

To Live Outside the Law You Must Be Honest

Dick Cluster

The title of this paper is from Bob Dylan, and I choose it for two reasons. The first reason is the source and subculture: Anyone who has had anything to do with the consumption, buying, or selling of small quantities of banned substances has experienced one of the closest U.S. analogies to the Cuban experience I'm going to talk about. Other analogies would be working off the books to avoid taxes or bureaucratic impediments, or being an undocumented immigrant – or, finally, traveling to Cuba without benefit of a Treasury license.

The second reason for the choice is the quote itself. I believe that most Cubans engaged in the widespread, barely underground world of illegal economic activity do want to be honest, especially in the Spanish, *honesto*, sense of the word. That is, they do want to live up to societal values as best they can, and these values include truthfulness, fairness, equality, and lack of exploitation – values I would call socialist, as some Cubans who hold them would also name them, and other who hold them would not. But wanting to remain is one thing, and succeeding is another. Or as Dr. Dylan put it, “But where are you tonight, Sweet Marie?”

First let me list and categorize some of what I mean by illegal economic activity. Then I'll take a look at its macroeconomic causes; then at its effects on consciousness, particularly as reflected in some recent Cuban literature. My examples will come primarily from Havana. The patterns are somewhat different in the interior, especially in smaller towns and countryside, and maybe someone else on the panel or in discussion can speak to that, but I'm going to stick to what I know best.

1. Buying or selling goods stolen from the state retail distribution system, especially from the dollar-store sector but also from the peso one. Key examples would be protein: cheese, eggs, chickens, yogurt and powdered milk. In some

neighborhoods, door-to-door vendors are so common that those well-enough connected with their own suppliers (or poorly enough fixed for cash) post signs saying “Not buying anything. Don’t ring the bell.” Also rum, as in this example from one of the works I’ll discuss later, Leonardo Padura’s *La novela de mi vida*:

Bacán’s business is fantastic. He makes rum in his own house, and has a machine to seal the caps the same as in the factory. Then, with two or three contacts he has, they sell this rotgut rum in the dollar stores and he takes the same number of bottles of good rum and sells it himself – at a lower price, of course. So his confederates in the store never get caught stealing, because there aren’t any bottles missing, and he’s always got steady customers. He told me that soon, he’s going to start making Coca-Cola too.

2. Buying or selling goods stolen from other venues, usually by state employees. Key examples would be home repair and improvement goods, generally from new hotels and other state construction projects: windows, window glass, cement, paint, plumbing and electrical supplies. Also transportation-related: gasoline, Lada carburetors, any number of other parts or supplies to make your car go, or, say, to make your refrigerator or computer work.
3. Using state or personal property in unauthorized ways. Your car as a taxi if not licensed to do so, or as a taxi carrying foreigners if not licensed to that, or your state employer’s vehicle to do the same, or any of the above to carry produce from the countryside to sell in the city; renting out a room without a license, or renting two or three rooms with a license for only one.
4. Accepting bribes or gifts for performing state-provided services. Accepting a chicken from a patient if you’re a doctor, or, more grievously, performing surgery or other care off the clock, say at night in the hospital, for such a fee; putting someone at the top of a waiting list for bus or train or airplane trips; accepting money to fudge dates, names of residents, number of square feet, etc. in *permutas*, the regulated trading of houses and apartments.
5. Trafficking in goods and services that are not supposed to be available on a market basis, or at all: *permuteros*, private coaching for school placement exams, accepting hard-currency payments or gifts directly from a foreign firm rather than the legal indirect and most-often peso salary through the state employment agency; making or importing pirate satellite dishes; running a private restaurant before they were legalized; offering to private consumers services in the profession for which you were prepared free of charge the public higher education system; selling food freelance, outside the farmers’ markets.

I’m sure I’ve forgotten some categories. One which seems to have vanished with the coming of the *agromercados*, though it was a key symbol in

films, stories, and jokes for a while before, is the raising of clandestine pigs inside apartment houses. Like that pig production, many if not most of these illegal activities are done without much secrecy, often in ways that are completely obvious to one government authority or another, such as when freelance guides or translators accompany foreign businessmen or journalists, or vendors sit and sell foreign-made toilet stopcocks outside dollar stores. At the same time there are penalties, both juridical ones (warnings, fines, and jail terms) and political ones (possible evidence of a bad attitude when you're seeking university admission for yourself or your child, an exit visa for foreign travel, a promotion at your legal, state job, or an exception or broad interpretation of one of many regulations that might or might not be applied). So they carry the stigma – of being a lawbreaker, and the vague unease that comes with the possibility of being discovered and penalized, or at least threatened with penalty. Again, as a U.S. analogy, I think of the federal crime of unauthorized travel to Cuba, since the regulations are constantly changing as well as being arbitrarily and unpredictably applied. The difference between Cuba and U.S., on this particular axis is that in Cuba nearly everybody does these things, t do it themselves, they depend on someone else in their family doing so, about which, depending on the individual or the family, they may want to know all the details, or they may want to look the other way. The next question is, why is this so, to the point where the state is unable or unwilling to stamp out the widespread illegality?

The planned economy always had rigidity that made some unauthorized use of state property necessary – you brought home a bolt, a valve, some cement from the plant to meet some need of yours or your neighbor's or maybe you traded these for something else, and occasionally you bought or sold these things, or non-staple food, for Cuban pesos at a moderate price. Similarly if you managed a state firm, I gather that sometimes you had to do grey market activity with other firms to bypass clogged supply lines. I don't know any studies of this, but a very interesting Cuban detective novel written in the '80s though not published until '92, Justo Vaco's *El muro*, portrays a black marketeer who made his living on such wholesale transactions, enjoying more than his share of weekends at Varadero hotels (then shared by Cubans and foreigners) as a result. But these were exceptions, a minor part of the economy; the villain of Vasco's novel is clearly a villain, a depraved and marginal and dishonest character; the tragedy of the book is the way that his dishonesty affects the factory manager's daughter, who becomes involved with him and eventually commits suicide out of shame arising from this relationship. Also on the margin of pre-Special Period economy and society were the moneychangers, who sold pesos for dollars, their customers being almost exclusively the limited numbers of foreign tourists. The cause of this activity

was the artificial state exchange rate of 1:1, and the fact that there were in those days lots of peso-denominated restaurants, night clubs, transport etc. that tourists might want to spend money on.

All this changed, of course, with the collapse of the aid and trade relationships with Eastern Europe. Because of the lack of imports of both finished goods and industrial/agricultural inputs, there were shortages of everything, and you suddenly could buy hardly anything through the legal distribution system. Eggs, which teenagers used to go buy *por la libre* so they could (not having any snowballs like I did in my youth) throw them at buses for fun, practically disappeared, and so that for a time eggs were nicknamed *americanos* (are coming, or how many they would be). *Por la libre* vanished, and the ration supplied maybe 50 percent of what a household needed to get through the month. A new joke said there were three classes in Cuba: *dirigentes* (high officials cushioned from the crisis), *diplogente* (diplomats and other foreigners with access to the dollar stores), and *y indigentes* (poor people). But those *indigentes* did have money to spend, from savings and because they were cushioned from the unemployment that in a capitalist society would accompany such an economic collapse. So suddenly there was a demand for food and other necessities, at practically any price.

Even in midst of such a supply crisis, demand and desperation created some measure of supply: stolen goods, vegetables and animals raised privately one way or another, home-made pizzas about which no one asked the source of the flour, tomatoes, and cheese; gasoline the same. And concurrently, with people spending up to 1,000 pesos a month on necessities, savings and official salaries weren't enough, so they needed to find new ways to make money, which fueled the black market from the supply end – not just through theft, but all manner of freelance trades to replace that state services that had stopped functioning, from haircutting to taxis to restaurants to appliance repair. Add to that on the demand side a new clientele – much increased numbers of foreign tourists, who produced employment in the illegal sector newly and inventively dubbed *jineterismo*, jockeying on the backs (or fronts) of such tourists and a new source of cash among Cubans, hard currency from tips which at that point there was still no legal channel to spend. Given all of the above, the joke changed; there were now four classes in Cuba: *dirigentes*, *diplogente*, *indigentes* and *delincuentes*, people who broke the law.

When the state responded to both the illegality and the supply crisis with economic reforms, especially those of '93-'95, some of this illegality became legal. The dollar was decimalized and then even prioritized, with the opening of ever more dollar stores and of channels to get money from relatives abroad. A market in most agricultural products was legalized within the *agromercado* system, as were some forms of self-employment. At the same time,

though prices of necessities came down compared to the high black market prices and very low peso value of the early '90s, still shipping in the agromercados or the dollar stores was and is expensive, which created and creates a new cycle of the need to make a buck complicated by growing inequality and the accompanying pent-up demand for semi-luxuries as well as bare necessities. Thus many of the new illegal activities that I mentioned at the beginning of this paper have emerged.

The question of why the reforms stopped where they did, why so many kinds of market activity remained illegal, why the dual currency, etc., are outside the range of my topic, except to say that the state was trying not to lose control of the economy, trying to prevent the emergence of powerful new economic actors, trying to limit inequality, and trying to stick to what it knew, as states will do. I do want to point out that the dual currency is mostly a symptom, though an aggravating one in terms of consciousness, rather than a cause of the macroeconomic problems. If the state chose to and found a way to float the peso completely against the dollar or euro, and charge real cost-of-production or cost-of-importation peso prices for what's now sold in the dollar store, significant quantities of these goods (like significant quantities of those sold in the agromercados) would still be out of reach of most Cuban consumers who depended only on their legal wage.

In sum: the result of the various reforms and measures taken to deal with the crisis has been to ease the material problems of most Cuban households, but not to do so through 100 percent legal means. This conference refers to "after the *Período Especial*," but as one Cuban friend says, "The Special Period will be over for me when I can feed myself and my child just on the income from my official state job." By the same token, of course, the illegal activity also subsidizes the legal: the doctor who performs paying procedures at night also performs free ones during the day; the moonlighting recently graduated engineer who uses his state computer and printer to do private design work for a foreign firm at night also uses it to design a dormitory or historic reconstruction by day; the teacher who coaches would-be emigrants in English for dollars also teaches in a high school or college with equal care; the bus driver who sells gas also drives the *camello*, under very difficult conditions, every day.

Well, and so what? If living outside the law has now become a necessity, the exception rather than the rule, how do people feel about this? How much does it affect it affect how – including the revolutionary regime or socialist ideals or themselves? And, as is always a key question, usually ignored in the black-and-white either/or debate that characterizes looking at Cuba, compared to what? In Cuba such issues are not discussed in journalistic mass media, but they are taken up fiction writers and filmmakers, live comedy per-

formers, and the like. What I'm going to do is look at a few works or recent fiction and drama, all of them published or performed in Cuba within the past few years, many published also abroad, most of them prize winning works.

On one end of the issue, if we look to the crime novel for an examination of illegality, we find in Daniel Chavarría's *El loro con la pluma de rojo* the character of Bini – Sabina López – a principled prostitute, a type borrowed in part from the character of the American western, the whore with a heart of gold. In Chavarría's novel, Bini is a young jinetera who enlists heart and soul – even to the point of risking some jail time – in a campaign of revenge against an Argentine torturer who is seeking cover under a false identity in Cuba, where his ex-victims would least expect him to be hiding out. Though the thinking in this scheme is done by Aldo Bianchi, an Argentinian ex-victim exiled to Italy who makes himself Sabina's lover and financial supporter, Bini throws herself into the role, so that the torturer can be arrested on false charges in Havana long enough for a legal extradition claim to be mounted from abroad. So does one of her partners in crime, her childhood friend Pepe, a middle manager at the Hotel Triton who arranges for her to stay in the hotel with foreigners, and so do an assortment of hotel maids, babalawos, and other folkloric Cuban characters who have nothing to gain personally, though many of them are also engaged in their minor crimes to get by.

Bini lives outside the law, and has no particular politics; she has considered trying to make her way to Florida by sea; her definition of human rights is to be able to live like the glamorous Europeans and Americans she sees in the movies, with sports car and access to ATMs. But she is honest, committed to basic human values, on the right side of this contest between Latin American dreamers or reformers and U.S. imperialists and their allies — and in the end of the novel, Aldo makes an honest woman out of her by marrying her, though neither of them expects the marriage to be fulltime. We might call Chavarría's fable the rose-tinted end of the spectrum, but it has been quite popular in Cuba, so readers have evidently found much to recognize there.

From another angle completely, Nancy Alonso's story collection, *Cerrado por reparación*, examines with humor, sympathy, and irony the often bizarre effects of the new Cuba on daily life. In "La prueba," Berta nervously downs coffee and smokes cigarettes before going to the clinic for a test that will reveal whether her condition has improved or not since the year before. She had been smoking and sipping like a fiend for the last two months, but when the result comes back she's ecstatic to find out that a) her bleeding ulcer is fully as bad as it was the year before, and b) she can now give up the cigarettes – which she hates – for another ten months. Since her stomach lining is as raw as ever, she's entitled to another year of special diet on her ration card – another year of breakfast with milk, as she says.

In Alonso's story "El viaje," the trip, the protagonist is not the perpetrator of a fraud but the victim. When her son hopes to enlist in an apple-picking contingent in Canada (a false rumor which really did sweep Havana some years ago), Inés goes to the cemetery to make a request at the tomb of Amelia la Milagrosa, where offerings of thanks for many successful voyages and other miracles can be found. There she meets Leobardo, an alleged official of the Ministry of Economic Collaboration, who reveals to her a much better invitation to work in the petroleum industry in Venezuela for four hundred dollars a month, and eventually invited Inés and her son to recruit 180 well qualified applicants, who are accepted, and then to gather the applicants' processing fees of 100 pesos each. Leobardo disappears with all of the fees, the equivalent of some \$800. The Ministry has no knowledge of the Venezuelan invitation, or of Leobardo, and when Inés returns to Amelia's tomb, there is a new floral offering from the con man, thanking the miracle worker for his trip abroad.

So there are those like Berta who are honest because they are only getting breakfast (and, in a small way, defrauding the state), and those like Leobardo who are not, because they are getting rich and defrauding fellow citizens. But the most comical and poignant story in Alonso's collection is "Nunca se acaba," the tale of Carmen and Manolo, an elderly couple unsuccessful in their efforts to repair the leaky roof over their kitchen, who finally decide the solution is a *permuta* – a house trade, which is how the Cuban housing market works. They find a couple with two children who will trade a smaller but not leaky house, and who evidently have the energy and money to make the needed repairs on this one. Only, the man of this couple points out, there are a few problems to be resolved.

"We're going to buy the house we showed you from a cousin of mine and request permission to trade two for one, our little apartment and my cousin's house for yours. That way we kill two birds with one stone: we get legal cover for buying that house and we balance out the trade." "Three birds with one stone," his wife added, "because my sister will get the little apartment in the end." The younger couple fielded all questions with an evident mastery of the subject, citing articles, clauses, whereases, and provided-thats of the housing law. Finally, as if he'd forgotten something of minor importance, the man said. "Of course, the two of you will have to get divorced."

Divorced? Carmen and Manolo exclaimed at once.

"Don't worry, it's only on paper," the woman said. "Of course, you'll live together, but Carmen will be the owner of the house, and Manolo of the apartment. Then my sister will marry Manolo, just on paper, and then after a while they'll get divorced. Manolo will give her title to the apartment, and then you two can get married again so you can both have title to the house."

Faced with the various prospects of divorce, Manolo marrying an attractive young woman, and the possibility of either Manolo or Carmen dying before all the wheeling and dealing gives them each secure tenure in the new place, the old couple finally decide that this complex extralegal mechanism is not for them. If there's nothing exactly wrong with what the permutantes are proposing – though their apparent wealth does make them slightly suspicious – still, as the title suggests, the problem is that it never ends, and not everyone is prepared morally or in terms of energy to enter into such a life. Carmen and Manolo prefer to don raincoats and hardhats (left over, significantly, from Manolo's former occupation in the old days) and to survive in their own kitchen as best they can.

The dilemma of the new Cuba also gets a comical treatment in Mylene Fernandez's surrealist novel of Havana and Miami, *Otras plegarias atendidas*, where those in Miami are always waiting for the big break that's about to transform their lives, while those in Havana are searching for a little space and a new way to make a buck. The heroine's neighbor invents the expedient of renting Havana's glorious sunsets for a dollar a pop. More specifically, she rents an hour and a folding chair on her spacious sea-facing Vedado balcony for a dollar per guest, at the hour of sunset every day. The guests are foreign tourists, particularly those "who prefer the Havana of their dreams without having to actually rub elbows with it." The scheme hurts no one and brings more customers to all the other residents of the apartment building, who are in the business of renting rooms. Yet it contributes to a false image of the city, and its effect on the youth is dubious: the entrepreneur's son, who receives gifts from the many customers-turned-friends-of-the-family, concludes he wants to be a foreigner himself.

I hope these examples from Alsono's and Fernandez's books are suggestive of where I think the center of gravity lies: that the illegality of daily life brings no dramatic break from societal values, nor necessarily from whatever is left of the former political consensus, but that it eats slowly away at the soul. However, I'd like to look at three examples that join the question of illegality to the question of what legal economic liberalization does or might bring. In Esther Suarez' play "Baños Públicos, S.A.," a customer at one of Havana's scarce and decrepit public bathrooms tries to convince the attendant of the prospects for privatization. The attendant, he is sure, is barely eking out a living by pocketing half of the meager 10-centavo-per customer revenues she collects. What ensues is a hilarious debate about whether the happiness of customers and owners is or is not mutually exclusive, a debate that defies my ability to excerpt or summarize, but the question of whether privatization would be a move out of the frying pan and into the fire is clearly and cleverly joined.

Let me end with two novels each of which follows a group of friends, mostly male, from their youth in the '60s and '70s to more-or-less today. Both novels are about many things, but for my purposes, in each case, on one of the friends has become an executive of a joint-venture firm, with car, cellphone, and other privileges to match. One book is by Leonardo Padura, Cuba's premiere writer of detective novels in the '90s, though this book contains no murders or cops; the other by Abel Prieto, Minister of Culture and member of the Political Bureau of the Communist Party.

In Padura's *La novela de mi vida*, Fernando returns to Cuba after many years abroad and finds a country whose economy is characterized by the home-made rum racket quoted above, or, as his old Latin professor says, "If I drink milk and eat meat it's because my youngest son, the one who never studied anything, has a stall in the farmer's market and makes five hundred pesos a day selling pork and stealing everybody blind." Tomás teaches at the university, without too much conviction, and lives by serving as a freelance, under-the-table driver and guide to visiting European professors, having to take their orders and laugh at their jokes. Miguel Angel, an apostate communist, publishes an occasional critical article abroad but – a proof of honesty, to my way of seeing – does not allow himself to be used by any of the small dissident groups. He lives off occasional under-the-table translations, or gives English classes to Cubans about to depart for the North.

But most interesting for my purposes is Conrado, the consummate opportunist, who knew he was no match for the rest in literary ambition, but liked to hang out with them just the same. He rose through the state bureaucracy and has now become the Cuban administrator of a Cuban-Spanish candy firm. He moves through life "surrounded by an indelible aroma of expensive cologne." Though his salary is in Cuba pesos, he uses his position to trade on the black market: candy for wine; backpacks with the firm's logo for cooking oil; chewing gum for gasoline; and of course he gets a dollar bonus under the table from his Spanish boss. Economic liberalization and greater opening to foreign capital are often seen by outside observers, especially economists, as antidotes to the socialist rigidities that give rise to black markets; but in the character of Conrado, the two are merely sides of the same coin. The nature of Conrado's firm's business is also worthy of note: exporting cacao, importing finished candies – the same pattern of exporting raw material and importing manufactured goods that prevailed in Cuba's colonial and capitalist pasts.

Conrado's doppelganger in Abel Prieto's novel, *El vuelo del gato*, is Godofredo Laferté, aka Freddy Mamoncillo, also the most upwardly mobile of his group. There's no discussion of illegality in Freddy's current role in a joint venture that brings him similar rewards to Conrado's in terms of house, car, cellphone, and the rest. But Freddy's first entrepreneurial apprenticeship,

before he joined the Department of Public Relations and Dissemination of the Ministry of Internal Commerce sometime in the '70s, came while stationed in the army in Pinar del Rio, when he was a kind of Cuban Milo Milerbender, wheeling and dealing and amassing what at the time was a small fortune in the currency of Soviet sweetened condensed milk. So in this character, too, illegality and the newly legal private or state-capitalist sectors are conjoined.

In the end, I'm trying to raise the question of the effects of illegality more than offer an answer, because like many things about Cuba the answer remains to be seen. But sketchily, I would say that the ubiquitous illegal activity has brought – besides survival and a certain personal empowerment – increased inequality, a decline in pride and values, and an increase in hypocrisy. But I'd say that the same effects accompany the growth of a legal free market or legal state capitalist mechanisms as well. In trying to assess the stew of mixed emotions and mixed consciousness within which most Cubans go about their daily lives and develop their thinking about their country, I'd say that, for many, to live outside the law and try your best to be honest remains preferable to living inside a different law under which you may not be able to be any more honest, and may be required to be less honest, in fact.

Bibliography

- Alonso, Nancy, *Cerrado por reparación*. Ediciones Unión, Havana, 2000. Winner of Premio de Narrativa Femenina "Alba de Céspedes," Cuba.
- Chavarría, Daniel, *El rojo en la pluma del loro*. Casa de las Américas, Havana, 2001. Mondadori, Barcelona, 2002. Winner of Premio Casa del las Américas (novela), Cuba.
- Fernández Pintado, Mylene, *Otras plegarías atendidas*. Ediciones Unión, Havana, 2003. Winner Premio Ítalo Calvino, Cuba-Italy.
- Padura Fuentes, Leonardo, *La novela de mi vida*. Ediciones Unión, Havana, 2002 and Tusquets, Barcelona, 2002. Winner of Premio Concurso Casa de Teatro, Dominican Republic.
- Prieto, Abel, *El vuelo del gato*. Letras Cubanas, Havana, 1999. Ediciones B., Barcelona, 2000.
- Suárez Durán, Esther, *Baños públicos, S.A.*. Ediciones Unión, Havana, 1999. Winner of Premio UNEAC de Teatro "José Antonio Ramos," Cuba.
- Vasco, Justo, *El muro*. Letras Cubanas, Havana, 1990.

All of these works are available via Interlibrary Loan from university libraries in the U.S.

None have yet been published in English translation. A translation of *El vuelo del gato* (tr. D. Cluster) is due out, date uncertain, from Random House Mondadori.