

### Side-Gigs of the Literati: Humanitarianism at its Best

Actividades paralelas de los literatos: el humanitarismo en su máxima expresión

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#### Abstract

This article examines a specific case and a particular style of humanitarianism that one finds in celebrity activism. In 2013, the Dominican Republic issued Judgment 168-13, deciding that many people in the country were not citizens. It was a clear act of purging people of Haitian descent. It was the Judgment against Juliana Deguis. Hence, she became the "poster child" for a legal, cultural, and humanitarian struggle in existence for decades, indeed more than a century. With a focus on literary superstars, I endeavor to show how such a difficult situation can move closer to a solution, if not a complete resolution.

**Keywords:** Celebrity activism; constructivism; diplomacy; humanitarianism; intermestic; Judgment 168-13; non-state actors; public sphere; rational choice.

#### Resumen

Este artículo examina un caso específico y un estilo particular de humanitarismo que se encuentra en el activismo de las celebridades. En 2013, República Dominicana emitió la Sentencia 168-13, en la que decidió que muchas personas en el país no eran ciudadanos. Fue un acto claro de purga de personas de ascendencia haitiana. Fue la Sentencia contra Juliana Deguis. Por lo tanto, se convirtió en la "niña modelo" de una lucha legal, cultural y humanitaria que ha existido durante décadas, de hecho, más de un siglo. Con un enfoque en las superestrellas literarias, procuraré mostrar cómo una situación tan difícil puede acercarse a una solución, que quizá sea una resolución completa.

**Palabras clave:** activismo de celebridades; constructivismo; diplomacia; humanitarismo; interméstico; Juicio 168-13; actores no estatales; esfera pública; decisión racional.



## I. Introduction

This essay interrogates the 2013 Sentencia<sup>1</sup> (Judgment) 168-13 of the Dominican Republic. It explores how South-South actors made a difference in its outcome. My title playfully suggests idol passions of literary figures, but these literati took seriously the notion of the right of every human being to a sense of belonging and worth. Further, their extra-literary actions are in tandem with their approaches to literature. I study the involvement of Mario Vargas Llosa and the group of scholars and activists Julia Álvarez, Edwidge Danticat, Junot Díaz, and Mark Kurlansky.<sup>2</sup>

The Judgment ruled that one young woman, Julia Deguis, did not hold Dominican citizenship and, therefore, she could not vote or exercise any rights pertaining to citizens of the country. It marked a milestone in the history of the country, ostensibly for all non-citizens of the nation, but, in fact, for those of Haitian descent. As an intellectual quandary, the Judgment makes it easy to see how one might conclude that if a person has citizenship elsewhere, then the person is not a citizen in another place. The problem with the Dominican argument is that Deguis was never a citizen of Haiti.

In such a monumental judgment, my query is a multi-pronged one: how was it possible for a government to operate under international radar regarding its citizens? What changes must take place that make it necessary for a sovereign nation to heed

the advice of those outside of its borders? Given that this humanitarian crisis is a long simmering one, how might the Dominican Republic serve as a model to other nations whose citizens experience similar, although not the same, abuses?

Seemingly a domestic issue, the Judgment has far-ranging cross-border and transnational implications, especially when the observer considers the determination of South-South arbiters of justice. (Chaudoin, 2014). The Judgment is an intermestic<sup>3</sup> issue because its actions and decisions spill over into other countries. Domestic concerns become intermestic because the choices one country makes have significant bearing on what happens in another country. One should not ignore these intermestic properties of the Judgment as, without exposure, these internal concerns could continue to fly under the radar of global attention. Such blatant machinations as Judgment 168-13 enter humanitarian history as unfitting for a nation of great moral stature and international sway—the image that the Dominican Republic is eager to project to the world. In fact, according to Mendelson, the country received plaudits. It was lifting its citizens out of poverty. In its own humanitarian efforts, it aided Haiti when the 2010 earthquake devastated that French and Kreyol speaking country. It was a sincere effort on the part of the Dominican Republic, and many took it as a sign of healing between the two nations (Mendelson, 2011). However, events that followed proved that harmonious co-existence is still in the making.

Admittedly, this island nation is not alone in its draconian measures to stem the influx of ethnic and racial groups that it deems undesirable. Such a segregationist policy towards one or more ethnic groups is evident in countries of the virtual Global

<sup>1</sup> In various publications the reader might find several English translations of the word "sentencia" such as "judgment," "ruling," or "decision". For the sake of consistency, I will refer to the word "sentencia" in the case of Sentencia 168-13 as "Judgment" with a capital "J".

<sup>2</sup> Mario Vargas Llosa is the Nobel-prize winning novelist who frequently writes opinion pieces for newspapers such as *El país* from Spain. He holds dual citizenship in Spain and in his native Peru. Junot Díaz and Julia Álvarez are of Dominican descent and Edwidge Danticat is of Haitian descent. The latter three—all prize-winning writers—live in the United States, as does the journalist Mark Kurlansky.

<sup>3</sup> The language and concept of "intermestic" as expressed by La Porte (2012) and others is valuable to me here. See Reference Section.

North as well as in the virtual Global South.<sup>4</sup> Whether ethnic cleansing, a holocaust, genocide, police brutality, or some other form of group hatred, many countries harbor deep-seated animosity towards their neighbors and even towards their own citizens who are of a different ethnic and cultural make up. In this unprecedented moment of mass migration, Global North countries mainly seek to rebuff would-be-immigrants from the Global South nations, but the latter grouping of countries does the same towards fellow Global South nations. Now with the pandemic COVID-19, the nastiness of the rebuffs multiply exponentially, illogically blaming victims of the sickness for all manner of woes within the country where they happen to reside. The practice knows no limits regarding periods in history or to unscrupulous methods to hide them from view. Further, governments are adept at flaming the hatred that would keep the new people outside of its borders. Hundreds of years before the current Dominican example, the practice was in place around the world, and it will more than likely occur well into the future. It is not necessary to dwell on the headlining countries whose actions inform the public like Italy, Germany, or Spain and the boatloads of Global South migrants seeking haven on their shores. Instead, the reader might think about Central Americans, and now Africans, attempting to use Mexico as a gateway to the United States or to start anew in Mexico. One can also consider Ethiopians in South Africa or Sub-Saharan Africans who are choosing to make Maghreb countries their home—whether the new country wants them or not. Ironically, one learns about a steady influx of undocumented Dominicans directly or traveling through Puerto Rico

<sup>4</sup> There are no geophysical locations on any world map with the designations “Global South” or “Global North”. Hence, there is the need to refer to them as virtual regions.

to reach the mainland U.S.<sup>5</sup> As the research and writing of this article progressed, Venezuela produced Latin America's largest migrant outflow in decades. In general, whether the immigrants are attempting to enter a Global North country or another Global South country, the rebuff they receive is telling. Nevertheless, even though the Dominican Republic is not unique in its actions or passions, Judgment 168-13 stood out in the twenty-first century for its boldness and determination to eliminate all vestiges of a Haitian past and present.

In gauging which countries receive the effects of the Judgment, of obvious import is Haiti, but also member states of the Caribbean, especially the Caribbean Community and Common Market (CARICOM). The Tribunal Court of the Dominican Republic agreed with the lower court with this pronouncement about Deguis “[S]he was not a citizen and therefore, could not exercise such privilege [the right to vote]”.<sup>6</sup>

I draw mainly from the broad definition of humanitarianism through the actions of celebrity activists to show how reactions to the Judgment might serve as a case study beyond one nation and as a means of mapping future possibilities of navigating diplomatic and humanitarian situations, particularly as they are more inclusive of non-state actors. A study of reactions to Judgment 168-13 is a confirmation of the shifting role of non-state actors in twenty-first century global affairs (Sending, *et al.*, 2011).

<sup>5</sup> The Immigration and Customs Enforcement - ICE arm of Homeland Security in the United States consistently shows that Dominicans are one of the highest groups of “removals” or deportees. For example, in 2019, there were 2,186 deportees from the Dominican Republic, more than any other country in the Caribbean. This comparison includes the deportation of 619 Haitians. See Reference Section for complete citation.

<sup>6</sup> Constitución. Sentencia TC/0168/13 República Dominicana Tribunal Constitucional P11/147. See Reference Section

When sharing my concerns regarding this Judgment, I was not surprised that my students and most of my colleagues were unaware of it, despite the admirably high level of international activity at my university. Within the broader world community, there is a dearth of news focusing on the Global South. Within academia, only now are we beginning to see a measure of interest in the Global South outside of specific academic fields dealing with development. Beyond issues like starvation, mass genocide, and terrorism, major news outlets are not providing the world's citizens with a satisfactory amount of information on what happens within the virtual region that is the Global South. Finally, one sees little attention for the internal politics of many Global South countries, especially when activities occur in a language other than English and when these activities have no perceived impact on the Global North. Therefore, when issues like Judgment 168-13 transpire, few outside of the region most directly affected by the issue, and few outside of the intellectual community that studies the country, notice its development. As such, the happenings within a Global South country often do not receive the same level of scrutiny of a few Global North countries. In the case of negative activities, such inattention too often leaves rogue and otherwise wayward actors to do what they will. There is little pressure from international groups –outside of a select few– to have a government rethink its stance. It is logical that those who receive direct consequences from decisions are the ones most likely to pay close attention. On the other hand, there are times when it is imperative to expose globally the ugliness of the seemingly domestic actions beyond the neighborhood of states surrounding the offending government.

This situation was ripe for humanitarian action. *Responsibility to Protect* (R2P) activities were an admirable step in that direction, but clearly more was necessary as regional governing bodies tried, but failed to move the Dominican Republic from its stance. "Side Gigs of the Literati" analyzes portions of the exposure of this negative development in recent history. As such, this essay deals with the three factors that Gómez outlines as key to humanitarian approaches: crisis, action, and actors (Gómez, 2019). While there are many actors who are worthy of research in this historical case, I focus on one small group. Their actions do not reveal the entire story, but they obviously made inroads into the way that the Dominican government responded to the issue.

## II. Methodology

Humanitarian Studies is a developing area of scholarship and allows me to draw on several scholarly resources (Lucatello, 2017). It is not possible to limit my methodology to one field of inquiry. In order to answer the questions that I posed at the beginning of this essay, it is necessary to combine approaches. Analysis through humanitarianism, in my research, cannot be separate from new forms of diplomacy. Further, within these two, a look at old-fashioned rationalism, and constructivist inquiry aid in getting to the heart of my study. None of the approaches negates the use of the others (Epstein, 2013; Hopf, 2013; Gómez, 2019). In fact, Sharp lays out ways in which scholarship on diplomacy and other forms of inquiry must find ways to collaborate. Humanitarianism is useful in both scholarship and action in this regard (Sharp, 2009).

Further, as I attempt to answer my own primary research question, I had to wade through a series of dilemmas confronting me on this issue in the

Dominican Republic. On the one hand: 1) should not any sovereign nation have the right and even the desire to define who is a citizen and who is not? After all, we in the Americas are far from achieving the ultimate borderless entity that could see the complete unfettered movement of people throughout the region. 2) Throughout my scholarly life, I insist that groups of people have the right to define themselves, including those that form a nation. Therefore, who am I to state otherwise? 3) Seeking models of best practices on which the Dominican government can base its decisions, I found very little to encourage this analysis. Many readers might ask what the United States –or Britain, France, or Germany– would do in similar situations. While any practice might serve as a model of what is possible and what is not, the focus here is on a) a small state<sup>7</sup> that is b) part of the developing world and that is c) squarely engaged in South-South relationships.

Even before the time that the case was in decision, the United States was not always a model of immigration policies. During the Trump administration, advice about how to handle immigration in the Dominican Republic and anywhere else would come across as very hypocritical, if not cynical. Yet, tackling these dilemmas, I believe to have come up with some useful tools of analysis. A partial answer lies in scholarship that acknowledges the non-state actors who are outside of the official diplomatic and government circles, but who insist on being key players on the world stage. My increasingly specific pursuit becomes literary giants, mainly of the Global South in

<sup>7</sup> When defining small states, I choose to focus on the size of the population, not the economy or other factors. Not all small states are developing economies, but many of the developing economies are small states. Important for me is that there are strategies particular to their size that they use to carry sway in the world. (Braveboy-Wagner, 2008; Cooper & Shaw, 2012; Corgan, 2008 & Hey, 2003).

their attack on Judgment 168-13. For these literary figures, I will continually refer to them as the literati and acknowledge that theirs is not state-to-state discourse, not truly non-state-actor-to state, but rather non-state actors addressing the public writ large. Whereas the diplomat is a nearly invisible actor in the equation between states, the non-state actors are bold in their attempts at persuasion, seemingly not caring, but, in fact, hoping, that the world witnesses the entire exchange. In this sense, I look at the literati in the public sphere.

Related to the question of exposure of heinous issues or simply mundane ones, the Global South historically receives scant attention for its humanitarian and even diplomatic efforts. (Braveboy-Wagner & Snarr, 2003; Gómez, 2019; Zvogo, 2019). Even less scrutiny acknowledges humanitarian efforts *among* Global South nations, and as such, it is an under-studied component of south-south research. Typically, it is the assumption that existing frameworks of humanitarianism, diplomacy and international relations theory hold the key to analyzing all manner of interactions and for all societies. I would also add that scholars and practitioners often overlook domestic concerns within these developing countries because they deem them as having no pertinence to international issues. Fortunately, such attitudes are changing, and we are seeing the budding results in scholarship, including on South-South humanitarianism (Gómez, 2019; Lucatello, 2017).

### III. Exposing Judgment 168-13

In the scholarship and reportage on the subject of Judgment 168-13, logically, the focus is on the horrific actions and consequences of the decision (Carrón, 2013; Cote-Muñoz, *et al.*, 2015; García, 2016; Katz, 2018; Pelletier, 2020, Ricourt, 2016; Sala, 2013; Schoaf, 2016). Exposing how

the decision lacks validity contributes to this burgeoning scholarship. If one takes Judgment 168-13 literally, solutions to it would be relatively easy. For example, just by showing that Ms. Deguis had the right to vote in the country of her birth and returning the birth certificate to this Dominican would have put an end to the legal case in which a regional judge was seemingly too zealous in his ruling. However, it is clear that the matter had not-so-hidden components that defy logic. Despite the Judgment that purported to rid the country of all non-Dominican permanent residents regardless of their origins, the *de facto* target of the judgment was people of Haitian descent in the country. Furthermore, initially, the judgment retroactively included all Haitian descendant people –identified, in part, by Haitian-sounding names– as far back as 1929, leaving no doubt as to which people in the Dominican Republic received the brunt of its repercussions (Ricourt, 2016). If one is not familiar with a particular circumstance, especially its longstanding history, a logical reaction is to take at face value the explanation of those making the claim. Accepting the Judgment word-for-word would have de-nationalized many Dominican citizens. At the time of the Judgment, the country had limited *jus soli* or birthright citizenship, but did not act on its legality with any other group of people. Such inaction before the Judgment gives this reader pause.

This decision is historically very significant –with implications far beyond the long simmering animosities between the Dominican Republic and neighboring Haiti.<sup>8</sup> Further, it is apparent that, in their rationalist actions, the judges anticipated some international criticism when they focused on the question of rights to a nationality. The judgment tacitly suggested

that Deguis had the right to claim citizenship in Haiti and, therefore, should “go home” to that country. Newspapers sympathetic to the government supported the judgment wholly, including the predictable accusation that “outside agitators” were the cause of this nuisance. For example, Melvin Matthews, columnist for the newspaper *Hoy* (Today) had this to say: “She is Haitian, protected by the Constitution of Haiti. Why doesn't Haiti issue her an identity card and a passport?”<sup>9</sup> However, in subsequent interviews with her, the press confirmed her birth in the Dominican Republic and revealed that she never set foot in Haiti.

Crucially, citizenship was at stake for over 200,000 Dominican-born people (Inter-American Commission on Human Rights - IACHR, 2015). The claim by Deguis is that she is a Dominican citizen by virtue of her birth in the country. The situation grew beyond the individual who is Deguis and spoke to the issue of domestic rights for thousands of Dominicans. It was never solely about this one individual (Peguero, 2016). In fact, the Dominican courts ruled that Deguis is now a citizen of the country. However, the problems with Judgment 168-13 did not stop there. By extension, for many Haitian Dominicans the claim involves the multi-generational permanence of their families in the country. Paradoxically, when the Dominican Court initially ruled that Deguis was not a citizen, they deprived her of the right to leave the country because she had no passport. A state of limbo continues to exist for too many. In the wake of growing international condemnation, the Dominican Courts issued Judgment 168-14, which modified slightly the original ruling 168-13. Among other changes, no longer would the Courts insist on making the decision retroactive to 1929. While certainly an improvement, this act did not strike at

<sup>8</sup> See below for some historical context on Dominican-Haitian relations.

<sup>9</sup> “Ella es haitiana, protegida por la Constitución de Haití. ¿Por qué Haití no le expide cédula y pasaporte?” translation mine. See Matthews reference below.

the core of the problem –accepting as full citizens the Dominicans whose ancestors were Haitians.

#### IV. Context for Judgment 168-13

Deguis was not the first person to legally sue the Dominican Republic for citizenship. In 2005, Dilcia Yean and Violeta Boscio did the same and won the right to that sacred claim in the country of their birth. Yet, one of the immediate precursors to Judgment 168-13 is Law 285 that dates from 2004. This law defined Dominican children of parents born elsewhere as non-citizens because they were offspring of people “in transit”. In effect, the law de-nationalized both the children, even though they had certificates of birth and other legal documents like the national identification card showing that they were from the Dominican Republic. There was outcry, particularly from the neighbors of the country in the Caribbean. A few of the many Dominicans of Haitian descent like Yean and Boscio who sued in court, won their cases and achieved citizenship, with some caveats though. Yet, the majority of those affected by the Law continued to suffer from its blow. It was not until Ruling 168-13 that international attention far beyond the region began to focus on its implications. In 2015, the Inter-American Commission on Human Rights (IACHR) further showed that the Dominican Republic had no right to declare such Haitian Dominicans as being “in transit” decade after decade. When it appeared that the world forgot these judgments, the Dominican courts re-instituted their decision to deny citizenship to those they considered “in transit” or otherwise undesirable. The judgments state their opposition to anyone who does not fit their definition of Dominican citizens, but if there are records of people not of Haitian descent who are “in transit”, these records are very few. Despite earlier atrocities and the subsequent judgments

against the Dominican Republic, it is likely that the outcome of the Deguis case has some permanence and that future generations of people of Haitian descent in the Dominican Republic will suffer less indignities. However, one cannot claim total victory in this area.

While reactions to Judgment 168-13 are useful for understanding domestic atrocities in other nations, it is necessary to examine each country, each situation within its own context. It speaks to the intermestic properties of a particular action –how the Dominican Republic and Haiti have fought since their beginnings to separate identities. Negative attitudes towards its neighbor were in existence for so long in the Dominican Republic that the phrase “anti-Haitianism” captures the sentiment. It partially explains why the government methodically planned its actions leading up to the Judgment to carry out illegal mass deportations (Ricourt, 2016, p. 38). On the surface, anti-Haitianism was a deep-seated suspicion and even hatred for all that connotes Haitian background: from thoughts on the very definition of civilization to the deep hue of one’s skin color to the texture of one’s hair (Shoaff, 2016). As I briefly discuss in this paper, it is more complicated than that below the surface. Importantly, I build my research based on the weary declaration of Torres-Saillant. The Dominican people do not reject any notion of African ancestry and presence, but the ruling elite often do.<sup>10</sup>

It is telling that, despite the long history of Dominican-Haitian relations appearing in written format, scholars continue to feel the need for explaining anti-Haitianism. Context is a partial reason for this complex history. However, as the scholarship gains ever-wider readership, there is a need to explain again the relationship. Younger

<sup>10</sup> See Torres-Saillant in the Reference Section.

scholars carry the explanation even further.

La *Sentencia* was the climax of two decades of legal actions aimed at disenfranchising ethnic Haitians and divesting them of civil liberties and citizenship rights. La *Sentencia* is part of the troublesome history of Hispanophile anti-Haitianism institutionalized during the Trujillo regime. One of the most pervasive bequests of the Trujillato is the production of black bodies –which, as we have seen throughout the book, are imagined as Haitian– as foreign. Politicians, journalists, and state-serving intellectuals use the term “Haitian” to refer to Dominican citizens of Haitian descent, *rayanos*, immigrants, and seasonal cane workers. [...] Though this dominant diction of *Haitianity* as historically excluded ethnic Haitians and AfroDominicans from the national imaginary, the recent passing of Law 168-13 converted the symbolic into action, effectively legalizing the expulsion of black Dominican citizens of Haitian descent from the nation's territory (García, 2014).

Anti-Haitianism and Judgment 168-13 are seemingly at odds with the budding profile of the Dominican Republic as a middle-class economy with the possibility of greatly altering the status of its citizens. Yet, when one looks back through the country's history, it is clear that actions similar to Judgment 168-13 occurred too often. Scholars and observers of the country's relationship with Haiti can cite a litany of events that brought the two island nations to the present point. Here are a few of the events and facts that have direct bearing on this article: The Spanish-speaking country of the Dominican Republic shares the island of Hispaniola with Haiti, its French and Creole-speaking neighbor to the West. The divisions between the two countries

date back to before the founding of the modern Spanish-speaking nation in 1844. Following its own independence and abolition of all slaves from France in 1804, Haitian liberators of St. Domingue –both slaves and free blacks– sought to liberate the eastern, Spanish portion of the island from Spain and to combine both regions into one free republic under Haitian control. Even though Dominicans were a colony of Spain at the time and most of its people were slaves of African descent, Dominican elites then and now view this attempt from Haitians as another form of oppression. As Ricourt states, “These sentiments would solidify into intellectual rhetoric and state policy during the rest of the nineteenth century, and they persist today” (Ricourt, 2016, p.30). One further important fact that informs this article is that Haitian laborers have a long history of crossing the border hired by Dominicans to work for low wages in the sugar cane fields and in other menial labor activities. Treating these workers as a nuisance, Rafael Trujillo (1891-1961) orchestrated the “Parsley Massacre” in 1937 in which Dominican forces killed more than twelve thousand people of Haitian descent. There was no pretense of justice, but there was a clear aim of ridding the country of Haitians. This was long before global watch groups trained their eyes on the small island nation, and Trujillo never faced justice for the crime. Further, humanitarianism was not the global force that it is today (Wucker, 2014; Fumagalli, 2015; García, 2016; Ricourt, 2016).

While the massacre and other atrocities undoubtedly have to do with old hatreds, political vote getting is another equally sinister motive for anti-Haitianism. Successive generations of Dominican rulers and politicians continue to show that they are capable of fanning the flames of hatred as Trujillo did in order to win votes

and pass legislation. In recent history, the infamous activities surrounding the 1996 presidential bid of the late José Francisco Peña Gómez provide further claims to anti-Haitianism on the part of Dominicans.<sup>11</sup> Although his surname legally would not have placed him in jeopardy of deportation because of Judgment 168-13, Peña Gómez apparently has a Haitian background and, purportedly, he is a descendant of parents who died in the same “Parsley Massacre” that I mention above. Most Dominicans voted for him, although he did not win enough votes to prevent a run-off election against Leonel Fernández<sup>12</sup>. Afraid that Peña-Gómez might win the presidency, the ruling elite literally painted such a negative portrait of this Dominican that he lost his bid to become president. Fernández who was not of the right political wing, sided with that ruling elite, giving legitimacy to the aphorism “politics makes strange bedfellows”.<sup>13</sup> Apparently winning the prize of leader of the country stood above other goals for his nation. Long after Trujillo's assassination, candidates continued to be successful at swaying the public with fears of a Haitian takeover, in similar ways to what the dictator accomplished. In contemplation of the 2016 presidential elections, the noted educator Rosario Espinal wrote of the feud within the ruling party, especially

between the dueling camps of President Medina and former President Fernández. She viewed Judgment 168-13 as having a profound impact on the presidential election of that season, as it did in the past for those seeking to satisfy what the ultra-right dictates.<sup>14</sup> Anti-Haitianism is arguably now on the wane, but it mattered a great deal in the Judgment.

Racism and anti-Haitianism are well-rehearsed explanations for why the relationship between the Dominican Republic and Haiti were often rocky or even why the treatment of Dominicans toward Haitian descent was so blatantly negative. Yet, despite the validity of claims of anti-Haitianism in the country, ethnicity—more than race—is one of the roots of the issue. Most Dominicans do have the blood of sub-Saharan Africa in their veins, and increasingly they publicly acknowledge that.<sup>15</sup> For those with no background in African Diaspora debates, this may seem to be a trivial issue. However, this fact alone adds to the peculiar mix of sentiments and actions of the Dominican people. Given that racial identification is often a question of choice, the Dominican Republic often fell below the radar of interracial strife before recent public declarations of blackness for many prominent Dominicans. Oddly, even Trujillo spoke of the Dominican Republic as a model for racial tolerance. No matter

<sup>11</sup> It is difficult to imagine anti-Haitian elements increasing their level of hatred, but, in one of the ugliest political campaigns of modern times, the former mayor of Santo Domingo and the winning candidate of the Dominican Revolutionary Party was not only vilified as incompetent and ill-meaning, but also his distant Haitian origins became a rallying cry against him.

<sup>12</sup> Torres-Saillant points this out when he discusses a Dominican way of embracing blackness. See Torres-Saillant 2003

<sup>13</sup> Ricourt. p. 39 reminds us of other seemingly contradictory political moments in the history of the two nations: “[A]-though physical, cultural, political, and symbolic borders divide the Dominican Republic and Haiti, dictators and antidemocratic forces have cooperated across it.”

<sup>14</sup> See her many blog entries, among them: “Leonel Fernández A Contracorriente” <https://rosarioespinal.wordpress.com/2014/11/12/leonel-fernandez-a-contracorriente/> and “¡La Patria! ¿Cuál Patria?” Julio 30, 2014. In addition, her many publications are useful. See references in her blog: <https://rosarioespinal.wordpress.com/>

<sup>15</sup> I often make a distinction between public expressions of racial identification and the everyday practices of people who go about their lives without contemplating race. For the Dominican Republic one can consider the works of the poet Blás Jiménez, novelists Junot Díaz and Nelly Rosario, as well as scholars García Peña, Torres-Saillant and Sherezada (Chiqui) Vicioso, just to name a few. In addition, see Captain, “Aída Cartagena Portalatín: ¿intelectual entre iguales?” which references the above-mentioned Dominicans in the Reference Section.

how absurd this appears to the scholars outside Dominican culture and politics, much of the anti-Haitianism was more a political tool used by the elite than it was a loathing and fear of Haitians. If the former is more the case than the latter, then these are important lessons that probably helped to stem the cycles of anti-Haitianism in the country. It can also teach us how to sort out similar patterns of injustice within other countries. National politics matter (Torres-Saillant, 2003; Franco, 1969; Wucker, 2014).

Applicable to establishing the context for this study is the fact that the Dominican Republic is now a solidly middle-income economy (World Bank, 2017), when in the past its poverty was not entirely different from that of Haiti's. As the country moved from a labor-intensive economy to a more industrialized, educated one, there was less need for day laborers and other low-wage employees.

It is in tandem with the legal development that is Judgment 168-13 that the particular political strategy of vilifying all things Haitian intensified. In part due to the strengthening economy of the Spanish-speaking country, the mere mention of Haiti proved to be a rallying point for all manner of claims of national interests for political parties that are right of center.

### V. Rational Acting and Judgment 168-13

In a sense, both the government of the Dominican Republic and the literati I study who are against the Judgment acted rationally in their attempts to move their positions forward. Several factors come into play when considering rational actions in this case. I will focus on two: drawing on experiences, the government and its supporters were smug in their assumption that they would triumph, even when challenged. The literati sought to take advantage of their fame and draw world attention to the plight of Dominicans of

Haitian descent. The government, by taking up this case from the regional court of Monte Plata, made a series of calculations in which it assumed that the plea by Ms. Deguis would somehow disappear. Knowing that national governance does not fade away (Neumann & Sending, 2010), the Dominican government cloaked itself in sovereignty, ruling that the pronouncements by the regional courts were correct. There was no political will on their part to alter their way of dealing with these citizens. On the other hand, the non-state actors, who are the greater focus of activities in this essay, are outside of the purview of traditional humanitarian action and diplomacy. These literary figures took seriously the notion of the right of every human being to a sense of dignity and place. They contemplated what would move this case, as well as the cause of fighting anti-Haitianism to a greater degree of finality, if not put an end to it completely.

[T]he unifying unique quality of celebrity as a category is that it rests on the media documenting it and affirming that such a category exists through reporting on the exclusivity of the institutions, events and social networks of which they are apart, regardless of the industry they are affiliated with or whether they are viewed as talented or talentless (Ravid & Currid-Halkett, 2013. p.186).

Further, the very fact that Julia Álvarez, Edwidge Danticat and Junot Díaz chose to collaborate with one another and with Mark Kurlansky in 2013, is a deliberate rational act.

One might wonder why Mario Vargas Llosa would concern himself with this seemingly domestic matter for Dominicans. He holds Peruvian and Spanish citizenship, and his politics veered to the right of center, not long after publishing his famous article of 1967 praising leftist movements (Vargas, 2004). Regardless of his political turn, his writing always condemned tyranny as

with his first novel *The Time of the Hero* in 1963. One of his latest novels, *The Feast of the Goat*, 2000, is a gripping depiction of Rafael Trujillo and the events leading up to his assassination. In the case of Julia Álvarez, Edwidge Danticat, Junot Díaz, and Mark Kurlansky (2013) the reason for their intervention may be more obvious. All are social activists in their own right, and the three literary stars frequently pen tomes that address the anti-Haitianism present in Dominican society. Both Julia Álvarez and Junot Díaz continually write about the politically dominant Dominican elite forces, including continuing Trujillismo<sup>16</sup>. Despite the present self-inflicted woes of Junot Díaz, it is unlikely that he will cease to pillory the Dominican elite. Add to this the fact that Haitian-born Edwidge Danticat does not shy away from tackling any issues that relate to the troubled, yet beloved place of her birth. Award winning journalist Mark Kurlansky (2013; 2014) aided in providing the perfect storm for upstaging a recalcitrant Dominican elite.

Finally, both the solitary figure Mario Vargas Llosa and the quadrumvirate appointed themselves as “people ambassadors”, preferring to take their messages directly to a global audience. As Sharp indicates,

It is possible, indeed probable, that even in the absence of a government or overarching authority, relations between peoples can develop a social character in the sense of shared understandings, conventions and rules about what is, and what is supposed to be, going on (Berridge, 2010; Sharp, 2009; 114, pp. 290-292).

Even though Sharp analyzes primarily nation states and not groups like literati, his words ring true. To create a “sense of

<sup>16</sup> Trujillismo was the dictator’s governing style that imposed its will with violence and fear. To this day, its effects are in place in the country, and there continue to be people who defend his reign.

shared understanding”, each of the letter writers had to cease, at least temporarily, viewing themselves as belonging to one or even two groups simultaneously. Instead, they had to think in terms of a larger, global society of compassionate souls who would balk at, and possibly apply pressure to, the authorities. The fact that they hailed mostly from the developing world was a plus in their ability to garner support for the cause of Deguis and others like her. It is precisely this sense of shared social character that propelled the literati to the relative success that they helped to bring about. In truth, their approaches were not a strict dictionary definition of humanitarianism and diplomacy. In the case of the former, none of the literati wrote for an NGO or organization with formal recognition. Mario Vargas Llosa wrote from within the daily newspaper *El País*, and this was not a commissioned piece on human rights, but rather, a part of his regular contributions to the journal. In addition, the literati acted decidedly outside of government diplomatic circles—as there is no indication that they sent either letter with the permission or knowledge of their respective governments. Hence, their actions are more at citizen humanitarianism and diplomacy. Clearly, both groups of literati wrote seeking to engage both the government of the Dominican Republic as well as the global public. Both were aware that the public letters would end up in the hands of government officials. At the same time, by writing open letters in newspapers with high readerships, the two groups of literati were keenly aware that their efforts would garner a response by both the larger public and by the government and its followers.

For the government and its supporters, history was a partial guide to its decision. The Parsley Massacres, the continued poverty of Haiti that sees its citizens seeking employment in its neighbor’s country, through the once porous borders, the inability of the international diplomatic corps to render any decisive blow to their actions, undoubtedly contributed to their

self-assuredness. On the other hand, the artists, activists and scholars have in common the assumption that their celebrity status would propel the dialogue further. Mario Vargas Llosa had this to say in his stinging piece about Deguis: "My hope is that the opposition against her, both internal and international, liberates the Caribbean from such a barbarous and flagrant injustice. Because the decision of the Tribunal is not limited to a pronouncement on the case of Juliana Deguis Pierre" For Julia Álvarez, Edwidge Danticat, Junot Díaz and Mark Kurlansky (2013, online), part of their strategy was also to take the argument to the general populace, moving beyond the state's apparatus. Moreover, the four fictional writers –Julia Álvarez, Edwidge Danticat, Junot Díaz, Mario Vargas Llosa, and the journalist Mark Kurlansky– surely understood that their super status among the literati would aid in reaching a vast audience (Vargas, 2013, Kurlansky, *et al.*, 2013).

While the diplomatic community was steady and unequivocal in its condemnations, the group's power to affect change in a short time frame was not always optimal. Instead, their actions –like those of all diplomatic interventions– often require long periods of careful planning and consensus building in order to move forward. On the other hand, the literati and other media-savvy groups have the ability to mobilize even the least activist human beings in how countries run themselves. One sees this throughout modern history with multiple examples.

## VI. Enter Humanitarianism

Unlike broader issues like global terrorism and economic disparities, Judgment 168-13 was a singular event that failed to register in too many international forums. Fortunately, it triggered some efforts among nations and among non-governmental entities. While it bears relation to many of the broad issues of the day –economic disparities, ethnic animosities, border disputes– the primary catalyst for even the small amount

of response that it triggered was the sense of injustice perpetrated by the ruling elite in the Dominican Republic over its own people of Haitian descent.

Theories of particular humanitarian and diplomatic approaches about coercion through military intervention, open dialogue between the two groups, public diplomacy, threats of sanctions, and reputational shaming come to mind (Barnett, 2008, 2011; Berridge, 2010; Gómez, 2019; Sending *et al.*, 2011; Snow & Taylor, 2008). However, as burgeoning scholarship on the Global South demonstrates, the existing research rarely fits neatly into the particular circumstances surrounding South-South relationships –a truth that finds the analysts of the region crafting together strategies from wherever they stem (Braveboy-Wagner, 2003; Gómez, 2019). With regard to the current article, I confess to having snickered at some of the terminology, if not the analyses, for newer scholarly approaches to humanitarianism and diplomacy like "dirty diplomacy," "guerilla diplomacy," "people diplomacy," and "total diplomacy" (Copeland, 2009;<sup>17</sup> Hocking & Sharp, 2009; Murray, 2007). However, after studying Judgment 168-13 and its context, I have come to believe that these are as valid approaches to solving particular problems as any other. In addition, it should come as no surprise that the exciting work that scholars conduct on the subject of Celebrity activism convinces me to add yet another new term to the growing field of humanitarianism studies –Celebrity humanitarianism (Huliaras & Tzifakis, 2010; Ravid & Currid-Halkett, 2013; Marshall, 2014; Cooper, 2013). I argue that these literary figures made use of their "cultural capital" (Bourdieu & Passeron, 1985; Ohlsson, *et al.*, 2014) to advance the cause of Dominicans of Haitian descent. The literati's ability to "take it to the streets" –the public sphere that, in a twenty-first

<sup>17</sup> Admittedly, Copeland analyzes former guerrilla warriors, as they become legitimized leaders of their countries. However, there is no reason why the tactics they used during war cannot serve to describe the tactics for the war on words waged by the literati against the government of the Dominican Republic.

century take on Habermas, is an opposite of officialdom— had an impact on where the issue of Haitian descendant Dominicans stands today. Their approach benefitted from part of what Hopf terms “mass common sense” (Habermas, 1993; Hopf, 2013; Black Public Sphere Collective, 1995). “Guerrilla diplomacy,” while initially an analysis of how former guerrilla warriors enter the global diplomatic communities, is particularly apropos here. Absent physical war, some of the tactics that the literati employed are remarkably similar to some of the actions that guerrilla fighters use in times of battle. Strike when your opponent least expects it; use whatever means is available to you; get the public on your side; continue to attack until there are results; finally, move on to the next fighting arena. In the case of the literati, this could be simply a return to their fictional pieces.

Both the lone critic of the Judgment, Mario Vargas Llosa, and the group of protesters that I highlight above received pushback indirectly from the government and through the elite’s faithful supporters. For Mario Vargas Llosa, there were opinion pieces stating, “Who does he think he is?” since he is not of Dominican descent. In addition, there were efforts to declare him and family members as *persona non grata* in the country.<sup>18</sup> The harshest criticism of the group of four went to the two Dominican ex-pats, particularly their diminished skills in the Spanish language.<sup>19</sup>

<sup>18</sup> <https://eldia.com.do/piden-declarar-vargas-llosa-persona-grata-en-republica-dominicana/> The Dominican government did declare his son Gonzalo, who lived in the country, as *persona non grata*: <https://elcomercio.pe/mundo/actualidad/republica-dominicana-declaran-personanon-grata-hijo-mario-vargas-llosa-noticia-1658378/>

<sup>19</sup> Their open letter was in the English language, and so their critics were committing on their works that had no direct bearing on the letter. Julia Álvarez and Junot Díaz both address how their language skills changed since ending their formative years in the United States and not in their native Dominican Republic. However, even if they wrote the letter in “Spanglish,” it would not have diminished its scathing power. The message of the government’s historical cruelty towards its Haitian descendants would have been just as clear.

In addition, Junot Díaz saw the revocation of the Order of Merit that he received in 2009 (Kellog, 2015). Yet, in no instance, was the opposition to the literati able to engender much empathy beyond the public that was pro-government in the first place. Further, unlike with the letters written by the literati, there is little indication that the attacks by the government’s supporters held sway beyond the borders of the Dominican Republic. Finally and in yet another paradox, the Dominican Republic is one of the nations whose current literary figures living *within* the country receive less acknowledgment in the larger world than their ex-pats. Julia Álvarez, Junot Díaz, and a host of other writers of Dominican descent garner more fame than their brethren and sisters within the nation.<sup>20</sup> Far from making a critique of the talent of those who remain in the Dominican Republic, I wish to remark that, because of their global recognition, the ex-pats were successful in their goal to focus world attention on the cause that is in opposition to Judgment 168-13.

In some ways, the literati’s actions are exemplary in South-South humanitarianism. Not only are four of the literary giants from the developing world and continue to identify themselves in that way, so are many of the humanitarian and diplomatic actors who involved themselves in protesting Judgment 168-13.

<sup>20</sup> The greater the number of printings, the more likelihood of reaching a broader audience. In many countries, including the Dominican Republic, a writer can expect the press to print 3,000 copies of a publication; often they print 1,000. In contrast, the literati who are the focus of this article, see publications in the 100,000 range and higher. This truth might seem contradictory in the case of former President Balaguer who, even years after his death, has the distinction of being one of the most read Dominicans, but *within* his country, and with small printings each time. As Torres-Saillant points out, his *La isla al revés: Haití y el destino dominicano* has yet to go out of print, despite its initial debut in 1983. Its torrid anti-Haitianism is a major reason why upper-class Dominicans continue to buy it. (Torres-Saillant 1994) Unlike with the ex-pats Álvarez and Díaz, there is no evidence of a non-Dominican following of this or his other works.

### VII. Getting to "Yes":

While this paper by no means can offer the solution to such a protracted problem as a nation that repeatedly mistreats its own people, it, nonetheless, traced some of the actions on the road to success so far and suggested some measures that might further the remedy along. In this case, that could be nudging Dominican decision makers towards a different outcome. Moreover, how the Global South treats the issue of Judgment 168-13 is instructive for what South-South diplomacy is capable of achieving. In what I deem to be a very positive development, regional bodies such as CARICOM and, to a lesser degree, the Organization of American States (OAS) responded with the type of vehemence that "officialdom" permits: "we are concerned" and later "we are very concerned". Officials in government agencies and affiliated bodies must speak and act in an approved, measured way. Thus, they voice "concern" and "deep concern" rather than outright indignation. Admittedly, the diplomatic community's response to Judgment 168-13 was more meaningful than those few words. CARICOM worked ceaselessly and with united strength in order to resolve this situation. The OAS, with less involvement, nevertheless made resolutions and sent communications, albeit in a more perfunctory manner. This latter action hones my point that those with the most to gain from the ending of a crisis are those who should involve themselves to a greater degree in its resolution. By sending separate official letters, CARICOM and to a lesser degree, the OAS put the Dominican Republic officials on notice that their actions were under observance and that further action might take place. However, the diplomatic route is a long-winding one that requires many official signatories in order to act in even the gentlest of ways. Moreover, bureaucracy in the diplomatic world almost ensures that officials will be slow to act, even when loss of life is imminent. It is even less likely to act quickly when the issues are not life threatening on a major scale—no matter how onerous the situation— (Caribbean

Community and Common Market, 2013; Braveboy-Wagner, 2008, p. 152; Linos & Pegram, 2016). While seemingly innocuous condemnations, the Dominican government understood the carefully measured steps official diplomacy was taking in order to move forward incrementally with stronger actions. Yet, the Dominican Republic traveled a similar path before and with the same regional bodies as well as the global polity, that is the United Nations. What was different this time? Certainly, not a change of heart in the Dominican government. The literati can claim victory, even if they were only part of the solution. The decisive activists of non-state actors, who happen to have star power, did not require prolonged contemplation or action for their success. The two separate letters to the editors—one by man of letters Mario Vargas Llosa and the other by artists and activists such as Julia Álvarez, Edwidge Danticat, and Junot Díaz, along with journalist and activist writer Mark Kurlansky *et al.*, (2013)—exemplify this difference between officialdom and Celebrity activist humanitarianism.

There is an advantage to broadening the definition of humanitarianism and diplomacy so that it embraces other parties of interest. Individuals, NGOs and other non-government entities can speak in a language and act in a manner that more directly conveys the sentiments of the practitioners (Rieff, 2004). The swift action by prominent global citizens of Dominican descent like writers Junot Díaz, Julia Álvarez, and as well as the writer of Haitian descent Edwidge Danticat, Peruvian-Spaniard Vargas Llosa and the journalist Kurlansky helped to propel recognition of the issue forward, making action against Judgment 168-13 a cause célèbre. It is a fact that other individuals and groups also chipped away at the Judgment. Agency on the part of Haitian Dominicans continues to be obvious. For example, the late Sonia Pierre worked ceaselessly to ensure a quality of life for Dominicans of Haitian descent. Her NGO Movement of Dominico-Haitian Women (MUDHA) was the catalyst

for much of the activism leading up to mass protests and action. The Santo Domingo NGO, Centro Bonó, maintains its efforts to fight for Dominicans of Haitian descent. The younger Reconoci.do group works fervently for the cause of recognition as Dominicans.<sup>21</sup> To name a few others, I cite former New York State Senator Adriano Espaillat, and the aforementioned regional body CARICOM, as well as the Jesuit Refugee Service. They are worthy of greater study, especially for their humanitarian actions.

### VII. In the Wake of Judgment 168-13

The Dominican Republic has a unique history that affects its international relations, particularly with respect to its neighbor Haiti, with which it shares the island of Hispaniola. While some of the Spanish-speaking country's concerns are specific to that nation—others directly impact surrounding nations, thereby becoming intermestic encounters. Such is the case with Judgment 168-13. Barely shielding its attempt to mass deport Dominicans of Haitian descent, the government received surprised opposition to its tactics and practices—opposition that is helping to turn the tide on the anti-Haitianism within its borders. It will take some time before there is closure to the crisis that is the Judgment. As Pelletier states, “Overcoming structural and historical discrimination and racism as a root cause of statelessness in the Dominican Republic will take years [...]” Pelletier (2020).

While the aftermath of Judgment 168-13 continues to be in debate and anti-Haitianism is still visible, there is some evidence that the struggle for human rights for Dominican-Haitians is gaining strength. The resistance to anti-Haitianism

was always in existence, but it is far more prominent than before. Elections no longer center on whether people of Haitian descent are “taking over and bringing their savagery with them”. The nation's everyday citizens are more knowledgeable about the elite who once dominated their actions, and they are less prone to the ethnic baiting that would have them turn on their fellow citizens. Dominican expats began returning to the island with very different thoughts about who constitutes the nation when they left, including, for most of them, their status as citizens of the African Diaspora. Their influence is palpable, and popular culture provides evidence of such in movies, music, and other performative arts, including beauty pageants.

My focus has been on one particular group that aided in this shift. Literary activists—some with ties to the Dominican Republic and Haiti, one with ties to the larger Latin American and Spanish-speaking world, and one who emanates from the journalist world of the United States. From the onset, I had questions that needed answering. After much contemplation, I am reasonably certain that the Dominican elite was able to perpetrate such unhumanitarian acts because few outside of their region were paying attention. What is helping to change the behavior of the government and its supporters is the knowledge that the world is watching. The literati, who were the focus of this essay, did their part in bringing the crisis to the public sphere. Combined with the pressure of long-standing organizations, their celebrity status helped to propel the changes now in place. Hence, one might argue that the fame of some can lead to the exposure of negative issues and work towards the eradication of those problems. The actions of the literati constitute a specific and useful lesson that serves as a case study.

<sup>21</sup> The name “Reconoci.do” with the dot towards the end of the title is a play on words. It means both “recognized” and the Dominican Republic, as the internet geodomain designation for the country. See their comments on the Judgment: <https://www.facebook.com/watch/?v=777853719694198>

On the one hand, the Dominican Republic has every right to govern itself as the sovereign nation that it is. On the other hand, when governments abuse their citizens, the diplomatic mechanisms that are in place should step in. Fortunately, non-state actors take it upon themselves to aid in a crisis when the authorities are recalcitrant and when the traditional routes of problem solving cannot move quickly enough. In this sense, the literati serve as a model, as others have done in the past, to hasten the necessary changes. During the Civil Rights struggles of the United States, few in northern states paid attention to the movement of the 1950s and 1960s as southern governors and everyday white citizens defied national laws of integration. In came movie stars from Hollywood, and suddenly the world was paying attention and beginning to understand the need for change. "We Are the World" stated musicians in the mid-1980s as they helped to stem hunger in Africa, much more quickly than any governments or official aid societies did. The reader can list other equally compelling interventions by celebrity activists—whether regional or global.

Of significance to me is that most of the major players in getting this far in Dominican-Haitian crisis are from the Global South. After more than sixty years of arguing for inclusion in world governance, what does the Global South do in order to ensure that members of its community are performing at their best—particularly when it comes to the problems that are only visible within its member states? South-South studies is now mature enough to ask such questions. On the one hand, the Global North is often oblivious or unconcerned with these problems. On the other hand, the Global South community is all too aware of what is happening within its virtual borders. Too often in the past, the solution was to ignore the problems or look mainly to the Global North to solve

the problems of the Global South. Yet, if the South is ever to become the significant player that it wants to be, then more action on its part is necessary. This article has been about one such problem and about ways in which South-South relations played a role.

Judgment 168-13 is but one of many national atrocities that a government perpetrates on its own people. Further, the actions were not singular in nature, but rather part of a stream of events that more-or-less culminated in this fateful decision. Haitian Dominicans suffered tremendously under the thumb of their own government since the dawning of the nation as its own Republic in 1844. Despite its lack of singularity, Judgment 168-13 saw many voices come together—both national and international—to change the tide of events in a definitive way. The literati, the diplomatic community, led by countries of the Global South, civil society groups—both local and international, NGOs, and enraged global citizens all contributed to eradicating some of the most egregious components of the Judgment. Of particular interest to me were the humanitarian tactics by the literati and the swift responses to their work. When one approaches Judgment 168-13 as indicative of what might occur in other nations of similar ilk, a global, partial solution becomes evident. The best way to solve a problem is, for the people who receive direct impact from it, to take the helm.

If the world continues to watch and act in a humanitarian fashion, there will be less hidden intermestic crises that plague all nations. A global watch can be key in curtailing abuses in countries that do not often get the spotlight. Rather than waiting decades to solve international crimes, constant pressure, coupled with monitoring can find the underlying cause of the crime much earlier and perhaps even prevent it.

What will affect change among Global South nations is the knowledge that the world is watching *and acting* on the atrocities

to which it bears witness. Through the lens of the humanitarian efforts of world-famous literary figures, I suggest one plausible reason why this made a difference in Judgment 168-13.

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