defines which group an individual is placed in. For example, African descent = *Black*, European descent = *White*, and Asian origin = *Asian* ((Bailey 2002, 166). In the past, the United States had applied rules for the possible re-categorization of individuals whose parents belonged to two separate racial categories. One of the rules was mentioned earlier in the paper, known as the "one-drop rule," which has historically meant that individuals with even the smallest noticeable amount of African descent would fall into the black racial category.

Black and white does not encompass all. Edward Telles has reasoned that Asians, indigenous populations, and Latinos/Hispanics are more difficult to catalog racially in the United States (2014). The difficulty in classification comes from the lack of extensiveness in racial categories. Many Latinos find themselves incapable to fit precisely into what has traditionally been a black/white racial order in the United States. Ariela Gross has tracked the legal history of race in the United States, examining statutes and court cases relating to the determination of race, and concluded that there has been fierce guarding and litigating to control who gets to be considered white in the United States (2008).

B. Understanding Race and Racial Categories in Latin America

For several decades, scholars from a variety of disciplines have analyzed the complex historical, social, and political treatment of ethnic and racial identity in Latin America (Dixon and Burdick 2012; Wade 2010). Latin America has been a thought-provoking center for investigation because racial categories are not as strictly bound as they are in the United States. In Latin America, limitations between the categories of race and skin color have been framed as lenient

and smooth, in contrast to the rigorous racial category limitations in the United States (Sue 2013).

Race is a complex multi-variate topic. Throughout the years, academics have reviewed different cross-national understandings of race, compared understandings of race by the elite and non-elite, and have eventually situated color as fundamental to racial dynamics (Sue 2013; Telles 2014). Telles argues that skin color is “a central axis of social stratification” in Latin America and that it is predominantly significant because it is noticeable, exemplified, and accessible (2014, 3-4). Additionally, Christina Sue suggests that the centrality of skin color in Latin America is directly associated to the way that these civilizations comprehend their shared and individual race (2013). Specifically, Sue states that skin color is principally noticeable because race and ancestry are presumed to be constant (2013). As a result, color is a better distinction-making marker than race in Latin America (Sue 2013).

There is no one way of ordering people into race categories. Wendy Roth deliberates the nature of racial classification in Latin America and contrasts it to the United States (2012). For Roth, while the literature on racial background in Latin America considers race as a range of racial mixture, people may also view race in terms of nationality or in ways manipulated by dominant ideologies of race in the United States (Roth 2012). Roth distinguishes as a key difference between Latin America and the United States the focus on ancestry vs. the focus on phenotype. For example, in the United States, siblings with the same parents have the same racial classification, regardless of phenotype. However, in Latin America, racialized ideas of skin color can place full siblings in different categories (Roth 2012). The dependence on skin color in Latin America distinguishes it from the way people are categorized in the United States.

C. The Dominican Republic's Racial Background

Western powers with interests in different parts of Latin American and the Caribbean

significantly affected political events in those areas (Heredia 2003). Western powers, especially the United States, influenced the Dominican Republic's unclear racial and ethnic conformation to fit political and ideological agendas. Throughout the 19th and 20th century, foreign reports were at odds with each other when it came to identifying the Dominican Republic. On the one hand, if the dialogue was regarding intervention, the Dominican Republic was labeled as a black nation. On the other hand, the Dominican Republic was also identified a white nation justifying intervention as well as political and economic support when it came to other things (Heredia 2003). This white label was one the Dominican Republic welcomed with open arms because it needed to fit in. Silvio Torres-Saillant argues that the Dominican Republic, "as a newly created Caribbean republic, sought to insert itself into an economic order controlled by Western powers, amongst whom the establishing principle of White supremacy" had been foundational (1998,122).

For example, in 1844, David Dixon Porter, U.S. Navy Admiral, visited the Dominican Republic on behalf of the United States government to measure the benefits of U.S. expansion. Porter noticed that a majority of blacks and a minority of whites occupied the land (Heredia 2003). However, he also stated that Santo Domingo, the capital of the Dominican Republic, had the human potential to compete with civilized nations other than Haiti. At the time, Santo Domingo held the minority population of whites. This historical narrative recreates the myth of Santo Domingo as primarily white or mestizo. Fascinatingly, the categorization of the Dominican Republic as white nation was not consistent. The racial representations of the country changed depending on the agenda of the identifier. In 1844, near the end of U.S. President John Tyler's administration, U.S. Secretary of State John Calhoun pushed for recognition of the Dominican Republic as a state by the United States, France, and Spain in order to avoid "the further spread of negro influence in the West Indies" (Welles 1928, 76).

The Dominican Republic has been condemned for multiple reasons. The three most noticeable criticisms of the Dominican Republic by multiple scholars are (1) the denial of an African past, (2) the myth of *indio* identity, and (3) the damaging anti-Haitian sentiment (Howard 2001; San Miguel 2005). Central to each of these concerns is the language used by Dominicans to define themselves and others: the common aversion of Dominicans for using the term negro ('black') as an indicator of their own identity, and the assigning of *negritud* ('blackness') to Haiti.

Dominicans also use the phrase *indio* ('Indian') to describe dark-skinned Dominicans without saying they are "black." Howard describes Dominican use of the term *indio* as a "myth" and a "lived falsehood" that shows a "denial of African heritage" (2001, 43, 47, 49). Ernesto Sagas maintains that Dominicans, besides "fabricating an Indian ancestry, also created a national past, with profound roots in the early history of the island, which gave the nation a sense of endurance and helped it repress its painful colonial history" (2000, 35-36). According to Howard, the term grew popular during the Trujillo era in an effort to further distance the Dominican Republic from its Haitian neighbor and its African heritage. Additionally, in his study of black racial identity in the Dominican Republic, political scientist Richard Middleton discusses that the Dominican Republic functions within the framework of a pigmentocracy, or, "a consensually agreed upon racial hierarchy rooted in skin pigmentation [where] Whites are assumed to be the dominant group, mixed-race individuals the middle, and blacks the subordinate group" (2008, 569). As a result, blackness is not something anyone aspires to be because it is viewed as synonymous with inferiority.

Calling out the denial of African ancestry, Howard has emphasized that Dominican nationalism is positioned on a rejection of blackness and African ancestry and that Dominican racial categories are used to avoid the insinuation of African descent (2001,1-2). On the contrary,

for Kimberly Simmons, “‘denial’ suggests that Dominicans do not believe that they have African ancestry” which she believes “is not the case” (2009, 1-2). Dominicans frequently acknowledge their African ancestry but do not carry their African descent as a primary identity. Rather, they downplay it as “behind the ear,” something unknown that they don’t want to exhibit to others (Simmons 2009, 1-2). Moreover, Benjamin Bailey answers to Simmons’ statement by framing the issue as one of difference rather than rejection (2002). Contrary to the United States, the Dominican Republic has no rule of ancestry that equates traceable African ancestry with blackness or that splits Dominicans into rigid social categories based on the existence or absence of African descent thereby enabling them to deny their heritage (Bailey 2002).

There is a general disdain for Haitians by the Dominican culture. San Miguel characterizes the problem of Dominican-Haitian relations as one arising from the distinctive geographical context of two nations sharing the same island (2005). San Miguel claims that this situation led to a nationwide discourse of opposition that positioned the Dominican Republic in persistent contrast with Haiti (2005). Sagás states that the “anti-Haitianismo (anti-Haitianism) ideology created the myth of Haitians and Dominicans belonging to different races” (2000, 6).

The Dominican Republic is a diverse nation. The populace of the Dominican Republic comprises persons of African, indigenous, and European descent, as well as numerous combinations of the three, resulting in a racial, cultural, and phenotypic background. Accordingly, a variety of color terms have developed, listing broad racial categories: blackness (*negro/a, prieto/a, moreno/a*), whiteness (*blanco/a, rubio/a, pelirrojo/a*), and the massive space in between (*colora(d)o/a, indio/a, jaba(d)o/a, mulato/a, trigueño/a*) (Franco 1984; Guzman 1974). These terminologies correspond to local, socially fabricated norms of identity, and have changed in physical, social, and legal meaning over approximately six centuries (Franco 1984; Guzman 1974).

Individual identity tumbles over to national and official discourses of identity by including them in official affairs. Individual identity enters public discourse mainly through the presence of racialized skin color categories on official documents such as birth certificates, national identity documents, and through the histories of race included in school textbooks. For example, through 2011, the Dominican government acknowledged six skin colors for the national identity card: *blanco*, *amarillo*, *mestizo*, *indio*, *mulato*, and *negro* (Mayes 2014). The officially recognized skin colors have transformed over time. *Mulato*, for example, was added in 1998, and *indio*, *mestizo*, and *amarillo* were removed by law in 2011 (Simmons 2009). Regardless of the legislative change, Dominicans have continued to use these terms to describe themselves and others (Mayes 2014). Academics have claimed that identity, nationality, ethnicity, and race come together to describe what it means to be Dominican (Bailey 2002; Davis 1994).

Researchers have examined the nature of racial terms in the Dominican Republic and drawn several conclusions. Rather than using a black and white system, as the United States had, the Dominican Republic established racial terms for each of the different groups it represented (Mayes 2014). In this system, categories are well-known not by ancestry but rather by phenotype, such that a child of a mixed couple that was perceptibly white would be categorized as white regardless of their other heritage (Roth 2012). This is because phenotypical disparities in the Dominican Republic are measured at the individual level and do not take into account other factors like genetic makeup (Oquendo 1995).

IV. The Hispaniola: Colonial History & Anti-Haitianism

The island of Hispaniola was the first New World colony settled by Spain. The island functioned as the base for the occupation of most of the Western Hemisphere (Lancer 2000). The present day division and conflict of the island of Hispaniola is a consequence of the European

struggle for control of the New World during the 17th century. When Christopher Columbus discovered the New World in 1492, he named the island, where the Dominican Republic and Haiti are found and where his crew landed, the Hispaniola (Lancer 2000). The Spaniards established themselves permanently on the Hispaniola, constructing the city of Santo Domingo, this was the base from which they ruled their newly colonized New World. French settlement in Haiti led to the division of the island. Spaniards controlled the Dominican Republic, at the same time as the French settled in Haiti. The division of the island into the two colonies of St. Domingue and Santo Domingo resulted in the creation of two distinct peoples. After the signing of the treaty of Ryswick (1697) between France and Spain, the two colonies on the Hispaniola followed distinctive economic paths. The treaty paved the split of Haiti and the Dominican Republic. Spain recognized the French control of the western one-third of Hispaniola; then Saint-Domingue, now the Republic of Haiti (Lancer 2000).

In 1804, Haiti was the first black republic to fight for and gain its independence from France. Haiti's leaders believed that in order for Haiti to remain independent, the entire island, including the Dominican Republic, must be united under Haitian rule. To do this, Haiti made it its mission to take over the eastern part of the island of Hispaniola instantly after attaining its own independence. Haiti was successful in gaining control of the Dominican Republic. In order to secure control of the Dominican Republic, Jean Pierre Boyer, the Haitian president, tried to rid the country of Spanish culture, depriving the Dominican Republic of the remnants of Spaniard rule and imposing upon them the Haitian identity (Lancer 2000). President Boyer shut down universities and prevented contact between the Dominican church and the Catholic hierarchy in Europe. The policies and actions taken by the Haitian government increased anti-Haitian sentiment in the Dominican Republic (Lancer 2000). From 1822 to 1844, the Dominican Republic was

dominated by Haiti. In 1844, the Dominicans took advantage of the fall of President Boyer of Haiti and regained their independence on February 27, 1844, and put an end to 22 years under a black-controlled government (Torres-Saillant 2010).

The Haitian occupation of Santo Domingo was despised by Dominican leaders who, as a result of the occupation, lost their privileges and administrative jobs. Dominican leaders resented being at the mercy of individuals whom they considered inferior to themselves (Sagas 2000). The leaders of the Dominican Republic specified that part of the reason they fought for their independence was to preserve their Spanish-Catholic culture that the Haitian government tried to erase.

Anti-Haitianismo was developed as a result of the 22-year Haitian rule of the Dominican Republic (Sagas 2000). Since Haiti's occupation of the Dominican Republic, the two nations have not been harmonious. Dominicans, with resentment, began referring to Haitians as the lower class. This resentment gave birth to Negrophobia. As Silvio Torres-Saillant notes, Negrophobia has historically survived in Dominican society (1998). Fanon defined Negrophobia as a phobia described by the fear and dislike of black people and black culture (2008). Fanon explains that some signs of Negrophobia include the ascription of negative characteristics to black people and black things, and the fear and hatred of black men (2008). Similarly, Haitians in the Dominican Republic are perceived as black and often treated inhumanely. They have been reduced to the lowest levels of the labor market throughout the years. The unrestrained history between the two nations created a set of prejudices against black people and black culture.

The modern Dominican Republic consists of approximately 90% of people with brown-colored skin, however, it is still considered an anti-black nation. The country was founded in contrast to a black republic, emphasizing its Indian and Spanish heritage and defining itself as

racially different from its black neighbor, Haiti (Sawyer 2007). Similar to the way blacks and whites have been characterized as opposites in United States' racial ideology, Dominicans and Haitians have been presented as racial and cultural opposites in anti-Haitianismo ideology. Therefore, to be Dominican means to not be Haitian, and especially not black (Sawyer 2007).

To develop a Dominican national identity, Dominican elites joint race, nation, and religion, producing a marker of difference between Haitians and Dominicans that would exceed generations. They created a national identity that well-defined Dominicans as white, Catholic, and culturally Spanish in stark difference to Haitians who they characterized as being black, voodoo practitioners, and culturally African. Based on the color of their skin and their African heritage, Haitians, and more generally people of African descent, have been defamed in the Dominican Republic, as in other countries in the Western Hemisphere, since the coming of enslaved Africans in the 16th century.

A. Erving Goffman's Stigma Definition

According to Sociologist Erving Goffman's widely used definition, stigma (1963) is a characteristic that discredits individuals or groups, decreasing them from whole and normal persons to reduced and contaminated ones. Goffman argues that stigma allows us to dehumanize people and makes it easier for us to discriminate against them. Stigmatization has allowed Dominicans to subject Haitian labor to quasi-slavery working conditions on sugar plantations; to expel tens of thousands of Haitians without due process of law, and to deny Dominican-born children of Haitian parentage citizenship and access to public services (Goffman 1963).

Sociologists Bruce Link and Jo C. Phelan expanded upon Goffman's definition of stigma by incorporating the role of power relations in the process of stigmatization. They state that "stigma is entirely dependent on social, economic, and political power - it takes power to stigmatize" (2001,

375). Anti-Haitianismo has allowed Dominican elites, and to an extent the Dominican working class, to label and stereotype Haitians as inferior, vicious, and foreign, and to separate Haitians from Dominican identity and culture. Through the development of a Dominican national identity that is intentionally custom-made to exclude and denigrate Haiti and Haitian culture, the Dominican Republic has been able to keep Haitians in a continuous subordinate position. Sagas states that “as an ideology, anti-Haitianismo treats Haitians as the scapegoats of a society that considers them racially and culturally inferior.... thus anti-Haitianismo is a deliberate creation: it is an authoritarian, dominant ideology, with the objective of defending a narrow status quo” (Sagás 2000, 4).

Furthermore, Sagas argues that Dominicans, besides,

fabricating an Indian ancestry, also created a mythical national past, with profound roots in the early history of the island, which gave the nation a sense of endurance and helped it repress its painful colonial history (2000, 35-36).

Anti-Haitianismo took on a greater role, politically and intellectually, during the right-wing dictatorship of Rafael Trujillo (1930-1961). In order to identify Dominican society as more European, and operating on a false fear of an “invasion” of the Dominican Republic by Haitians, Trujillo, who was supported by the U.S., established laws making it illegal to partake in African religious acts (Torres-Saillant 1998). Trujillo also ordered Haitians out of the country, and in 1937, Trujillo murdered tens of thousands of Haitians living in the Dominican Republic when they rejected his order to leave. During a speech at the town of Dajabón¹, Trujillo indicated his plan:

For some months, I have traveled and crossed the border in every sense of the word, I have seen, investigated and inquired about the needs of the population. To the Dominicans who were complaining of the depredations by Haitians living among them, thefts of cattle, provisions, fruits, etc., and were thus prevented from enjoying in peace the products of their labor, I have responded, ‘I will fix this.’ And we have already begun to remedy the situation. Three hundred Haitians are now dead in [the city of] Bánica. This remedy will

¹ Dajabón is the capital city of the Dajabón province in the Dominican Republic, located on the border with Haiti.

continue (as quoted in Turits 2003, 82-83).

In the wake of the massacre, the Trujillo dictatorship embarked on a renewed negrophobic, anti-Haitian movement that penetrated public education and other Dominican institutions (Gregory 2007, 181). Dominican history textbooks, in their effort to demonize Haitians, concentrated heavily on the Haitian occupation and exaggerated instances of Haitian violence against Dominicans. Trujillo's regime spread anti-Haitianismo among the Dominican masses, which has had lasting effects.

For the aforementioned reasons and the constant fear of a Haitian invasion, the regime of Trujillo called for the "Dominicanization of the frontier." This expression called for "de-Haitianizing" of the border, and "improving" the race in the Dominican Republic (Wells 2008, 11). The intentions of this proposed program were to introduce light-skinned Dominicans and European migrant workers who would "lighten the race" and to encourage the fermentation of Dominicaness, well-defined by the leaders as "white, Hispanic and Catholic" (Howard 2001). The accomplishment of this project was vital because it indicated the integration of Dominicans under a specific racialized agenda that safeguarded whiteness and forbidden blackness. Leading academics at the time considered white immigration as a catalyst that would allow the Dominican Republic to advance as both a nation and a race (Howard 2007).

Even now, Haitians are still seen as lower class citizens in most parts of the Dominican Republic and are often dehumanized. The threat of mass deportation has been one of the most severe consequences of anti-Haitianismo in the Dominican Republic. Tens of thousands of Haitians and Dominicans of Haitian descent were extradited in the 1990s, with skin color used as the only factor for deportation (Gregory 2007). Another effect of anti-Haitianismo has been the denial of citizenship for Dominican-born individuals of Haitian descent. These people are targeted because their skin color is darker, and consequently, these 'Haitian-looking' individuals are

regularly transported to Haiti.

The framework of anti-Haitianismo helps us comprehend the Dominican Republic's fascination with race and skin color. In this framework, Dominican Republic is the central group and Haitians or Dominicans with Haitian ancestry are made into the subordinate inferior group. It also allows the understanding of the nation's reasoning for legal and constitutional changes intended to eradicate Haitians' citizenship and legality in the Dominican Republic. Recently, the legacy of anti-black construction of Dominican national identity has displayed itself in a September 2013 Dominican Constitutional Court ruling that has generated a large population of illegal and deportable immigrants.

B. Racial Identification Consequences

In the Dominican Republic, wrongful identification can have a variety of consequences including social exclusion, physical violence, deportation, denial of civic participation, or death. In an interview directed by Amnesty International concerning the state of Haitian migrants, a Dominican of Haitian descent was cited saying, "if you are black, with an identity card or without it, with a birth certificate or without, it is the same, it has no value.... In the streets, with migration officials, you don't have any rights" (Amnesty International Report 2007). The recent Constitutional Court ruling has further supplemented nervousness and uncertainty surrounding racial, ethnic and national identification throughout the nation.

V. Immigration & Citizenship Laws

In 2013 with the stroke of a pen, the Constitutional Court of the Dominican Republic invalidated the citizenship rights of hundreds of thousands of Dominicans of Haitian descent, born as far back as 1929. This disruptive decision is an example of extensive discriminatory anti-Haitian practices affecting Haitian immigrants and Dominicans of Haitian descent. This verdict led to

arbitrary deportations and the denial of identity documents. As I have discussed in previous sections, these practices are rooted in complex historical, social and cultural factors, dominant among which are race and Dominican national identity.

The international community expressed outrage at the Court's ruling. The international community and civil society groups have extensively denounced this discriminatory decision. This decision is regarded as a violation of human rights and great concern has been spoken internationally over the Dominican Republic's treatment of Haitians and Dominicans of Haitian descent. This Constitutional Court ruling is another instance of state-sponsored racial discrimination against Haitians and Dominicans of Haitian descent. However, the Dominican government negates that this or any of its policies constitute racial discrimination. I make the argument that Dominican Republic's immigration policies precisely target Haitians and Dominicans of Haitian descent, and are, in fact, racially discriminatory.

Historically, Dominicans of Haitian descent have always confronted complications in attaining official recognition of their Dominican nationality (Open Society Foundation). In August 2004, the government approved a new General Law on Migration (Law 285 § 04). This law was the first wide-ranging reform of the country's immigration laws in six decades. The law controlled the entry, stays, and employment of immigrants. In 2006, fearing the threat of future deportation, Dominican citizens of Haitian ancestry tried to obtain identity cards but faced major difficulties. Although they had birth certificates which showed their status as Dominican citizens, when attempting to obtain identity cards, officials from the Junta Central Electoral (JCE) informed them that their application for an identity card could not be processed. The reason the officials gave the Dominican citizens was that they did not have the right to a Dominican nationality because their

parents were “non-residents” at the time of their births (Open Society Foundation).² Regrettably, individuals whose identity card applications were prohibited also witnessed their rights to education, political participation, freedom of movement and access to justice be stripped away by political institutions. Many people had to delay or end their pursuit of a secondary or higher education, and even more lost employment opportunities because they could not obtain a national identity card (Open Society Foundation).

The struggle of Dominicans of Haitian descent and Haitians immigrants continued. In the Dominican Republic, unobstructed access to certified copies of birth certificates is tremendously important. Birth certificates are required in order to register for primary school, to obtain health care coverage, to apply for an identity card, to apply for passports, to register for university, to get married, and to conduct a variety of other everyday tasks. In the last few years, a series of memorandums issued by the JCE has striped Dominicans of Haitian descent from being able to acquire certified copies of their birth certificates, which harshly limits their ability to participate in any of the aforementioned activities. The Resolution 12-2007 is another internal JCE memorandum which restricts Dominicans’ access to personal identity documents. The Resolution was first proposed in 2007 and confirmed in 2008. This government resolution authorizes the temporary suspension of state-issued identity documents on the basis of “irregularities” (Junta Central Electoral). Officials implementing the laws had the discretion to determine what qualified as an “irregularity” and used this discretion to the disadvantage of Dominicans of Haitian descent.

In 2010, the Dominican Government passed legislation that further hindered Dominicans of Haitian descent. Although throughout the 20th century, Dominicans of Haitian descent,

² The Central Electoral Board (JCE) is an autonomous body with legal personality and technical, administrative, budgetary and financial independence, whose main purpose is to organize and direct the electoral assemblies for the holding of elections and mechanisms of popular participation established by this Constitution and laws. It has regulatory power in matters within its competence.

specifically children of Haitian immigrants, were considered Dominican and had a constitutional right to Dominican nationality, this came to a halt. The Dominican Republic had followed the principle of *jus soli* to automatically give citizenship to anyone born on its soil, but an amendment stripped Dominicans of Haitians descent of the right to call themselves citizens (Law 285 § 04). The amendment to the constitution made it so that citizenship was limited and granted to children of legal immigrants or those with at least one Dominican parent (Sentence 0168§13).

As if that were not enough, in 2013 things got worse for Dominicans of Haitian descent. A Constitutional Court ruling made the law passed in 2010 retroactive. The law would now go as far back as 1929, effectively stripping Dominicans of Haitian descent of their citizenship and making them stateless. The country's Constitutional Court ruled that the children of undocumented Haitian migrants, even those who have been in the Dominican Republic as far back as 1929, cannot have Dominican nationality as their parents are considered to be "in transit" (Sentence 0168§13). Dominican immigration laws described people "in transit" as immigrants entering the country mainly to travel elsewhere, as tourists, as members of foreign forces, or as temporary workers and their families (Sentence 0168§13). Human rights organizations have professed the ruling and its proceedings unlawful under the international inter-American law.

A. Analyzing the Discriminatory Essence of Sentence 0168§13

In the 2013 Constitutional Court ruling known as Sentence 0168§13, the Court deliberated the meaning of citizenship and nationality, establishing the State's view in regards to the issue of citizenship for Haitian descendants (Sentence 0168§13). The Sentence refers to Haitians repeatedly throughout the ruling in order to make clear that the law is aimed at eliminating their growing manifestation in the nation:

There are a great number of foreigners in the Dominican Republic who aspire to obtain

Dominican citizenship, most of them are undocumented Haitian nationals.³ (Sentence 0168§13).⁴

The decision explains that around 88 percent, or over 460,000 of the over 524,000 “immigrants” that live in the Dominican Republic, are Haitian. The 2013 Sentence states that possibly every single individual of Haitian ancestry that lives in the Dominican Republic is in the country unlawfully. Additionally, this Constitutional Court ruling is unfavorable to all Haitians, and retroactively removes the right to citizenship of hundreds of thousands of people:

The Dominican legislation is strong and precise that not everyone born in the territory of the Dominican Republic is Dominican.⁵ (Sentence 0168§13).⁶

Throughout the Sentence, sections enclose language that indirectly and directly outlaw blackness. In describing the logic behind these new immigration policies, Sentence 0168§13 states that nationality is not exclusively a legal bond, but also a sociological one, which is well-defined by race:

In general, nationality is considered as a legal and political bond that unites a person to a state; But, in a more technical and precise way, it is not only a juridical but also a sociological and political bond, whose conditions are defined and established by the State itself. It is a juridical link because it gives rise to multiple rights and obligations of Civil nature; Sociological, because it involves the existence of a set of historical, linguistic, racial and geopolitical traits.⁷ (Sentence 0168§13).⁸

The Sentence goes on to explain that maintaining Haitians out of the country is for the good

³ This document was originally written in Spanish and translated to English by me.

⁴ “En República Dominicana existe una gran cantidad de extranjeros que aspiran a obtener la nacionalidad dominicana, cuya mayor parte son indocumentados de nacionalidad haitiana” (Sentence 0168§13)

⁵ This document was originally written in Spanish and translated to English by me.

⁶ “Que la legislación dominicana es clara y precisa al establecer que no todos los nacidos en territorio de la Republica Dominicanaa nacen Dominicanos” (Sentence 0168§13)

⁷ This document was originally written in Spanish and translated to English by me.

⁸ “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” (Sentence 0168§13).

of the Dominican Republic:

Nationality is a matter of public order that corresponds to the Civil Registry of every country, which is responsible for its conservation, its correction, and its safeguarding, granting the legislation of the Dominican Republic such functions.⁹ (Sentence 0168§13).¹⁰

The Sentence specifies that government organizations are responsible for “safeguarding” the nation, and that “nationality” is an issue of “public order.” Consequently, if “order” is to be preserved in the Dominican Republic, migrants, blacks, and Haitian migrants must be controlled.

The 2013 Sentence persistently brings up the significance of safeguarding “public order,” which is a noticeable illustration of the state’s disdain for Haitians and blackness, relying on the conjecture that they bring disorder to the country. The government of the Dominican Republic defend its actions by claiming that it is at the discretion of the sovereign nation to determine who can obtain Dominican nationality:

Nationality is an aspect of the discretionary national sovereignty of states, which is conceived as an attribute given by their nationals and whose scope, therefore, cannot be defined by the will of an ordinary judge.¹¹ (Sentence 0168§13).¹²

Throughout the entire document there are declarations made in regards to the State’s accountability and right to regulate and safeguard Dominican nationality, including a section in which the Sentence deliberates international definitions and treaties regarding the determination of citizenship:

In the Public International Law, for nearly a century, the configuration of the conditions for the granting of nationality has been internationally recognized as part of the domain

⁹ This document was originally written in Spanish and translated to English by me.

¹⁰ La nacionalidad es una cuestión de orden público que corresponde al Registro Civil de cada país su conservación, corrección y salvaguarda, otorgando la legislación de la Republica Dominicana dichas funciones (12) (Sentence 0168 § 13)

¹¹ This document was originally written in Spanish and translated to English by me.

¹² 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. (7) (Sentence 0168§13)

reserved to exclusive national competence of the State.¹³ (Sentence 0168§13).¹⁴

The Sentence makes it clear that it is not only a right but an obligation for the state to determine citizenship. The Sentence also states that there is an obligation of sovereign nation-states to protect their nationality from those that would violate it. The Constitutional Court ruling implies that Dominican citizenship is under attack and must be protected from those who want to corrupt it:

The government reiterates its commitment to comply with and to enforce the mandate of the Constitution and the laws, both of which guarantee that national identity will be protected and jealously preserved by this institution, and that we are applying a rescue and ordering of the civil status registration program in order to shield the fraudulent actions and painful forgeries and impersonations that for so long have affected the system of Dominican Civil Registry, in such a way that we can provide an efficient and safe service in the vital acts which are based on national identity and the support to citizenship.¹⁵ (Sentence 0168§13).¹⁶

The government of the Dominican Republic and the Constitutional Court maintain that the state's decision was not done with prejudice. The Dominican government claims that its wish to make the law retroactive was not at all powered by discrimination. However, this ruling is part of a long history of discriminatory state policies and actions against individuals, principally of Haitian descent. The Dominican government has created a population of unlawful and deportable immigrants. Through the recent enforcement of new and existing immigration laws, the Dominican

¹³ This document was originally written in Spanish and translated to English by me.

¹⁴ En el Derecho Internacional Público, desde casi un siglo, la configuración de las condiciones para el otorgamiento de la nacionalidad ha sido internacionalmente reconocida como parte del dominio reservado a competencia nacional exclusiva del Estado. (25) (Sentence 0168§13)

¹⁵ This document was originally written in Spanish and translated to English by me.

¹⁶ “Que la recurrida reitera su compromiso de cumplir y hacer cumplir el mandato de la constitución y las leyes, a la vez de que de garantía de que la identidad nacional será reguardada 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 doloras, falsificaciones y suplantaciones que por tanto tiempo han afectado el sistema de Registro Civil dominicano, de tal manera que podemos 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” (Sentence 0168§13).

State has started to move large populations of Haitian immigrants and their descendants into irregular immigration status. Without limitations, the ruling relies mostly on the discretion of local civil registry bureaucrats, state employees, police to decide whether an individual is white enough or Spanish enough to be considered Dominican. This decision applies to more than 200,000 people, most of them Dominicans of Haitian descent, and has reduced and will continue to render many of them nationless. The Dominican government has uninterruptedly used immigration policy to assert its territorial sovereignty to promote the historically embedded ideology of anti-Haitianismo and Negrophobia.

B. Human Rights violations

The International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) (1965), which the Dominican Republic signed in May 1983, is the leading international human rights treaty regarding racial discrimination. Article 1 § 1 of the ICERD defines racial discrimination as “any distinction, exclusion, restriction or preference based on race, color, descent, or national or ethnic origin” with the purpose or effect of affecting the recognition, enjoyment or exercise of human rights and fundamental freedoms.

Although the ICERD is the most comprehensive treaty on racial discrimination, other human rights documents have provisions that can be directly applied to occurrences of racial discrimination. In addition to the ICERD, international instruments such as the United Nations Charter, the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) include protections against racial discrimination rooted in the principles of equality and non-discrimination.

The right to nationality is a basic human right. The creation of universal human rights and

international law was intended to restrain the power of the state. According to Galina Cornelisse, because the advancement of human rights is largely reliant on state cooperation, human rights and international laws have not established any laws to regulate sovereignty claims (2010, 102-05). Undoubtedly, there is a gap between national and international law. It is within this breach that the stateless, the illegal, or the undesirable fall. It is within this breach that individuals like Haitians and Dominicans of Haitian descent lose their juridical personhood and civil identity. This gap permits states to not obey with international law and discriminate against minorities without any repercussions.

While states can control the attainment and retention of nationality, they must respect essential human rights while doing so. The Dominican Republic has ratified a majority of human rights treaties. The country is a member of the United Nations and Organization of American States, as well as a signer of multiple human rights treaties and covenants. These conventions have been ratified by the Dominican Congress and henceforth have the force of domestic law, in agreement with the Dominican Constitution (United Nations, 2000). The right to nationality is ensured in several human rights instruments, including [the UDHR's Article 15, the Convention on the Rights of the Child's Article 7 (CRC), and the American Convention on Human Rights "Pact of San Jose, Costa" Article 20] each of these human rights instruments is examined below.

First, the Dominican Republic has violated several parts of international law in its treatment of Dominicans of Haitian descent. The Dominican Republic adopted the UDHR and ratified it through Congress. Its treatment of Haitian nationals directly violates Article 15 of the UDHR which states that "no one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality." However, the retroactive laws authorized by the Constitutional Court directly violates this treaty by depriving hundreds of thousands of Dominicans and not providing

remedy, or due process. As a result of this verdict, the right to citizenship has been taken away from ethnic Haitians and Dominicans of Haitian descent without any contemplation of their individual needs or acceptable pathways to attain citizenship again. Their ethnicity and skin color has made them a target of the government despite generations of Dominican residency.

Aside from violating article 15 of the UDHR, the government of the Dominican Republic is also violating Article 7 of the CRC. Article 7 § 2 states that a “child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents” (UNHCR). Section 2 declares that “States Parties shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless” (UNHCR).

Even though there are numerous instruments giving a right to nationality to a child and protecting them to from becoming stateless, the implementation of these treaties and conventions is still mainly dependent on cooperation from the state. Due to the 2013 Constitutional Court ruling, a child born to undocumented Haitian immigrants in the Dominican Republic is no longer a citizen of the Dominican Republic. Additionally, children of Haitian descent in the Dominican Republic cannot register in school after the Court ruling, since they remain incapable of getting the documents to prove their nationality. Statelessness generates significant barriers for Dominicans of Haitian descent to basic rights and freedoms, such as access to health care, education, property, employment, marriage, birth registration, travel, voting, and many others.

The Dominican Republic is also violating the treaty on Reduction of Statelessness as well as treaty arising from the American Convention on Human Rights. The 1954 Convention Relating to the Status of Stateless Persons [Article 1§1] defines a stateless person as “someone who is not

considered a national by any state under the operation of its law” (UNHCR). The 1961 Convention on the Reduction of Statelessness [Article 1§1] and the American Convention on Human Rights [Article 20§2] demands states to grant nationality to people born in their territory who would otherwise be stateless. The Convention on the Reduction of Statelessness [Article 8§1] also prohibits states to deny people of their nationality. However, as discussed throughout this paper, the government of the Dominican Republic is targeting people of Haitian descent. The Dominican government made the immigration status of a person’s parents a condition for nationality and deprived Dominicans of Haitian descent of their nationality in a retroactive manner. All the actions taken by the Dominican Republic against Haitians and the Constitutional Court ruling have undoubtedly violated the prohibitions on discrimination in access to nationality and on arbitrary deprivation of nationality. These Dominicans of Haitian descent are not only considered not Dominican citizens; they do not have a right to Haitian citizenship per Haiti’s constitution.

The human rights violations that Dominicans of Haitian descent and Haitian immigrants face in the Dominican Republic, many of which institute racial discrimination, are not restricted to Sentence 0168§13. The court’s decision is a cementation of long-standing practices, that like arbitrary detentions and deportations, denial of education and health services, and unfair labor, fall short of the Dominican Republic’s responsibilities under the ICERD and other lawfully binding human rights treaties. Numerous instances of discrimination against Dominicans of Haitian descent on the basis of their color have been acknowledged by civil society, non-governmental organizations, and international and regional organizations. Still, the country denies the motives and the true impact of its actions, as well as their illegality.

VI. Conclusion

The Dominican Republic strategically used its immigration policy to advance its anti-

Haitian and anti-blackness agenda. Immigration is a determinant of nationwide processes of racialization, the construction of racial identities, and the conservation of and contestation over racial boundaries. Dominicans of Haitian descent, black Dominicans, and Haitian immigrants have faced several legislative changes and administrative policies that have limited their ability to enjoy the nationality that was once guaranteed to them under the Dominican Constitution. As a result, Dominicans of Haitian descent have been separate from their political and social community all because of the government's discriminatory nationality policies and practices.

While sovereign nations have the full right and responsibility to develop their own immigration policy and citizenship requirements, the racism and xenophobia which has often directed such policy in the Dominican Republic has been standardized and judicially authenticated by this Constitutional Court's decision. I am worried that this ruling could generate a constitutional norm concerning citizenship based on skin color and race. Moreover, this Constitutional court decision could strengthen the States' official rejection of the presence of racial discrimination and it could further weaken any advancement within the Dominican Republic to battle discrimination, racism, and xenophobia in the country.

A. Potential Ideas for Future Research

The Dominican Republic presents a captivating case study. There is considerable evidence of racial prejudice and discrimination against persons with dark skin, but the Dominican government denies that such prejudice and discrimination exist and, therefore, does little to address the problem. The Dominican Republic denies the existence of racial discrimination within its borders, but it also promotes racial discrimination against Dominicans of Haitian descent as we have seen in decisions such as Sentence 0168§13. Future studies of the Dominican Republic should focus on the issues of racialization and the categorizing of individuals based on skin color. I would

like to conduct a research study to determine whether racial categories in the Dominican Republic vary by region. I would like to discover, through research, the physical and social meaning of racial categories in regions of the Dominican Republic. If I pursue a further study of this area, the sample used in the study would incorporate Southern cities such as San Cristóbal, border towns such as Pedernales, and Eastern towns such as Higüey and La Romana. This research could potentially lead to the starting of discussions on how to ameliorate the problem that the Dominican Republic faces, yet is in denial of.

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