

Benedetta Faedi Duramy, *Gender and Violence in Haiti: Women's Path from Victims to Agents* (Rutgers University Press, 2014), ISBN: 978-0-8135-6314-5, 172 pages.

Over the past two decades, international law has made great strides in recognizing and addressing gender-based violence.¹ Sexual violence has become the dominant lens through which international law views gendered harms. In international criminal law, rape and sexual enslavement have been criminalized and prosecuted.² Sex trafficking has become a global concern, and the topic of proliferating international and national legislation.³ Though these harms are real and powerful, the narrow focus on sexual and gender-based violence can obscure other harms experienced by women and similar harms experienced by men.⁴ The title of Prof. Benedetta Faedi Duramy's book, *Gender and Violence in Haiti: Women's Path from Victims to Agents*, demarcates a more nuanced approach that explores the roles women play not only as subjects but also as perpetrators of violence.

¹ See, e.g., Halley, et al., *From the International to the Local in Feminist Legal Responses to Rape, Prostitution/Sex Work, and Sex Trafficking: Four Studies in Contemporary Governance Feminism*, 29 HARV. J. L. & GENDER 335 (2006).

² International Criminal Tribunal for Rwanda, *Prosecutor v. Akayesu*, Judgement, Dec. 2, 1998, Case No. ICTR-96-4-T; International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, Appeals Chamber, *Prosecutor v. Kunarac et al.*, Judgment, June 12, 2002, Case No. IT-96-23 & IT-96-23-1-A.

³ See, e.g., Janie A. Chuang, *Exploitation Creep and the Unmaking of Human Trafficking Law*, 108 AM. J. INT'L L. 609 (2014).

⁴ See Lina Maria Cespedes Baez, *The City of Lettered Women, The Country of Women Victims* (forthcoming 2016).

The book contextualizes sexual violence, situating it within a cycle of inequality that begins by requiring young girls to be household servants and ends with the nearly complete exclusion of women from politics. Prof. Duramy's in-depth case study contributes both substance and method to the burgeoning literature on gender violence and international law.⁵

The book is meticulously researched down to the last detail, offering rich and comprehensive perspective on the understudied experiences of impoverished Haitian women. The case study method enables Prof. Duramy to explore the situation of these women holistically, describing them as entire human beings rather than simply victims of violence. She is admirably evenhanded in her approach to these complex and potentially controversial materials. Prof. Duramy is clearly of the opinion that Haitian women face unacceptable levels of violence, but she resists the temptation to portray her subjects as angelic or as entirely lacking in agency. The resulting nuance is an important driver of her theoretical contribution. Though the book is largely descriptive, and valuable for that description alone, it also links the situation that she studies closely in Haiti to broader questions in the field. This means that Prof. Duramy's work offers a rare combination of sophisticated original material and theoretical food for thought. Fortunately, she is also a gifted writer. Given the descriptive detail, in the hands of a less talented author, this material might be painfully dry. In Prof. Duramy's hands it is lively and engaging; like her other work, the book was difficult to put down, which is not

⁵See, e.g., ALICE EDWARDS, *VIOLENCE AGAINST WOMEN UNDER INTERNATIONAL HUMAN RIGHTS LAW* (2011); BONITA MEYERSFELD, *DOMESTIC VIOLENCE AND INTERNATIONAL LAW* (2010).

a common experience with legal scholarship.

Gender and Violence in Haiti is a richly detailed exploration of the deep-rooted problem of sexual and gender-based violence in one of the poorest countries in the world.⁶ A less gifted and dedicated scholar would have thrown her hands up in despair; Prof. Duramy works through the situation on the ground, the applicable law, and potential responses precisely, thoughtfully, and thoroughly. She imparts not just facts but pictures and impressions from her work in Haiti, bringing the problems she describes to life for the reader. The first chapter, which is largely historical, is, as a result, easy to read and interesting, providing important background for the rest of the book.

The second chapter describes the current situation in Haiti with a combination of quantitative and qualitative research. As an empirical scholar, one of my few quibbles with the book was that I would have liked to see more caution with the statistics, some of which seemed potentially unreliable given the large variations in the numbers (and the inherent difficulties of collecting reliable data in a country like Haiti.) I also would have liked more information, including sample sizes, on the methodology of the studies written by others upon which she relies.⁷ That small quarrel is easily

overcome by the superb qualitative work that Prof. Duramy provides, work that is much more informative and interesting than the data collected by others. She weaves information from her interviews through the book seamlessly, putting powerful stories to work to highlight particular issues and bringing deeper understanding to the many complex questions raised in the book.

Prof. Duramy's deft use of stories is to be particularly applauded given their subject: sexual violence. Stories of sexual abuse wield a particular power; they horrify the reader and yet are magnetic, perhaps because of their sexual content. For those seeking to eradicate sexual violence, putting these stories to work is a complicated balancing act. The stories are often used to obscure nuance and complexity, to foment outrage that can be used to support extreme or simplistic positions.⁸ Yet the stories cannot be ignored. They represent the experiences of the women on whose behalf advocates act, and they hold undeniable moral sway. Prof. Duramy pulls out both of these aspects of the stories presented in her book, and uses them to illustrate the various quantitative studies on which she reports. She also intersperses stories of sexual assault with other types of physical abuse, drawing links between these two types of violence. Finally, she uses the stories to draw connections between political and private violence, suggesting that solutions to the two are inseparable.

Chapter Three is the theoretical heart of the book, questioning the conventional wisdom around women's relationship to violence. Prof. Duramy aims in her book to "highlight limitations in the conventional wisdom" that views "women as victims and men as

⁶ The World Bank, Data By Country: Haiti, available at <http://data.worldbank.org/country/haiti> (classifying Haiti as low income and noting that 58.5% of the population lived at national poverty lines in 2012). See also The World Bank, Poverty headcount ratio at national poverty lines (% of population), available at http://data.worldbank.org/indicator/SI.POV.NAHC?order=wbapi_data_value_2012+wbapi_data_value&sort=asc (ranking Haiti as the third poorest nation studied by national poverty lines in 2012, after Honduras and the Democratic Republic of Congo).

⁷ Prof. Duramy provides thorough methodological information regarding her original work on pp. 10-14.

⁸ See, e.g., Catharine A. MacKinnon, *Trafficking, Prostitution, and Inequality*, HARV. C.R.-C.L. L. REV. 271, 278-81, 307-09 (2011).

perpetrators of violence.”⁹ Her specific task is to “enlarge understandings of why women engage in violence.”¹⁰ Prof. Duramy begins the chapter with a thorough literature review, providing helpful context for the rest of the chapter (and for others writing on the topic). She foregrounds a crucial connection between the perception of women as less violent than men and the exclusion of women from political life. In both situations, Prof. Duramy notes, women are viewed as lacking agency and therefore cast in subordinate roles. Moreover, a focus on women as victims has heretofore guided scholars of Haiti to focus narrowly on risk factors for sexual assault, rather than exploring the broader societal context and structures that encourage violence, whether perpetrated on or by women.

Prof. Duramy then illustrates the applicability of her theoretical frame in Haiti by drawing on her primary research from the field. Prof. Duramy’s careful prose treats her interview subjects even-handedly; she paints them neither as demons nor as saints, but as humans whose behavior is impacted by the desperate situation in which they find themselves. This approach is a core strength of her book. It enables her to ask important questions about women’s agency which, while nearly impossible to answer definitively, must be raised in order to fully understand these women and craft potential solutions to the complex web of problems they face. Prof. Duramy highlights the central motivation for many of these women: the ability to protect themselves and their children in a desperately poor environment. Yet she does not shy away from offering other, less noble but profoundly human motivations, such as anger and revenge.

The fourth chapter sketches out the relevant legal framework, largely focusing on international law but also detailing national law addressing discrimination and sexual violence against women. With her trademark thoroughness, Prof. Duramy covers all of the applicable legal instruments. Her comprehensive compilation of the relevant soft law will be a particularly useful resource for scholars in the field. She is more sanguine than this reader about the potential effectiveness of international law in resolving the deep-seated problems faced by poor women in Haiti, especially when it comes to non-binding instruments. At first this appeared to be a critique of the book, but upon reaching the sixth chapter detailing her proposed legal strategies, it becomes clear that Prof. Duramy is every bit a hard-headed realist about the limits of international law, but one who (admirably, in my view) has not given up on the potential of this law to improve domestic laws in a variety of ways.

Before she gets to that sixth chapter, Prof. Duramy spells out in detail in Chapter Five the very limited remedies available to victims of sexual violence living in Haiti’s slums. This informative and well-written chapter explores “the cultural barriers and practical and institutional obstacles Haitian women face when they are in need of protection and justice.”¹¹ It discusses both social norms that render women unwilling to report rapes as well as enforcement failures in the police forces and criminal justice system. Given the overwhelming and entrenched web of problems faced by impoverished Haitian women, it is hard to imagine that even a well-resourced and capable justice system could ameliorate their condition. The chapter’s focus on law enforcement and legal solutions imported from Northern states also gives rise to the

⁹ Duramy at p. 1.

¹⁰ *Id.*

¹¹ Duramy at p. 100.

question of whether there might exist more locally-tailored mechanisms that could be more effective in beginning to untangle some of the problems presented in the book.¹² Prof. Duramy does touch briefly (and critically) on indigenous dispute resolution mechanisms, but a more in-depth discussion of the available options would have rounded out this chapter nicely.

Prof. Duramy wisely recognizes the limitations of a legal solution, which leads naturally into her discussion of more comprehensive strategies to improve the situation of women in Haiti. A less capable mind and a less dedicated scholar would have thrown up her hands in despair at the complex and seemingly intractable web of problems that trap these women in cycles of violence. Yet Prof. Duramy carefully and patiently walks the reader through a range of responses to the problems discussed in her book. In her words, the situation of Haitian women can be ameliorated “only by implementing long-term, cooperative, and multilateral approaches with local resources and decision making.”¹³

Given the complex set of factors that provoke women into participating in violence, Prof. Duramy highlights the importance of social rehabilitation and reintegration for these women. She focuses on economic and educational aspects of these efforts, including literacy and skills training and financial and material resources such as microfinance support. The chapter also raises the importance of physical and mental health services for women who have suffered violence. Perhaps most crucially, she suggests measures such as child care and geographically accessible training to ensure

that women have equal opportunities to participate in such programs and in society more broadly. Prof. Duramy also recognizes the need to shift social norms in order to reintegrate women and girls who have been subject to sexual violence, suggesting public awareness campaigns and monitoring and support networks. She notes the importance of involving domestic institutional actors and tailoring these efforts to local preferences. The chapter ends with two important contributions: a discussion of strategies to increase women’s participation in politics and several proposals for community-based interventions including public education campaigns. The book concludes with a chapter that addresses the 2010 earthquake, documenting and suggesting solutions drawn from international law to problems that women faced as a result of that natural disaster.

In short, Prof. Duramy’s book is detailed, even-handed, and thoughtful. It upends assumptions that impede deeper understanding of the complicated issues that Haitian women living in poverty face. The book offers readers a nuanced view of an extraordinarily complex situation and presents a range of carefully crafted solutions that one can only hope will inform policy makers in Haiti and beyond.

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¹² See Jaya Ramji-Nogales, *Designing Bespoke Transitional Justice: A Pluralist Process Approach*, 32 MICH. J. INT’L L. 1 (2010).

¹³ Duramy at p.116