

Why Are the Police Racist?

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As César Vallejo said of certain writers, I am perspiring as I write this. With that nearly metaphoric expression, Vallejo was insinuating that there are people who express their ideas from a place of pas-

sion, forgetting the accepted standards of proper writing. The topic about which they were writing was so present, ardent, and sensitive, that they paused for no dictionary or grammar guide to adjust a phrase, according

to established canons for their particular language.

Yet, I am not going to stay entirely on the subject of expression, because to me clarity on a subject as visceral as racism in Cuba seems much too important for that. Of course, I am still passionate about it, but irrational, which seems to be the only angle from which to clearly see a problem that still tends to be ignored.

My title is no mistake. I am not asking *if* but rather *why* the police are racist. I take it as a given that the policy for dealing with “crime” in Cuba reveals clearly racist tenets. It also seems contrary to the State’s proposed integration model. It is founded upon the idea of cultural purity and does not acknowledge an assumed and internalized identity, despite the fact the government says otherwise.

This article is not political, although it might seem to be. I am asking the above question in an attempt to culturally and sociologically probe something that predates the last half century, when the Constitution institutionalized racism in a culturally indirect manner.

How far back can we look? To the nineteenth century, to Rafael Salillas, an important doctor and criminologist who in 1888 wrote what became a very famous book: *La vida penal en España* [Prison Life in Spain]. This publication was essential to Fernando Ortiz’s work. Salillas, a basic authority on the Spanish picaresque and the work of Cervantes, considered both these genres precursors to the study of crime. He spent time in Ceuta, where members of the illegal Abakuá religious sect were sent to prison, interviewing them. Salillas’ work can be understood by means of a sociological perspective that I, myself, share. It posits that the criminal underworld is where humanity, in

all its horror, can be seen for what it really is. Of course, we must understand that it is not just this environment, itself, but also a view of it that “contextualizes it within a society and its culture,” too, as Cuban Yale University professor Roberto González Echevarría affirms.

Ortiz takes this perspective and applies it to his study of what he called *Hampa afrocubana* [Afro-Cuban Underworld], published in 1906. In it, he states: “If there were a real penal colony in Cuba, the problem (of isolating Abakuá priests) would be practically solved, since these sorcerers could be forced to do special work while remaining separated from the other categories of prisoners.”²

In the Cuban (and Brazilian) example, this point of view referenced a kind of “prejudice” in Ortiz’s way of studying blacks in the twentieth century that González Echevarría is able to express succinctly in the twenty-first. He uncritically talks about them belonging to the “Afro-Cuban” underworld, using Ortiz’s own language.³

To understand Ortiz, one would have to trace Salillas’ trajectory, and its implications for Cuba, and continue on with the path carved out by famous, nineteenth-century criminologist Cesare Lombroso, to whom we owe the coining of the term “criminal anthropology.”

What did Lombroso do? In 1894, Lombroso published *Los palimpsestos de las prisiones* [Prison Palimpsests], which presented tattoos and graffiti samples collected from Italian prisons over four years. He sought them out, not as exotic forms of writing, but rather as a moving archive and a prisoner’s means of communication, which makes them both kinds of secret languages.

Tatoos are the signifier and language that the aforementioned Salillas hunts down in different nineteenth-century Spanish pris-

ons. This leads to a concept of prevention, not healing, and then to the later development of a “scientific police” that subsumes criminal anthropology and seeks the elimination of all kinds of secret societies that are conceived as the cradles of criminal activity. A retrospective view shows that this very same criminal anthropology served as a precursor to Italy’s fascism in the 1920s.

Salillas followed Lombroso, and his own foundational 1898 text, *Hampa* (anthropología picaresca) [Underworld. Picaresque Anthropology] reveals traces of Lombroso and establishes the basis for the Afro-Romance anthropology started by Ortiz in Cuba. That is how anthropology turns to language as a source for delving into criminality. Its key concept is “degeneration,” which describes the very lowest stage of human (the criminal), below progressive man, civilized man, and backward man, the last one a “savage,” according to this philosophy.

This explains why Ortiz first studied *Náñigo* blacks [a derogatory term referring to those who practice Abakuá religion] and their secret language. But the difference between his approach and Lombroso’s is important: Lombroso employed phrenology, which shows how criminals match up to certain human anatomical models (specific head and brain sizes, degree of intelligence, peculiar ears and teeth, etc.) and social environments.

Salillas and Ortiz both study language, another branch of Lombroso’s criminology, as well as social environment. Thus is born literary anthropology, which led to cultural anthropology, in the Latin tradition. Salillas studies the rogues and rough types of the anonymous, sixteenth-century Spanish text *Lazarillo de Tormes*; Ortiz, on the other hand, penetrates Havana’s secret societies, in

the Municipality of Regla, to be precise, and unwittingly and permanently inaugurates a criminal anthropology based on the cultural traits of blacks. From that moment on, any language, occult or secret, that is not understood (by the mainstream), is culturally suspect of criminality. Lombroso is ever-present, nevertheless, because he determines there are specific physical traits that pigeonhole criminals. Anatomical and cultural types serve equally to classify specific social or cultural categories within a criminal destiny.

Towards the end of the nineteenth century, when this kind of criminology began to lose its sway, Polish-British writer Joseph Conrad protested against it. Even in the twenty-first century, Conrad’s reasoning is popular with sociologists such as Norwegian Nils Christie. Let’s listen to Conrad in the following extensive quote:

“Lombroso is an ass...Have you ever seen such an idiot? To him, anyone in jail is a criminal. It’s that simple, right? Well, what about those who lock up people, those who force them to be that way? And what is the crime? Could this imbecile who has made a name for himself in a world full of fools by looking at the ears and teeth of a bunch of poor, unfortunate devils know the answer to this? Do ears and teeth (and skin color, I might add) automatically point to a criminal? Really? What about the law—the instrument that brands him, which was invented by fatcats to protect themselves from the poor—those who even more vociferously says he is a criminal?”⁴

The shortcomings of this sort of criminology became obvious over time: the language of the assumed and really marginalized, which was read as a semantic trapping for criminality, once again became what it had always been—a sign of the language’s state at different times. Yet, Ortiz makes the

jump from criminology to culture.

This happened in Brazil as well, where Raimundo Nina Rodrigues, a doctor turned eminent anthropologist, began his foray into criminal anthropology following Lombroso's lead. In 1894, he wrote *As raças humanas e a responsabilidade penal no Brasil* [The Human Races and Penal Responsibility in Brazil], which reflected the racist limitations of the times. But like Ortiz, he went off on other tangents. From quite early on he is responsible for the way in which a syncretic African consciousness was incorporated into the shaping of the nation. This is something Ortiz was not able to do in Cuba, where the nation presented and continues to present itself as a product of the State and not of culture, which created dysfunctional consequences that are being felt even today, and warrant serious study.

Even if the creators of "prejudice" strayed down the wrong path, they did not realize that they had established a paradigm, an archetype, a referent, a dogma, a *profile* that deeply embedded itself in their societies and, like dry kindling, scorched them ever since. In Brazil, the conversion, or straying to the wrong path, resulted from a commotion that occurred at the end of the nineteenth century, in the city-state of Bahia. It happened because of a wave of violence that shook religious groups of African origin and revealed, much to the dismay of the press, that many whites participated in sacrifices and other practices prohibited by the Catholic Church. The hidden question that Nina Rodrigues might have been asking himself could very well have been if human criminal types really existed.

Of the three books in Ortiz's trilogy on blacks, *Hampa afro-cubana* (1906) [Afro-Cuban Underworld] has been the most influential, from a cultural viewpoint, amongst

the elite in Cuba. Neither *Los negros esclavos* (1916) [Black Slaves] nor *Los negros curros* (1986) [Black Curros] have exerted the same degree of influence as the first on the Cuban way of thinking, particularly with regards to power, who gets it, and how. Transculturation is certainly the very best idea ever embraced by our cultural philosophy, but even it has not been able to erase the impact of the kind of thinking that preceded it.

Hampa afro-cubana reflects Ortiz's publications around 1904, in the *Archivos de psiquiatría* [Psychiatry Archives], a journal founded by Lombroso. In his first book, Ortiz refers to a crime involving Zoila, a white girl, at the hands of a black Obeah priest, the Congo man Bocú. This allowed Ortiz to "scientifically" describe and present what a *black crime* actually was.

The crime occurred in 1904, and totally shocked Havana society. Despite the fact it was impossible to prove the Congo man's guilt in the matter, the event made it possible to explain the ritual as an act of retribution for some evil deed way back in slave times. The story that circulated at that time was that if a sterile woman followed a particular African ritual, that is, if she ate the heart of a white girl, she'd be able to conceive. This is why Ortiz saw the prohibition of sorcery as necessary. It was a way to de-Africanize Cuba. Nina Rodrigues felt the same way about Brazil.

Ortiz and Nina evolved and abandoned any intention to scientifically explain *black crime*. But culture, which was understood to contain dominant symbolic signifiers that function as the critical base for social coexistence (this concept of culture includes a view of it as aesthetic and artistic, as both symbol and symptom), inverted the terms and said that even if Lombroso was wrong, because there was no scientific justification for *black*

crime, it was still possible to confirm that *blacks tend towards crime*. This explains why when Ortiz creates and introduces the term ‘Afro-Cuban,’ for which reason he is considered Cuba’s third discoverer, after Christopher Columbus and Alexander Von Humbolt, the dominant culture says ‘no,’ that there are only Cubans in Cuba (that to be Cuban was more than being black, more than being white, more than being mulatto, as José Martí said). This forces Afro-Cubans into a limited, confined position, and makes their presence in prisons and at the margins of society extremely visible. The concept *blacks-tend-towards-crime* came to take the place of *black crime* in the national imaginary and symbology. What is more, no one has been able to change this, which has brought about a regression to the idea of *black crime*.

The *Ñáñigo* is considered a thug *par excellence*. In 1908, Havana’s Police Inspector, Rafael Roche, catapulted the *Abakua*s to just that level of thuggish fame. Roche promoted a brand of criminal anthropology or literary criminology that attempts to read crime into tattoos and language. What does ‘*Ñáñigo*’ mean? According to Ortiz, *ñaña* plus *ngo*, a Congo word, means ‘mysterious leopard, evil one, magical’.⁵

The *Abakua*’s bad reputation went all the way back to the time of abolition, when they were assumed responsible for a variety of crimes. It was Roche, himself, who discredited *ñañiguismo*, having himself been initiated into the sect’s mysteries and later, wanting to despoil that at the expense of his *ecobios*, or religious brothers. At this time, many of his informants attributed the wave of horror that had been unleashed regarding the *Ñáni*-*gos* to when whites got involved with them, the first of whom was the legendary Andrés Petit, in 1857.

The fact that blacks got permanently associated with crime or criminal situations has the best of present-day allies: cultural foundations. I use the term ‘culture’ in its anthropological sense, the dominant symbolic signifiers that serve as the critical basis upon which social coexistence occurs. In the Cuban context, this means ‘prejudices,’ which constitute the framework within our minds that sets the rules for our conduct towards and view of others. These are constantly reproduced, like termites in rotten wood, and are passed from generation to generation. Culturally speaking, there is no way to keep people from pulling their handbags or wallets closer to them every time they see the *negrada*, a group of blacks approaching them, as a high-level Cuban functionary once called them, or a ‘herd’ of blacks, as I heard a black Havana woman say on an ordinary day.

This makes it clear how the process that results in the current police force’s doubly institutionalized form of racism becomes simplified. It is now a cultural habit to routinely stop and question a black man on the street. Society sees this as totally normal and acceptable, as normal police procedure—a preventative measure to hopefully preempt a crime, something called *racial profiling* in Cuban criminology which, like all scientifically based criminology, always attempts to prevent an assumed crime before it happens.

While conducting fieldwork in 2005, I had myself arrested by the National Revolutionary Police (the PNR, who are civil police) three different times, and not by the State Security Department (DSE). In saying that I had myself arrested does not mean I committed a crime: it means I refused to show my State I.D. card, a request that which is a totally illegal police practice. In Cuba, the police can ask any citizen on the street for his or her I.D. card regardless of whether or not

he or she has committed a crime or is a suspect in one. It is a simple procedure: a police officer asks for your I.D. after making an observation about you (the more subjective, the better) that makes it seem to him, from a distance, that you have probably committed a crime or are on your way to commit one. The request can be respectful or arrogant, but the difference is only important in distinguishing how a possible criminal, who is forced to demonstrate he isn't one, is treated. Immediately after the request comes the response, denying the request to show one's I.D. card, inquiring the reason for the police stop, and explaining why one is not obliged to produce the I.D. card without first hearing the reason. Responses to this vary but almost always entail three possibilities: the police officer lets you go on your way, convinced that you are not a possible delinquent, because you know the law (a remote possibility that does not provide much data for your fieldwork); or the officer gets annoyed and takes to you the station for not complying with a legal decree unrelated to rights (the most common and fruitful possibility because it allows one to see that most of the detainees at the police station are black); or the officer has a verbal exchange with you, but does not take you in to the station. Much of this depends on other circumstances, but as a participant-observer (as well known Polish-British anthropologist Bronislaw Malinowski said), one can extrapolate concrete information about the reasons for the police stop, which always end up having to do with the infamous *profiling*.

What is this *characterization*? I have been unable to find a text that explains what is understood by this *racial profiling*. But one does not actually need a text, because the purely anthropological effect of oral language is as important, if not more impor-

tant, than anything in written text, particularly in Cuba, where institutionalization is not necessarily reflected in legal texts, but rather in attitudes assumed either at the limits or despite the law. In this sense, Cuba is a lot like Great Britain, though with opposite results, it does not need a written Constitution to control daily life.

Thus, questioning other detainees, listening to police bandwidth radio, just making observations and hearing confessions, we would be able to define a victim of *racial profiling* as a person with black or nearly black skin between 18-40 years of age (even if there is a myth that says that blacks don't show their age) who has an outlandish, showy way of walking, that is, with lots of arm swinging and leaning to one side or another; with a backpack and almost always in the company of other people (if they're black, it's much worse), and likes to walk the streets late at night, and frequent dark places and rowdy parties.

Article 72 of the Penal Code, to which this *profiling* is not related in any way, says: "Any person shall be deemed dangerous if he or she has shown proclivity to commit crimes demonstrated by conduct that is in manifest contradiction with the norms of socialist morality." Article 73.1 explains that a state of dangerousness is evident when the subject fits any one of the following indicators for dangerousness: habitual drunkenness and alcoholism; drug addiction and antisocial behavior. Worse yet, Article 73.2 goes on to describe a person's state of dangerousness as someone: "who regularly contravenes the rules of social life by acts of violence or other provocative acts, disturbs the public order, lives as a social parasite, exploits others' work or practices socially reprehensible vices."⁶ What this marginally sexist and typically colonialist social view explains for us,



particularly these guidelines for determining someone's potential dangerousness (and accordingly they'd have more than one member of the elite in prison right now), is how this *penal profiling* has no relationship whatsoever to the *police profiling* deployed by the police on a daily basis out on the street.

So, what we have here is either that all organizations that are directly involved in crime prevention are operating illegally, or that the index of dangerousness is a politically correct text that masks Cuban criminology's racism. Unless being black and alcoholic is one and the same thing, there is no explanation for why in Cuba we have black prisons and black police stations. If we guide ourselves by the racism present in the popular imaginary, being black and a drunk are two different ways to define the same thing.

This *profiling* is culturally based, which greatly facilitates its rigorous, institutionalized codification, as in the way the police force does it, for example. The cultural roots of this *profiling* make written laws or codes totally unnecessary, despite the fact that written texts that are read are intended to embody particular knowledge, information, or procedures that must be legislated, and to control permitted proceedings. This attitude is accepted as normal Cuban behavior. It is

rooted in cultural knowledge because, as we know, cultural wisdom does not rely on books for its transmission.

It is hardly needful to say that *police profiling* has psychological effects, like a self-fulfilling prophecy in which what happens is exactly what was foreseen, and like wishful thinking, in that things happen as if through the power of suggestion. So, because there are many policemen, there are many detained blacks, or blacks who are at this very moment being stopped by the police on any street corner of Cuba. This takes us back to the notion that the *black delinquent* is the product of *profiling*—the criminological embodiment of society's self-fulfilling prophecy.

In an interview titled "El delito no existe" [Crime Does Not Exist] for issue 53 of the journal *Temas* (2008), Nils Christie, of the Norwegian Sociological Institute makes the following statement: "Incarcerated people are always from the poorest and most disadvantaged sectors of society. Blacks, for example, make up one half of the prison population on the United States. While I've never been inside a Cuban prison, I am absolutely convinced that most of their prisoners are black."⁷

In the same interview, Christie revealed: "I am uncomfortable with the growing prison population. In Cuba, for example, the exact number of prisoners is not publicly known, but it is estimated that the island has a relatively large prison population, which is lamentable. The highest figures in the world belong to the United States.... At this very moment, the U.S. has 750 prisoners for every 100,000 inhabitants—more than two million people in jail."⁸

This could provide for an interesting comparison. This reality could be confirmed in both places, independently of sociological statistics. Information about this reality is freely and openly available in the United

States, which facilitates an accurate sociological examination of the problem. In Cuba, on the other hand, statistical silence makes impossible this level of accuracy. Nevertheless, different models of the same cultural reality, the same attitude toward *black crime* as a reflection of society's institutionalized racism, exist in both countries. In the U.S., this is the result of a socially and historically motivated social marginalization of a minority that from the very beginning has been reinforced by economic inequality: in Cuba, discrimination is also the result of socially and historically motivated marginalization, but in this case it is of an entire half of the population and it has not been reinforced by economic disparity from the very beginning. Instead, the reinforcement has come via cultural models that in reality work like political models.

Since 1959, most Cubans who remained on the island started out in the same economic situation: both whites and blacks were poor or became poor. Yet, fifty years later, racism is evident in a number of ways. One of them is the economic differences that divide racial groups who as far as opportunities are concerned started out on the very same level social, educational and political playing field. After all, how many members of the bourgeoisie or middle class remained in Cuba after the triumph of the Revolution? The Revolution created an economic *tabula rasa* that turned all Cubans into something akin to the very first inhabitants of the island, stripped of utopian economical protection, free of any past, not too unlike someone who after a category five hurricane has lost his home and all his savings, as well as his knowledge and wisdom.

So, what is the origin of this resulting inequality, one might ask? To which I answer, a cultural model that reproduces historic pat-

terns for the evangelization of the *other*: back then it was through Christianity, later and currently it is via Marxism. That is how one can explain why in the U.S. racial inequality and racism do not necessarily have to coincide with economic inequality, but in Cuba they generally do. This situation greatly reinforces the meaning of *black crime*, because poverty and marginality are inherited.

Blacks bear the stigma of the past *and* of poverty. The self-perpetuating circularity of this phenomenon fuels the reinforcement of the image that *blacks-tend-towards-crime* that results in preventative *police profiling*. All of this leads to a situation that in Cuba is described as *vértigo del vientre* [a natural-born or innate imbalance derived from the mother's womb]: a fatal attraction through which blacks ruin themselves whenever there is an attempt to naturalize their "proclivity for crime" simply because they were born of black women. This is another self-fulfilling and circular concept regarding the fate of blacks that can be explained by our inherited notions of criminal anthropology. It becomes even clearer and easier to understand when it involves crime because it generates this vicious circle and increasingly fractures Cuban society.

This makes the phenomenon of racism more complex and forces us to have a conversation about the very concept of crime that has been historically associated with blacks in Cuba but affects all Cubans—because it is so readily available a theory. Furthermore, the conceptualization of crime is no small thing, since it reflects how a society sees others and itself. It serves like an axis, structurally defining civic life and culture.

It turns out that precisely at a time when important societal studies are questioning this conceptualization of crime in contemporary Cuba, almost everything on the island is

a crime. I have already mentioned Norwegian Nils Christie, who almost a century later, as a twenty-first century sociologist, coincides with writer Joseph Conrad. He has written a number of articles in which he affirms that crime actually doesn't exist, that it is a social construct created by the powerful not for the purpose of protecting society but rather themselves from it; that prisons shouldn't exist either, because they are nothing more than crime schools; and, a whole series of other extremely important and valuable things so that sociologists and anthropologists can seriously consider the future of humanity. His are controversial but futuristic ideas.

First he says: "There is no such thing as crime. It is a constructed concept with no specific meaning. Some people want to extend crime to mean many things: Others want to reduce it to almost nothing. Yet others cannot live without the idea of crime. It is a kind of undesirable conduct that mobilizes those official institutions whose responsibility it is to control society."⁹ Then he goes on to say: "What is done with people who are identified as criminals says a great deal about what kind society one is in."¹⁰ It must be clearer now, then, why I insist that the police in Cuba are simply racist.

So, how have we regressed to the concept of *black crime*, that is, to the kind of structured anthropology so empowered by Rafael Roche, that *fin-de-siecle*, Havana police inspector? The answer: via a political model that was codified and institutionalized in the 1976 Constitution, which was modified in 1992, and then amended in 2002.

The specter of Rafael Roche returns, if it ever left us at all, from the moment when the Abakuas were denied the right to hold their first congress of like societies, at the beginning of the 1960s, and the right to be

politically active in the Unión de Jóvenes Comunistas [Union of Communist Youth] or the Cuban Communist Party. While this might seem quite coherent, it is not consistent with Cuban reality. It is, however, with the ideological foundations of communism.

The most important thing is that the Abakuas were classified as an organization with a high criminal profile. This example is quite illustrative, since they had always been very involved in labor union activism, particularly with the longshoremen, and represented the highest number of fatalities when the steamship *La Coubre* (1960) blew up, considered a hallmark event of the Revolution's violent and difficult beginnings.

This is a case of a received criminological perspective being reinforced by an equally received cultural model. Yet, in this instance, it is updated through a "progressive" political religion that acted and acts in a manner that is wonderfully described in 1970s literature. In *Cuando la sangre se parece al fuego* [When Blood Looks Like Fire], by Manuel Cofiño, one of our realist writers, we see a man (Cristino, an Abakua) from what is considered a marginalized social sector, who is faced with having to deny his culture in order to find a place in the new socialist order. Of course, the dilemma is resolved in a manner favorable to the "new society." One of the novel's passages is a veritable example of literary archaeology. The police commissioner explains: "I met Cristino when I was professor at the Escuela Básica de Instrucción Revolucionaria. He made a lot of work for us, but I knew right from the beginning that he was leadership material. The one, big problem was religious in nature, about religious education, and his religious education."¹¹

By *religious in nature*, I mean worldview; by *religious education* I mean moral

environment; and, by *education* I mean attitudes and ethical view. Anyone can ruin his leadership ability and technical competence trying to get into a new society's civic and political arena. This is a reflection of the disconnect there is between *socialist* culture and cultural heritage.

But Lourdes Díaz's *Conversación con un babalawo* [Conversation with a Babalawo] is even more lucid, because it reflects the basic permutation of worldviews. It has a more convincing interpretation of life. The protagonist denies her beliefs upon finding in Revolutionary ideas a better interpretation of whatever sense and meaning the world has. The novel clearly shows, on the one hand, how Marxist-Leninism is a symbolic signifier that operates at the same level and in the same spaces as all other symbolic signifiers. Thus, in order for it to triumph, cultural cleansing must take place.

Cultural cleansing is a necessary procedure, to be sure, but this sort of cleansing does not now offer any possible compatibility between the old pantheon (which was appropriated and appropriates the iconography of an older religion) and another religion that lacking structural icons builds them en route to situating them back in Europe: Marx, Engels, Lenin, Trotsky, etc.

When this political religion becomes constitutionally codified, this eliminates the possible integration and incorporation of blacks as a social group, but not as an example of one third of the population and how it is caught up in society's "hygienic" dynamics, where there is not and should not be any crime. Article 5 of the Constitution codifies a specific philosophical and political view of the one and only symbolic signifier of how to create a public and political civic space. Of particular note is that this specific view, unlike a different symbolic signifier like

Catholicism, intends to punctiliously control the lives of each and every one of its citizens.

Article 5 states: "The Communist Party of Cuba, a follower of Martí's ideas and of Marxism-Leninism, and the organized vanguard of the Cuban nation, is the highest leading force of society and of the state, which organizes and guides the common effort toward the goals of the construction of socialism and the progress toward a communist society."¹³ The political, ideological and social reach of those tropes has been discussed ad nauseum. Yet, there is always some angle that has not been seen or predicted by sociopolitical analyses: the most interesting thing I have read recently with regard to communist parties is an archaeology of archaic, closed and esoteric groups whose history and rise could be considered *pre-Adamic*.

The importance of these Constitutional tropes has to do with cultural anthropology and with the intellectual confusion of those who did not foresee how legislators could legitimate just such a written pretense as a foundational element of the State (even though it was masqueraded as progressive): it is self-revelatory of an ignorance and cultural racism that results from plurally constituted societies.

How is it that legislators did not realize that Marxist-Leninism was just one more symbolic signifier, on the par with all of the other ones that operate in our world and in Cuba? What about the other symbolic signifiers that in the context of cultural anthropology create other ways of seeing things and other modes of coexistence? These cannot operate in the public sphere. Nor can they generate a desire to coexist, or contribute to public morality. They also cannot serve as a criterion or guarantee of social, cultural and economic mobility. When one



considers these three systems of symbolic signification—Catholicism, religions of African origin, and Marxist-Leninism, one must choose between social-economic-political mobility and a cultural sense of belonging.

If there were civic space in which all the symbolic signifiers could coexist within set borders and dialog horizontally, one's personal choice of one of them would not imply any sort of social schizophrenia. An individual could participate in his or her own world and climb the social-political-economic ladder without having to abandon his or her own view of life. Better yet, he or she would be well poised to contribute elements of his or her world to everyone else's world. That way the civic space would be authentic,

because it would not disrupt the continuity existing between an individual's place of origin and everyone else's space, in which everyone must participate. Public life should not imply cultural cleansing.

The Constitution does not allow the creation of a civic space of this sort. It expels any group that refuses to participate, or those who for cultural reasons cannot (only magic could make Marxist-Leninism and Regla de Ocha compatible). It reproduces social realities, with all their sub-realities, where the marginalized live. That is how social and economic mobility are kept from the reach of each and every one of society's members: it is the very same mechanism that is being employed to construct a "new social

model” that, paradoxically, is seen as offering equality to all.

In this manner, the socialist Constitution establishes and institutionalizes a form of political racism that efficiently overlaps old-style racism, which as based on skin color, with a new cultural racism built upon the supposed superiority of a particular and singularly arrogant symbolic signifier. Most criminals are black for the same reason that they can’t be members of the Communist Youth or Communist Party—because of the artificially created barriers that were created between their world of signifiers and access to spaces in the formal economy. Their placement on the lowest rung of the economic ladder is ideologically and politically motivated.

Article 5 of the Constitution and *police profiling* are both on a slippery slope that takes us back to the concept of *black crime*, despite so-called socially integrationist poli-

cies. This explains how racism becomes doubly institutionalized: in the penal system, through criminal anthropology (through *profiling* and racist police practices), and politically, because it is impossible for people who espouse other symbolic signifiers, other interpretations of life, to participate equally in the public space where access to politics and the economy is negotiated. Seen this way, we must decriminalize race and simultaneously discuss the true meaning of what we call ‘crime.’ Furthermore, there must be a complete secularization of the State. Up till now it served as a parapet for an ideology that appropriated for itself the religious criterion for truth, so it could promote itself as the only path for civic and political participation. If not for the political pretensions of the Truth, there would be much less individual crime or cordially inclusive, but essentially divisive racism.

Notes:

1. Di Leo Octavio. *El descubrimiento de África en Cuba y Brasil. 1889-1969*. España: Editorial Colibrí, 2001: 9.
2. *Ibid* 59.
3. *Ibid* 10.
4. *Ibid* 28.
5. *Ibid* 101.
6. Penal Code (current). Law 62/87. Cuba: Ediciones del Ministerio de Justicia, 2004.
7. “El delito no existe.” Interview with Nils Christie. *Temas* 53. Enero/ Marzo (2008): 100.
8. *Ibid* 99.
9. *Ibid* 97.
10. *Ibid* 102.
11. Quoted in: Fernández Robaina, Tomás. *Cuba. Personalidades en el debate racial*. La Habana: Editora Ciencias Sociales, 2007: 162.
12. *Ibid* 163.
13. *Constitución de la República de Cuba*. Ediciones del Ministerio de Justicia, 2004: 15.