

UNIVERSITY OF KENT AT CANTERBURY

DEPARTMENT OF SOCIAL AND PUBLIC POLICY

Paper awarded the

BLAKMORE HAROLD PRIZE

Annual Conference of the Society for Latin American
Studies

Cambridge University, April 1999

WIFE BATTERING AND THE STATE RESPONSE TO THE PHENOMENON IN CUBA

By

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Paper awarded the: Harold Blakmore Prize
By SLAS (Society for Latin American Studies), UK 1998
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1.Introduction

Family violence¹ exists all kinds of economic and political systems: in the post industrial societies of the North as well as in the underdeveloped countries of the South, and countries of the former Soviet Union block. According to the United Nations, violence against women is a violation of human rights (UN, 1996). Moreover, it is estimated that 75% of all of family violence corresponds to male violence against women, whilst only 2% relates to female violence against men (UN, 1990).

Family violence constitutes a problem that affects the whole society, because it implies constant constraints on and limitations of the full potentiality of an important part of the population: women. It is recorded that during the economic crisis, many women became head of the family and, the only source of economic support for the children (SERPAJ, 1995). Furthermore, some studies have pointed out the link between the impact of structural adjustment policies (SAPs²) and the increase in domestic violence (Benería, 1994).

When family violence takes place, an environment of fear and risk of damage or even death for the family members is a constant trait of the home. Feminist research has documented the negative psychological effects on battered women and on their children who witnessed wife battering at home. Amongst other impacts, the survivors might

¹ In this essay the term 'family violence, domestic violence, wife battering, and intimate violence' are used interchangeable. The concept of family violence I employ across this paper is: *'male violence against women carried out in the private sphere, through physical, psychological, sexual or economical violence to force the woman to do what she does not want to do, or forbid her to do what she wants to do. This violence implies the progressive detriment of women's physical, emotional and economical resources, damage to their self-esteem, and human dignity, and its prolongation through time points out the state's complicity with the criminal'*.

² SAPs is the abbreviation of Structural Adjustment Policies, designed by the International Monetary Fund for developing countries.

develop psychological syndromes (post traumatic stress syndrome and Stockholm syndrome) almost identical to those survivors of war, hostages, torture and so on (Walker 1979, 1984, Romkens 1990, 1997; Graham et. al., 1989; Herman, 1994; Saunders et.al., 1995; Hollander, 1996; Copelon, 1995). These sequels cannot be overcome without a definitive interruption of the male violence (Romkens, 1990; Vila, 1996). Moreover, even when the interruption of violence takes place the healing process will require the complete life of the survivor³. In this form, the society is also affected as a whole by the effects of wife battering. A survivor may have to cope with its psychological or emotional effects, which may interfere with her daily life at work, or her motherhood or other duties. Women suffering male violence at home are individuals who have to use most of their energies and potentialities on surviving.

In Cuba⁴, little research has been undertaken on family violence, since it was assumed until very recent times (Strout, 1995) that under a socialist state every kind of oppression against women had been abolished (Fleitas and Prayader, interview Jan. 1996). Besides, the agents of the Cuban State and the members of the Federation of

³ Research carried out in Western societies has shown the great health burden for women who are forced to endure male violence in their intimate lives might. Ranging from physiological to somatic and psychological diseases, male violence against women in the home might provoke the death of women. Walker (1979, 1984) and Stark and Flitcraft (1996) has shown that between 30 and 40% of all battered women attempted to commit suicide, while criminal statistics in some countries (Argentina, USA) indicates that about 42 to 50% of all women's murderers are committed by their current or former abusive partner. These are some of the reasons that support the concept of 'survivor' (Kelly, 1988) instead of that of 'victim' of domestic violence.

⁴ This author wishes to thank Dorisley García, Yiovanny Castañeda Street, Ramón Mauriño García, Enrique Manzanares, Yiolvis and all the other friends who made worth contributions to this research, and facilitate this author's understanding of Cuban culture and gave me their solidarity. She also wishes to thank Karijn Kakebeeke for the useful documents she facilitated. She also wants to thank Daniel Chavez and Dr. Jan Pahl for their comments on an earlier version of this essay. This author wants to thank prof. Fleitas and Prayader, from the University of Havana, for the conversation we gathered about this topic.

Cuban Women⁵ in 1996 were reluctant to admit the existence of state programmes to deal with family violence and to show any statistics on the issue. Despite this official attitude, the prevalence of wife battering has been documented (Navarrete Calderon et al, 1993; Hasanbegovic, 1998).

In the '90s, Cuba is experiencing an economic crisis with strong negative impact on women's lives due to their reproductive roles as wives and mothers in the home (Pearson, 1997). In 1990 Cuban president Fidel Castro declared 'the special period in times of peace', *período especial*, which signifies a self-adjustment of their national economy. The adjustment imports shortages and extreme adverse conditions to meet basic needs for the population. Due to the *special period*, the Cuban currency lost value in such a way that the population could almost only obtain their dairy products purchasing them with American Dollars. Despite this fact, the wages are still paid in Cuban pesos. The poor living conditions of Cubans appear to jeopardise the achievements of the Cuban Revolution in human social development. Some of the Cuban gains are related to the condition of women in society, and they have special relevance to the study of wife battering, as I will explain next.

The Cuban Revolution embraced the *women's equality* amongst its political goals (Bell, 1990). In particular, this goal of women's equality was imposed by the male political elite to the rest of the population (Kaufman Purcell, 1973; Molyneux, 1996). The implementation of policies pursuing the equality of women brought about many changes in gender relations of Cuban families, as well as the improvement of women's status in

⁵ The *Federation of Cuban Women* is a Cuban mass organisation created by Fidel Castro in 1960 to mobilise women into the Revolutionary goals: massive incorporation of women into the labour market, literary campaign, and so on (Molyneux, 1996).

Cuba.

Following, three sections will be provided on: 2) Theoretical issues, which includes a context of gender relations in Cuba, and the necessity of state intervention; 3) Case study of a couple in the neighbourhood of Prado in Havana, capital city of Cuba, and finally, 4) Conclusions.

2. Theoretical framework

2.1. Changes in gender relations in Cuba

The Revolution of 1959 considered necessary to achieve women's equality in the Cuban society for several reasons. One of those reasons was the goal to modernise the Cuban economy, which needed the contribution of women work. Therefore, for attaining this end the economic participation of women in the labour market was one of the objectives pursued by the political leaders (Kaufman Purcell, 1973). In addition to this, the previous gender relations system amongst Cuban families, which relegated women to the private sphere, had to be modified.

Different indicators that contrast with the situation of Cuban women before 1959 reflect the Cuban achievements on women's equality. According to Bell (1990) in the past, those of Cuban women who worked in the labour market were employed as maids or prostitutes, while the rest of women had to remain as housewives. Contrasting to that situation, in the '90s Cuba appears within the three countries leading the gender empowerment measure (GEM value 0.523) (U.N.D.P 1997). Furthermore, in terms of women literacy, Cuba has achieved one of the highest levels in the Latin American

region. Cuba presents a rate of 94.8%, Costa Rica 95% and Argentina has the highest with 96%. Women in Cuba constitute the 57.7% of University graduates, 62% of middle and high level technicians, and 42% of scientist researchers (see Espin Guillois quoted by Evenson, 1994). In addition to these figures, 43,8% of the total of judges in Cuba are women. There is also 39.3% of women participating in the Popular Supreme Tribunal. This Tribunal has a woman as vice president, and the Criminal Chamber that is in charge of the cases of violence has a female president. Likewise, 55.4% of the public prosecutors are women, and out of this percentage 34.6% occupies directive functions (FMC, 1994: 59).

The *militarisation* of Cuban women might be seen as another improvement in their situation. Cuban women participate with 48% of the armed forces (Larguía et.al., 1986). Thus, *'One of the most formidable barriers in the division of labour by sex was thus broken down and an unprecedented number of women became engaged in military activity'* (Larguía et.al. 1986: 349). The military training which has traits of aggressiveness and defence, is suggested to have a positive psychological impact for the self-esteem of women and defensive attitudes before male violence against them⁶.

The figures quoted before are showing the changes on women status since the triumph of the Revolution. However, they are also pointing out the positive and massive response of Cuban women as citizens to the Revolutionary elite request of their change. Cuban women as citizens mobilised themselves towards the Revolutionary goals, and

⁶ During 1992, Argentinean Psychologist Maria Cristina Vila suggested to implement training on self-defence Martial Arts for the battered women. This was a policy carried out in the multi-disciplinary team where this author participated, at the self-help group for battered women 'Proyecto de Asistencia a la Mujer Maltratada', School of Public Health, Faculty of Medicine, University of Buenos Aires. The self-

therefore, the State enacted legislation to allow those changes and protect their female citizens.

Gender relations before 1959 were based on the sexual division of labour, which asked to keep women at home, in the private sphere, and men in the labour market, or public sphere (Lumsden, 1996). These norms were part of a broader system of gender relations, which positioned men in a higher hierarchy than women with prerogatives over the later, such as the right of extra marital sexual relations, and the use of physical force to control women.

Aimed to incorporate Cuban women into the wage market, the Cuban government implemented deep changes inside the family structure. Modifications carried out throughout years were shaping gender relations in the island. According to Fox (1973) the changes on gender relations experienced by the Cuban citizens, were very traumatic for Cuban men. Those men that Fox interviewed could not reject those changes on the relations between sexes because they were politically legitimised. The political legitimisation was given by the identification of the revolutionary male elite with those changes. Fox also suggests that many Cuban workers who migrated to Miami after the Revolutionary triumph, did so because they were not willing to tolerate the changes in gender relations brought about by the Revolution. This author argues that, the variation in sexual roles was experienced by many of the Cuban workers like an attack to their own self-esteem and male identity.

In terms of strategies for change, those ones applied to bring women to the public sphere were basically the mobilisation towards different social, political and military

defence course was given by one of the female psychologist who also held a black belt of Take-Kwondo.

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activities, their instruction and education. However, after one decade of carrying out changes on people's attitudes, it was found out in 1973, that *sexual division of labour* at home remained as an obstacle for the massive incorporation of Cuban women into the economic, social and political participation of Cuba. Therefore, in 1975 the Cuban State enacted a very unique *Family Code* that established the shared obligation of both spouses in housework as well as in take care for and rearing the children (Código de la Familia, 1979: articles 27 and 16). These norms were also incorporated in the text of the Cuban Constitution (Constitucion de la Republica de Cuba, 1992 articles 25 to 27) and they are reminded to the espouses before the judge at the wedding ceremony.

Despite the achievements mentioned, male violence against women in the couple still appears prevalent.

Yet, as it will be shown through the analysis of the case study, Cuba seems to present a particular situation for the battered woman, shaped by the State protection of women from male violence.

2.2. Why wife battering?

During the last thirty years research carried out by scholars of different disciplines attempted to explain the causes of wife battering and find possible solutions to the phenomenon. Despite great amount of theories, the current situation of battered women in most of the countries of the world (UN, 1990) shows that those studies have not produced a real impact on the social reality.

Drawing from the individual level of the wife abuse to the social one, research

pointed out different types of vulnerability. Some authors (Dobash and Dobash, 1980; Okin, 1989) refer to the construction of women's vulnerability through marriage. The economic dependency (Dobash and Dobash, 1992) of women on men, is also referred in the literature on domestic violence, as well as in the gender analysis of economics (Pearson, 1997). Other authors point out the negative psychological effects of violence for women's health (Walker 1979, 1984; Graham et. al., 1989), and the responsibility of male violence on building up the psychological vulnerability of the battered woman (Russell, 1982). Studies which focused in the social aspect of the wife abuse, shown how violence is more likely to occur when the man's status is inconsistent (high in one social component and low in another one). Thus, family violence might also take place, when those norms ruling the family status are ambiguous and variably (see O'Briens, 1971). According to this approach, the *inconsistency* drives the individual to stress and frustration over time and, it might end as explosion against wife or children. Levinson (1989) suggests that the *'theory of inconsistent status' is specially useful as a frame to explain family violence in societies where the traditional power of men in the family have weathered while the women's power have increased'* (Levinson, 1989: 15). As we have observed, it seems that this theory might be applicable to the Cuban case where women position in society and in the home have improved greatly, while men lost some of their male previous prerogatives⁷. Despite the adequacy of using the theory of inconsistent status to interpret family violence in Cuba, it is possible to observe the prevalence of

⁷ Some examples are the male privilege to control women's mobility, and therefore their sexuality too as well as the male privilege to have extra marital relations. During the Revolution, this kind of morality was considered a decadent fashion of the bourgeois society. Another example of eroded male privilege is the punishment of the husband's right to chastise his wife.

cultural beliefs which legitimise marital violence for chastisement reasons. These beliefs correspond to a patriarchal ideology⁸.

In this sense, the *theory of patriarchy* (Dobash and Dobash, 1980) argues that 'wife ownership' through marriage, in a patriarchal context of individual, familiar, social and state institutions, is the cause of wife battering. Thus, other members of society (neighbours and relatives), and police and criminal justice, would not be entrusted to intervene in cases of domestic violence.

Drawing from history, Dobash and Dobash (1980) demonstrated how wife battering is a consequence of the Roman law. The patriarch, in the Roman law, is the male head of the household-extended family. The Roman legal system entrusted him with great power

⁸ The term *ideology* might be used in two different ways. From an individual level to explain how the ideology operates in the individual, or otherwise from a social level to see what 'ideology' means for a group or society. For the first form of usage Larrain says: *[Ideology] is a notion that is used to defend reason, to criticise all those ideas which are not progressive, which do not help control nature to the benefit of the human beings. The main feature of the ideological phenomenon is the fact that its operation cannot be easily recognised by the participants, just as the neurotic patient cannot easily discover the real problem behind his/her disturbance* (Larrain, Jorge, 1994). The other usage, ideology could be understood as 'set of ideas, assumptions and images, by which people make sense of society, which give a clear social identity, and which serve in some way to legitimate power relations in society' (McLennan, G., 1991:114).

⁸ Notwithstanding the analysis of state response developed through different theories and approaches to family violence (social policies, criminal justice response, international human rights) no theory has stressed yet on the State as responsible for the emergence and reproduction of domestic violence.

⁸ The concept of *state* used in this essay is as follows: 'A state exists where there is a political apparatus, ruling over a given territory, whose authority is backed by a legal system and by the ability to use force to implement its policies' (Giddens, A., 1993:348). In addition to this concept, drawing from a gender approach to the State is possible to add that: 'The State is a structure of power, persisting over time and institutionalisation of power relations. It is not the only institutionalisation of power, nor even the monopolist of legitimate force, as some classic theory has it. Feminism points to the family as a domain of power, and to husband' violence against wives as a socially legitimated used of force...[however] Because of its power to regulate and its power to create, the state is a major stake in gender politics; and the exercise of that power is a constant incitement to claim the stake. Thus the state becomes the focus of interest group formation and mobilisation in sexual politics...' (Connell, 1994:148, 159).

over all the rest of the family members. The patriarch had the right over lives and properties of his wife, children and slaves. The Dobashes showed the forms that this ancient right was passing through centuries until the seventies. The patriarch's rights were legitimised by law judges and became beliefs held by men and women as well. The authors study relies on Scottish legal data and interviews. Paradoxically, the Scottish legal system is different to the English one, and has its roots in the Roman legacy (Russell and Locke, 1998).

The patriarchy theory finds a patriarchal context that allows wife abuse to take place. However, this patriarchal context is not only ideological and legal, but also economic and social. In this sense, the imbalance of power and devaluation of women's lives in the home reflects the same position of women in the broad society. Furthermore, the Dobashes also analysed the response of outsiders to the women's request for help. In this regard, the patriarchal beliefs of the society appear in the form of '*privacy*' and '*blame the victim*' ideas that will be developed further in the next section. In relation to the violent episodes, Dobash and Dobash found that '*violence, although appearing under the argument of sex jealousy and domestic work are, however, often set off by what is thought to be a violation of the husband's authority*' (Dobash and Dobash, 1980:95). Following these ideas, whatever act of autonomy a wife might do might be interpreted as a form of challenging the marital authority. Examples of those attitudes might be to fail on fulfilling husband's expectations of housework, or sexual availability, or wife's physical mobility and sexual freedom, or issues related to bringing up the children might give lead to violence against the wife.

As it will be presented through the case study, the patriarchal context mentioned by Dobashes does not seem to appear in the Cuban case. The current Cuban institutional and social context in 1996 evidences the political will to change the gender relations existing before the Revolution that devaluated women and relegated them to mothering and housework. However, the patriarchal ideology seems to find its expression through the cultural beliefs of some Cuban people. In those cases of domestic violence that receive communal and state intervention, a collusion of ideologies appears. On one hand, the patriarchal ideology fostered by the gender and economic system prior to the Revolution appears through the use of coercion over the woman. While on the other hand, a revolutionary context that does not devalue women and protect them from male violence, react through intervention to protect them from male violence.

The Cuban interventions on cases of domestic violence point to the State as a significant factor on dealing with male violence against women. The theories quoted before suggested that they have not analysed an important agent on the production and reproduction of the violence against women⁹: the *State*¹⁰. Thus, this author wants to suggest that wife battering is more a political problem rather than individual or social one. Despite that wife abuse can only be explained through different factors that contribute to its emergence (psychological, social, economical and political levels), in terms of responsibility on the production, reproduction and control of male violence against women, the State has to be included in the analysis of it.

⁹ Despite the analysis of State's response developed through different theories and approaches to family violence (social policies, criminal justice response, international human rights) no theory has stressed yet on the State as responsible for the emergence and reproduction of domestic violence.

Following, the emphasis will be made on the State as one responsible for control the male violence against women. The political aspect of the violence against women, this author sustains it is of incredible relevance to understand the political dimensions of this phenomenon. The implementation of social and public policies, including the modification of laws is possible through the political institution of the State. Besides, the State is the only institution in the nation-state entitled to use coercion to control behaviours and violence against to, or between citizens.

2.3. Why State intervention¹¹ is necessary

State and family concepts of the private and public domain are of crucial relevance to the issue of wife battering. Due to the public nature of the State, it seems public policies are more oriented to those issues classified as public matters. It is necessary to acknowledge that there is no realm of personal and family life that exists totally separated from the realm of the state. Because *'The state defines the family, the so-called private sphere and the market, the so-called public sphere. Private and public exist on a continuum where it tends to be the selective application of the law. Significantly this selective application of law invokes privacy as a rationale for immunity for protecting male domination'* (Schneider, 1994). States usually argue about privacy not to intervene in family issues where women are in a weak position of power. *'This concept has insulated*

¹¹ The concept of *state intervention* used in this essay refers to institutional intervention state institutions have in society and the life of citizens in virtue of their specific role. Examples of that is the intervention the state is obligated to make to protect the well being of the people: such as through the police, judiciary, public health, education, and so on. In no moment the state intervention has to be understood beyond the scope of institutional duties and social roles, which are ruled by each country's constitution.

the female world from the legal order, which sends an important ideological message to the rest of society. It devalues women and their functions, and says that women are not important enough to merit legal regulation' (Taub and Schneider, 1994). Moreover, this kind of message sent by the state is also importing a *legitimisation of male violence against women*. Women without effective legal protection against male violence become the *legitimised objects* which men can treat with violence, domination and control. According to some authors, this kind of *legitimisation* has its institution through *marriage*, constitutes the marriage institution a sort of *hitting license* (Straus et.al. 1980, Dobash and Dobash, 1980), or *license for rape* (Finkelhor et. al., 1987).

In this essay, the state is considered as a whole (agents of state, and state institutions) the most powerful actor in the production and reproduction of family violence, because it has the authority, institutions and resources to control, ameliorate and eliminate domestic violence in society. The state has the power to modify the phenomenon of wife battering in society through its very role of defining and delimiting scopes of state and community intervention. Besides, the state has the power to rule and punish citizens' behaviours and show what it is admissible and what is not. Despite this fact, looking at this element of social relations, we can see that *the lack of adequate intervention by the state is part of the gender violence women have to endure in most societies*. According to the current international doctrine on human rights Conventions, the States have the positive obligation to protect women from male violence, and the duty to punish crimes against them (Etienne, 1995; Copleon, 1995). The State failure on enforcing the international protective conventions transform them into offenders before

the international community system, giving birth to the 'state responsibility'¹² (Beasley & Thomas, 1994; Copleon, 1995). Subsequently, a case study of wife abuse in Cuba will be explored, which shows a very different State intervention to that of those Western research cited above.

3. Analysis of a case study of wife abuse in Prado, Havana. Intervention of neighbours, mass organisation and the state.

The present case of study is based on 20 in depth interviews gathered in January 1996 in Prado, one of the neighbourhoods of Havana. The names that I will mention are pseudonym to protect interviewed' intimacy. They correspond to four interviews, from a heterosexual couple, which was involved in domestic violence, and two female neighbours, who knew about the quarrels.

Isabel¹³ is a mulatto woman (of 27 years old) who has lived with Kelmis, a mulatto man (36 years old) for the past five years. The couple has a daughter of one year. Isabel does not have a mother and she was born in the province of Oriente. For her, this relationship is her first intimate union. Kelmis and Isabel live in a small room, located in an overcrowded communal building. Isabel has just completed the primary school, and at the time of the interview, she was involved in rearing her child and running the home. Kelmis is a technician. This is his fifth relationship. Kelmis considers Isabel to be somebody "non-educated", someone who "does not know how to converse in a situation and is stupid".

¹² The state responsibility marks the accountability of the states for the violation of human rights in their societies.

¹³ All the names that will be used on the transcriptions of answers are non-real for the seek of privacy protection.

Kelmis told the interviewer, off the record that he is homosexual. Isabel was physically abused during her childhood. She considers housing to be the worst current problem for Cubans. Isabel says that Kelmis is the breadwinner of the home and, that he earns his income from the shadow market. Kelmis works as a private taxi driver. According to Isabel, Kelmis is in control of the money in the house and he is very stingy. Isabel says that most of the couple's arguments are based on Kelmis' infidelity and his extended absences from home. She wishes that Kelmis spend more time with her. Isabel's partner has attacked her physically, at least five times. In the last quarrel, Kelmis used a gun to intimidate her. Isabel says that when Kelmis uses weapons she feels she cannot control his violence. During those occasions, Isabel felt afraid and shouted for help. On one hand, Kelmis has acknowledged his infidelity, but not his use of physical coercion over his partner. On the other hand, Kelmis' infidelity and violence were confirmed by two of the neighbours interviewed.

Isabel related the last episode of conjugal violence saying that:

“ ... About one and a half months ago there was a quarrel here (at home)... we argued because I left the kid with one of the neighbours and he did not like this. I left the kid and I went to the market to buy the groceries ... and he became cross, I became cross and we exploded... some times he uses weapons, ... a gun. When he uses the gun I feel I cannot control the situation... then I shout, I ask for help...”

Two of the neighbours of the couple, Juana (32 years old) and Mirna (28 years old) gave

their opinion of the last quarrel between Kelmis and Isabel. Both women said that Kelmis has many lovers. Juana lives next to the couple's room and she mentioned the quarrels between Kelmis and Isabel that she used to overhear. She also asserted that Kelmis harassed Isabel and would not allow her to sleep. To Juana, Kelmis' behaviour towards his partner was a type of 'psychological war'. Juana believes that Kelmis is doing all these things against Isabel because he wants to stop the relationship without taking upon any responsibility for the child. Juana has also heard how Kelmis insults, threatens and throws Isabel out of the house. For this neighbour, the reason why Isabel remains with Kelmis might be love, "because Isabel still loves him".

On the contrary, for the other neighbour, Mirna, the reasons why Isabel remains with Kelmis are out of material need, rather than desire for affection. She said that:

"(...) Isabel remains with Kelmis because Isabel does not have a house. She does not have a job. She does not have money. She has a small daughter. She is an orphan with no mother (...) because she lives in her husband's house, because she does not have any other support, because she does not have any alternative...they are together because Isabel has a very bad economic situation..."

The material aspects of Isabel' situation pointed out by Mirna, reflect the shortages and constraints of the economic crisis, but it also points out the *vulnerability*¹⁴ of Isabel

¹⁴ *Vulnerability* must be understood as those constraints to women' freedom of choice through decision-making processes which affect their lives. Vulnerability could appear in different forms, or in combination of two or more types of them in each case. There is *economic* vulnerability when a woman depends economically on others (husbands, relatives, State, and so on) because she does not have access to paid work or does not have other incomes of her own. The vulnerability is *psychological* when a woman suffers

due to her reproductive role as mother. The '*special period*' has a negative impact on the national currency, and therefore in salaries and subsidies. The salaries earned in Cuban pesos are not adequate for meeting the basic needs of a family. This situation, amongst others, produced the increase in informal and black markets, specially surrounding the tourist industry. Furthermore, despite the availability of state's subsidies for mothers and children still in 1996 during the '*special period*', the sum are in Cuban pesos. Due to a decrease in the value of the national currency, money available for subsidies is no longer sufficient to support a child.

When the author asked Mirna about the different subsidies, kindergarten facilities called '*circulos infantiles*', and jobs offered to mothers like Isabel, she replied me with more questions. Mirna replied:

"...How much do you think the state is able to subsidy Isabel? With \$ 60 ? Do you think this money is enough for living? Besides, Isabel would not be able to work because she does not have anybody to look after the child. ... Do you know how

of depression, is psychologically dependent on others, or has low self-esteem. When marital violence takes place, a battered woman will develop psychological traits that will make her psychologically vulnerable to her aggressor, or aggravate her previous psychological handicap. *Physical* vulnerability appears when a woman is physically smaller or weaker than a man, suffers a physical disease, is disable, injured or pregnant at the moment the marital violence occurs. The vulnerability is *political* if it derives from the state discriminatory institutions and practices, which degrade women's rights and opportunities in benefit of men. The discrimination might takes place through enacting discriminatory laws, or by sexist implementation of equal legislation. Another example of political vulnerability is the prevalence of obstacles to allow women access to political participation in all state's institutions. There are also *cultural* and *ideological* vulnerabilities. The first type appears when practices carried out by a certain society place women in an inferior condition related to men, in home and society. These practices might take the form of rituals of sexual initiation which damage the female body or its organs; forced marriage and motherhood; acceptance of sexual moral standards different for men and women, and so on. The ideological vulnerability emerges when a group of individuals where the woman belongs, held whatever kind of common beliefs (religious, fascism, militarist) which devaluate women and entrust men with rights that they deny to women. The discriminatory ideology is transmitted for men and women through different institutions (family, religious community, education, and so on). Hence, the ideological vulnerability probably has the most negative effects on women's lives, because women implemented the ideology against themselves as the natural position in life. Finally whatever of these types of vulnerability would

long you have to wait in the waiting list to be accepted in a '*circulo infantil*'?..."

Mirna who is 28 years old, doctor and white, illustrates the devaluation of salaries in Cuban pesos during the '*special period*'. She said that:

"...at the present moment I believe that the economic situation carries out more quarrels amongst partners... before [the special period] my salary was a decent one. I earned \$ 325. - [Cuban pesos], but now if you sum up all the expenses you need at least, \$ 1000 [Cuban pesos] for living..."

Yet, the decay of the Cuban welfare state, is not the only factor which contributes to enforce Isabel's vulnerability. The *irresponsible fatherhood* is a constant historical trait in Cuba (Stubbs, 1994; Smith and Padula, 1996). Before the '*special period*', the lack of father's material responsibility and personal caring for their children, was partly supplied by the Cuban welfare state (Bell, 1990). However, looking at the legal frame of family relations is possible to observe that the Family Code (Código de la Familia, 1975: Arts. 59, 60, 61, 62, 96, 97, 121 and 136), as well as the Penal Code (Código Penal, 1989), do not offer adequate punishment for the irresponsible fatherhood.

The father's obligation to support his child emerges from the Constitution of Cuba dated 1992, which stipulates that:

'Article 38: Parents have the obligation to meet their children needs... and contribute to their education and integral formation like useful citizens capable to live in the socialist society...'

Accordingly, the Family Code (Código de Familia, 1975) rules the 'maintenance'

take place, it would be aggravated in the case of motherhood of small children.

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obligation in its Articles 27, and 85. They say that:

‘Art. 27: Spouses must meet the needs of the family they have created through their marriage...’

And the next article, observes those cases where parenting does not derive from legal marriage.

‘Art. 85: Patria Potestad includes the following rights and obligations [for parents]

1) take cares of their children offer a stable home and an adequate nutrition to them...’

One of the characteristics present in irresponsible fatherhood is the father’s lack of interest on visiting and having personal contact with their children. The Cuban legal system sanctions the violation of parents’ obligations to support their children through civil and criminal sanctions. In the first case, the Article 95.1 rules the lose of *patria potestad*. The Penal Code goes further with the sanction, and in Article 315.1 rules that parents who do not satisfy their children’s needs would be sanctioned with three months to one year of arrest, and/or fine.

The literature specialised on Cuban women pointed out studies carried out in the island that show the difficulties to implement the sanctions mentioned before. Economic measures to ensure the father’s support to his child become almost impossible in the current economic situation of Cuba. One of the reasons for that is the fact that most of the real income of men comes from the black, informal market or relatives abroad. Another of the causes, is the lack of adequate knowledge of the mothers about the whereabouts of

the fathers of their children. Many of them hardly know where they live or where they work (Smith and Padula, 1996).

All the variables mentioned before conflate to describe the vulnerability of the Cuban mothers. In the case of a battered woman, the economic vulnerability derived from the lack of father's support, is additional to the psychological dependency on her abusive partner (Walker, 1979). Therefore, a Cuban battered woman who wishes to leave her partner becomes entangled in the abusive relationship.

In the context mentioned above, the outsider intervention appears like a possible and necessary alternative for a battered woman. In the case study, Isabel asked for help, and she *did* receive assistance from her neighbours and the police.

Isabel's neighbour, Mirna explained that:

"... The last time Kelmis battered Isabel he abused her so badly that she shouted and asked for help from the neighbours, then the 'Jefa del edificio' [chief of the building] called the police. The policemen came and arrested Kelmis... She thought about divorcing Kelmis but, she returned to her husband later on..."

Neighbour Juana's view of the last violent event is:

"... Here [in the building] horrible things used to happen... some days ago Kelmis hit Isabel on her head ... and then he used a machete to try to stab her. She [Isabel] took the lid off the washing machine and defended herself... the problem is that he wants her to leave the house. ... He tries to get Isabel out of the house by force... we used to give advice to her. We tell her she has rights, that she

does not have to feel fear... The chief of the building reported Kelmis to the police, however, later on his wife withdrew the charges against him... She withdrew the charges to denounce him because Kelmis started weeping and begging her to. He made up a story promising Isabel that everything would change, that he had realised how much he loved her and all this stuff...”
[Emphasis added].

The *chief of the building* (jefa del edificio) who was mentioned by the neighbours Mirna and Juana, is the representative of the mass organisation named Committee of Revolutionary Defence (CDR). This mass organisation created in the first years of the Revolution has representation in every neighbourhood's block along the whole country, and its members are neighbours of the community. The Committees of Revolutionary Defence have been playing an important role in the Cuban society as auxiliaries of the Justice -in terms of gathering evidences and trying to keep the peace amongst neighbours - (van der Plas, 1987), as well as articulating the mobilisation of neighbours towards revolutionary goals¹⁵ (Bell, 1990).

Following the sequences of the case of a study, it appears that the Cuban legal and social system does not present discrimination against women. The selective implementation of the laws implies sexism. Some authors defined the selective and discriminatory implementation of the law, as 'sexism of the law'. This concept refers to the

¹⁵ The Revolutionary goals have been changing through the years. In the first decade of the Revolutionary triumph relied on military training for self-defence, literacy campaign, massive donation of blood for other countries in war or with victims of natural disaster, and so for. Later on, national campaigns of vaccination, donation of organs, discussion of the draft of the Family Code, and so for, have been special issues. Struggling against criminality and violence in the neighbourhoods is also a special task of the Committee for the Revolutionary Defence.

patriarchal vision in the grounds for interpretation and implementation of the laws, by policemen, judges, lawyers, and other people related to cases of battered women (Finkelstein, 1996). The sexism of the law might appear like an identification of the agent of the state with the discourse of the abusive man, and therefore the selective implementation of the rules in practice, which implies a disadvantage for battered women.

The neighbours, the member of the Committee of Revolutionary Defence and policemen intervention in the wife-battering event, in the home of Kelmis and Isabel relates to the Cuban Penal Code. The Cuban Penal Code establishes firstly, that *physical violence towards a relative is a crime* (Código Penal, 1989: Art. 264.1 and Art. 264.2), and secondly, the *social duty of reporting a crime*. The social duty for every citizen to report a crime is ruled in Articles 276 to 277.1. Breaking this norm is considered a crime named *failure on their duty to report a crime* by the Article 161 of this Code. Concerning family violence, although the Code does not distinguish between different kinds of violence or actors, Article 277.1 is relevant. This article establishes that:

‘... if a person does not give help or adequate assistance to an injured person or a person who is exposed to a danger against his/her life, physical integrity or health, if the danger does not imply a risk to the person, he/she will be punished by prison from three month to one year, or fine of 100 to 300 quotes or both’.

A criminal system that includes the active participation of neighbours and mass organisations is observed in Cuba (van der Plas, 1987). This characteristic add to the existing body of laws which expressly includes the equality of women in the private as well

as in the public domain¹⁶, offers the lens to examine the phenomenon of domestic violence. Taking all these into account, the legal norm mentioned previously appears shaping people's behaviour towards active intervention in cases of private violence.

Through legislation and non-selective implementation of the law, the Cuban State has redefined the public and the private spheres. The home, which is seen by most of the Western countries as the realm of privacy where State and neighbours are not entrusted to intervene in Cuba appears in a different form. According to the legal norms quoted before, it is a Revolutionary duty of every citizen, every mass organisation and State institutions to stop violence¹⁷ in society.

Although there is no specific rule against male violence against women in the home, a general criminal sanction is applied to women and men who carried out violence against their partners. It seems it is not necessary, a different law because the current

¹⁶ In this sense, the Constitution of Cuban Republic, (Constitución de Cuba, 1992) in its articles 36, 38, 42, 44, set up the equality of women and men, to allow both equally to participate of the economical, social and political life of the country. The Family Code (Código de la Familia, 1979) articles 27, that rules the equality in sharing housework in the home. The Penal Code (Codigo Penal, 1989), that punish the violation of 'right to equality' (article 295.1.) bigamy (article 306), violation of women's sexuality (article 298.1), murderer of relatives (including wives, mothers and daughters) (article 264.1, 264.2), discrimination on the grounds of sex (article 295.1) and so for. The Code of Youth (Código de la Niñez y la Juventud, 1993) establishes the obligation to educated children in a communist morality. Amongst other principles, article 3, establishes that children have to be educated 'in the spirit of struggling towards the equality of women and the mutual co-operation of the couple in marriage, and against whatever kind of discrimination.

¹⁷ The Revolutionary goal to control violence and criminality in society is also observed in the work of the *family doctor unit*. This health and social care system was set up in 1984 (FLACSO, 1992) by the Cuban government. It includes a family doctor, a nurse, a psychologist, a Federation of Cuban Women volunteer (*brigadista*), the chief of Committee of Revolutionary Defence, and the chief of the police station (*jefe de sector*). The members of the family doctor unit lived in the same neighbourhood where they have to work. Following a certain given criterion to identify families which might develop social conflicts (*conductas anti-sociales*) within its webs or outside them, the family doctor has to intervene to prevent family quarrels, amongst other behaviours. The family doctor work is mainly a preventive one, but once a case of domestic violence took place, he has to inform to the aggressor he/she could not persist on his/her violent behaviour, otherwise he would have to inform the case to the chief of the police. The other members of the family doctor unit will intervene in different stages of the problem, and in different forms. (Interview of the author with a family doctor in the neighbourhood of Cerro, Havana, and January 1996).

legislation is applied for both men and women, and therefore, it protects women from male violence¹⁸. This trait of the Cuban system deserves to be underlined, for it is a rare case in the international academic literature and reports on domestic violence in the world. Many studies on family violence pointed out the selective application of the law against female victims of family violence (Dobash and Dobash, 1980; Walker, 1984; UN, 1990; Taub and Schneider, 1982; Okin, 1989; Beasley and Thomas, 1994; Schneider, 1994; Vila, 1996; Finkelstein, 1996).

The impact of State intervention in the case of a study previously mentioned appears to have been effective to control Kelmis' violence. According to the neighbours words and Isabel' words, after Kelmis was arrested he did not attack her any more. However, a follow up of this couple's case would be relevant to know the extent of the quoted impact.

Interpreting Kelmis' behaviours toward Isabel, before and after the community and State intervention, he appears implementing coercion based on a cultural legitimisation of the marital violence. This cultural pattern corresponds to the machismo's values and patriarchal system prevalent in the pre-Revolutionary Cuba. The Cuban Revolution, however, has struggled against those discriminatory practices and set up a different social and institutional context, where Cuban women find themselves more protected.

From the bulk of gathered interviews, the legitimisation of marital violence against wives appears like cultural beliefs. Many of the people interviewed sustained that in cases of *"female adultery, wife verbal attacks, insults or claims to a non loyal husband, the man*

¹⁸On the contrary, a criminal legal investigation carried out by Navarrete Calderón et. al. (1993) in Cuba pleas for a modification of the current legislation to include the psychological abuse against wives as

appears to be entitled to use the force towards his wife to confirm his authority and privileges” (Author’ interviews with neighbours in Havana, January 1996 in Hasanbegovic, 1998).

However, Kelmis’ non-violent behaviour after the outside intervention, points out a positive effect of the non-sexist implementation of the law on controlling violence against women. This means, that two types of beliefs –patriarchal and non-patriarchal- colluded and, the latter that have political buttress succeeded over the first ones.

The effects of State and community intervention mentioned before related to the psychological impact of violence in women’s health, as well. Walker (1979, 1984) and Dutton (1992) amongst others drew attention to the fact that the repetition of the cycle of marital violence occurs because of lack of outsider intervention. Additionally, the long subjugation of women to marital violence leads psychological disorders in battered woman such as the syndrome of battered woman. This syndrome developed by battered women, is a consequence of marital violence and implies that the battered woman would think to commit suicide or otherwise murder her partner. In the case of Isabel she did not report to have thought on neither of both possibilities.

In fact, Isabel has expressed a strong feeling of empowerment as an outcome of the State intervention to protect her. She said that:

“(...) Before I felt afraid of him. But currently I do not fear Kelmis anymore... I only went to the justice once, but I saw that the justice protects me and stops Kelmis (...)”

crime, and increase the punishment for both types of violence, physical and psychic.

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The conviction of Kelmis shows that there was justice for Isabel, and that she was protected by the Cuban legal system, which gave her an empowering sense of trust in the government. It seems that this new knowledge Isabel has acquired offers Isabel more possibilities to manoeuvre strategically in her relationship with Kelmis. In other words, law and its practices have given more power to Isabel in a relationship where she was powerless, and in a position of being abused. Moreover, according to Vila (1996) the positive psychological effects of adequate (non ideological) implementation of law are rooted in the fact that:

‘...a proportional sanction to a crime plays the role of social healing, and this fact enables survivors to have a better control of impulses towards the aggressor. Furthermore, the criminal justice has a normative function of regulating relations and therefore, it has the role to protect [citizens]. If the justice fails in its role, then the ‘anomie’ emerges as a condition where everything might happen, where there is a loss of basic guides...’ (Vila 1996: 47/48)

It seems possible to suggest that Kelmis stopped his violent behaviour because his coercion against Isabel was deligitimised by implementation of the law and community intervention in the case.

This point allows this author suggest that

‘Outside intervention, jointly with a non sexist practice of the law produces the de-legitimation of cultural norms against women, at the individual and social levels’.

4. Conclusion

This exploratory and qualitative study carried out in Cuba, is pointing out wife battering is prevalent in the island. However, due to political reasons that pose obstacles to access reliable statistics, it seems not possible to measure the size of the phenomenon at the moment of writing this paper.

Despite this fact, it seems that Cuban battered women react in an active and defensive form in response to marital abuse against them. This trait of Cuban women might be interpreted as a consequence of the coexistence of cultural norms, which enforced the self-defence of the individual as well as the military training received by women in the island. Jointly with these reasons, factors related to the social achievements and, state protection towards women seems to back the women reaction. Yet, it also seems that Cuban battered women become entangled in abusive relationships due twofold vulnerability. The psychological dependency observed in relationships of abuse between victim and abuser is one aspect, and the economic vulnerability because of the economic crisis is the element of their vulnerability. While the first type of vulnerability could be addressed by specialised professional intervention, the latter is more difficult because it obeys to structural problem and international politics development.

The analysis of the Cuban case regarding different vulnerabilities of women suggests the convenience to pursue a greater elaboration of women vulnerabilities. In addition to this, it might be advisable to look at the situation of any woman in any one country in terms of balance of the different dimension of their vulnerabilities for determining the situation of women in that particular society.

Further studies on the subject are recommended. A study, which ought to be

representative and focused on Cuban battered women, might show that they do not develop syndrome of battered woman. In the case this hypothesis would be proved the result would be a new finding on wife battering studies.

Having said that, it seems that Cuba presents a particular division of public and private sphere, which benefit the battered women situation in the home. The Cuban government carries out this shaping of scopes by regulating citizen and institution's behaviours. The enforcement of laws observed in neighbours, mass organisations and police institution practice, seems coherent with the Cuban legal body and Revolutionary political goals. However, this response appears contrary to some cultural norms that support marital violence. Nonetheless, from the gathered interviews it appears that Cuban State does not discriminate when applying laws. This State trait produces delegitimisation of patriarchal cultural norms and practices, and the empowerment of battered women.

In conclusion, the main finding of this study suggests that the role of the public sphere, in the form of the State is central to the ways in which women can strategically defend themselves from spousal violence. Yet, it also appears that the demise of State resources during the *special period* in Cuba has left women more vulnerable to violence without recourse to material support to change their situation. The later responsibility, however, relies heavily on the political international context that still keeps Cuba under an economic blockade.

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