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The Toxic Masculinity of the “Legal Bandit”

Under a sexist right-wing regime, violence in Haiti seeps into all aspects of daily life. Women face particularly brutal consequences.

Days before he left office in February 2016, former Haitian president Michel Martelly released a lewd pop song under his stage name, Sweet Micky. The song, “Give Them the Banana,” degraded a female journalist who had been critical of his administration. Months earlier, during a rally in Miragoane on July 28, 2015, Martelly cursed a woman in the crowd who criticized his government and its failure to provide her community with electricity. He called her a “b***h” and urged her to “go get a man and go into the bushes” to calm her down.

These are just a sample of the former president’s frequent and often misogynistic verbal attacks. In the same song in 2016, he also targeted other journalists, including a male radio host from Radio Caraïbes who had questioned Martelly and his clique’s power. Martelly called him a “girl” and a “young lady,” using femininity as an insult. In doing so, he linked the devaluing of people’s words to unequal gender relations and reiterated his recurrent message that women are worthless. In cycles of interpersonal gender-based violence, insults usually precede physical aggression. By hurling insults and disseminating hate, the regime in power also has committed acts of hatred and social violence.

Over the past nine years, the Haitian Tèt Kale Party (PHTK) regimes—first under Martelly then under his heir President Jovenel Moïse—have exercised what Latin American feminists call state violence,

which comes to bear on society in general. By disqualifying women as political subjects while also performing an appreciation of women’s rights for an international audience, the PHTK leaders have institutionalized a form of toxic masculinity in the figure of the “legal bandit.” This type of power, rooted in constructing the people as the enemy and targeting women’s bodies, recalls another somber period in Haiti’s history when one self-interested family took the people hostage for 29 years with the complicity of the international community.

After the devastating 2010 earthquake, many countries descended on Haiti in the name of solidarity, including the United States, France, Canada, Spain, and others. While solidarity between peoples is important, it is not always done with goodwill nor with respect for the dignity of people deprived of resources. In 2011, the United States, in coordination with Canada and France, took control of Haiti’s elections. The Organization of American States, under pressure from the United States and its allies, altered the results of the 2010 first round election to ensure Martelly a spot in the runoff, and thus imposed the PHTK in power. This regime has submitted state institutions to its rule, and President Moïse has even boasted about having named the most corrupt judge in the highest court. This capture of the state and the corruption it has facilitated helped create the conditions for the profound political crisis that shook the country in 2018.



Demonstrators gather to protest rapes of university students and gender violence in Port-au-Prince, May 2019. (STANLEY ALEXANDRE)

In addition to frequently cursing and denigrating people, particularly women, Martelly, who founded the PHTK while in office in 2012, repeatedly has displayed his sympathy for the old Duvalierist clique still residing in the country. For example, on January 1, 2014, Martelly invited former dictator Jean-Claude Duvalier to the city of independence, Gonaïves, to officially commemorate Independence Day. As president, Martelly also expressed his admiration for the Haitian Armed Forces—disbanded in 1995 and later remobilized in 2017—and more specifically the vicious counterinsurgency unit, the Leopard Corps. As Haitian economist Leslie Péan states, the president’s behavior is the rawest expression of what he calls a reheated Duvalierism (neo-duvalierism), which is relevant to understanding how the current regime positions itself as the spiritual heir of the Duvalierists.

Hateful Discourse and Actions

Since the PHTK came to power in 2011, Haitians have witnessed an incremental reinstatement of dictatorship. The ultra-right PHTK regime, which concentrates power in the president, has attacked women’s rights and deployed insults and hateful words to neutralize women’s political power. This is similar to the Duvalier brand of power, which readily attacked women when the regime was establishing itself in 1957, as I have explained elsewhere.

In attacking one woman at a time, Martelly circulated a discourse of hate that impacts all women. We know all too well that insults, as a form of what John Searle called speech acts, carry political significance. Insults anchor domination in society. Didier Eribon shows how insults make and unmake the positions of groups in society, and Pierre Bourdieu asserts that insults constitute a symbolic act that imposes a way to read, analyze, and see the world.

Insults can also reaffirm the hierarchical and uneven relations between groups. In an attempt to censor critics, Martelly used his political position to assert that women cannot question men, rolling back the access to political participation women won after the end of dictatorship in 1986.

In an echo of Duvalier-era impunity, one of the Martelly regime's first acts of hatred against women was its failure to sanction a powerful official accused of rape. In 2012, a diplomat and former Minister of Justice, who was also president of the contested Provisional Electoral Council and head of Office of Management and Human Resources (OMRH), was charged with raping his assistant. The survivor withdrew the charges but maintained that she "was beaten and raped" by the perpetrator and urged the justice system to prosecute him. When women's and human rights organizations demanded that he be stripped of his position as a state dignitary, the regime re-assigned him overseas. The PHTK government has continued to appoint men accused of being batterers and rapists to strategic political posts despite feminists' denunciations.

Rape historically has been an important pillar of women's struggle in the country. The fight against impunity and the demand for justice have been fundamental to women's organizations since they returned to the political scene upon the fall of the dictatorship in 1986. The rape case discussed above and other attacks on women recall the chilling case of Yvonne Hakim Rimpel, a feminist journalist who was kidnapped, beaten, likely raped, and left bloodied in the street on the night of January 5, 1958 after François Duvalier had ascended to power—a clear message to critics of his regime.

Human rights organizations have revealed that rape is a strategy of terror to silence people. As a strategy of maintaining power, the regime has

allowed for systematic massacres in popular neighborhoods in Port-au-Prince. The November 13 and 14, 2018 massacre in La Saline, in which 71 people were killed, included the collective (gang) rape of 11 women. Collective rape is a way to punish and terrorize militant women from popular neighborhoods who rebel against their dire material conditions and state corruption. State officials are among the suspects in the massacre, implicated in acts including the distribution of guns.

In 2019, there were several cases of college students being raped right outside of their campus. By 2020, the crisis had ripened with the *peyi lòk*, general strikes sparked by the PetroCaribe scandal. In late 2020, 22-year-old Evelyne Sincère was kidnapped, sexually assaulted, and brutally killed, deepening an atmosphere of terror. Amid generalized insecurity, abductions have increased in recent months, and kidnapped women are likely to be raped.

On November 25, 2019, a year after the La Saline massacre, President Jovenel Moïse launched "16 Days of Activism Against Gender-based Violence," a United Nations campaign launched on the International Day for the Elimination of Violence Against Women. In his speech in the presence of the first lady and many representatives of the international community, the president urged: "We must,

Collective rape is a way to punish and terrorize militant women from popular neighborhoods who rebel against their dire material conditions and state corruption.

despite our divergences, engage in the restoration of peace, harmony, and security in our country. We must ensure that we prevent and punish, as prescribed by the law, any violence against women as a means of political pressure, demands, and reprisals." The United Nations Integrated Office in Haiti (BINUH) applauded the Haitian government's efforts

in fighting violence against women, even though BINUH investigations of the La Saline massacre corroborated Haitian human rights organizations' findings on the use of collective rape.

Similarly, on the International Day for the Elimination of Violence against Women in 2020, the minister of Culture and Communication published a statement “remind[ing] everyone of [the Ministry’s] commitment to promote, through various communication channels, respect between genders.” Just two months prior, in a September 12 Facebook post, the minister defended a colleague accused of raping and physically and emotionally abusing women, calling the survivors a “laboratory of feminists” seeking to destroy men.

Haitian state officials advance a double discourse. On one hand, they defend and remain allies of accused rapists. On the other, they feign fighting for women’s rights. In doing so, they terrorize women into silence and thwart their role as citizens while they endear themselves to the international community. The international community has failed to condemn the PHTK regime for allowing the proliferation of gangs and kidnappings. In fact, the BINUH credited “the consolidation” of gang control in Port-au-Prince for an alleged drop in homicides in mid-2020 while acknowledging that abductions increased in the same period. The BINUH appeared to praise the gangs for killing fewer hostages, effectively downplaying the ensuing rapes.

Thus, rape is a structuring element of insecurity, as are kidnappings, murders, and other forms of violence. These heinous acts have heightened in response to more radicalized demands for President Moïse to resign. And yet, the government blames the political instability on opposition and human rights organizations, and civil society at large, that denounce its anti-human rights stances. Rape has become a language the PHTK deploys to preserve its power and subdue the people. As anthropologist Rita Segato argues, rape is an expression of men speaking to other men using women’s bodies. Women’s bodies, according to her, are territories men seek to

tame; victory and defeat are constructed on women’s bodies. In Haiti, the government appears to rely on gangs fighting for territory to conduct these rapes.

Through these discursive and material elements of terror—insults and physical violence—the regime works to produce a subservient subjectivity. Just as interpersonal violence between a man and a woman has psychological effects, the publicly discarded cadaver of a young woman like Sincère marks our collective spirit and mind. The war against the population at large is waged on women’s bodies.

A Brand of Toxic Masculinity: “The Legal Bandit”

The development of the *bandi legal* or “legal bandit” as a persona and a political framework with which many state dignitaries self-identify sheds further light on these values and practices. “Legal bandit” is a term that appeared in the country between the 1990s and 2000s. It is tied to circles involving politics, narcotrafficking, thieving, and corrupt racketeering, and it speaks to the political and economic links between these worlds.

Former president Martelly embodies this legal bandit persona. A pop singer known as Sweet Micky before he ran for president, Martelly released the song “Bandi Legal” in 2008. In deciphering this song, its corresponding video, and other notable songs of the Konpa genre, I define the legal bandit as a man who belongs to a mafioso pleasure-seeking boys’ club who refuses to live with constraints, does not value formal work, and shares fraternal values and codes. These men accept and proclaim their identity as bandits and lead grandiose lives without being able to account for how they made those lives. Thus, a legal bandit is a man who believes in making fast and easy money and will disregard the law in the process. The following line in the song captures this: “When are you straight? When are you crooked? Is it when you live up to the challenge?” Accordingly, a legal bandit’s power is based on his ability to play with legality and illegality and live in a world in which he defines and imposes his rules on others.

Martelly's "Bandi Legal" song recalls a track by Nu-Look entitled "Gran Depansè" (Big Spender) and another by Bel Jazz called "KPS." These songs construct a model of a man who exploits the

power of money to do as he wants and to attain sympathy. As the lyrics of "Gran Depansè" and "KPS" state, he is a man who can buy up the place. Men go through a rite of passage in these spaces of pleasure to be accepted as legal bandits, and together they maintain multiple women, drink hard alcohol, and manage illicit economies. In constructing the legal bandit discourse, this Konpa music demonstrates the legal bandit ethos: loud, crude, and pleasure-seeking.

The legal bandit persona is a form of toxic masculinity. Men who proclaim themselves legal bandits perpetrate verbal and psychological violence and lack empathy when faced with others' suffering. It is a form of hegemonic masculinity embodied by a small clique in power, and it promotes brutal behaviors that threaten the rest of society by anchoring a gender imbalance between women and men. The economic power of the legal bandit rests in his tendency to confuse his own pocket with that of the state treasury. And yet the legal bandit shares a view with much of Haitian society at large that validates masculine sexual conquest and looks favorably upon a man's accumulation of multiple women. Legal bandits play with the values they share with society in order to foster masculine comradery and cohesion.

This model of masculinity suggests that a horizontal rapport exists between men, in which men get along to reaffirm their power over women and children. There is a lot of violence among these men, and endless play is a way to master this violence within the legal bandit sphere. But this violence overflows into the rest of society. While the legal bandit model embraces the imbalanced patriarchal relationship between men and other groups of people, it also rejects hierarchies among men. It thus promises

For a legal bandit leader, power is a performance rather than a serious institution with decision-making responsibilities for the collective.

men that they can be king and dominate all, including women, and that they can eliminate the vertical Leviathan of power that is the base of the modern state. This model of masculinity is interwoven with politics and provides us with a framework to read the politics of PHTK.

Legal Bandit as a Political Model

As a model of governance, legal bandit politics trivializes and de-sanctifies power. For a legal bandit leader, power is a performance rather than a serious institution with decision-making responsibilities for the collective. As a result, this model of governance has no logical institutions. Impunity is the spine that supports the architecture of power.

President Moïse embodied the legal bandit's characteristic of feeling all-powerful when he declared in a July 2020 speech that, after God, he is the master of the country. Legal bandit leaders do not acknowledge their faults. This type of hyper masculinity conjures an image of a strongman hiking up his pants up to conserve his power and the murderous Duvalier-era *tonton makout* paramilitaries who called themselves names like "iron pants" or "little burn ball buster." Legal bandit governance offers a model of leaders who do not hesitate to intermingle with and empower real bandits to control the population. Indeed, presidents and senators collaborating with bandits have been at the center of many scandals in recent years.

In this political model, the state is disarticulated, or de-stated. For example, legal bandit leaders share power with armed groups to control territory while they afford these groups power over institutions. This type of governance is not concerned with the

lives of the governed. What is more important is maintaining power for bandits and leaders to do as they please; racket and corruption structure society's values and people's behaviors, particularly that of those close to power. This form of power rests on illegal economic practices such as the traffic of drugs, guns, and people. And leaders in all institutions conspire to prevent civil society from playing its role as the guardian and surveyor of said institutions.

In this model, legal bandit leaders constitute themselves as a family charged with pillaging the country, and collective goods become their familial inheritance. Corruption cases, such as the Dermalog scandal—involving a shady \$27 million contract signed in 2017 with a German company to develop a biometric database—suggest this was the case under both the first and second PHTK governments. The Duvaliers and their allies displayed similar anti-collectivist behavior: They impoverished the country while enriching themselves.

This form of power does not respect human life, and legal bandit leaders routinely attack people's physical integrity. During the Duvalier dictatorship, torture and forced disappearances were systematic and widespread, and these tactics echo today when people disappear without a trace. Disappearing people or leaving murdered bodies on public display at the mercy of ravenous dogs enables the legal bandit to mark the minds of the population and to prevent their mobilization. Denied a proper burial, families of forcibly disappeared victims continue to suffer as they are unable to mourn their loved ones in the space legal bandit leaders control. A missing body prevents survivors from healing.

Since July 2018, when state forces responded to anti-government protests with intense repression amid a rise in gang violence, people have been living in terror. Yet, political leaders have failed to respond, reaffirming that the population's well-being is not their priority. Their power is maintained with the help of the same international supporters who bring countries to their knees to steal their riches. The international community, represented by the Core

Group, is complicit in the government acting against the interests of the people. Claims of democracy promotion ring hollow when those they support systematically violate human rights, especially the rights of poor and Black bodies.

Legal bandit power speaks the language of brutality, humiliation, triviality, and denigration. Since 2011, the PHTK modus operandi has been to ignore citizens' demands, censure the press, misappropriate state funds, and "mafia-ize" institutional space. In addition to enabling corruption and bankrupting institutional credibility, these governments have been implicated in or accused of disappearing young people, creating parallel armed bodies to terrorize the population, raping women, carrying out massacres and other heinous acts, and sparking an exodus of people from the country—all under a reign of impunity. For the Haitian people, especially women, the consequences are suffering and misery.

The legal bandit rests upon an economic and political model prescribed by imperialist countries. This brand of toxic masculinity has taken shape within a context where racism, imperialism, and sexism intersect to produce a specific mode of governance. In the destruction and liquidation of state sovereignty, the legal bandit is the ultimate stage of Duvalierism. It is a link in an international state of humanity that philosopher Achille Mbembe qualifies as "brutalist," a politics of total domination over life on earth, including people, land, and nature. And it is a politics that impedes collective ideas of living together from taking root in Haiti. ■

Translated from Kreyòl by Mamyrah Dougé-Prosper and Mark Schuller.

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