

## CUBAN CIVIL SOCIETY REVISITED: AN EXAMINATION OF THE THEORY AND REALITY

Simone Grant

Is civil society silenced or nascent in Cuba? At present, scholarly debate on this question is quite polarized. The distance between those who argue that civil society is repressed by the Cuban government (silenced) or is barely at the stage of birth (nascent) is as metaphoric as the distance between Havana and Miami — close yet far. Some authors have classified the actors in the debate into three groups: one that sees the emergence as significant, another that exaggerates its potential, and a third that admits the emergence but sees no political significance (Corrales, 2005). In my view, such analyses miss a crucial component of the academic debate itself, i.e., that the civil society debate is grounded in a political and ideological debate. Even the idea that civil society is “emerging” suggests a political bend to some degree in its assumption that civil society has been hampered by the Cuban Revolution.

Scholarly debate on Cuban civil society misses five points, which I will discuss in this paper. First, in their discussion, scholars are not having the same conversation: they define civil society differently and proceed to critique one another on that basis. Second, I argue that lacking in the discussion is the fact that scholars and politicians expect to see a civil society that emulates the Western rhetorical model, when in practice many organizations that are considered part of civil society in the West are not wholly independent of state support and monitoring, and/or may even be coalescing with the capitalist private sector (Alexander, Nank, & Stivers, 1999; Brody & Cordes, 2006; Roelofs, 1995, 2005). The exportation and explicit support by international institutions (e.g., the UNDP, 1997) of such a conceptualization of civil society can

be and has been questionable, impeding the local development of civil society and instead creating a scenario in which the local populaces are dependent upon external/international civil society organizations that are seen as more “legitimate” (Bratton, 1994; Goodhand & Lewer, 1999; Harvey, 1998).

Third, discussions often ignore the fact that there is a legal framework for associations in Cuba. The 2200 organizations registered by the Ministry of Justice suggest that there must be a procedure in Cuban law that is followed. Yet this law is rarely discussed in the literature. Fourth, I contend that the backlash against what Western scholars define as civil society is not unique to Cuba, nor is it unexpected given that Cuba sees itself as being in conflict with what Castro calls U.S. and Northern Imperialism. The literature on the backlash against civil society provides ample evidence for the almost natural reaction of states that perceive themselves as threatened (Cortright, Lopez, Millar, & Gerber-Stellingwerf, 2008). And fifth, the debate misses the point that no discussion of civil society in Cuba can neglect the explicit U.S. policy of Track II<sup>1</sup> for democratic change in Cuba.

### DEFINITION OF CIVIL SOCIETY

Although scholars have not reached a full consensus on a definition of civil society or whether civil society is inherently good, bad or has no abject virtue at all, those who write about Cuba appear to mainly fall into two camps that cross-cut Corrales' typology. One group, which I call the “No pero” (No, but ...) group emphasizes that there is no civil society in Cuba as we know it in the developed world (read: the liberal de-

mocracy sort of civil society) but that there are previously existing conditions that help to foster it, agreeing that “something cannot emerge from nothing [and] therefore civil society must have antecedents somewhere in the society before the transition to democracy can begin,” much like the Eastern European experience (Fernández, 2001, p. 60).

The other group, which I call the “Sí pero” (Yes, but ...) group, seems to say that civil society does exist in Cuba but defines civil society to include aspects that may otherwise not be included, i.e., aspects that an author may not include were the country not communist. As an example, Reaud (2002) points out that the government-organized nongovernmental organizations may have some useful characteristics for a possible transition to democracy. Reaud (2002, p. 237) writes, “although I do not argue that these groups can produce a level of revolutionary change, they may be able to implement it...and should therefore be considered when examining Cuban civil society.”

While these groupings are not hard and fast and there are authors who do not fall neatly into one category or the other, the fact that it is rare for any author to argue that there is no civil society at all in Cuba bodes well for the possibility of its development—good, bad or otherwise—because scholars of Cuban civil society at least have a common base to agree on. My research leads me to conclude that civil society does exist in the Cuban context: it exists in those areas of fraternity, whether supportive of the state or not, that are voluntaristic in nature, external to explicit market transactions.

As mentioned, within the realm of Cuban civil society scholarship, Corrales (2005) classifies authors who write about Cuban civil society into three groups: one that does not see the emergence of civil society as sig-

nificant; one that exaggerates its potential, and one that admits the emergence but sees no political significance. Corrales’ assessment of the overly optimistic group is slightly misguided in that he criticizes them for celebrating the birth of organizations in Cuba as the grand seed of democracy. Whether or not it is democratic, free association is a triumph in situations in which association is highly monitored and suspicious in the eyes of the authorities. Moreover, free association is a hallmark of democracy, even if it includes groups antithetical to democracy. To wit, consider that in the United States, groups like the KKK are allowed to exist and operate in our otherwise functioning democracy.

Corrales also criticizes the optimistic group for ignoring the fact that civil society alone is no guarantor of future democracy. In that he is absolutely correct, although many authors who are optimistic about civil society note that without strong oppositional political parties, without internal reform of the present system, without a social movement and the support of labor unions, then all Cubans will have achieved is a vibrant civil society and nothing else (for a prime example see Armony, 2003). In other words, despite Corrales’ criticisms, most civil society scholars are aware that a developed civil society has relationships to other institutions like political parties, state institutions.

Authors like Fernández (2001), Espinosa (1999), Armony (2003), Pedraza (2002) and Triff (2005) fall under the *No pero* category, and would see civil society as an amalgamation of influences from above and from below, with some groups in the strong democratic vein, some in the libertarian vein, others in the communitarian vein, and still others in a situation that is an amalgamation of the three.<sup>2</sup>

1. The Torricelli Act or Cuban Democracy Act (1992) was legislation proposed by Robert Torricelli (D), then a member of the House of Representatives, to “promote a peaceful transition to democracy in Cuba through the application of appropriate pressures on the Cuban Government and support for the Cuban people” (Cuban Democracy Act 1992). It essentially outlined that the United States would offer aid to the Cuban people if Fidel Castro and his brother were ousted; that upon internationally monitored democratic elections in Cuba, the sanctions would be repealed; and that the sanctions were directed at Castro while “[providing] assistance, through appropriate nongovernmental organizations, for the support of individuals and organizations to promote nonviolent democratic change in Cuba” (Cuban Democracy Act 1992). This last aim is what has been deemed as the civil society assistance portion of the U.S. policy toward Cuba, or Track II.

2. Michael Bernhard and Ekrem Karakoç identify variation across democracies in comparison to post-communist societies, although they do not look at Cuba (Bernhard & Karakoç, 2007).

### No pero

Fernández cites networks of family and friends, organized religion and even loci inside the state apparatus, mass organizations and international NGOs that are sponsoring activities in Cuba as places where the beginnings of civil society can be formed. The inclusion of economic openness is important for Fernández because, “it is precisely economic decentralization that has produced pockets of autonomous groups” (2001, p. 58). Although civil society is not determined simply by the number of autonomous organizations but rather the actual contribution of these types of associations, Fernández, unfortunately, finds that Cuba’s history intimates a political culture that is not inherently civil, neither presently nor before the revolution. Using Weigle and Butterfield’s terminology, to Fernández, Cuba is between the defensive and emergent stages.<sup>3</sup> Rather than moving towards the institutional stage, Cuba appears to be moving towards greater control, not less.

Like Fernández, Espinosa (1999) uses Weigle and Butterfield’s (1992) terminology. He slightly disagrees with Fernández, arguing that Cuba is still in its defensive stage. Espinosa demarcates three parts to associational life in Cuba: (1) authorized, which is characterized by legal NGOs and mass organizations; (2) informal (which supports and threatens the regime), characterized by personal networks, spontaneous groupings (single purpose), private associations (with no outward manifestations toward the public sphere); and (3) alternative (neither authorized nor illegal), characterized by public groups not recognized legally by the state, pre-revolutionary institutions that remain outside official civil society, dissident groups, and independent social activism. The three parts are not impermeable. Although he does not see civil society, as Westerners know it, in Cuba, Espinosa posits alternative civil society and the informal civil society groups

as having the most hope for a more solid manifestation of civil society.

Armony (2003), who defines the market as external to civil society, also agrees that there is no civil society in Cuba at present. What matters to Armony are the public spaces in Cuba in which people create strategies and practices and foment capacities to engage in public action. Areas abandoned by the state and picked up by other organizations in combination with formal mass associations that are gaining more autonomy with respect to the state, the proliferation of informal networks, and homes as spaces for public discourse bode well as a harbinger of civic associational life to come. Like Fernández, Armony sees religion as one of the major resources for associationalism in Cuba. One reason for this is that historically the Catholic Church has had a privileged position in Cuba (Quiroz, 2003).

### Si pero

There are also authors who believe that civil society is indeed emerging but that its emergence is not civil society as it is defined by Western standards. Authors like Sixto and others (Amaro, 1996; Dilla & Oxhorn, 2002; Otero & O’Byrne, 2002; Sixto, 2005) would argue that the classic western conceptions of civil society are static, and need to be adjusted to examine Cuba. They see Cuban civil society as changing form and definition based on the status of the political system. Haroldo Dilla and Philip Oxhorn are two such authors who believe that “the reconstitution of Cuban civil society is taking place in the midst of a transition based on heterodox market-oriented economic reforms that is producing a noticeable shift in the power structure” (Dilla & Oxhorn, 2002, p. 15). Yet as they continue, it becomes apparent that the authors view the emergence of the mass organizations as the beginnings of civil society. Thus, they include groups not completely autonomous from the state in their definition of civil society. They cite over 2000 organizations that others

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3. Weigle and Butterfield’s four stages are defensive, emergent, mobilizational, and institutional. The defensive stage is defined by “private individuals and independent groups actively or passively defend their autonomy from the party-state;” a society is said to be in the emergent stage when “independent social groups or movements seek limited goals in a widened public sphere which is sanctioned or conceded by the reforming party-state”; mobilizational when “independent groups or movements undermine the legitimacy of the party-state offering alternative forms of governance to a politicized society;” and the institutional stage is one “in which publicly supported leaders enact laws guaranteeing autonomy of social action, leading to a contractual relationship between the state and society regulated eventually by free elections” (Espinosa, 1999, p. 347).

claim represent civil society (Gray & Kapcia, 2008; Hearn, 2008; Hernández, 2003; Ochoa & Visbal, 2007). They do, however, note that the existence of many of these organizations is precarious, that they lack leadership experience, and a definitive space.

Gerardo Otero and Janice O'Bryan (2002) are in line with Dilla and Oxhorn in their belief that there exists a Cuban civil society, but it is severely hampered by repressive measures and laws against free association as well as the government's "flexibility in finding outlets for economic and political crisis" (p. 31). While they admit that the family/intimate sphere is not generally included in a definition of civil society, the unusual circumstances of an authoritarian system make it the cradle of free thought. On a similar basis they also include private economic actors (e.g., black market activity) and political parties, who would generally be included in the political sphere and excluded from the civil sphere. They point out—once again counter to Corrales—that the civil sphere is not completely independent but rather interdependent with the political and the economic arenas. Like many of the *Sí pero* authors, they see the mass organizations as what I call "democratic training grounds" (they see them as having social capital). Thus there may be benefits from the existence of these organizations not to be so easily discarded as useless in a more open society. Those who so desperately seek a change in the Castro regime should be aware that democratic change can only be achieved with more than a solely oppositional civil society.

Felipe Sixto (2005), like Otero and O'Bryan, strongly believes that political parties, the market, dissidents, and opposition groups should be included, at least partially, in the civil sphere. He champions the human rights, pro-democracy, and dissident groups that multiplied over the 1970s-1990s period, arguing that even in totalitarian states, civil society never completely ceases to exist but rather it can be found in small isolated spaces waiting, so to speak, on the opportunity that allows them to rise and flourish.

These differences amongst civil society scholars regarding inclusion of one element or another, whether it is the market or the family, political parties or mass organizations, leads to scholars having unfocused conversations. Thus, civil society is really a heuristic device

that helps us capture certain emotions. The emotional aspect is derived from our inclination to define civil society as voluntaristic and good. What that amounts to is that inexplicable feeling that people have when engaging with others without pecuniary benefit. Some call it social capital (Putnam 1993, 2000) and other call it civil society. In other senses, civil society is identified by what people expect that it can do for democracy or for socialism (Linz & Stepan, 1996). I utilize the concept of civil society in the Cuban context to exemplify those areas of association, whether antagonistic to the state or not, that are voluntaristic in nature, external to (but can be connected to) explicit market transactions. I also include the family because there is hardly a defensible explanation why the exchange of ideas cannot also be transferred within biologically related persons. This definition should help pinpoint a place in the conversation amongst scholars for whom context and family are included.

#### WESTERN DEFINITIONS OF CIVIL SOCIETY OR SOMETHING ELSE?

Scholars, politicians and practitioners of civil society-building tend to operate on what they believe is the proper conceptualization of civil society. Some of the restrictions and requirements that they impose on other societies, however, are only really practiced in theory in their own countries. Specifically, the model exported by the United States is not emblematic of its own state-nonprofit relationships. The Eastern European model, as extended to Cuba, will be discussed further below. Despite the fact that there are other examples of western civil society models, the most abundant are from Eastern Europe because the rise of civil society as a catch phrase coincided with the fall of the Soviet Union. Many comparisons of Cuba are made with Eastern Europe because of the common communist history they shared.

After the fall of the Soviet Union, Western and U.S. organizations flocked to Eastern Europe to show them how conduct civil society. Yet, in the United States, the part of civil society that is most easily conjured to mind, the nonprofit sector, is defined mainly by its tax status. Nonprofits in the United States emerged from a relief and service delivery origin (Smith, 1998). As the Cold War waged on, and the power of the United

States grew, nonprofits expanded their role into international development with help and prodding from the government (Smith, 1998). In fact, the United States Congress in the 1970s advocated an increase in the humanitarian focus of U.S. foreign aid and nonprofits saw themselves as an excellent channel for these funds. In fact, “in succeeding years, a steady increase in U.S. government subsidies to American NPOs [non-profit organizations] leveled off by the late 1980s at about the 25 percent level of overall NPO budgets” (Smith 1998, p.218). This is inherently paradoxical because of the fact that tax exemption is what gives legitimacy to organizations—a status which is conferred upon them by the very institution from which they try to remain autonomous, the state. To be sure, this is not the only form of civil society in the United States. However, when told that about my interests in civil society, often the response is, “so you study nonprofits.”

In civil society literature, one often encounters the Linz and Stepan (1996) definition of civil society; “that arena of the polity where self-organizing groups, movements, and individuals, relatively autonomous from the state, attempt to articulate values, create associations and solidarities, and advance their interests” (p. 7). They expressly include social movements, women’s groups, neighborhood and civic associations from all levels of society, and intellectual and religious organizations. Yet, it is rarely mentioned that in the next paragraph of their book, the authors include individuals that do not belong to any organization as a part of civil society (p. 8). In this vein, individuals can indeed be relied upon to spur dissident revolutionary change. The assumption here is that change through association needs a hero or heroic individuals who form associations and inspire the beginnings of change. While many civil society scholars may well be aware of this and in fact include individuals in their conceptualization of civil society, this tiny factor has a large effect in practice on what is considered as developed civil society. Rather, civil society has become correlated with larger organizations, leaving the potential of smaller, more individualized spaces behind. This can be seen in the unspooling of the experience in Eastern Europe and Russia after the fall of the Soviet Union where civil society has become synonymous with nonprofits for those engaging in civil society building (Hemment,

2004). Due to this development, the proliferation of registries and the professionalization of NGOs and nonprofits have recently come under fire for lacking the essential virtues of civil society—the voluntaristic, democratic, participatory spirit that was advocated and promised by Western consultants.

Often in democratic rebuilding, civil society promotion (akin to the idea of “redevelopment” of civil society because it is often seen as absent or debilitated in the communist context) is a part of the strategy. Yet, even though scholars of state nonprofit relationships in the United States are aware of the varied relationships between the two entities (Boris, 2006; Brinkerhoff & Brinkerhoff, 2002; Salamon, Sokolowski, & Anheier, 2000; Young, 2006), still the literature suggests that developed civil society in Eastern Europe has come to represent those organizations that have an ability to obtain foreign funding—representing only one possible role of civil society organizations (Hemment, 2004; Henderson, 2002). Consequently, a certain sort of disillusionment has set in with the employees of various international human rights and women’s organizations that have professionalized as well as the on-looking local NGO workers who see their resources and potential for competition for funding on equal footing wiped away (Hemment, 2004; Henderson, 2002). The findings of the civil society building literature suggest that these organizations appear to have fallen prey to the similar glossy prints and fancy board room meetings of the business sector, utilizing catch-all phrases like “good governance”—the civil society equivalent of “best practices”—and functioning in the exotic vocabulary of the upper crust of the third sector.

Some scholars believe that the civil society of other nations is an entity to be molded by foreign institutions. Hadenius and Ugglå (1998) write that, “Informal institutions, cultural norms, habits, traditions... can be changed only with the greatest difficulty. In contrast, formal institutions ... are probably easier for a donor to influence and change”(Hadenius & Ugglå, 1998, p. p.52). This quote is instructive because it highlights the superiority complex of donor institutions. While perhaps noble in their intent to root out corruption and failed practices, donor institutions can and do step

on indigenous organizations by failing to incorporate those selfsame informal habits, traditions and norms.

This practice extends beyond the reach of Eastern Europe and can be seen in other global contexts. On the ground, international NGOs (INGOs) often compete with local NGOs for money and resources. The effects, often neglected in such discussions, include the influx of INGOs in a given capital city, occupying spaces no longer available to local NGOs, and increases in salaries, prices and rent which push local NGOs out of the sphere effectively (Pouligny, 2004, p. 6). The literature suggests that often these INGOs fail to incorporate local knowledge as part of rebuilding strategies, reinforce the local processes, and take into consideration the patronage and asymmetric relationships that exist in the society. In reference to the Balkans, Vankovska (2002) writes that it is equivalent to “physicians prescribing treatment without prior diagnosis” (Vankovska, 2002, p. 11). She continues, “To put it more simply: the research community has know-how but has no means to make an impact, while the policy community has a budget and a will but is still unaware of its being ignorant about the basic facts concerning their own mission” (p. 11). A sort of arrogance is present in their method of delivery as evinced by the selection of foreign experts over local ones, the underlying assumption that the arrival of the INGO is year “zero” for the given country, and that their external nature automatically affords them legitimacy. This last point was reinforced by a World Bank lawyer who stated that civil society was indeed growing in developing countries precisely because of the existence of INGOs.<sup>4</sup> He made no reference to the local NGOs.

Supporting this idea is the case of the peacebuilding effort in Bosnia and Herzegovina. Civil society was the target of international funding. “The results are disappointing. The international community’s idealized conception of civil society differs dramatically from the actual conditions in which Bosnian civic groups and organizations function” (Belloni, 2001, p. 1). Belloni argues that the excitement over civil society is a re-

sult of a failure or an inability to achieve reconciliation through political and economic means. International aid through local elites reinforced the power structure and simultaneously had adverse effects on socio-economic development. The control given and willingly accepted by INGOs give local leaders an escape route when things run amok, in that they can then blame the INGOs for failures. The drive to increase the number of NGOs takes away from the focus that should be on the quality of NGOs. In the Balkans, more generally, the failure to coordinate with local structures led to a lack of consistent strategy (Vankovska, 2002).

As the Eastern European examples above have illustrated, at times international civil society actors and international donors fail to realize the impact of their work as they are often blinded by their do-gooder aspirations<sup>5</sup> that while noble in intent often have unintended negative and counterproductive results. In some cases, the international donor community fails to thoroughly assess the situation on the ground before applying their Western theoretical concepts. What essentially happens is that donor agencies make plans and carry them out without adapting them to the local context. In other cases, they provide competition for local NGOs, eclipsing them from resources, and failing to realize the great potential for indigenous organizations. By being so dominant, INGOs weaken local NGOs and leave them in a bind if and when the INGOs elect to leave. Further extending the global superiority complex of the West and Western organizations, they often see local NGOs as incapable of carrying out the work that they can, and often reinforce the existing inequality within the society. Furthermore, as suggested by Bratton (1994), outsiders tend to look for versions of civil society that are familiar to them and therefore ignore types of local civil society that may be useful to overall social fabric of a given country.

Furthermore, based on their Western posturing, scholars and politicians take the same approach to Cuba, arguing that civil society ought to be wholly indepen-

4. Visit to Rockefeller College by World Bank lawyer, Richard Messick, October 7, 2009, Q&A session.

5. This is challenged by Clifford Bob (2005), who asserts that NGOs actually have their own non-altruistic motivations. This point is worth considering given the negative effects that arise from their unchallenged hegemony.

dent of the state and its influence. This is because they impress the versions of civil society they are accustomed to in the West upon the Cuban context. They expect that Cuba can genuinely learn from the American experience of civil society.

In the Cuban context, foreign organizations (INGOs) are required by the state to have a Cuban counterpart to operate in Cuba and carry out projects. Yet some organizations see this as limiting. One would imagine that they would relish having overcome the problem of unequal partnerships in development. We know from the above studies that foreign development agencies and organizations can overpower and dominate, as well overlook the local system when attempting to help build or rebuild civil society. Thus, this organization-matching should actually be seen as a step forward in putting local and foreign organizations on equal footing. Yet, if Cubans were really to emulate American civil society, they would favor nonprofits over other forms of association. In other words, they would define themselves by a tax status conferred upon them by the state apparatus. They would find that some nonprofit foundations were operating more like businesses (Roelofs, 2005) and less like the virtuous organizations that the Western model expects them to be. They would also find that local organizations coalesce to larger legal organizational models as they grow in size. This leads to the question: should Cubans then be expected to take from our rhetoric or our reality?

### CUBAN LEGAL FRAMEWORK

In Cuba, the legal reality is that the right to associate is explicitly given as a constitutional right to all citizens as long as such association is not contrary to the revolution. The Revolution has explicitly defined that as-

sociation with specified and predetermined modes of association.

“ARTICLE 54. The rights to assembly, demonstration and association are exercised by workers, both manual and intellectual, peasants, women, students and other sectors of the working people, and they have the necessary means for this.

The social and mass organizations have all the facilities they need to carry out those activities in which the members have full freedom of speech and opinion based on the unlimited right of initiative and criticism.”<sup>6</sup>

In fact, Ley 54 (1985), which was followed by the Ley de Asociaciones in 1993 (Gray & Kapcia, 2008), does not refer to mass organizations, and instead refers to associational entities outside of them.<sup>7</sup> Organizations besides the mass organizations could now have a legal framework within which to operate within the revolution. Cubans throughout history have had the right to associate. From the Spanish Constitution of 1876 (The Constitution of the Spanish Restoration) and various royal decrees of colonial times to the latest law in 1993, the legal framework has existed (Zequiera). Organizations that qualify for consideration under the 1985 law are scientific organizations that promote research and development, arts and culture organizations, sports, friendship and solidarity/history, and other social interest groups. This is of extreme importance for the development of civil society in Cuba given that conventional wisdom harps on the mass organizations as the only permissible organizations in Cuba.

The main difference between the 1985 and 1993 law is that the most current statute allowed organizations to seek their own funding whereas they were previously state funded (Gray & Kapcia, 2008). The existence of such a law should not be taken to mean that these organizations are autonomous or that the process for

6. “Artículo 54o.- Los derechos de reunión, manifestación y asociación son ejercidos por los trabajadores, manuales e intelectuales, los campesinos, las mujeres, los estudiantes y demás sectores del pueblo trabajador, para lo cual disponen de los medios necesarios a tales fines. Las organizaciones de masas y sociales disponen de todas las facilidades para el desenvolvimiento de dichas actividades en las que sus miembros gozan de la más amplia libertad de palabra y opinión, basadas en el derecho irrestricto a la iniciativa y a la crítica” (La Constitución de la República de Cuba, 1992).

7. “No están comprendidas en las prescripciones de esta Ley, las organizaciones de masas y sociales a que se refiere el artículo 7 de la Constitución, las asociaciones eclesiásticas o religiosas, las cooperativas de producción agropecuaria, las de crédito y servicio, y otras autorizadas por la ley” (“Ley de Asociaciones,” 1985).

such status is easily acquired. These associations must have a minimum of 30 people except in special cases as identified by the Ministry of Justice. Organizations are reviewed by state agencies with similar foci. This means essentially that national organizations must be reviewed by a state entity that normally deals with such or similar issues. If the organization is of a local nature, it must be reviewed by the *Poder Popular*, an executive committee with provincial and municipal branches. Within 90 days of the receipt of the request, that agency must then submit a report to the Ministry of Justice along with the make up and constitution of the organization. Within 60 days of that the Ministry of Justice must give its ruling of whether or not the organization has been granted legal status. There are seven reasons for which an organization can be denied status: (1) failure to comply with the state agencies' requirements; (2) unclear objectives and territory of operation; (3) objectives that can harm the public interest; (4) goals and objectives that are impossible to attain; (5) existence of other organizations with similar objectives; (6) failure to produce a document that indicates the rules and norms of the organization; and (7) intentions to create conditions of social patrimony. The responsible state organ and the organizations establish the norms that guide the coordination and collaboration between them. However, the state organization retains the right to carry out inspections, to verify that the organizations comply with the letter ("Ley de Asociaciones," 1985).

This legal framework is difficult to assess in a socialist country because we must keep in mind the ideological underpinning of the state would imply that they would look negatively upon association that in effect reveals their inefficacy. Consider that in Leninist socialist ideology the state should be able to provide all the necessary components to society. Thus, the idea that organizations have to go to agencies with similar foci is like showing the responsible agency what it is either incapable of providing or has yet to provide.

Another important feature within this law is the existence of a registry. Called the *Registro de Asociaciones*, this state registry is housed in the Ministry of Justice

and is explicitly listed on its website as one of its functions.<sup>8</sup> Each province (and the Isla de Juventud) has a registry as well, where information, control documents, related data and the like (as per the Ministry of Justice) can be found on organizations operating in their respective territories. These registries have the power to exercise control, supervise and inspect the associations to ensure that they comply with the law. The Ministry of Justice naturally has the power to impose sanctions but organizations do have a mechanism by which within 30 days of the sanction they can appeal and be heard by the Attorney General (Head of the Ministry of Justice) ("Ley de Asociaciones," 1985). It can be said that at the very least, Cuba's framework for associations is functional. Future research will address its reality over time.

Unlike the United States context, Cuban NGOs cannot, as explicitly stated in Art. 8, Sec. F, create situations of social patrimony. In other words, the state does not want Cuban citizens to be dependent upon the NGOs. This expands the ideas raised above about the role of the state in comparison to developing loci of power external to it in a communist system. One can infer from this that if citizens are dependent upon these organizations then the organization will have amassed some amount of power. In the United States there are service deliverers (besides the state) upon which certain populaces are dependent upon for survival. The Cuban law was written to prevent such a situation. Nevertheless, the recent crisis has tested the state's ability to prevent such a situation.

Organizations have been given room to operate in Cuba because of the economic crisis that the country fell into after the fall of the Soviet Union (Gray & Kapcia, 2008). During the Cold War, Cuba was able to maintain its provision of social services and basic needs, but with the end of the Cold War came the Special Period, in which the Cuban state was forced to scale back its activities because of lack of resources. Still, despite opening up space for civil society, the Cuban state did not relinquish control to the organizations. Cuban and foreign NGOs have specific rules that they must conform to. As stated, foreign NGOs

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8. See <http://www.minjus.cu/html/estructura.php>

have no legal status in Cuba without being partnered with Cuban organizations (Gray, 2002). However, that the state has made this space available is of itself an interesting phenomenon. Given more time and observance, we may be able to assess what a socialist civil society looks like. At present, the civil society in Cuba is more reflective of a combination of socialism, necessity, and fear. Since Cuba is communist, their existence is proof of their necessity because in the ideal society there is no need for civil society or its organizations. The fact that these organizations are not allowed to become patrimonial in their relations with society, is a reflection of the Cuban ideology with respect to the role of the state.

The heavy regulation of civil society actors is a reflection of socialism and necessity but it is also a reflection of the fear that the United States is supporting dissident elements of society through “civil society.” It must be noted here that since 1995, when Gillian Gunn first introduced readers to the over 2200 registered civil society organizations in Cuba, to the present those who reference the number of civil society organizations in Cuba continue to cite the same number (Gray & Kapcia, 2008; Gunn, 1995; Ochoa & Visbal, 2007). Is this a reflection of the lack of access to the more recent numbers or has the Cuban apparatus simply stopped licensing organizations? This represents a very curious phenomenon and remains to be solved.

A common problem in the civil society literature is that both scholars and practitioners alike believe that they know what a good civil society looks like. The problem with this is that as described above, civil society can be different in different contexts. Thus, there may never be a consensus on what exactly it looks like, or whether it is good or bad because it looks different in different places. What Western practitioners and scholars often expect to see is a civil society that looks like what they know it to be at home. The legal framework is a starting place for future discussions by practitioners even if it is not followed to the letter.

#### THE BACKLASH AGAINST CIVIL SOCIETY

Hostile responses to civil society have been common in recent years. It is not just a Cuban phenomenon and it is guided by states that feel threatened, either internally or externally. The recent global pattern is reflec-

tive of states that are suspicious of organizations outside of the state because of the threat of other loci of power.

In Uganda, civil society has intentionally avoided its advocacy role because of the political strife that existed in the past. In fact, in April of 2006, the Ugandan Parliament deliberately passed laws to restrict the activities of civil society organizations (Woods, 2007). This was because civil society actors were seen as challengers to the status quo by performing the role of monitoring elections and demanding accountability. In that country, civil society, because of fear of reprisal, has shied away from a potential advocacy role. Civil society’s role in reform is directly related to the political violence inflicted by the state against its citizens in the past (Woods, 2007). By raising awareness, exposing misconduct and demanding accountability, civil society actors are indirectly engaging in a conversation about the role of the state in perpetrating abuses in Uganda. This role for civil society is what makes it a threat to states whose human rights records may not be so clean.

Bratton (1994) makes the point that although it may not at first be evident, universal concepts such as civil society need to take into account the distinctive features of different nations and sub-nations, as is evident for any attempts at building civil society in Uganda. Furthermore, I would argue that even more important than developing along a separate trajectory, a mature form of civil society is not to be expected following directly after a violent past. While there will always be exceptions to any rule, if we imagine the development of civil society functioning on a continuum, it would appear sensible to assume that civil society actors in a matter of a few years will not evolve from oppressed to activist. Globally, the “cumbersome registration processes” (CIVICUS, 2006) imposed on civil society organizations are reflections of states that are suspicious, whether or not such suspicions are valid. Additionally, suspicion will persist until trust among political and societal institutions has increased.

Uganda is not unlike the case of Cuba in some ways. While I would advocate care in drawing comparisons between a state like Cuba whose violent past pales in comparison to Uganda’s, where violence and murder

were common political tools during war, it would be unrealistic to expect jovial relations between the state and civil society under strained conditions. In other words, the appearance of civil society does not automatically eradicate the mistrust of the past. The amalgamation of new or different interests in a society where one ideology or belief is dominant is likely to produce a negative response on the part of those who hold power. Thus, any civil elements that reflect a growing locus of interests and power outside of the Cuban state are likely to either be co-opted or silenced.

Other states are scaling back the role of civil society within their borders as a response to what they see as internal threats. This trend suggests that it is not just socialism that accounts for Cuba's proclivity to silence civil society. A view of civil society as an internal threat may also be behind the increase in registration formalities in countries like Ethiopia, or laws regulating civil society in countries like Rwanda, Sierra Leone, Sri Lanka, Tajikistan, Uganda, Bahrain, Cambodia, China, Egypt, Jordan, and Yemen where democracy is still being fomented (ICNL, 2009).

Furthermore, the increase in academic and political rhetoric on civil society has coincided with the recent rise of globalization. This most recent increase in the availability of information and rapidity of cross-border flows of such information has not escaped civil society. Civil society also now transcends borders. The inability for many countries to control the flow of information is actually a threat to state dominance and yet another reason why states view "civil" society with suspicion. Global civil society challenges the conventional definition of the state (specifically, its monopolization of the legitimate use of force within a territory).

The current global civil society has generally used a norm of non-violence which challenges the realist assumption of states being the primary units of interaction. This threat to the state has produced a backlash. Civil society is therefore being seen by some states as an external, perhaps even supra-statal threat. Organizations that appeal to a broader purpose or may be attracting external funding have come under fire in some societies (ICNL, 2009).

Based on the backlash to civil society, and the globalization of civil society, it should come as no surprise that civil society is contested in Cuba. Civil society's ability to form centers of power away from the state, as well as to threaten the definition of the state as the primary unit of international action, is menacing to a state like Cuba. In an attempt to counter this threat, a requirement of associations in Cuba is that they support the government. While Cuba's backlash against civil society is not a new phenomenon, it parallels the scenario in which other states find themselves. New "provisions allowing government officials to attend NGO meetings, suspend the officers of NGOs, and appoint their replacements, will have negative effects on the independence and sustainability of NGOs" is a growing world-wide scenario, according to the International Center for Not-for-Profit Law but one that Cuban NGOs have been operating under since 1985 when the first *Ley de Asociaciones* was introduced.

#### CUBAN CIVIL SOCIETY AND THE TRACK II POLICY

In 2004, the United States increased funding for the "pro-democracy movement to [train, develop, and empower] a Cuban democratic opposition and civil society" (Gray & Kapcia, 2008, p. 176). This was grounded in the established Torricelli and Helms-Burton laws, 1992 and 1996 respectively, that explicitly seek to overthrow the Castro government through economics and civil society. The Track II policy, a part of the Torricelli Bill (a.k.a., Cuban Democracy Act), in which Cuban civil society ought to be supported and aided in attempts to overthrow the Castro regime is grounded in a specific conceptualization of civil society as the harbinger of democracy and the champion over communism. The Castro government conceptualizes civil society differently and sees civil society supported by these laws explicitly as a threat.

More generally, civil society during a transition to democracy is charged with having the "capacity to generate alternatives...help transitions get started, help resist reversals, help push transitions to their completion, help consolidate, and help deepen democracy" (Linz & Stepan, 1996, p. 9). It is "resurrected" after the fall of authoritarianism and it is the space for the popular upsurge that takes place during the transition (O'Don-

nell & Schmitter, 1986). This is the sort of civil society that practitioners, politicians and even academics expect to see in Cuba. Civil society is, therefore, the domain of purely democratic activity. In democratization, it is advocated, new ideas about freedom and liberty take root and flourish, demolishing the antediluvian ideas of old socialists who lack the ability to know the virtues of association. This sort of definition of civil society is extremely influential because it means that civil society cannot or does not exist in authoritarian societies and also that civil society represents only the virtuous aspects of participation and involvement. The United States' government may not believe dissidents are the only civil society but the association of civil society with dissidents in U.S. could contribute to the position that civil society is an arena of "the enemy." The U.S. government offers aid to civil society in the Torricelli Act of 1992, but only to civil society that is not supportive of the state. The record of support has been to dissident organizations and challengers to the regime (Erlich, 2009). Civil society, if we follow the U.S. line of reasoning, in countries under communist regimes can only be oppositional—it is antagonistic to the state and seeks its removal and replacement by a democratic government.

Contrast these images of civil society with the Marxist image of civil society. *Bürgerliche Gesellschaft* (translated as civil society) is conceptualized in terms of production and is related to the bourgeoisie. Marx credited Hegel with the concept (Hegel also saw it is a sphere of the market and subject to the same mechanisms of the market, i.e., self-interest) (Kumar, 1993). For socialists, civil society is an arena of contention and elite domination, atomization and particularized interests that do no serve the community at large. Given that ideological divide, it should be no surprise that Castro and conceivably other socialists are suspicious of civil society. It is logical for Cubans to associate the atomized version of civil society as described by Marx with the antagonistic civil society (dissidents) as promoted by U.S. policy and non-socialist countries. Whether or not the portrayal is accurate, viewed from the Cuban government standpoint, the two concepts seem to match if viewed through a Marxist lens. The fact that American nonprofits engage in creating institutions that mimic the American models abroad could

be viewed negatively through the Marxist lens that civil society is a place for elite domination. Furthermore, if Marxist ideology has played a role in the Cuban formulation of civil society, then it is also natural that civil society is an entity to be restricted and limited, because left alone it will deteriorate into the arena of elite domination as Marx first conceived of it. On this basis, scholars need to keep this in mind when analyzing Cuban civil society.

## CONCLUSION

The study of civil society is a difficult task. To study Cuban civil society is even more arduous. It is understandably challenging to study something that is hard to define. Still, as scholars it is our responsibility to include pertinent elements of a context where appropriate. Therefore, to study Cuban civil society without considering the differences in definitions in academia as well as how it is operationalized politically is a disservice to the field. As scholars we have not failed by debating the issue at length, but rather by neglecting to confront our biases up front.

Civil society has existed in Cuba but the debate about whether or not it is, or in what form it exists has practical political roots and implications, as well as academic ones. It is also banal to decry the crackdowns on civil society in Cuba when in fact, not only are crackdowns a defensive move but their adverse reaction to civil society adheres to Cuban socialism. This is not to say that the atmosphere for civil society in Cuba is unproblematic. In fact, the freedom to associate is limited to the confines of socialism. Additionally, this monitoring of civil society organizations is also a growing worldwide trend but defended in various contexts under the rubric of hunting terrorists, providing internal stability, or even attempts at achieving modernity. Cuba is, therefore, no exception. In attempting to find this elusive white whale that we call civil society, we expect it to emerge or re-emerge, to be born anew in the way that we want to see it. However, if we continue to search for it thus, we will actually never see civil society for what it really is: a wide and varied arena with elements, both good and bad. This paper aimed to illustrate that we ought not to be surprised at the unfortunate attitude the Cuban government takes towards civil society, and how civil society looks from their

vantage point. Therefore, the United States government should also consider separating their support for “civil society” and dissidents when addressing Cuban issues.

The next stage of the development of the civil society concept should do away with the separate conceptualizations of state and civil society. As illustrated through the examples throughout the paper such as Cuba, the United States, and Uganda, such a concep-

tualization has not yet come to pass. The state enables civil society; civil society is limited by it, needs the support of the state and can keep it accountable. But civil society is not inherently good for itself; civil society is infused with politics that sometimes inhibit democratic association and civil society can be antagonistic and even violent towards the state. Thus, they are not wholly separate entities. They fade into and out of one another in both capitalist and socialist societies.

## REFERENCES

- Alexander, J., Nank, R., & Stivers, C. (1999). Implications of Welfare Reform: Do Nonprofit Survival Strategies Threaten Civil Society? *Nonprofit and Voluntary Sector Quarterly*, 28(4), 452–475.
- Amaro, N. (1996). Decentralization, Local Government and Citizen Participation in Cuba. *Cuba in Transition*, 6, 262–282.
- Armony, A. (2003). Civil Society in Cuba: A Conceptual Approach. In M. E. Crahan (Ed.), *Religion, Culture and Society: The Case of Cuba*. Woodrow Wilson Center Reports on the Americas (pp. 17–36). Washington, D.C.
- Associated Press. (2009). Obama Seeks ‘New Beginning’ with Cuba. Retrieved April 17, 2009, from <http://www.msnbc.msn.com/id/30261514/>
- Belloni, R. (2001). Civil Society and Peacebuilding in Bosnia-Herzegovina. *Journal of Peace Research*, 38(2), 163–180.
- Bernhard, M., & Karakoç, E. (2007). Civil Society and the Legacies of Dictatorship. *World Politics*, 59(4), 539–567.
- Bob, C. (2005). *Marketing Rebellion*. Cambridge University Press.
- Boris, E. T. (2006). Introduction—Nonprofit Organizations in a Democracy: Varied Roles and Responsibilities. In E. T. Boris & C. E. Steuerle (Eds.), *Nonprofits and Government: Collaboration and Conflict* (pp. 1–35): Urban Institute Press.
- Bratton, M. (1994). Civil Society and Political Transition in Africa, *Institute for Development Research Reports* (Vol. 11): Institute for Development Research
- Brinkerhoff, J. M., & Brinkerhoff, D. W. (2002). Government-Nonprofit Relations in Comparative Perspective: Evolution, Themes and New Directions. *Public Administration and Development*, 22, 3–18.
- Brody, E., & Cordes, J. J. (2006). Tax Treatment of Nonprofit Organizations: A Two-Edged Sword? In E. T. Boris & E. C. Steuerle (Eds.), *Nonprofits and Government: Collaboration and Conflict*, second edition (pp. 141–180). Washington D.C.: Urban Institute Press.
- CIVICUS. (2006). Civil Society in Uganda: at the Crossroads?, *CIVICUS Civil Society Index Project*: CIVICUS.
- Corrales, J. (2005). Civil Society in Cuba: Internal Exile. In J. S. Tulchin, L. Bobea, M. P. E. Prieto & R. Hernández (Eds.), *Changes in Cuban Society Since the Nineties* (pp. 51–59): Woodrow Wilson International Center.
- Cortright, D., Lopez, G. A., Millar, A., & Gerber-Stellingwerf, L. (2008). Friend not Foe: Civil Society and the Struggle against Violent Extremism, *A report to Cordaid from the Fourth Freedom Forum and Kroc Institute for International Peace Studies at the University of Notre Dame* (pp. ii-25): Kroc Institute.

- Cuban Democracy Act, U.S. House of Representatives, 102nd Congress. 2nd Session Sess.(1992).
- Dilla, H., & Oxhorn, P. (2002). The Virtues and Misfortunes of Civil Society in Cuba. *Latin American Perspectives*, 29(4), 11–30.
- Erllich, R. (2009). *Dateline Havana: The Real Story of U.S. Policy and the Future of Cuba*. Sausalito, CA: PoliPoint Press.
- Espinosa, J. C. (1999). Civil Society in Cuba: The Logic of Emergence in Comparative Perspective. *Cuba in Transition*, 9, 346–366.
- Fernández, D. J. (2001). Society, Civil Society and the State. *Problems of Post Communism*, 48, 56–63.
- Goodhand, J., & Lewer, N. (1999). Sri Lanka: NGOs and Peace-building in Complex Political Emergencies. *Third World Quarterly*, 20(1), 69–87.
- Gray, A. I. (2002). *Deconstructing Civil Society in a Revolutionary Socialist State: The Genesis of NGO Participation in Contemporary Cuba*. Unpublished Doctoral Dissertation, University of Limerick, Limerick.
- Gray, A. I., & Kapcia, A. (2008). *The Changing Dynamic of Cuban Civil Society*. Gainesville, FL: University Press of Florida.
- Gunn, G. (1995). Cuba's NGOs: Government Puppets or Seeds of Civil Society?, *Cuba Briefing Series*. The Caribbean Project, Center for Latin American Study: Georgetown University.
- Hadenius, A., & Ugglá, F. (1998). Shaping Civil Society. In A. Bernard, H. Helmich & P. B. Lehning (Eds.), *Civil Society and International Development* (pp. 43–52): Council of Europe; Organization for Economic Cooperation and Development.
- Harvey, P. (1998). Rehabilitation in Complex Political Emergencies: Is Rebuilding Civil Society the Answer? *Disasters*, 22(3), 200–217.
- Hearn, A. H. (2008). *Cuba: Religion, Social Capital and Development*. Durham: Duke University Press.
- Hemmett, J. (2004). The Riddle of the Third Sector: Civil Society, International Aid, and NGOs in Russia. *Anthropological Quarterly*, 77, 215–241.
- Henderson, S. (2002). Selling Civil Society: Western Aid and the Nongovernmental Organizational Sector in Russia. *Comparative Political Studies*, 35, 139–167.
- Hernández, R. (2003). *Looking at Cuba: Essays on Culture and Civil Society*. Gainesville: University of Florida.
- ICNL. (2009). Global Trends in NGO Law. *Global Trends in NGO Law*, 1(1), 1–14.
- Kumar, K. (1993). Civil Society: An Inquiry into the Usefulness of an Historical Term. *The British Journal of Sociology*, 44(3), 375–395.
- La Constitución de la República de Cuba (1992). Cap. VII, Art 54.
- Ley de Asociaciones, 54 (1985). Retrieved from: <http://www.asanac.gov.cu/espanol/leyes/Ley%20N%BA%2054%20Asociaciones.html>
- Linz, J., & Stepan, A. (1996). *Problems of Democratic Transition and Consolidation*. Baltimore: Johns Hopkins University Press.
- O'Donnell, G. A., & Schmitter, P. C. (1986). *Transitions from Authoritarian Rule. Tentative Conclusions about Uncertain Democracies*. Baltimore: Johns Hopkins University Press.
- Ochoa, F. R., & Visbal, L. A. (2007). Civil Society and Health System in Cuba: Health Systems Knowledge Network. Retrieved January 2009 from: [http://www.who.int/social\\_determinants/resources/csdh\\_media/civil\\_soc\\_health\\_cuba\\_2007\\_en.pdf](http://www.who.int/social_determinants/resources/csdh_media/civil_soc_health_cuba_2007_en.pdf)
- Otero, G., & O'Bryan, J. (2002). Cuba in Transition? The Civil Sphere's Challenge to the Castro Regime. *Latin American Politics and Society*, 44(4), 29–57.
- Pedraza, S. (2002). Democratization and Migration: Cuba's Exodus and the Development of Civil Society—Hindrane or Help? *Cuba in Transition*, 12, 247–261.
- Poulligny, B. (2004). *Civil Society and Post-Conflict Peace Building: Ambiguities of International Programs Aimed at Building New Societies*. Paper presented at the Post-conflict Peace Building- How

- to gain a sustainable peace? Lessons Learnt and Future Challenges Conference.
- Putnam, R. D. (1993). *Making Democracy Work*. Princeton, NJ: Princeton University Press.
- Quiroz, A. (2003). The Evolution of Laws Regulating Associations and Civil Society in Cuba. In M. E. Crahan (Ed.), *Religion, Culture and Society: The Case of Cuba*, Woodrow Wilson Center Reports on the Americas (pp. 55–69). Washington D.C.: Woodrow Wilson Center.
- Reaud, B. (2002). Examining Cuban Civil Society. In M. A. Font (Ed.), *Cuba in Transition* (pp. 231–245). New York: Bildner Center for Western Hemispheric Studies.
- Roelofs, J. (1995). The Third Sector as a Protective Layer for Capitalism. *Monthly Review*, 47(4).
- Roelofs, J. (2005). Liberal Foundations: Impediments or Supports for Social Change. In D. R. Faber & D. McCarthy (Eds.), *Foundations for Social Change*. New York: Rowman and Littlefield, 2005.
- Salamon, L. M., Sokolowski, S. W., & Anheier, H. K. (2000). *Social Origins of Civil Society: An Overview*. Johns Hopkins University Press.
- Sixto, F. E. (2005). U.S.-Cuba Policy: Strengthening Civil Society, Establishing Democracy. *Cuba in Transition*, 15, 243–247.
- Smith, B. (1998). Nonprofit Organizations in International Development: Agents of Empowerment or Preservers of Stability. In W.W. Powell & E.S. Clemens (Eds.), *Private Action and the Public Good* (pp. 217–227): Yale University Press.
- Stolberg, S. G. (2009, April 14, 2009). Obama Opens Door to Cuba, but Only a Crack. Retrieved April 14, 2009, from [http://www.nytimes.com/2009/04/14/world/americas/14cuba.html?\\_r=1&emc=eta1](http://www.nytimes.com/2009/04/14/world/americas/14cuba.html?_r=1&emc=eta1)
- Triff, S. (2005). El Valioso y Elusivo Componente Cultural en el Apoyo a la Sociedad Civil. *Cuba in Transition*, 15, 258–268.
- Vankovska, B. (2002). *Western Civil-Society Empowerment and the Lessons Learned from the Balkans*. Paper presented at the Geneva Centre for the Democratic Control of Armed Forces
- Weigle, M. A., & Butterfield, J. (1992). Civil Society in Reforming Communist Regimes: The Logic of Emergence. *Comparative Politics* 25(1), 1–23.
- Woods, D. (2007, 12–15 March). *The role of civil society in police reform in Uganda*. Paper presented at the Police Reform in Post-Conflict African Countries—IDASA Conference.
- Young, D. R. (2006). Complementary, Supplementary, or Adversarial? Nonprofit-Government Relations. In E. T. Boris & C. E. Steuerle (Eds.), *Nonprofits and Government: Collaboration and Conflict*, Urban Institute Press.
- Zequiera, C.C.B. Cuban Society and their Independence. *CubanHeritage.org*. Retrieved March, 2009 from: <http://www.cubaheritage.org/articles.asp?IID=1&artID=536>