

EXPERIMENTAL BASE TRIBUNALS IN THE CUBAN COUNTRYSIDE

INTRODUCTION

The first three years of the Cuban revolution were of great importance for its future development. Major social reforms were enacted and undesirable international contacts were broken. The choices were not free and the options were limited. Cuba now had to deal with the hostility of countries such as the United States of America, while internally the struggle between communists and liberals grew more and more bitter. The effects of all this on the administration of justice were clear by the middle of 1961: many lawyers had left and the idea of an independent judiciary had become a thing of the past. The judiciary was no longer seen as a politically autonomous and neutral power. According to the new ideology, it never had been autonomous and it never could be so. The new 'socialist legality' served the interests of the construction and progress of socialism. The real duty of judges was the active preservation of socialist legality and the education of Cuban citizens to be loyal to their country and its institutions.¹ The special administration of criminal justice, instituted to try the supporters of Batista, had in the meantime acquired a new purpose: the trial of counter-revolutionaries, which might in practice mean the trial of former revolutionary comrades.

Despite these fundamental changes in the role, place and ideology of the administration of justice, the old system of legal organisation remained in use with the exception of certain *ad hoc* amendments.² It is only toward the end of 1962 that we can detect the first attempts to change this system. A discussion between Castro and students and lecturers of the University of Havana on 12th October 1962 is seen by Cubans as the first initiative towards the establishment of a new type of popular court of law: the so-called base tribunals. Experiments were made with these base tribunals from 1963 to 1966 in rural areas. From 1966 they were also introduced into the large cities like Havana.³

In this chapter the first experiments with the base tribunals are described. It will be argued that the plans for the base tribunals were closely related to the first attempt to launch a general policy of mass mobilisation in 1962. The peak period for this particular political development was the late 1960s.

The concentration on rural areas in the first experiments with the base tribunals will be seen in terms of a more general problem which faced the new government in 1959: the lack of proportion in the underdevelopment of the Cuban countryside.

First of all, the predecessors of the Cuban base tribunals, the 'Correctional Judges', are brought under review. The base tribunals did not emerge from thin air

as a new initiative of the awakening socialist society. Nor were they mere facsimiles of institutions borrowed from other socialist countries. The base tribunals were firmly rooted in existing Cuban and Spanish legal institutions.

PREDECESSORS OF THE BASE TRIBUNALS: SPANISH LEGISLATION FOR MINOR OFFENCES AND THE NORTH AMERICAN POLICE COURT

The base tribunals with which experiments were made in Cuba in the 1960s have their juridical roots in a pre-revolutionary legal institution. The Cuban criminal procedure law of 1888, the *Ley de Enjuiciamiento Criminal* of Spanish origin, provided for a special municipal criminal procedure, Correctional Justice, for misdemeanours (*faltas*).⁴ Contemporary Cuban writers consider that this procedure, which was introduced during the Spanish colonial presence, offered formal guarantees of reasonable protection within the judicial proceedings.⁵

There were two instances. When a municipal judge was informed of a misdemeanour, he could immediately determine the date and time of day of the hearing and summon the defendant and the District Attorney to appear at the sitting.⁶ In the first instance the presence of the Public Prosecutor was not obligatory.⁷ In the case of minor offences which could be prosecuted by individuals, the Public Prosecutor was also not required to attend. Customarily the hearing was held within three days.⁸ The defendant had the right to the final word and the proceedings of the hearing were recorded.⁹ The sentence was pronounced no later than the day after the sitting, in contrast with the normal practice in which a maximum of three days was allowed.¹⁰ There was a right of appeal to the examining magistrate, (*Juez de Instrucción*),¹¹ who in turn was associated with the immediately superior court, the *Audiencia*.¹²

In the second instance, a public hearing took place at which the presence of the Public Prosecutor was obligatory.¹³ The judgement of this court could be reversed by the Supreme Court in a case of a breach of the law.¹⁴

The so-called police court was introduced at this level of jurisdiction in 1899. The victory in the war of independence against Spain meant a change of foreign masters for Cuba. In 1899 the United States of America 'temporarily' took over the administration of Cuba from the Spaniards.¹⁵ One implication of this was that Cuba was under North American military rule from 1st January 1899 to May 1902.¹⁶ Immediately after its entry into Cuba in January 1899, the North American government introduced a new legal institution to deal with minor offences, the *Corte de Policia*. Without any law or disposition behind it, this court of law was established in Havana to function as a police court for the trial of minor offences.

The President of the court was a North American army major, John Gary Evans, who also held the office of inspector general of the police force. In March 1899 Evans was replaced as President by W.L.Pitcher, a captain in the army, known in contemporary Cuban sources as the notorious and hated 'Mister Pitcher'.¹⁷ Pitcher could not speak Spanish. His usual sentence, 'Ten days or ten dollars', was proverbial in Havana at the time.¹⁸ The procedure was summary and brief. The single judge was briefed from a police statement, while the accused spent the time waiting for their case to come up for trial under police arrest. Two days after the perpetration of the offence the accused were brought before the judge and the public hearing took place. No record of the trial was kept. Only the verdict was written down in a book which, regrettably for present day Cuban historians, no one

has been able to find since the departure of the North Americans.¹⁹ Sentences were immediately put into effect. No appeal was possible against the 'arbitrary' decisions of the police court, which 'left a trail of bitter memories among the urban population', as Santiago Cuba put it in 1966. One of the many examples of Mr. Pitcher's arbitrariness, tradition goes, was the case of a witness who was supposed to testify. Whether it was an accident or whether it was simply for convenience is unknown, but he was put on trial and ended up with forced labour.²⁰ 'Mister Pitcher' also made arbitrary use of his powers as President to free prisoners who had been condemned by the police court. For this purpose he would visit the cell or the other place of detention of these prisoners, the *Castillo*. After speaking with the director of the prison, a row of prisoners was presented to him. He would then point to those who, in his opinion, could be set free.²¹

LEGALISATION OF THE POLICE COURTS

At first the police court had no legal basis. Almost a year after its inception, the Supreme Court made the first official criticisms of this lack of a legal basis in October 1899. In an official document addressed to the Secretary for Justice and Public Investigation, the Supreme Court stressed the need to legalise the police court. In view of the intention of the military government to set similar courts up all over the island, the Supreme Court found it worth setting up an investigation into their functioning first, as the text carefully put it.²² This demand was met on April 15th 1900, when by a Military Decree the government provided the police court with a legal foundation. From the words of the decree it is easy to see that it was simply a retrospective legalisation of the *status quo*:

The Governor General of Cuba has approved the publication of the following Decree:

- I The Police Court, or Correctional Tribunal, which is held in the city of Havana under the command of the Military Governor there, will continue to exercise its functions with the territorial jurisdiction corresponding to the Police of Havana.
- II This Tribunal remains authorised to investigate, judge and sentence offences against persons and against the public order....
- IV This Tribunal remains authorised to impose penalties of not more than 30 days of arrest or fines of not more than 30 pesos, or a combination of the two if the Tribunal so decides.²³

The functioning of this court was at first regulated by the already existing legislation on Correctional Justice, i.e. Book 6 of the Criminal Procedure Law, the Spanish *Ley de Enjuiciamiento Criminal*.²⁴ A month or so later new procedural regulations for Correctional Justice were introduced by Military Decree on May 25th 1900.²⁵

The Cuban lawyer, Fernando Cañizares Abeledo, believed that the legalisation of the police courts in existence meant an improvement compared with the immediately preceding situation. The changes meant that the judges were no longer North

Americans, but Cubans; no longer members of the armed forces, but civilians. Moreover, the power of this judge was now fixed by legal limits.²⁶ In Abeledo's opinion this new arrangement must have been enthusiastically received at first. However, it was not long before the new Correctional Justice came in for criticism. The rapid, summary procedure of the administration of Correctional Justice turned out to differ very little from the earlier practices of the police court judge.²⁷ The procedure lacked any judicial investigation. A charge made by the police or by an individual was sufficient to bring somebody before the judge. Proof was furnished in a superficial way.²⁸ For instance, a confession was enough to secure condemnation.²⁹ This rule, incidentally, was incompatible with the Constitution which was established later in 1940, which ruled out proof of an offence solely based on the confession of the accused.³⁰ The defendant did not have to be represented by a defence counsel. If the defendant requested it, the judge allowed him to be accompanied by someone of good repute or defended by an attorney.³¹ There was no right of appeal against the sentence passed during the hearing, nor did the sentence have to be justified.³² Once again, this lack of a right of appeal was later incompatible with the Constitution of 1940.³³ Fines had to be paid within three hours. Those who were unable to comply were faced with the alternative of one day's imprisonment for each peso (the Cuban unit of currency) due.³⁴ The maximum penalty for misdemeanours was one month's imprisonment or a fine of 30 pesos. The felonies which fell under the jurisdiction of the magistrate as defined by Military Decree No. 213 could be punished with a maximum of six months' imprisonment or a fine of 500 pesos.³⁵ In the case of non-payment of the fine, the penalty was commuted to imprisonment according to the same formula: one day's imprisonment per peso.³⁶ By the new penal code of 1936, the *Código de Defensa Social*, the maxima for minor offences were raised to two months' imprisonment or a fine of 60 pesos (called 60 units of currency), while the maximum penalty which could be imposed for felonies was reduced to 180 pesos (or 180 units of currency).³⁷

Newspaper reports from the period were critical of the arbitrary and unfair judgements against which no appeal could be made. Jokes began to go around like the one about a nervous man who had just been sentenced: in the presence of the judge he took 20 pesos out of his pocket to pay his fine, while the police court judge asked him if he happened to have 20 days' imprisonment in the other pocket.³⁸ What made things worse was that these judges were directly under the control of the North American military government until 1903. It was only after the departure of the North Americans that the Supreme Court decided in 1903 that these courts of law belonged to the system of the administration of justice.³⁹ Despite this official incorporation of the courts within the system, it never became possible to appeal against a sentence passed by a Correctional judge. The Military Decree No. 213 of May 25th 1900 did away with the possibility of appealing against the sentences passed by the Correctional Judges which the *Ley de Enjuiciamiento Criminal* had offered.⁴⁰ The 1940 Constitution, which made different demands, was never able to change this situation. The Constitution laid down that:

The sentences passed by the Correctional Judges in dealing with offences must be open to appeal. The appeal judge and the appeal procedure are to be determined by law.⁴¹

The law required to put this rule into effect, however, was never promulgated, so that the constitutional stipulations had no effect in practice. The sentences passed by the Correctional Judges remained unassailable, a fact which no doubt contributed to the extensive corruption and the unjust and arbitrary decisions of these judges.⁴²

Cuban lawyers criticised the minimal procedural guarantees which the Correctional Justice offered, both before and after 1959.⁴³ One of their points of criticism was the fact that the jurisdiction of these judges had been considerably extended by the introduction of the *Código de Defensa Social*, the Penal Code of 1936. Before that date these judges had dealt in most cases only with misdemeanours, but afterwards they were also charged with the trial of a large number of delicts as well as cases in which pre-criminal or post-criminal security measures could be taken on the basis of the state of dangerous behaviour.⁴⁴ The critics were particularly alarmed by this extension of powers because it enabled the Correctional Judges to pass sentences six times as severe as those which they had passed before in the case of misdemeanours: instead of one month's imprisonment or a 30 pesos fine they could now impose maximum penalties of six months' imprisonment or a fine of 180 pesos (units of currency in the law).⁴⁵ The Correctional Judges were also empowered by this Penal Code to take security measures in cases of a pre-criminal state of dangerous behaviour. These measures, influenced by the tendency in criminal justice known as '*La Défense Sociale*', sometimes had far-reaching consequences for those subjected to them.⁴⁶

TRIAL BY JURY AND THE ELECTION OF JUDGES CA. 1900

With the legalisation of trial by the police courts in 1900 an attempt was also made to introduce for the first time in Cuba the institution of trial by jury.⁴⁷ This kind of trial, which was perfectly normal in the United States of America,⁴⁸ soon revealed that it was no success in Cuba. The institution seems to have been so badly received that it was never put into practice, and it was dropped before the departure of the North Americans in 1902. Attempts to reintroduce it in 1903 under Cuban rule were successfully put down. The argument used at the time, that trial by jury did not harmonise with the Cuban life style and legal traditions, is still supported today in Cuba.⁴⁹ A contemporary lawyer like Abeledo, for example, finds that the written character of Franco-Roman law is not consonant with a jury chosen from the people to assess the guilt of a suspect. In 1972 he expressed the view that the Cuban style of law, -- and herein it differs from Anglo-Saxon law --, requires a trial by professional lawyers. He claimed:

Trial by jury ... was in contradiction with the cultural level, social psychology and legal tradition of our people. It was imposed simply and exclusively as an imported juridical institution with the sole purpose of functioning as a repressive apparatus in the service of the Military Government of the Island.⁵⁰

Abeledo's remarks bear witness above all to a strong antipathy towards the North American occupation of the time. This is understandable enough given Cuba's history, in which anti-Americanism has a long tradition. It had been put into words and found expression from the time of José Martí and the Spanish-American War, and it entered a new hey-day after 1959.⁵¹ Taken generally, Abeledo's remarks are too one-sided. The experience of a number of European countries had already demonstrated that it is hard for the institution of trial by jury to become established in a civil law legal system. As a result of the enthusiasm at the time of the French Revolution for trial by jury, experiments were made with it in the administration of criminal justice in a number of countries on the European continent. The explanation for its failure within this type of legal system is often sought in the strongly inquisitorial nature of the civil law trial. The relatively small importance which this

form of trial attaches to procedural rules, as well as the importance of the inquisitorial investigation and the dominant position of the judge, all render this form of trial unsuitable for a separate assessment of guilt by a lay jury.⁵²

As for Abeledo's opinion that Cuban legal culture, following Roman traditions, is in principle opposed to tendencies towards deprofessionalisation in the administration of criminal justice, this goes too far when viewed in the light of more recent Cuban legal history. The ideals whose realisation was being fought for in Cuba in 1972, when Abeledo's article was published, are in conflict with his attitude. The fight for more participation by the people and the strong tendency toward deprofessionalisation in Cuba in the 1960s were also felt in the sphere of criminal justice. Experimental forms of popular courts in the 1960s and the judicial reorganisation of the 1970s introduced Cuba to the institution of trial by lay persons, as we shall see below. The main argument that was used in its favour was the incorporation of the influence and insight of the people in the administration of justice. As a deprofessionalising tendency, it was apparently not so much in contradiction with Cuban legal tradition this time and in this form that it was bound to fail from the start.

The same is true of the popular election of judges. Elections of Municipal and Correctional Judges were introduced in 1900.⁵³ The only time they were held was on July 16th 1900.⁵⁴ In the same year a Military Decree laid down that these judges would be appointed by the State Secretary of Justice in the future.⁵⁵ It was only in the 1960s that experiments were begun in which the local population elected the lay judges for its own neighbourhood tribunals.

In countries with a Romano-German legal tradition, judges are usually appointed rather than being elected by the people.⁵⁶ To a certain extent, after 1959 Cuba's socialist development helped to provide a fertile ground for various forms of institutionalised popular influence on the administration of justice, such as trial by lay persons and the election of judges by the people. In what follows an attempt will be made to measure the extent of this phenomenon and to give an account of its causes.⁵⁷ As we shall see, the experimental base tribunals which were set up in Cuba in the 1960s displayed formal resemblances to the Correctional Justice which has just been described.⁵⁸ There was a great difference between the setting in which the tribunals operated, however, and that of the Correctional Judges. The local population was actively involved in a number of ways in this new form of neighbourhood justice. In addition, a number of procedural changes were made, such as the right to have recourse to a legal remedy against a sentence that had been passed.

1962: SPACE FOR DESIGNING THE CUBAN VERSION OF THE REVOLUTION

What was the situation of Cuba when the plans for a new basic administration of justice were being launched? What were the internal power relations, what was the influence from powers abroad and how much support could the revolutionary government count on from the Cuban people?

The bonds with the new ally, the Soviet Union, were by no means unambiguous in 1962, a year in which both the practical and the ideological influence of the communists in the government was sharply reduced. For the economy it was a sober period. It had become necessary to cut back the level of consumption and to make great demands on the readiness of the people to work for the reconstruction of the economy. These were some of the factors which contributed to the development of a

specifically 'Cuban' version of revolution in the 1960s. What had happened?

It is true that in 1961 the revolution had stood up to its first test in self-defence. The counter-revolutionary rebels which had remained in Cuba, particularly in the Escambray mountains, were defeated in early 1961.⁵⁹ A decisive defeat was inflicted on the counter-revolutionary aggression which came from outside Cuba in April 1961. After the events of April 17th, many Cubans who had been wary of the revolutionary process at first now opted for Castro rather than the Miami-based invaders.⁶⁰ Of the open opponents of the government, many had left the country, had been killed in the armed resistance or had been imprisoned. As we have seen, a considerable number of lawyers were among those who left the country.

In 1961 the communists appeared to hold a strong position in the government at first. Castro had described himself as a Marxist-Leninist on December 2nd 1961.⁶¹ Soon afterwards, on March 9th 1962, the composition of the official leadership of the O.R.I. was made public. This new party, the Integrated Revolutionary Associations (*Organizaciones Revolucionarias Integradas*), consisted of members of the Communist Party, (i.e. members of the P.S.P., which dated from 1944) and direct supporters of Castro, in a ratio of 10:13.⁶² In the same month, however, the apparently harmonious cooperation with the communists began to show cracks and rifts. On March 27th Castro launched a bitter attack in a televised speech on Anibal Escalante, a member of the P.S.P. and founder and organiser of the O.R.I. Castro's criticism centred on charges of sectarianism, nepotism and arbitrariness, including arbitrary arrests, leading to an enormous alienation of the people from the party.⁶³

The party secretaries have erected an arbitrary dictatorship over the whole country. Everywhere it has come to despotic measures, to individual acts of violence. Honest revolutionaries have been delivered up to the terror... These gentlemen, who want to force their ideas on others, can scarcely be distinguished from Batista and his hangmen!

[The organisational secretary of the party] Anibal Escalante has called a sect of privileged people into life. The provincial secretaries have behaved like Gauleiters. Nepotism and terrorism are spreading. We have founded ORI but excluded the revolutionary masses. We don't have an apparatus but a yoke, a straightjacket... What does that mean, Integrated Revolutionary Organizations? The only ones who have organised themselves here were the people of the PSP... It's the same in every province: who became the party secretary of the ORI? The former provincial secretary of the PSP. It is the same thing in every local chapter: who became the local secretary of ORI? The former local secretary of the PSP!... If we look at the results we are forced to conclude: that is a pile of shit.⁶⁴

In an attempt to suppress this 'sectarianism', Escalante was sent to Prague and many communists lost the positions which they had just gained. A new method of recruitment was started by the O.R.I. in the summer of 1962 to improve democratisation. Future candidates were chosen and proposed by and from the centres of work, although the party itself retained a veto right over the eventual acceptance of a new member.⁶⁵ Early in 1963 the young organisation of Integrated Revolutionary Associations was given a new name: the P.U.R.S. (*Partido Unido de la Revolución Social*), or United Party of Social Revolution.⁶⁶ According to Enzensberger, the Escalante affair functioned as a powerful brake on the formation of a new bureau-

cratic party elite in Cuba in the 1960s.⁶⁷

In the meantime the economic situation had deteriorated. The 1962 sugar harvest fell far below expectations. To make matters worse, the United States of America had broken all trade relations with Cuba in June 1962, including the supply of food and medicine.⁶⁸ The lack of reserve supplies of spare parts and of know-how seriously affected public transport and other sectors of the economy, while Soviet aid and Cuban planning and organisation were still at a very rudimentary stage. The first food rationing began in March 1962 as a result of shortages of foodstuffs, and this brought with it a change in the attitude of the people.⁶⁹ In 1960 the people had stood behind the revolutionary government: a questionnaire conducted among the Cuban urban population in April 1960 revealed that the majority of city-dwellers found themselves better off than before the revolution, while 75% of them expected a rising standard of living in the years ahead. Around half of the urban population was enthusiastic about Castro, a fact which is even more significant when we bear in mind that from the beginning of the revolution the rural population had supported Castro more strongly than its urban counterpart had done.⁷⁰ With the worsening of the economic situation, however, the people began to express its dissatisfaction. Housewives and others took part in various protest demonstrations in June 1962.⁷¹

To put it briefly, 1962 was a year of economic revision for Cuba. The first three years of the revolution had witnessed a dramatic increase in the standard of living of the poorest sectors of the Cuban population which won the goodwill of this group for the government. This rise was financed by the considerable economic reserves which the new government inherited in 1959,⁷² a time when Cuba was relatively rich.⁷³ After 1962 economic sanctions and other handicaps forced the government to change its economic strategy. In Malloy's analysis:

It was obvious that the dual policy of consumption and investment followed during the previous three years was no longer feasible. If development was to be achieved accumulationist policies, economic logic would have to take precedence over political logic.⁷⁴

A choice was made for equal distribution of the scarce goods available. Free medical assistance, free education and full employment remained goals. Basic necessities were distributed in accordance with need. Luxury goods were distributed according to a bonus system among the best workers.⁷⁵ There was a deliberate choice for moral rather than material work incentives. Mass organisations, political education and moral conviction were the means of achieving the active participation of the people in the necessary process of construction and transformation. The idea of setting up base tribunals was a part of the same policy of mass mobilisation, as will be shown below.

The October crisis of 1962,⁷⁶ when under pressure from the United States of America the Soviet Union withdrew the rockets which it had stationed on Cuba, probably removed any illusions entertained by the Cuban government concerning Soviet military support. Nevertheless, the boycott in which the Cubans found themselves forced them to depend economically on their new trade partner. Castro visited Moscow in May 1963 and in January 1964 a new five-year trade contract between the two countries was signed.⁷⁷ 1962 was the year in which the links with the new trade partner, the Soviet Union, were growing and the influence of the old Cuban communist party on government policy was a fact. However, the Escalante affair, Castro's indignant reactions to the Soviet Union's actions during the October crisis, and the beginnings of an orientation towards China, all made it clear that

the Cuban government was searching for the space in which to create a Cuban model of revolution.⁷⁸ The opportunity was there to form genuinely 'Cuban' institutions. The space was there for the idealistic goal: the speedy attainment of a classless communist society, in which the distinctions between rich and poor, intellectual and manual labour, town and country would disappear. This was the society of the 'new man' (*el hombre nuevo*).

THE FIRST EXPERIMENTS WITH THE BASE TRIBUNALS IN THE BACKWARD AND IMPOVERISHED COUNTRYSIDE

It was during a visit to the University of Havana on 12th October 1962 that Fidel Castro first voiced the plan to establish a new type of popular justice in public. He suggested that the students and lecturers in the faculty of law should go to the most remote and mountainous parts of the country to begin experiments and research activities in judicial administration.⁷⁹ Seven months later, on May 21st 1963, during a visit to the University of Moscow, Castro went into more detail on the new ideas on the future Cuban revolutionary administration of justice:

We impress upon students of law the importance of their study; we explain to them that there are still many procedural questions which need to be resolved in a revolutionary manner; we even recommend them to go to the countryside, to go to the people, so that, under the new conditions of our country, they will be able to suggest a procedure adequate for the solution of all the conflicts which we have and which are less in number than those which arise in capitalist society...

We did not want to do this in an idealist way. We preferred not to hurry, since it is not a good method to think up laws and institutions first and then to try to adapt reality to these ideal forms. *It is not reality which must adapt to the institutions, but the institutions which must adapt to reality.* Our law students have a job waiting to be done, which we urge them to carry out.⁸⁰

The students who left for the countryside and the mountains in 1963 with these instructions did so with the aim of developing new forms of justice at base level, designed to deal directly with the minor offences and conflicts which were characteristic of these areas.⁸¹ A Cuban criminal lawyer later described the 1962 plans as the intention of establishing new base tribunals in which the people would be able to participate directly by means of trial by a bench and short procedures. The tribunals would have an educative function in that they would teach the people to respect the new legality developed through the revolution and at the same time would contribute to the formation and development of a legal consciousness.⁸² They were to be genuine popular tribunals, a new phenomenon in the history of Cuba, according to Cuban sources.⁸³

The plans for a new basic administration of justice to be developed in the future were remarkable in a number of ways. Particularly novel was the idea of adapting directly to the local requirements, of drawing up the new legal procedures in direct contact with the local population. This style of working was intended to stimulate the involvement of the people in resolving conflicts and in living as law-abiding citizens. This was a feature which was in harmony with an important political area of focus in the 1960s: mass mobilisation.

Other general aspects of Cuban revolutionary politics of the 1960s make their

appearance in the experiments in the basic administration of justice. For instance, the pragmatic way of searching for specifically 'Cuban' institutions is typical of this decade. The attainment of the 'new man' (*el hombre nuevo*), the attainment of 'equality' and the rural focus were major items of general policy in the 1960s.⁸⁴ As Castro said in October 1962, new tribunals would be set up for the trial of minor crimes, misdemeanours, offences and disputes.⁸⁵ This implied tribunals which took over the functions of the Correctional Judges.

From 1963 on law students, lawyers who had just finished their training and others went to the countryside and the mountains to start experiments with the new tribunals. It is noteworthy that these experiments were at first confined to the non-urban areas and that they were initially only on a small scale. By September 1966, some three years since the start of the experiment, there were 31 so-called base tribunals in operation in Cuba. 22 of these were in rural areas, 5 in partly urban areas and two per city in the cities of Havana and Oriente.⁸⁶

Unlike the police courts introduced in 1899, the newly developing base tribunals did not start in Havana, the capital of Cuba. These tribunals were not introduced *en masse* in the capital earlier than the spring of 1968.⁸⁷ The experiments began instead in the rough mountain areas and in the countryside among the rural population. If we look for an explanation for this concentration on the countryside in post-revolutionary Cuba, various factors can be taken into account. The large differences between town and countryside before 1959 are obviously relevant, as well as the relatively large isolation of the countryside up to that date. The experiences of the guerrilleros in inhospitable mountainous areas like the Sierra Maestra must have been instructive for those who were to form the future government. It was at any rate a stimulus behind the idealistic goal of doing away with differences between town and countryside and between intellectual and manual labour.

Comparatively speaking, Cuba was a developed country in the late 1950s. In terms of a number of criteria of development it came high on the list. For example, Cuba was the Latin American country with the most extensive system of mass communications. It had the highest percentage of televisions per head of the population and occupied second place with regard to the percentage of radios. In this respect it bore comparison with industrialised countries in the West such as France or Italy. To take another example: there was a relatively high doctor:population ratio, the same as in Sweden in the same period. Within the ranking order of Latin American countries, Cuba was third in the percentage of doctors, fourth in the average level of national income and seventh in the percentage of students in higher education. The overall picture is not at all bad as long as internal differences are excluded. But these differences were enormous! Where was that relatively high percentage of doctors, for example, to be found? Or where was that relatively good average income earned? The answer is: in Havana and a few other large cities. Research carried out in 1957 by a Cuban Catholic university is instructive in this respect. The introduction of the research report stated:

The city of Havana is going through a period of extraordinary prosperity, while the countryside, especially its working people, is living in unbelievable conditions of stagnation, misery and despair.⁸⁸

Table 1: Socio-economic data on Cuba⁸⁹

Index	Rank (L.A.)	Year	Comparable European country
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Gross national product per capita of the population	4th	1957	Rumania
Commercial energy consumption per capita of the population	6th	1955	Yugoslavia
Percentage of population able to read and write	5th	1950	Yugoslavia
Distribution of newspapers per 1000 inhabitants	4th	1960	Italy
Radios per 1000 inhabitants	2nd	1960	Italy
Televisions per 1000 inhabitants	1st	1961	France
Students in higher education per 1000 inhabitants	7th	1960	Norway
Doctors per 1000 inhabitants	3rd	1960	Sweden
.....			

The research presented the following picture of the living conditions of rural workers. Their annual per capita earnings were not more than 91.56 dollars. Although they formed 33 per cent of the population, they received only 10 per cent of the national income. Their diet was far below all reasonable minimum standards. Only 4 per cent of them ate meat regularly, only 2 per cent ate eggs regularly and only 11 per cent drank milk regularly. Despite the high sickness rates (31 per cent had suffered from malaria, 14 per cent had had tuberculosis and 36 per cent had worms), only 8 per cent of the rural workers received free medical assistance from the state, while another 8 per cent was helped by charitable organisations. About 43 per cent of the rural workers was illiterate. Their housing conditions offered an even worse picture, if that can be imagined: in 42 per cent of the rural workers' houses an average of 6 persons shared one bedroom. 64 per cent of these houses had no toilet and other facilities, and so on...⁹⁰

In an interview with Lockwood in 1965, Fidel Castro described the pre-1959 Cuban situation in the following terms:

If you came to Havana in those days, you saw a city with many businesses, many neon signs, lots of advertisements, many automobiles. Naturally this could have given the impression of a certain prosperity; but what it really signified was that we were spending

what small resources were left to us to support an elegant life for a tiny minority of the population. Such an image of prosperity was not true of the interior, where the people needed running water, sewers, roads, hospitals, schools and transportation, and where hundreds of thousands of sugar workers worked only three or four months a year and lived in the most horrible social conditions imaginable. You had the paradoxical situation that those who produced the wealth were precisely the ones who least benefitted from it. And the ones who spent the wealth did not live in the countryside, produced nothing, and lived a life that was soft, leisurely, easy, and proper to the wealthy... We inherited an overdeveloped capital in a completely underdeveloped country.⁹¹

THE REASONS BEHIND THE FOCUS ON THE CUBAN COUNTRYSIDE

These huge differences between city and interior were not confined to Cuba. So-called *dependencia* theory was elaborated in the 1960s and 1970s to account for this phenomenon that is typical of the whole Latin American continent.⁹² According to the versions of this theory, underdevelopment and development are two sides of the same historical process: capitalist worldwide expansion. In this context only brief reference will be made to the way in which this theory analysed the place of an institutionalised structure of exploitation between town and countryside within an international structure of exploitation in which the rich capitalist West (Western Europe, but as far as Latin America is concerned, the United States of America in particular), pursues its own enrichment at the expense of the developing countries which are economically dependent on it. The Brazilian economist, Theotonio Dos Santos, described the concept of 'dependent development' as follows:

By dependence we mean a situation in which the economy of certain countries is conditioned by the development and expansion of another economy to which the former is subjected. The relation of interdependence between two or more economies and between these and world trade, assumes the form of dependence when some countries (the dominant ones) can expand and can be self-sustaining, while other countries (the dependent ones) can do this only as a reflection of that expansion, which can have either a positive or a negative effect on their development.⁹³

Dependencia theory tends to see dependence as an unequal relation between geographically distinct entities: the centre (the dominant countries) versus the periphery (the dominated countries). Within the periphery, in turn, the opposition is between town and hinterland.⁹⁴ One of the main founders and spokesmen of *dependencia* theory, André Gunder Frank, drew the following conclusion from his study of Latin America:

The capitalist system has a neo-colonial structure through which the imperialist metropolis exploits its Latin American and other colonies (and its Afro-American internal colonies at home) and through which -- through 'internal colonialism' -- the national metropolises of Latin America exploit their provincial centres, and these in turn their respective hinterlands, in a colonial chain that extends without a break from the imperialist centre out to the most

isolated rural region of Latin America and other underdeveloped countries.⁹⁵

In the course of a clear review of such theories, other *dependencia* theorists, Chilcote and Edelstein, state their case as follows:

Within each country, the pattern of metropolis-periphery relations is replicated; the economic surplus of the countryside is drained into the urban areas through a process of internal colonism. The countryside is poor not because it is feudal or traditional but because it has enriched the cities. Latin America is underdeveloped because it has supported the development of Western Europe and the United States.⁹⁶

From the perspective of *dependencia* theory, it is perhaps not so surprising that the problems of the Cuban countryside were tackled so energetically after 1959. A revolutionary government which sought to free Cuba from the international economic relations which it saw as 'exploitative' could not ignore the harsh inequalities between town and countryside which, so the *dependencia* theorists claimed, were entangled within those same relations of exploitation.⁹⁷ At the same time, the political interest in the countryside after 1959 was motivated not just by this kind of theoretical analysis but also by practical and idealistic motives. The critical research carried out by *dependencia* theorists, with its accent on the relation between town and countryside within the periphery, was largely developed after the Cuban revolution. Moreover, it is claimed by some that this theory was also partly a response to the practice of the Cuban revolution.⁹⁸

It was primarily the guerrilla experience of the members of the new government which had forced them to take account of the countryside. Firstly, during the armed struggle there they had directly witnessed how important the support of the rural population was in guerrilla warfare of this kind. The help given to the counter-revolutionary rebels in late 1960 by the peasants of the Escambray mountains was also an important lesson in this respect. The peasants who were arrested in connection with this were treated as 'politically innocent', an innocence which was to be corrected by the ambitious rehabilitation projects which were set up for them, one of which even led to the foundation of a new town, Sandino.⁹⁹

Secondly, the guerrilla experience left a profound ideological impression behind. Fagen attributes to this experience two revolutionary values which were typical of the 1960s: *igualitarismo* and *ruralismo*. The former is an ideology of egalitarianism, or a passion for bringing into line. The latter, the rural character, is that which is typical of the countryside. Fagen writes:

It was even more the extremely mobile life of the guerrilleros in primitive conditions which prevented the development of differentiations and internal privileges. Rifles, hammocks, missions and rank were distributed on the basis of efficiency demonstrated in the Sierra....In this way the situation in the mountains naturally led to the development of a strong sense of identification and respect for the local peasantry, as well as a firm belief in the correctness of the 'opening of career possibilities to those with talent'. The best guerrillero in marching, fighting and encouraging his comrades was the guerrillero who rose in esteem and rank...

The essential principle of this aspect of revolutionary thought is that the countryside is not just the scenario for the most intensive development effort, but that it is also a treasurehouse of values

and ways of life from which every Cuban has much to learn. Rural life is a celebration of simplicity, camaraderie, loyalty, hard work, tenacity, valour, generosity and sacrifice: an idealisation of the personality and behaviour of the peasant guerrillero.¹⁰⁰

One important result of these ideals which were formed during the guerrilla war was the 1961 alphabetisation campaign. Hundreds of thousands of Cubans, schoolchildren, lecturers and others went to the most remote areas of Cuba to give the illiterate 42 per cent of the rural population lessons in reading and writing. The campaign seems to have reduced illiteracy to 3.6 per cent in one year. 67 per cent of the 707,212 people who learned to read and write during this campaign came from rural areas.¹⁰¹ At the same time, the campaign introduced many young people from the cities to the often hard, primitive and isolated life in the mountains and in the countryside for the first time in their lives.¹⁰² In a speech to the brigades of future teachers before they left, Fidel Castro stressed the importance of the countryside for the further development of the revolution:

You are going to teach, but as you teach, you will also learn. You are going to learn much more than you can possibly teach, and in the end you will feel as grateful to the *campesinos* as the *campesinos* will feel to you for teaching them to read and write. Because while you teach them what you have learned in school, they will be teaching you what they have learned from the hard life that they have led. They will teach you the 'why' of the revolution better than any speech, better than any book. They will show you what life has been like in the countryside and how our *campesinos* have lived deprived of everything... Then you will have a better understanding of the relationship between the country and the city, and you will see that it is impossible to achieve greater progress in the city if the rural economy does not develop at the same time.¹⁰³

Another expression of the same ideals is the large amount of voluntary agricultural work that was carried out, particularly during the sugar harvests in the 1960s. The same applies to the 'green belt', a piece of land around Havana where the city residents could grow vegetables, coffee, etc. for collective use from 1967.¹⁰⁴

The decade of the 1960s was one in which an enormous amount of attention was paid to further development of the countryside in both social and economic terms. A first step was, as has been seen, the confiscation of large-scale latifundia, the great landed estates whose rich owners often lived in the towns. In 1963 a second Agrarian Reform Law further reduced the amount of land that was permitted for private possession to a maximum of 160 acres (roughly 65 hectares).¹⁰⁵ Since then much has been done to improve the infrastructure of the countryside, the provision of social services and education.

With the emphasis on modernising agriculture, roads, dams and bridges have been built and electric power has been significantly expanded in the countryside. Hospitals and schools have been built to dispense free medical assistance and to continue the education of the peasants.¹⁰⁶

The definitive option for agriculture, i.e. sugar cane cultivation, as the primary focus of attention for economic development in 1963 only emphasised these priorities even more.¹⁰⁷ A less positive side effect of this development has been the considerable neglect of the towns and cities, particularly Havana, in this period.¹⁰⁸

MOBILISATION OF THE RURAL POPULATION: THE FIRST BASE TRIBUNALS

The traditional isolation of the Cuban interior before 1959 was especially true of its integration within the official administration of justice. In this respect Cuba conformed in essentials to the more general characterisation of judicial administration in Latin America by Karst and Rosenn. They observe that:

The formal legal systems of Latin American countries are modern developed institutional structures... However, this formal legal system has failed to penetrate very far into most Latin American societies. With the exception of the elite and the still relatively small but burgeoning middle class, the great bulk of the population does not actively avail itself of the formal legal system.¹⁰⁹

Santiago Cuba, Attorney-General of the Cuban Supreme Court, called the isolation of specific areas in 1966 a major handicap for the effective functioning of the base tribunals.¹¹⁰ The mountain areas in particular were very difficult to reach. Before 1959 many of these areas had no official administration of justice at all. Despite the official division of the country into areas of jurisdiction, there were areas where no judges or tribunals came. Sometimes a judge was appointed quite at random, completely independently of the official jurisdiction, Santiago Cuba claimed. Besides, if there were disputes, the peasants often preferred to give the last word to a figure of repute from the locality rather than to an official judicial body.¹¹¹ The mountainous regions like those in the Eastern part of Cuba where the experiments with the base tribunals began in autumn 1963¹¹² were particularly troublesome for the pioneers of the base tribunals. As Santiago Cuba expressed it, they were:

Isolated, barely accessible mountainous areas where the inheritance of capitalism was most acutely visible in the abominable living conditions.¹¹³

The isolated tracts of the Cuban countryside were mostly inhabited by small-scale, independent farmers, who were deeply tied to the land on which their livelihood and that of their family was generally completely dependent.¹¹⁴ The cultural level was often very low. The members of the rural population lived in scattered communities, so that the enormous distances and transport problems were an extra obstacle. The experimental tribunals in the new state farms had far fewer problems of this kind to face. The improved living conditions, the socialist nature of the production and the arguably 'politically motivated' residents adapted more easily to the aims of the base tribunals: the involvement of the people of the countryside and the mountains in the revolution and its new 'socialist' legality.

There is little known about the first years of the experiments. Detailed eye-witness accounts are only available for the base tribunals in Havana, which were held from 1968. Official manuals for the lay judges of the tribunals were first issued in 1966. The main document dealing with the early period of the tribunals is a speech held by the Procurator-General of the Cuban Supreme Court, Dr. Santiago Cuba, on September 1st 1966.¹¹⁵ In addition, there is a pamphlet which was probably issued in 1966 by the Ministry of Justice. This pamphlet was designed to inform the people in more detail concerning the new popular tribunals which were to be set up.¹¹⁶ There is also a guide issued by the same ministry for those lay judges who made speeches about the new base tribunals in work places and meetings of mass organisations.¹¹⁷

These sources will be used to help construct a picture of the first experiments.

How was the people organised and mobilised for the establishing of the base tribunals? What attempts were made to ensure a continuing interest of the people in the administration of justice by these tribunals?

The first experiments with the base tribunals were initiated from the University of Havana. In October 1962 Castro had asked the students and teaching staff of this university to set up 'genuine' popular tribunals in the most remote areas of Cuba, areas in which the administration of justice had been conspicuously absent in the immediately preceding period.¹¹⁸ First of all, students and lecturers were made familiar with socialist examples in this field and took part in meetings and discussions with political and mass organisations dealing with the question. In June and July 1963 they left to set up the first tribunals, two in rural areas and one in the Mayabe district of the province of Havana -- not so far from home, for the time being. In the following September and October the experiments were extended to remote areas of Eastern Cuba: Sierra Maestra Sur, Sierra Maestra Norte, Mayarí-Sagua-Moa and Mayarí Arriba.¹¹⁹ A year later, in 1964, it was decided to involve the Ministry of Justice in these experiments. This meant a further spreading of the tribunals to the Escambray mountains, to the centrally situated city of Jagüey Grande and to the province of Pinar del Rio in the extreme West of the island. In October 1964 there were 35 experimental tribunals in existence. The majority were in the interior, and only a few were in urban areas of Cuba.¹²⁰

Base tribunals were first set up in places where it was considered politically and socio-economically wise to do so. Later the jurisdictions of the various tribunals were adapted to fit in with the new politico-administrative division of the country and thereby to the organisational structure of the party. In this way various communities and sections saw the establishment of a base tribunal composed of a nucleus of chief judges and a number of nuclei of local judges.¹²¹ The experiments with the base tribunals took place outside the existing system of judicial administration.

The Ministry of Justice issued guidelines for the functioning of the tribunals.¹²² These were passed on to the various tribunals via the 'legal advisers' (*asesores legales*), who were often law students. In cases where the legal possibility of 'review' existed, this was kept outside the actual system of judicial organisation.

The competence of the tribunals resembled that of the Correctional Judges. They tried less serious felonies and misdemeanours which had previously fallen under the jurisdiction of the Correctional Judges, as well as the pre-criminal state of dangerous behaviour, such as loafing or alcoholism. They also dealt with a number of problems in the sphere of family law, mainly affecting alimony and partition of matrimonial property in cases of divorce.¹²³ According to Santiago Cuba, there were 88 per cent criminal cases and 12 per cent civil cases dealt with by the tribunals in the first half of 1966.¹²⁴

The necessity of gaining the active involvement of the people in the new tribunals was taken seriously right from the start. It cannot always have been easy to carry this out in the relatively inaccessible mountain areas and other extremely isolated regions. The first step was to inform and organise the people. The procedure for this was as follows. Mass organisations such as the C.D.R.s (Committees for the Defence of the Revolution), and very probably in the rural areas the A.N.A.P. (National Association of Small Farmers), called upon the people to attend the electoral meetings for the lay judges who were to be chosen.¹²⁵ In the words of a pamphlet of the Ministry of Justice:

The Communist Party of Cuba and the mass organisations, via the

Commission for Popular Tribunals of the Ministry of Justice, urge you to participate in the setting up of the Popular Base Tribunal for your area. The place and date of the 'Assembly for the Election of Candidates' will be announced in due time by the local mass organisations.¹²⁶

Elio Oliva, a C.D.R. activist who had been actively involved in the preparations for such a meeting in 1966, described his activities as follows:

In preparation for the first meeting we combed every neighbourhood, block by block. People were notified of the meeting by posters, loudspeaker vans and house-to-house calls. This intensive propaganda work had to ensure that the requirements for candidates were well known.¹²⁷

The above citation comes from an activist in Havana and is thus based on the situation in the capital. However, the monthly bulletin of the C.D.R. organisation stated:

The system by which the popular judges are elected and later selected that is in use in the city of Havana is similar to that in operation in other parts of the interior of the country; it is governed by the same principles, which are adapted to the specific circumstances of each locality.¹²⁸

The final electoral assembly was often preceded by a number of information evenings, at which the people were told about the base tribunal which was going to be set up.¹²⁹ The first conditions which a candidate had to satisfy for election as lay judge were: to be more than 21 years old; to have completed six years of secondary school; to have a good attitude to work; to be respected and held in moral esteem by the neighbours of the locality; and, last but not least, to be integrated in the revolutionary process. The function of the new lay judges was not a professional one, which meant that they continued their normal daytime activities as farmers, teachers or factory workers.¹³⁰ The position of lay judge was a secondary function to be carried out in the evenings.¹³¹

After the neighbourhood meetings had been held, at which sometimes more than 1,000 people were present, and everyone had been informed about the procedure, a number of candidates for the position of lay judge were chosen. This took place after detailed discussion and with a majority of votes.¹³² The successful candidates from this round then followed a course lasting ten days, in which they were instructed in the organisation and functioning of the base tribunals.¹³³ Their behaviour during the course was evaluated while their personal records were carefully scrutinised, and these results formed the criteria for the subsequent selection of the final candidate judges. The best candidates were put forward as candidates for the position of chief judge. These were the judges who formed the executive committee of the tribunal.¹³⁴ The selection was carried out by a commission consisting of *compañeros*, comrades from the party and from the Ministry of Justice. The comrades from the Ministry were the legal advisers.¹³⁵ Finally, the local populace expressed its approval or disapproval of the selected candidates in another neighbourhood assembly. Disapproval might be based, for instance, on information which had been acquired later and which was detrimental to the candidate who had been selected.¹³⁶ Depending on the volume of work, the number of judges appointed per tribunal could be some twenty or more.¹³⁷ The zones, the local sections into which a base tribunal was divided, usually worked with between five and seven judges.¹³⁸ The neighbourhood assemblies nominated some ten to fifteen candidates

for the position of judge in a local section.¹³⁹

The first tribunals in the interior were under the supervision of a Governing Body (*Núcleo de Cabezera*). This body had administrative and executive powers as well as juridical competence.¹⁴⁰ It was in charge of pre-trial inquiry and its members held the position of president at hearings of the local sections.¹⁴¹ The first base tribunals in densely populated urban areas such as Havana City and Santiago de Cuba were set up in accordance with a different organisational design. They were led by a Coordinating Body (*Organo Coordinador*) which as such had no juridical powers. It consisted of judges representing the various local sections of the tribunal. These sections had their own management, the Executive Committee (*Núcleo de Dirección*). The simplest organisational structure was that of the first base tribunals on the Isla de Pinos (also known as the Isla de Juventud). On this island, the tribunals fell directly under the control of the Executive Committee (*Núcleo de Dirección*). Unlike the other tribunals, they were not further subdivided into local sections.¹⁴²

Initially it was only the candidates for chief judge who followed their appointment with a course in technical juridical expertise for the duration of one month.¹⁴³ Later the 'ordinary' lay judges also received further training.¹⁴⁴ In complicated juridical cases the judges could call in the help of a legal adviser, who visited the tribunals on a regular basis for this purpose. As a general rule the legal adviser was responsible for the correct functioning of one base tribunal. In cases that came up for review the adviser could also be a member of the bench of judges. In all other cases it was the lay judges chosen by the neighbourhood assemblies who carried out the basic administration of justice without outside interference.¹⁴⁵

The engagement of the people was not limited to the election of judges. The public was often present in considerable numbers at hearings held in the evenings in a C.D.R. meeting hall or in some other neighbourhood meeting place.¹⁴⁶ Santiago Cuba wrote that everyone present at a trial had the right and duty to disclose to the hearing any facts which might be relevant to the case.¹⁴⁷ The elected judges themselves were also subject to supervision which was not confined to the courtroom. It was not enough to pass just and honest sentences:

Having been entrusted with the duty of judging their fellow citizens on the basis of their personal life and their prestige, it is necessary for them to maintain that prestige and exemplary moral standard without wavering, their private and public life complementing their activities as judges.¹⁴⁸

There were two grounds on which a judge could be relieved of office. They were: the committing of a delict; or the tarnishing of his/her prestige in the eyes of the *compañeros* or of the public. A judge accused in this way could be immediately suspended from office by the other members of the tribunal. One of them then instigated an investigation into the allegations. The results of this investigation were discussed by the neighbourhood assembly, after which a vote was taken on whether the assembly agreed to dismissal or not. Santiago Cuba mentions an example in 1966 of a lay judge who was dismissed for the inadequate attention which he paid to his 'legal home' and his incorrect public behaviour.¹⁴⁹

The reports present a picture of genuinely popular tribunals, with lay judges chosen by and from the neighbourhood assemblies. The trials held in the evenings in meeting halls or on the street were well attended. It was the first time in history that the people was able to supervise its lay judges directly. Because the lay judges were also members of the same neighbourhood, a moral watch was kept over their

other activities, and dismissal could be resorted to when necessary.

Comparison with the Correctional Judges justifies the conclusion that the participation of the people in the basic administration of justice had increased since 1962. It is more difficult to gauge the extent of the genuine influence which the people had upon this administration of justice. While a neighbourhood assembly nominated candidates for the position of lay judge, the definitive selection was carried out by a commission of party members and representatives of the Ministry of Justice. The tribunals were set up to conform closely to the requirements of the local population, but on the other hand, as will be seen below, their establishment fitted in with the general policy of mass mobilisation which was characteristic of the period. They were set up to involve the population, especially that in the countryside, in a positive way in the revolution. As 'participation in mass organisations was to be of decisive importance for the formation of a collective consciousness',¹⁵⁰ so 'the base tribunals were to have an educational function in teaching the masses to respect socialist legality'.¹⁵¹ Active participation in all kinds of revolutionary organisations and institutions such as the C.D.R.s and the base tribunals had a positive educational value in itself. As Fagen put it in his interesting study of Cuba in the 1960s:

As we shall see... the regime seeks to forge the new political culture in the crucible of *action*. In the mass organisations, the armed forces, the Party, and the schools, great emphasis is placed on the creative, corrective and salutary effects of immersion in revolutionary activity. With the exception of the Party, one need not be 'pure' in order to join; it is precisely through participation that cultural change and individual purification take place.¹⁵²

At the same time the new basic administration of justice put great emphasis on the 'retraining' of the condemned. As a pamphlet put out by the Ministry of Justice explained to the people:

The aims of the Popular Tribunals are not only to punish anti-social behaviour, but also, and fundamentally, to re-educate the condemned, creating in him a socialist attitude towards work, and respect for the law and norms of society.¹⁵³

The sanctions imposed by the tribunals speak for themselves. They had a wide range of re-educative penalties and sanctions at their disposal to deal with minor offences, misdemeanours and behaviour likely to lead to crime. The penalties most frequently imposed by the base tribunals in 1966 were a public warning (*la amonestación* or *la crítica pública*) and the traditional penalties of a fine (*la multa*) or imprisonment (*la privación de libertad*). Hardly a hearing was concluded without a public warning being expressed. Fines were proportional to the income and liabilities of the accused. Detention always involved productive labour.¹⁵⁴

The following example of the educational value of the basic administration of justice in its early phase is taken from the Attorney-General, Santiago Cuba. It concerned a case that came before the tribunal of San Pedro de Yaguaramas. A middle aged person was brought up for trial because of his degenerate life style, consisting of loafing, alcoholic bouts, offensive behaviour and street brawls. He was sentenced by the tribunal to a public reprimand and a period of 'paid work' on a farm. The reprimand was administered in the presence of the whole neighbourhood, and was accompanied by an analysis of the harm and waste that his behaviour cost the neighbourhood. This public condemnation and the period of detention made such an impression on the man that his work attitude changed. The transformation was

so radical that he requested to be allowed to remain on the farm as a labourer when his period of detention was over.¹⁵⁵

Notes to Chapter Three

1. From a declaration of the Cuban Supreme Court on 21st August 1961, **Revista Cubana de Jurisprudencia**, 1st year, January 1962, no. 1. In 1962 Santiago Cuba referred to the general duty of judges as 'to be zealous guardians of revolutionary legality': **Los Tribunales en el Período de Construcción del Socialismo**, Trabajo leído por el Fiscal del Tribunal Supremo, Apertura de los Tribunales, 1st September 1962, p. 13.

'Socialist' legality implied that the transition to socialism had taken place:

This legality is based in the first instance on the new legislation created by proletarian power and by means of which it organises the new institutions. It does not necessarily exclude the old capitalist legislation which will continue as far as those aspects and laws are concerned which are useful at a particular moment of the phase of the transition to socialism, since there are capitalist forms which only disappear gradually.

Santiago Cuba, *ibid.*, p. 11.

2. There continued to be one Supreme Court at national level and seven so-called **Audiencias** at provincial level. For the pre-trial investigation required by the latter there were examining magistrates (**Jueces de Instrucción**). At the regional level there were the trial judges for civil cases and the correctional judges for felonies and misdemeanours. The correctional judges administered justice according to a special, summary criminal law procedure. At the lowest level there were the so-called municipal judges, who dealt with minor civil cases and who could also deal with misdemeanours as correctional judges. The lowest level of municipal judges dealt with offences at a neighbourhood level. Before 1953 they could be lay judges, but after 1953 this was only allowed in exceptional cases.

Source: interview with Dr. Aldo Prieto Morales, Professor of Criminal Law, University of Havana, 1.3.1983; *Ley Orgánico del Poder Judicial*, 27.1.1909, Jesus Montero, Havana, 1950; A.M.Lazcano y Mazon, **Comentarios a la Ley Orgánico del Poder Judicial**, Vol. 1, Editorial Selecta, 1955, Havana, e.g. articles 7, 8, 12-35 and 136 with commentary.

The correctional judges dealt with misdemeanours and less serious felonies (art. 138), the municipal judges dealt with minor civil cases involving sums of no more than 500 pesos, and at the lowest level even those involving sums of less than 100 pesos (art. 141 secondly). In the absence of a correctional judge, the municipal judges could exercise correctional duties, restricted to misdemeanours (art. 139 and 142). The trial judges were the ones who dealt with civil cases in the first instance, unless these were exceptionally brought before the municipal judges of the **Audiencias** (art. 134 sub 3). They also dealt with appeal procedures against sentences passed by the municipal judges in civil matters (art. 134 sub 5). The **Audiencias** were the appeal courts for sentences passed in the first instance by the trial judges (art. 130 sub 4). They would also have been the appeal courts for sentences passed by the correctional

judges in cases where it would have been possible to appeal against these sentences (art. 131 sub 3). The Supreme Court included in its duties the function of appeal court in cassation and the right of review (art. 125 sub 1, and 127 sub 2). (All references are to the *Ley Orgánico del Poder Judicial*).

3. Fernando Cañizares Abeledo, *Revista Cubana de Derecho*, year 1, no. 2, Oct. 1972; Santiago Cuba, Attorney-General of the Supreme Court at the opening of the courts, *Los Tribunales Populares*, September 1966, pp. 1 and 2; Aldo Prieto Morales, *Derecho Procesal Penal*, Editorial Orbe, Havana, 1977, Vol. II, p. 159; David Booth, 'Neighbourhood Committees and Popular Courts in the Social Transformation of Cuba', Ph.D. thesis, University of Surrey, 1973, pp. 159 and 160.
4. The Criminal Procedure Law (*Ley de Enjuiciamiento Criminal*, hereafter *LEC*), promulgated in Spain on September 14th 1882 and in force (with amendments) in Cuba and Puerto Rico by decree of 19th October 1888, Bk. 6, Title I and II, articles 962-982. Cf. Nuñez y Nuñez, *Ley de Enjuiciamiento Criminal*, Jesus Montero, Havana, 1954, Vol. II, pp. 302ff. The *faltas* with which this law dealt were misdemeanours from Bk. III of the Penal Code (*Código Penal*) in force at the time. This Spanish Penal Code of 17th June 1870 was in force on the islands of Cuba and Puerto Rico by a royal decree of 23rd May 1879. Art. 1 of this law established a distinction between offences (*delitos*) and misdemeanours (*faltas*). According to articles 317-335 of Book III, the latter were divided into 'misdemeanours against the public order', 'misdemeanours against the general interests and administration of the townships', 'misdemeanours against persons' and 'misdemeanours against property'.
5. Cf. Abeledo, *op. cit.*, pp. 87-101; Mariano Sanchez Roca, *Leyes Penales*, Vol. II, Part I, Editorial Lex, Obispo, Havana, 1945, p. 1183.
6. *LEC*, Bk. 6, Title I, art. 962.
7. *Ibid.*, art. 963.
8. *Ibid.*, articles 964 and 968.
9. *Ibid.*, articles 969 and 972.
10. *Ibid.*, articles 973 and 203.
11. Literally, 'Judge of Instruction'. See *ibid.*, art. 975.
12. Cf. *Ley Orgánica del Poder Judicial* of 1909, art. 136.
13. *LEC*, articles 977 and 978.
14. *Ibid.*, art. 981. Cf. Abeledo, *op. cit.*, pp. 87 and 88.
15. Thomas, *Cuba, The Pursuit of Freedom*, Harper & Row, New York, 1971, pp. 420 and 436.

16. In 1906 the United States of America interfered in Cuban affairs openly again. From October 1906 to February 1909 they took over the administration of Cuba for a second time. See Thomas, *op. cit.*, pp. 481 and 489.
17. Abeledo, *op. cit.*, p. 88.
18. *Ibid.* Cf. Santiago Cuba, *op. cit.*, p. 5: 'The phrase "Ten days or ten dollars" was notorious in Havana at that time'.
19. Cf. Abeledo, *op. cit.*, pp. 88 and 89.
20. Santiago Cuba, *op. cit.*, p. 4.
21. Abeledo, *op. cit.*, p. 89.
22. The Supreme Court of Justice in a Pronouncement of 9th October 1899 and a Pronouncement of 10th October 1899: Abeledo, *op. cit.*, pp. 90 and 91.
23. Military Decree 152, 15.4.1900: Prieto Morales. *op. cit.*, II, p. 168:
El Gobernador General de Cuba ha tenido a bien disponer la publicación de la siguiente Orden:
 - I La Corte de Policía o Tribunal Correccional que existe en la ciudad de La Habana bajo las órdenes del Gobernador Militar de la misma, continuará en el ejercicio de sus funciones con la jurisdicción territorial que corresponde a la policía de La Habana.
 - II Este Tribunal queda autorizada para conocer, juzgar y castigar las faltas contra las personas y contra el orden público.
 - IV Este Tribunal queda autorizada para imponer penas que no pasen de treinta días de arresto ó multas que no exceden de treinta pesos, ó ambas penalidades al criterio del Tribunal.
24. Cf. Nuñez y Nuñez, *op. cit.*, II, p. 303 and 'Orden Militar' no. 152, 10.4.1900, which specifies under heading VIII:
When the projected Correctional Tribunals are set up in the whole island, the present Tribunal will be adapted to the proposed system, and its powers and functions will be adjusted to the same.
25. 'Orden Militar' no. 213, 'Which Regulates the Holding of Trials of Contraventions', Havana, 25.5.1900, 'General Barracks of the Division of Cuba', in Nuñez y Nuñez, *op. cit.*, II, pp. 304-319.
26. Abeledo, *op. cit.*, p. 95.
27. *Ibid.*, pp. 96 and 97.
28. *Ibid.*

29. Art. XXII Orden 213: Nuñez y Nuñez, *op. cit.*, II, p. 311.
30. *Ibid.*
31. Art. XXI and XXIV, Orden 213: *ibid.*, pp. 311 and 312.
32. Art. XLIX, Orden 213: *ibid.*, pp. 303 and 315.
33. See note 42 below.
34. Articles XLIII and XLIV, Orden 213: Nuñez y Nunez, *op. cit.*, II, p. 314.
35. These were the criminal offences, summed up in art. XLI of the Orden Militar no. 213 of 25.5.1900: Sanchez Rosa, *op. cit.*, pp. 1184, 1211 and 1212. This decision was taken in order to try offences that fell within the competence of the correctional judges by jury. As we have seen, this correctional trial by jury was shortlived.
36. Articles XLVII and XLVIII, Orden 213, 25.5.1900, as reworded by Angel C. Betancourt in the 1911 Criminal Procedure Law (*Ley de Enjuiciamiento Criminal*), 1911, Havana, p. 280.
37. Article 579A of the Social Defence Code and the Third Supplementary Version of the Social Defence Code: Nuñez y Nuñez, *op. cit.*, II, p. 315.
38. Santiago Cuba, *op. cit.*, 1966.
39. Dispensation 11.5.1903, Government Division of the Supreme Court: Prieto Morales, *op. cit.*, II, p. 168.
40. Art. XLIX, Orden 213, 25.5.1900: Nuñez y Nuñez, *op. cit.*, II, p. 315.
41. Art. 204 of the Constitution of the Republic of Cuba, 1940.
42. In 1945 Sanchez Roca attributed the absence of excessive arbitrariness simply and solely to the dutiful and considerate attitude of the judges who were involved in correctional justice. They sometimes had to handle ten to fifteen cases in one morning. In any case, he did not consider that the lack of excesses was a result of the protection offered by the proceedings: *op. cit.*, pp. 1186 and 1187. Cf. Thomas (on the Brook Report), *op. cit.*, p. 437. For statements of Cuban lawyers dating from after 1959 see Prieto Morales, *op. cit.*, II, p. 171; Abeledo, *op. cit.*, p. 98; Santiago Cuba, *op. cit.*, 1966, pp. 4-6.
43. Nuñez y Nuñez, *op. cit.*, II, p. 303; Santiago Cuba, *op. cit.*; Abeledo, *op. cit.*, pp. 96 and 97; Sanchez Roca, *op. cit.*, p. 1185.
44. Cuban criminal law recognises a state of dangerous behaviour on the basis of which the judge can impose so-called pre-criminal or post-criminal security measures. This state of dangerous behaviour is itself based on specific indications laid down in the law, such as insanity, alcoholism, drug abuse and loaf-

ing. We can see in this a typical product of the movement in criminal law which originated in the European *Défence Sociale* movement. This movement was very influential in Cuba around the turn of the 20th century and one of the laws which owes a great deal to it is the *Código de Defensa Social* of 1936.

Social Defence Code, 17.4.1936, edition of 21 July 1959, Jesus Montero, Havana, Third Supplementary Version, p. 197:

The Correctional Judges will be empowered to deal with the following:

- a all the Contraventions listed in Book III;
- b all those felonies included in Book II for which the penalty to be imposed does not exceed six months detention or banishment, or 180 units of currency, or six months suspension or prohibition, or thirty days claustration;
- c the application of pre-criminal security measures in those cases dealt with in article 48 c, and measures taken after the committing of an offence in those cases and according to the regulations laid down in Book IV.

45. Social Defence Code of 1936 (hereafter **CDS**), art. 571ff. Cf. **CDS**, Third Supplementary Version and articles XLVII and XLVIII of Orden 213, Nuñez y Nuñez, *op. cit.*, II, p. 315.

46. *Ibid.*, Articles 585^Aff and 48^E.

47. Orden Militar no. 213, articles XXVII-XL. Art. XXVII laid down:
The jury which has to declare the guilt or innocence of those accused of a crime whose trial falls under the jurisdiction of the Correctional Courts, will be formed in the following way: On the First of June each year the mayors will display a list of individuals eligible for the functions of councillors who are resident in the capital of the district or at a distance of no more than three miles from it. This list will be on display for twenty days in a visible position of the Council House for requests for inclusion of those who have been omitted, which may be made by anyone, and for requests for exclusion of those who do not satisfy the requirements to become members of the jury in some way.

When the twenty days are over, the list, together with requests for inclusion and exclusion and accessory documents will be sent to the Correctional Judge. A Commission presided over by the Correctional Judge, with two councillors nominated by the Mayor and six neighbours, elected by the Judge and the two councillors, will decide about the inclusions and exclusions by majority vote, with no right of appeal...

Article XXIX laid down:

The election of the five members of the jury necessary for the hearings will be held with a regularity demanded by the number of cases to be heard and tried. The procedure will be as follows: When the Correctional Judge is present in the open court [*audiencia*], he will draw ten names out of the urn already referred to, reading

them out for all to hear. The secretary of the jury will note these men in an act which the judge will take and sign, and will take charge of the correspondence which must be sent the same day to notify the selected candidates of their election, requiring them to present themselves within three days from the date of notification and notifying them that failure to appear will be fined with 15 units of United States currency, or, failing that, five days detention, unless they can provide a sufficient excuse, accompanied with proof, under oath or affirmation for not appearing, whether because of some incapacity or inconvenience which has occurred since the putting together of the list of jurors or because of absence, sickness or some other unavoidable circumstance...

Nuñez y Nuñez, *op. cit.*, II, p. 313; Sanchez Roca, *op. cit.*, p. 1184.

48. Cf. e.g. Henry W. Ehrmann, *Comparative Legal Cultures*, Prentice-Hall, New Jersey, 1976, p. 97:
It has been estimated that at present no less than 90 percent of all criminal jury trials the world over, are taking place in the United States.
Cf. also René David, *Les Grands Systèmes de Droit Contemporains*, Dalloz, Paris, 1974, pp. 317, 439.
49. Abeledo, *op. cit.*, pp. 95 and 96.
50. *Ibid.*, p. 93:
La Orden 213 de 1900 instituyó el juicio por Jurado con lo que se acentuaba más el carácter sajón de dicho órgano de justicia que a contrapelo del grado de cultura, psicología social y tradición jurídica de nuestro pueblo, se impuso única y exclusivamente como institución jurídica importada, con la única finalidad de servir de aparato represivo al Gobierno Militar de la Isla.
51. Cf.e.g. R.R.Fagen, 'Mass Mobilization in Cuba: The Symbolism of Struggle', *Journal of International Affairs* 20, 1966, pp. 263-266.
52. Ehrmann, *op. cit.*, pp. 100-101.
53. Orden Militar no. 164 of 1900: Abeledo, *op. cit.*, p. 92.
54. *Ibid.*, p. 94.
55. Orden Militar no. 371 of 1900, published in *Gaceta Oficial*, 18.9.1900: Abeledo, *op. cit.*, p. 94.
56. René David, J.E.C. Brierley, *Major Legal Systems in the World Today*, The Free Press, New York, 2nd ed., 1978, p. 127.
57. Compare Chapters 4 and 6.
58. Compare Chapter 7.

59. Fidel and Raúl Castro estimated that the fighting in the Escambray mountains had cost the revolution some 500 dead and 500 to 800 million pesos. Source: Marta San Martín & Ramón L. Bonachea, 'The Military Dimensions of the Cuban Revolution', **Cuban Communism**, ed. Irving Louis Horowitz, Transaction Books, New Brunswick & London, 1981, pp. 537 and 538.
60. Hugh Thomas, **The Cuban Revolution**, Harper & Row, New York, 1977, p. 594.
61. **Ibid.**, p. 595.
62. **Ibid.**, pp. 598 and 599.
63. **Ibid.**, pp. 601-602.
64. Hans Magnus Enzensberger, 'Portrait of a Party, Prehistory, Structure and Ideology of the P.C.C.', **The New Cuba, Paradoxes and Potentials**, ed. Ronald Radosh, New York, 1976, Morrow Paperback editions, p. 123.
65. **Ibid.**, p. 125.
66. Cf. James M. Malloy, 'Generation of Political Support and Allocation of Costs', **Revolutionary Change in Cuba**, ed. Carmelo Mesa-Lago, 1971 [1974], University of Pittsburgh Press, p. 36; Enzensberger, **op. cit.**, p. 126.
67. **Ibid.**, p. 124 (in 1969).
68. Thomas, **op. cit.**, 1977, p. 596.
69. **Ibid.**, p. 599.
70. The research is that carried out by Lloyd A. Free, Institute for International Social Research, New Jersey, **Attitudes of the Cuban people toward the Castro Regime**, 1960. This inquiry turned out to have been conducted in Cuba by an institute with an anti-government attitude: **ibid.**, p. 573. In addition to the results of this inquiry, Fagen adds that the rural population had always been more sympathetic towards Castro than had its urban counterpart: Fagen, **op. cit.**, 1966, p. 268.
71. In Cárdenas, Santa Clara and El Cano, for example: Thomas, **op. cit.**, 1977, p. 608.
72. Fagen, **op. cit.**, pp. 268-269; Malloy, **op. cit.**, p. 28.
73. See note 88 below.
74. **Op. cit.**, p. 33.
75. **Ibid.**, p. 35.

76. The October crisis of 1962 refers to the direct military and political confrontation between the United States and the U.S.S.R. when the United States discovered that Cuba was in the process of installing Soviet rockets on Cuban territory. Cuba was afraid of a new invasion by the United States and the installation of the rockets was part of the Cuban defence preparations for such an eventuality. The United States saw the installation of what were in its own eyes 'offensive' rocket bases as an infringement of the existing international balance of power, as Kennedy stated in a speech of 22nd October 1962. The crisis was finally put to an end with Krushchev's decision of October 27/28th to dismantle the bases. See Thomas, *op. cit.*, 1977, pp. 615-625, 628, 630 and 636.
77. Cf. Thomas, *op. cit.*, 1977, p. 660. According to Thomas (*ibid.*, p. 596), the Soviet Union and other members of the Eastern bloc provided Cuba with help to the value of \$570 million in 1961 and 1962. In this agreement, the Soviet Union was bound, among other things, to purchase Cuban sugar for a period of five years for a previously arranged price. See Edward Gonzalez, 'Relationships with the Soviet Union', *Revolutionary Change in Cuba*, ed. Carmelo Mesa-Lago, University of Pittsburgh Press, 1974, p. 90.
78. The experiments in the 1960s can be seen as variations on this theme: see Chapters 4, 5 and 6.
79. Santiago Cuba, *op. cit.* 1966, p. 1; Abeledo, *op. cit.*, p. 100; Prieto Morales, *op. cit.*, II, p. 159.
80. Cited in Prieto Morales, *op. cit.*, II, pp. 160 and 161; cf. Santiago Cuba, *op. cit.*, p. 2.
81. Santiago Cuba, *op. cit.*, p. 1; Abeledo, *op. cit.*, p. 100.
82. Prieto Morales, *op. cit.*, p. 159.
83. No existen antecedentes algunos de que tanto durante la época Colonial como durante la época de la República mediatizada se haya desarrollado experiencia o modalidad de administración regular de justicia popular en Cuba.
Informe sobre la Jurisdicción de Tribunales Populares, Working Group no. 4, Commission 1 of the National Commission for the Unification and Renewal of the Legal System, Havana, 1973, p. 1.
84. Richard R. Fagen, 'Constantes en la Política Revolucionaria', *Cuba, Camino Abierto*, eds.: David Barkin & Nina R. Manitzas, Siglo XXI, Mexico, 1978, pp. 312ff.
85. Cited in Santiago Cuba, *op. cit.*, 1966, p. 1.
86. *Ibid.*, p. 10. The rural areas were Oriente (10), Camagüey (1), Las Villas (5), Matanzas (3) and La Habana province (3). The 'urban-rural' areas were Oriente (4) and Camagüey (1). As for the urban areas, Oriente and Havana City each

received 2.

87. Booth, *op. cit.*, p. 160.
88. Bureau for Information and Propaganda of the Catholic University Group, 'Por qué reforma agraria', Havana, 1958. Source: José A. Moreno, 'From Traditional to Modern Values', **Revolutionary Change in Cuba**, ed. Carmelo Mesa-Lago, University of Pittsburgh Press, 1974, p. 477.
89. Richard R. Fagen, **The Transformation of Political Culture in Cuba**, Stanford University Press, California, 1969, p. 23. His sources were: Data on gross national product, literacy, newspaper circulation, radios, television, higher education and physicians from Bruce M. Russett *et al.*, **World Handbook of Political and Social Indicators**, New Haven, Conn., 1964, tables 44, 64, 31, 35, 37, 62 and 59 respectively; data on commercial energy consumption from Norton Ginsburg, **Atlas of Economic Development**, Chicago, 1961, p. 82. For more details about Cuba in the context of other Latin American countries see Roger Vekemans and J.L.Segundo, 'Essay of a Socio-Economic Typology of the Latin American Countries', Egbert de Vries and José Medina Echavarría, eds., **Social Aspects of Economic Development in Latin America**, I, Paris, UNESCO, 1963. A wealth of data on Cuban socio-economic development before Castro can be found in José R. Alvarez Díaz *et al.*, **Un Estudio Sobre Cuba**, Miami, 1963, esp. pp. 781-1277.
90. Moreno, *ibid.*, p. 477.
91. Cited in Booth, *op. cit.*, p. 129-130. Cf. Lee Lockwood, **Castro's Cuba, Cuba's Fidel**, Vintage Books, New York, 1967, pp. 90, 104.
92. Susanne Bodenheimer, 'Dependency and imperialism, the roots of Latin American underdevelopment', **Politics and Society**, vol. 1, no. 1, Berkeley, 1971; Ronald H. Chilcote & Joel C. Edelstein, **Latin America. The Struggle with Dependency and Beyond**, Cambridge, Mass., 1974; André Gunder Frank, **Capitalism and Underdevelopment in Latin America: Historical Studies of Chile and Brazil**, Monthly Review Press, New York & London, 1969; T. Dos Santos, **Dependencia y Cambio Social**, Santiago, 1970.
93. Theotonio Dos Santos, 'The Structure of Dependence', **The American Economic Review**, LX, May, 1970, pp. 231-236, cited in Chilcote & Edelstein, *op. cit.*, p. 26.
94. This is the view of the tendency within dependency theory characterised by Roel Janssen as 'nationalist': Roel Janssen, 'Afhankelijkheidstheorieën', **Sociale Veranderingen in Latijns Amerika**, red. Geert A. Banck & Henk Bergman, Intermediair Bibliotheek, Amsterdam, 1980, p. 36.
95. Gunder Frank, *op. cit.*, p. 373.
96. Chilcote & Edelstein, *op. cit.*, p. 27.

97. There was an awareness in Cuba of the situation of dependency in which Cuba found itself before 1959. Santiago Cuba, Attorney-General of the Cuban Supreme Court, made the following significant remarks in September 1961:

When the Revolution came to power, Cuban society was subject to a regime shaped by the absolute control of the oligarchy of Yankee financiers, who filled their own pockets in company with a small group of large landholders, industrial magnates and merchants with the fruits of work carried out by the people. This took place via a semi-feudal, semi-capitalist system of large landholdings. It was an underdeveloped and dependent regime...

As a result of the dominant nature of the North American monopolies, Cuba was nothing more than a link in the imperialist world system, within the sphere of influence of North American imperialism. It was characterised by a weak capitalist regime that was developed no further than the point and the level at which its economic backwardness as a mono-producer of semi-processed materials could be maintained...

From: Santiago Cuba, *Memoria, leída por el Fiscal General del Tribunal Supremo*, 1st September 1961, pp. 4-6.

98. The discussion of *dependencia* in Latin America began in the 1960s. The elaboration of discussion and theory reached a peak in the 1970s. Cf. Janssen, *op. cit.*, pp. 34 and 35.

The roots of this theory can be traced back to the writings on 'imperialism' by Lenin and Rosa Luxemburg (e.g. V.I.Lenin, *Imperialism as the Highest Stage*, 26.4.1917; Rosa Luxemburg, *The Accumulation of Capital*, London, 1951). But these theories were not likely to attract widespread and profound interest on the part of the revolutionary cadre of the Cuban revolution because of the 'petit bourgeois' rather than 'Marxist-Leninist' or 'proletarian' nature of the Cuban revolution of 1959, as the Cuban Rafael Rodríguez later defined it (Carlos Rafael Rodríguez, *Cuba en el Tránsito al Socialismo (1959-1963)*, Siglo XXI, Mexico, 1978, pp. 69-83). It was the members of the old Communist Party of Cuba in particular, such as Santiago Cuba and Rafael Rodríguez, who emphasised this theoretical orientation in the period. The main political, or social-psychological, driving force behind the Cuban Revolution must be sought rather in a specifically Cuban political tradition. As Richard R. Fagen indicates in his 'The Cuban Revolution: Enemies and Friends':

In order to understand the appeal and the content of the current Cuban world view, it is necessary to appreciate its historical antecedents and its development. Since at least the time of José Martí and the Spanish-American War, antagonism toward the United States has been a recurring theme in Cuban politics, although its earlier volume and pervasiveness never approached the level attained under Castro after 1960. The most fully institutionalized pre-Castro expression of anti-Americanism came in the first years of the Party of the Cuban Revolution or *Auténticos* which was founded in the 1930's. The 1935 program of the *Auténticos* was organized around the symbolic triumvirate of 'nationalism, socialism and anti-imperialism'. By nationalism was meant national independence and development, and by anti-imperialism was meant disengagement from North American political and economic control. But long before the

Auténticos began to broadcast their own particular brand of anti-Americanism, publicly expressed dislike for the 'Colossus of the North' was heard on the island. For example, in 1922, after developments in the sugar trade and the sugar industry considered by many Cubans to be inimical to their interests, one Havana newspaper printed the following two-page headline: 'Hatred of North Americans Will Be the Religion of Cubans'. 'The day will have to arrive', the paper continued, 'when we will consider it the most sacred duty of our life to walk along the street and eliminate the first American we encounter.' Fidel Castro has seldom used more virulent language.

The tapestry of anti-Americanism from Martí through the **Auténticos** to Castro is not, however, all of one piece. Much of the rhetoric and symbolism -- the bloated Uncle Sam, his pockets stuffed with dollars and guns, the Wall Street millionaires hand in hand with corrupt Latin American politicians and landowners -- are common to most varieties of Cuban nationalism. Similarly, the themes of North American economic exploitation, political domination, and the necessity for Latin solidarity in the face of Yankee aggression continue at least sporadically throughout the twentieth century.

Source: **Enemies in Politics**, ed. David J. Finlay, Ele R. Olsti, Richard R. Fagen, Rand McNally & Co., Chicago, Ill., 1967, p. 217.

T. Draper expressed it as follows:

...generations of Cubans were brought up in the shadow of the hateful Platt Amendment and grew to political maturity waging a struggle against it. The major, longterm U.S. investments were made in precisely this period and, therefore, reeked of old-style imperialism.

If there is one form of foreign ownership most wounding to the national consciousness, it is foreign ownership of the most elemental of natural resources -- the land. In the case of Cuba, U.S. ownership of vast tracts of land was all the more politically vulnerable because they were not ordinary tracts -- they were **sugar** lands, bearing the crop that was the sustenance and affliction of the people...The main U.S. investment was situated at the sorest and more vulnerable point not only of the Cuban economy but of the Cuban national psyche, and whatever was or had ever been wrong with the sugar industry was linked in the most direct and intimate way with U.S. capital and trade. Foreign ownership of public utilities runs foreign ownership of natural resources a close second in political offensiveness, and Cuba had an excess of both.

From: **Castroism, Theory and Practice**, New York, Praeger, 1965, p. 108.

99. Cf. Donald W. Bray & Timothy F. Harding, 'Cuba', Ronald Chilcote & Joel Edelstein, **op. cit.**, p. 633. For more information about the town of Sandino, see the brochure 'Cuban Women Speak' [in Dutch], published by Venceremos, Organisation for Solidarity with Cuba, Utrecht (Cuba series 3).

100. **Op. cit.**, 1978, pp. 318-320.

101. Moreno, *op. cit.*, pp. 477, 478.
102. See for instance the novel *El Comandante Veneno* by the Cuban writer Manuel Pereira Quinteiro, Havana, 1975. [A Dutch translation is available: *De Commandant*, Wereldvenster, Bussum/NOVIB, The Hague, 1981].
103. Fidel Castro in his speech on the departure of the literacy brigade 'Conrado Benitez' in Varadero, 14.5.1961: *El Mundo*, 16.5.1961, pp. 6-8, cited in Fagen, *op. cit.*, 1969, p. 183. I have been unable to ascertain the number of (young) Cubans who took part in this campaign.
104. Booth, *op. cit.*, p. 139.
105. Moreno, *op. cit.*, p. 477.
106. *Ibid.*, p. 478.
107. Booth, *op. cit.*, p. 129. A first hand account of how this definitive decision was reached can be found in Edward Boorstein, *The Economic Transformation of Cuba*, Modern Reader Paperback, New York & London, 1969, pp. 181-225. As he indicates, such ideals as rapid industrialisation and diversification of export products and trading partners had to be put in the background in 1962 for the time being as a result of the accelerating trade deficit and other economic problems. It was no longer possible to avoid planning a long-term policy based on Cuba's traditional export product -- sugar:
 Everything pointed to increasing the export of sugar as the main solution to the deficit. Sugar was not subject to the uncertainties surrounding products in which Cuba was short of experience.
 Boorstein, *op. cit.*, p. 198.
108. Booth, *op. cit.*, pp. 129-132,
109. Kenneth L. Karst & Keith S. Rosenn, *Law and Development in Latin America*, University of California Press, Berkeley, 1975, p. 65.
110. *Op. cit.*, 1966, pp. 8-9.
111. Interview 1.3.1982 with Dr. Aldo Prieto Morales, Professor of Criminal Law, University of Havana in 1980, 1981 and 1983. From 1959 he served for years as district attorney in the province of Pinar del Rio and had under his jurisdiction extremely isolated mountain towns and villages such as Mantua, Duane and Las Martinas. He told me that his grandfather exercised such a mediatory function before 1959 in the region of Pinar del Rio among his fellow rural neighbours.
 See Karst & Rosenn, *op. cit.*, pp. 65, 574-629, where such practices are described as typical for Latin American legal culture and practice. Cf. too P. Friedrich, 'The Legitimacy of a Cacique', 1969, Karst & Rosenn, *op. cit.*, pp. 659-664.

112. Ministry of Justice, Commission for Popular Tribunals, '¿Qué son Los Tribunales Populares?', Havana, 1966?, p. 7. [The Catalogue of the José Martí National Library in Havana gives the year of publication as 1968?]. Cf. Santiago Cuba, *op. cit.*, 1966.
113. Santiago Cuba, *op. cit.*, p. 8.
114. Alongside the establishment of state farms, the small farmers have been allowed to keep the private land that they acquired in some cases after 1959. They are represented today in the National Organisation of Small Farmers (**Asociación Nacional de Agricultores Pequeños**), which had 232,358 members in 1978. Cf. André and Françoise Demichel, **Cuba, Comment ils sont gouvernés**, Pichon/Durand Auzias, Paris, 1978, p. 91; Jorge I. Domínguez, **Cuba, Order and Revolution**, The Belknap Press of Harvard University Press, Cambridge, 1978, pp. 445-463; Bray and Harding, *op. cit.*, pp. 632-633.
115. *Op. cit.*
116. See note 112.
117. Ministry of Justice, National Front for Instruction and Propaganda, Popular Tribunals, 1968, Havana: 'Guía para ofrecer conversatorios sobre los Tribunales Populares'. This and the publication referred to in the preceding note go back to the first experimental years of the tribunals in their commentary.
118. Cf. Fidel Castro in his speech of 12th October 1962 (note 79 above); interview 3.3.1983 with Ismaél Séfer Zárate, National Advisor to the National Management of the Popular Tribunals from 1968 to 1973 and Head of the Department for Extension and Legal Information of the Supreme Court of Cuba from 1983; informal interview 3.3.1983 with Dr. Corona and Dr. Juan Vega Vega, Professors of Criminal Justice, University of Havana at the time.
119. Ministry of Justice, 'Guía...', *op. cit.*, p. 5.
120. *Ibid.*, pp. 5-6; **Informe sobre la Jurisdicción de Tribunales Populares**, Working Group no. 4, Commission 1 of the National Commission for the Unification and Renewal of the Legal System, Havana, 1973, pp. 1-2.
121. Santiago Cuba, *op. cit.*, 1966, pp. 7-8.
122. *Ibid.*; Ministry of Justice, 'Guía...' and '¿Qué son...?', *op. cit.*
123. Santiago Cuba, *op. cit.*, pp. 13-14.
124. *Ibid.*, p. 14.
125. See note 114 above.
126. Ministry of Justice, '¿Qué son...?', *op. cit.*, p. 5.

127. R. Alberto Maso, 'La Constitución de los Tribunales Populares', **Con la Guardia en Alto**, January 1967, p. 45.
128. *Ibid.*; Santiago Cuba, *op. cit.*, p. 13.
129. Santiago Cuba, *ibid.*
130. *Ibid.*, p. 12; Ministry of Justice, '¿Qué son ...', *op. cit.*, pp. 13-14; *id.*, 'Guía...', *op. cit.*, p. 7.
131. Ministry of Justice, **Cursillo Pre-selectivo**, published in 1966 by the National Management of the Popular Tribunals. This course includes both procedural and substantive legal regulations for base tribunals. On p. 11, under d, no. 4, it states: 'Non-working hours will be fixed for the holding of hearings.' For the holding of hearings in the evenings, see the eye-witness account from 1968 in Jesse Berman, 'The Cuban Popular Tribunals', **Columbia Law Review**, Vol. 69, December 1969, p. 1346; Booth, *op. cit.*, p. 184. This was officially fixed by an instruction from the Ministry of Justice: Instrucción no. 19, 'Sobre los días y horas hábiles para la celebración de juicios en los Tribunales de Base', 12.6.1973, Havana.
132. Ministry of Justice, 'Guía...', *op. cit.*, p. 14, under V 2^b.
133. *Ibid.*, pp. 14-15, V^c; *id.*, '¿Qué son...', *op. cit.*, p. 14; Santiago Cuba, *op. cit.*, 1966, pp. 12 and 19.
134. Ministry of Justice, 'Guía...', *op. cit.*, p. 10; *id.*, Cursillo Pre-Selectivo, 1966, *op. cit.*, pp. 10 and 11 under c.
135. Interview with Ismael Sefer Zárato, *op. cit.*
136. Santiago Cuba, *op. cit.*, pp. 12 and 13; Ministry of Justice, '¿Qué son...', *op. cit.*, pp. 13-15; *id.*, 'Guía...', *op. cit.*, p. 15 V c, d.
137. Ministry of Justice, 'Guía...', *op. cit.*, p. 9 IV, no. 3.
138. *Id.*, '¿Qué son...', *op. cit.*, p. 11.
139. *Ibid.*, pp. 11 and 13; Santiago Cuba, *op. cit.*, p. 12.
140. Ministry of Justice, 'Guía...', *op. cit.*, p. 10.
141. *Id.*, Cursillo Pre-Selectivo, *op. cit.*, pp. 10 and 11, c; *id.*, '¿Qué son...', *op. cit.*, p. 11. This type of tribunal was to be found in the provinces of Pinar del Rio, Havana Campo, Matanzas, Las Villas, Camagüey and Oriente: see a pamphlet entitled 'Estructura de los Tribunales Populares' and interview with Ismael Séfer Zárato, *op. cit.*
142. Ministry of Justice, Cursillo Pre-Selectivo, *op. cit.*, pp. 10 and 11, c.

143. Santiago Cuba, *op. cit.*, p. 19; Ministry of Justice, 'Orientaciones para el Curso de Capacitaciones a los Jueces de Núcleos de Cabecera' (n.d.). The course specified in these guidelines lasted three weeks, from Monday to Saturday, six hours per day. A number of manuals were used, including those referred to above.
144. Ministry of Justice, '¿Qué son...', *op. cit.*, p. 11.
145. *Id.*, 'Guía...', *op. cit.*, p. 15; Santiago Cuba, *op. cit.*, pp. 19 and 20.
146. Cf. the eye-witness account in Berman, *op. cit.*, p. 1343. Similarly, Santiago Cuba, *op. cit.*, p. 15: 'at which the presence of the greatest number of neighbours is assured'. Cf. interview 26.3.1983 with Abel Miguel González, who in 1965 was elected as lay judge for Havana Centre, Section Dragonales (now Havana Municipal Centre, San Leopoldo).
147. Santiago Cuba, *op. cit.*, p. 15. Later authorities and laws make no reference to this.
148. *Ibid.*, p. 18.
149. *Ibid.*
150. *Granma Weekly*, 27.9.1966, p. 2; Janse de Jong et al., 1981, p. 67.
151. Prieto Morales, *op. cit.*, II, p. 159. The lay judges of the tribunals addressed the people in the informative meetings as follows:
Likewise, as popular justice is a genuinely public act, formed by neighbours, it is the adequate way of educating the workers, cultivating in them a socialist legal consciousness, respect for the laws, for socialist property and the rules of living together. They learn to avoid antisocial behaviour through the warning and lessons to be drawn from the trial of antisocial behaviour.
From: Ministry of Justice, 'Guía...', *op. cit.*, pp. 7-8.
152. Fagen, *op. cit.*, 1969, pp. 7, 9 and 10.
153. Ministry of Justice, '¿Qué son...', *op. cit.*, pp. 8 and 9; *id.*, 'Guía...', *op. cit.*, p. 8, III 1^a.
154. Santiago Cuba, *op. cit.*; Booth, *op. cit.*, p. 185.
155. Santiago Cuba, *ibid.*, p. 14.

AN INDEPENDENT POLITICAL COURSE:
INTERNATIONAL SOLIDARITY AND IDEALISM 1966-1968

It has been shown that the experiments with the base tribunals before 1966 were confined to the rural areas. After this date the newly designed basic administration of justice attracted attention at an increasing rate. The Attorney-General of the Supreme Court of Havana addressed the tribunals in an important inaugural speech of that year, while at the same time an official handbook was issued for the lay judges of the tribunals.¹ In the spring of 1968 base tribunals were introduced in Havana *en masse*.² The running of the base tribunals was integrated in a revised system of judicial organisation in 1973.³ Why was it the period 1966-1968 which saw such a rapid extension of this judicial administration at base level? In what follows an attempt will be made to relate the introduction of base tribunals in the whole of Cuba in this period to the general political and socio-economic developments which took place at the same time, as was done for the period in which the experiments began. A glance at the developments between 1965 and 1970 shows an intensification of a number of characteristics which have already been mentioned for the early 1960s. An economic debate that was introduced in 1963 and 1964 led in 1966 to a radical 'Cuban' economic policy, stressing central planning, moral work incentives and mass mobilisation. The mass mobilisation policy reached a peak between 1966 and 1970. The aim of achieving the 'new man' (*hombre nuevo*) and the implementation of equality between people, between intellectual and manual labour, between town and countryside, etc., never received more emphasis during the Cuban revolution than in the late 1960s. The specially 'Cuban' style of the revolution was more central than ever. In foreign policy Cuba was not hindered by the trade contracts with the U.S.S.R. from following an independent line which deviated sharply from the Soviet Union in this period. In this respect the years 1966-1968 are the most striking. It was serious economic problems and other frustrated hopes which finally led to a drastic change of direction in foreign policy in 1968 and in domestic policy in 1970. The relations with the Soviet Union became warmer again. These changes were to set the pattern for the 1970s.

AN ECONOMIC DISCUSSION

1963 and 1964 may be described as relatively peaceful years for Cuba. In 1964 an important long-term trade contract was signed with the Soviet Union, which included in its terms the stipulation that Cuba should supply an annually increasing volume of sugar at a fixed price until 1970. Cuba's attempt to fulfil this agreement and thereby to reduce the foreign debt to the U.S.S.R. led to an economic disaster

in 1970. Despite enormous efforts, the target of 10 million tons of sugar proved to be unrealistic.⁴

In 1964 this future setback was still far away. For the time being it had been decided to give priority to a rapid development of agriculture, especially the export crop, sugar. This still left time and space for a fruitful discussion of the advantages and disadvantages of various types of economic organisation. There were two parties to this debate. One group, led by the former PSP leader, Carlos Rafael Rodríguez, and the Minister President of the National Bank of Cuba, Marcelo Fernández, was supported by Czechoslovakian, Soviet and other foreign experts. This group hoped to encourage production by material work incentives, the promotion of capitalist market and profit mechanisms at a local level and decentralised economic planning. The other group, whose ideological leader was the Minister of Industry at that time, Che Guevara, made economic growth dependent on the political awareness of the workers. The latter group recommended moral work incentives, a total elimination of money and market mechanisms and a centralised economic planning and supervision.⁵ The success of this model depended on the creation of a 'new man' endowed with a revolutionary consciousness, the altruistic and socially aware *hombre nuevo*.⁶

Neither tendency was able to impose its viewpoint on Cuba in this period. Fidel Castro abstained from taking a stand in the debate and Cuba seemed to follow a middle course between the extremes of moral and material work incentives up to 1966. Wages were levelled as far as possible, but good work records were rewarded with special luxury items such as refrigerators and cars.⁷ In 1965 Castro stressed:

We cannot choose idealistic methods which conceive of all men as guided by the concepts of duty...[and] expect...men to make a maximum effort...just because it is their duty...⁸

The proponents of both views were able to experiment with different types of economic organisation in various economic spheres during this period.⁹

RADICALISATION IN FOREIGN POLICY

From 1965 onwards Cuban foreign policy was marked by radicalisation. Despite Castro's attempts to normalise the relations with the United States of America in 1964,¹⁰ the failure of these overtures and the increasingly aggressive intervention of the United States of America in Vietnam from the middle of 1964 seemed to indicate that the chances of improving these relations were definitively closed from now on as far as Cuba was concerned. Che Guevara's speech to the assembly of the United Nations in December 1964 revealed a resumption of the hard line towards the United States of America. In his speech, which was largely devoted to a call for the 'liberation of Latin America from North American domination', he declared:

As Marxists, we have maintained that peaceful coexistence does not include coexistence between exploiters and exploited, between oppressor and oppressed.¹¹

This added up to the open putting into practice of the Second Declaration of Havana (February 4th 1962), by which Cuba had pledged itself to support the continental liberation struggle of Latin America.¹²

The new, strong line on international solidarity in the anti-imperialist fight was reinforced in January 1966 at the First Conference of the Organisation for Solidarity between the Peoples of Africa, Asia and Latin America (OSPAAL),¹³ at

which many Latin America representatives of the guerrilleros were present. The historic words sent in his absence by Che Guevara to the organisation give an impression of the Conference:

How close we would be to a bright future if there were two or three Vietnams on the face of the world, with their death-tolls and their massive tragedy, their everyday heroism, their repeated blows against imperialism, driving it to use up its strength in the face of the growing hatred of the peoples of the world...

America, a continent forgotten in the most recent struggles for political liberation, which begins to make its presence felt via the Tricontinental (OSPAAAL) in the voice of the vanguard of its peoples, the Cuban Revolution, will have a much more important duty : the creation of the Second or Third Vietnam in the world.¹⁴

The same support for an unremitting anti-imperialist struggle led in the same month, January 1966, to the establishment of a new Latin American solidarity organisation, the OLAS (*Organización Latinoamericana de Solidaridad*).¹⁵ At the first meeting of the OLAS, held in Havana in August 1967, Che Guevara, who was once again absent, was elected honorary citizen of Latin America by the 160 Latin American and Caribbean delegates. Most of those present were not aware of the serious difficulties which Guevara and his guerrilla group were facing in Bolivia at the time. In October 1967 he was captured and killed by a counter-insurgency battalion of the Bolivian army, trained and supervised by the United States of America.¹⁶

Cuba's explicit decision to lend active support to the anti-imperialist armed struggle as that was being waged in many Third World countries was not in complete harmony with the foreign policy of the U.S.S.R. At a conference of the Moscow-supported Latin American communist parties held in Havana at the end of 1964, Cuba had still been able to reach a compromise. Under specific conditions the Soviet Union agreed to Cuba's active support of the armed struggle in a number of specified countries.¹⁷ However, from 1965 on the Cubans began to attack the Soviets openly in their Third World policy. The Soviet Union's reserved attitude to Vietnam and the 'revisionist' attitude of many Latin American communist parties which condemned the use of armed struggle in their own country were to a large extent responsible for this.¹⁸

The economic foreign policy of the socialist 'great powers' came under criticism from Che Guevara in Algiers on April 24th 1965:

This all leads to one conclusion: the development of those countries which are now starting on their road to liberation must be paid for by the socialist countries....

We believe that this is the spirit in which the responsibility to help the dependent countries should be seen. We should no longer speak of developing trade on a mutually beneficial basis, in terms of the prices laid down for the underdeveloped countries by the law of value and the international relations of unequal exchange, themselves a product of the law of value...

If we can establish the existence of that kind of relation between the two groups of countries, we must recognise that the socialist countries are in a certain way accomplices in imperialist exploitation.¹⁹

On March 13th 1965 Castro made a different criticism, this time of the attitude of the communist giants -- China and the Soviet Union -- towards the war in Vietnam. He condemned the way in which they both stood by and watched the genocide and extermination of the Vietnamese people without intervening, while all that they did was engage in ideological squabbles with each other and compete for the hegemony of the revolutionary movements in the world. During this speech Castro declared:

Our position is simple: we are for the giving of all the help that is necessary to Vietnam! We are in support of giving that help in weapons and manpower! We are in support of the running of the necessary risks for Vietnam by the socialist camp!²⁰

It was unlikely that Moscow or Peking would welcome such attacks, or those made when Armando Hart repeated them as the Cuban delegate to the 23rd Congress of the Soviet Communist Party held in Moscow in the following year. His words were more guarded on this occasion; after all, the chances of survival of the Cuban revolution depended largely on the economic help of the Soviet Union:

Ideas, tactics, and methods...of twenty years ago are obsolete.

And as examples of how the communist parties should analyse the world situation, he referred to the tricontinental conference, OSPAL, which had been recently held in Havana.²¹ When Hart concluded with the claim that priority must be given to the armed liberation struggle, which in this context meant the supply of decisive military help to the liberation movement in Vietnam, not one of the 5,000 delegates to the congress applauded, not even the Vietnamese delegates. Brezhnev's indirectly negative reply was:

Our class brothers around the world realise that the main help to their revolutionary struggle and our main contribution to it lies in the construction of communism in our own country.²²

The same points of difference with regard to principles and to tactics led to similar conflicts in Latin America itself. The diplomatic and trade relations which the Soviet Union established in the late 1960s with Latin American regimes such as those in Chile, Colombia and Venezuela were a source of irritation to the Cubans. For Cuba supported the armed struggle against the regimes in a number of these countries,²³ convinced that this was the only way for Latin America to free itself from the 'imperialist yoke'.²⁴

The same dilemma marked the conflicts between Latin American communist parties and guerrilla groups. In a number of cases, the former explicitly distanced themselves from the armed struggle that was being waged in their own country with Cuban support. The most well-known instance was that of the kidnapping of a Venezuelan minister. The Communist Party of Venezuela openly condemned this action.²⁵

The OLAS conference held in August 1967 can be seen as having inserted a decisive dividing line between the Cuban government under Castro and the Latin American communists with their Soviet allies.²⁶ Castro's final remarks to this conference were addressed to the relations which the U.S.S.R. had established with Latin American regimes:

We refer to the problem of the financial and technical aid given by any socialist state to these countries...

We condemn all that is connected with financial and technical aid to any of those countries which are repressing the revolutionary

movement, countries which are accomplices in the imperialist blockade against Cuba...

And if internationalism exists, if solidarity is a word worth saying, the least that we can expect from any member of the socialist camp is that it does not give financial or technical aid to any of those governments.²⁷

As will be seen, Cuba was not able to maintain this policy of independence *vis-à-vis* the foreign policies of the superpowers for long. Che Guevara's death in Bolivia in October 1967 created a mood of great disappointment. The failure of his guerrilla group, which, incidentally, had not been able to count on the support of the Bolivian Communist Party, was a heavy blow for the political goals described above. Other guerrilla groups supported by Cuba had suffered heavy setbacks in Venezuela, Guatemala and Peru. In combination with the seriously deteriorated economic situation in Cuba, it meant the definitive end of Cuba's independent foreign alignment.

What were the domestic problems which Cuba faced at that moment? How had they come about and what remedies were tried?

THE SOCIALIST AWARENESS OF THE NEW MAN

The choice of an independent foreign policy in 1965 was in line with similar changes in domestic policy. From 1966 the latter was also characterised by a specifically 'Cuban' style. Up to 1965 Cuba had adopted a middle position between two extremes. On the one hand was a system of central planning, moral work incentives and radical egalitarianism. On the other hand was a system of decentralisation, market mechanisms and material wage incentives. In 1966 a definitive option was made for the first system as a 'Cuban' way of achieving communism quickly. On May 1st 1966 Castro rejected market mechanisms and material work incentives as 'capitalist' methods. He considered it incorrect to first aim for 'socialism' and only later to work for 'communism', as the Soviet ideology laid down.²⁸ Four months later he added:

We are faced with new situations and new questions which require us to do our own thinking. Our task is no less than that of constructing socialism and heading towards communism. How is socialism constructed? How is communism constructed? It is precisely on questions like these that there is a wide variety of opinion in revolutionary thought and that there are many tendencies in the revolutionary movement. It would be impossible for us all to think alike. However, we believe that the road to communism is entirely new; humanity has no experience in it. Of course, it can happen that a country believes itself to be constructing communism while it is in fact constructing capitalism. What we want is to construct communism. Since there is no manual, no index, no guide, since no one has followed that road yet, we have the right to attempt it with our own means, our own procedures and our own methods.²⁹

The capitalist methods of getting people to produce were to be replaced by a 'socialist consciousness'. The head and heart of the 'new' communist person should no longer be concerned with the idea of 'money'.³⁰

We will not make a socialist consciousness and a communist con-

sciousness with a peso sign in the hearts and minds of the men and women of this country...

We will never make a socialist consciousness, and even less a communist consciousness, with a shopkeeper mentality.³¹

The removal of material work incentives was accompanied by a growing parcel of free social services. A draft law by which all urban rents would be cancelled came up for discussion.³² In 1968 education, health care, new housing, crèches, sport, local telephone calls, cinemas and burials were free. In a number of experimental communes in the countryside no rent was paid and electricity, school clothing and school meals were free.³³ The presupposition behind all this was that money was not important if the people had the essentials of life. Political consciousness was an adequate means of getting people to work. As Castro put it in 1968:

To offer a man more to do more than his duty dictates is to buy his conscience with money. To give a man participation in more collective wealth because he does his duty and produces more and creates more for society is to turn political awareness into wealth...

As a step on the road to communism the revolution aims to give all workers the same income from bottom to top, irrespective of the duties they carry out.³⁴

In this idealistic vision, the social and political awareness of the new man of the future was to be created with the help of education, mobilisation, voluntary work and a moral system of incentives. Mobilisation and education took place in various ways. The mass organisations which played an important role in them will be discussed later.³⁵ One method that was used in education was that of examples, particularly when these examples were set by the leaders themselves. Symptomatic is the publicity which was given to the voluntary work of Castro and his entire council of ministers in the sugar harvest of April 1965.³⁶ The effects of the base tribunals, with which experiments began in the early 1960s, in terms of education and mobilisation have already been discussed. Consistently with this, these experiments received more attention from 1965 on in the light of the further intensification of education and mobilisation. Other developments point in the same direction, such as a renewed strong emphasis on the 'national' roots of the Cuban revolution and on the Spartan living conditions and heroic struggle of the guerrilleros in the Sierra Maestra before 1959.³⁷ This meant a new stimulus to develop specifically 'Cuban' institutions, inspired by what had already taken place in the countryside. Santiago Cuba's speech of September 1966 dealing with the experiments with base tribunals in the countryside was timed perfectly to suit these developments, and the same can be said of the handbook for lay judges in the base tribunals which was issued in the same year.³⁸

THE DRIVE TOWARDS INCREASING DEMOCRACY

There were more respects in which Cuba made it clear that it did not want to follow the Soviet example. Although Cuba had accepted a one-party system and this Cuban party was called the Communist Party of Cuba (*Partido Comunista Cubano*, PCC) from October 1965, it was, in Castro's words, a party which had its origin in the people. The new socialist regime in Cuba was indeed a 'dictatorship of the proletariat' over the former exploiters, Castro said, but it was a full 'democracy of

the proletariat' for the Cuban people itself. In this respect too Cuba followed its own path of development:

We live in a complex and changing world. It is necessary that each country in this situation -- that of a Marxist-Leninist revolution -- , each ruling party, knows how to interpret the doctrine satisfactorily and to apply it satisfactorily in each specific case...

What the duty of each revolutionary party is in each concrete situation is a matter for that party and its people to decide...

As far as ideas and experiences are concerned, we are the ones who must act and create; we are the ones who must arrive at the most adequate interpretation of the ideas of Marx, Engels and Lenin. We must make our own contribution in the new situations and conditions.³⁹

The need for increasing democracy was being clearly felt and expressed. One sign of this was the local government which was chosen from the people in 1967.⁴⁰ More than a million members of the mass organisations took part in these elections.⁴¹ At work meetings workers discussed and criticised old and new production plans.⁴² In 1966 Castro stated:

Under socialism, or rather, under communism, it is said that the state disappears. By 'state' a coercive force is understood. Engels said that the government of people would be replaced by administration of affairs.[Engels' words were: *An die Stelle der Regierung über Personen tritt die Verwaltung von Sachen und die Leitung von Produktionsprozessen.*] This is the society which we want to create and which we are striving to achieve, a society in which the masses have a maximum participation, total participation.⁴³

At the same time as this increase in local level democracy, a fierce attack was launched on the Cuban bureaucracy, which was seen as a power in itself and as a threat to the new revolutionary line. The Secretary of the PCC, Armando Hart, put the problem in these words in early 1967:

As long as the state exists as an institution and as long as organisation, administration and policy are not all fully of a communist nature, the danger will continue to exist that a social stratum of citizens will form in the heart of the bureaucratic apparatus which directs and administers the state.⁴⁴

In September 1967 31,500 civil servants were dismissed because they were 'unproductive'. All the remaining civil servants without exception must follow the example that the Council of Ministers had set in April 1965 and carry out physical labour on a regular basis to avoid losing contact with the people. The PCC made unprecedented efforts to enrol as many civil servants as possible in the party. As a result, by the end of 1967 the PCC and the civil service had become a unity.⁴⁵ Technical knowledge and bureaucratic red tape were rejected. More than ever before, decisions were taken on the basis of primarily social and political factors. Mass mobilisation was the keyword.⁴⁶

A relatively small communist party had assumed the leadership of production and mass mobilisation.⁴⁷ Not long afterwards -- in 1968 -- the experiments in increasing local democracy were called to a halt. Other priorities had taken their place.

ECONOMIC PRESSURE AND THE RELATION WITH THE U.S.S.R.

Mass mobilisation had two aims : the creation of loyal, politically aware citizens and the raising of production levels. On January 2nd 1967 Castro had this to say:

We are engaged in an enormous effort to develop the nation's economy, particularly in the agricultural sector. Next spring we shall mobilise 150,000 young people to work for six weeks on the land. But we shall also mobilise tens of thousands of soldiers, we shall mobilise technicians.⁴⁸

An important motive behind the drive to increase sugar production was the long-term contract with the Soviet Union, by which Cuba was committed to the delivery of 24.1 million tons of sugar between 1965 and 1970. By the end of 1967 Cuba had only been able to ship 6.8 million tons of sugar to the Soviet Union instead of the 9.1 million tons which had been agreed upon.⁴⁹ There was a lot at stake in Cuba's ability to meet its commitments, since failure to do so would involve a considerable financial and moral setback. The insecurity in the field of the economy was increased by the enormous demands which must be made upon the Cuban people. The question was how long this could continue without repercussions. At the same time as the mobilisation of the people to make greater economic efforts, both luxury items and essential daily necessities were becoming increasingly hard to get. The sugar cane agriculture and refinery was swallowing up more and more energy and resources. A Cuban told me that in the late 1960s sugar was sometimes the only product to be found in the kitchens of Cuban families. This is probably an exaggeration, but it is indicative of the awareness of a severe shortage.⁵⁰ By January 1969 the situation had become so bad that the government had to impose sugar rationing on the Cuban people.⁵¹

It was in 1968 that the U.S.S.R. finally began to tighten the economic screws in reaction to Cuba's peculiar and unorthodox political line. In the middle of January of that year Moscow sent a new ambassador, Alexandr Soldatov. In contrast to his jovial predecessor, Soldatov was a serious and highranking expert.⁵² On the 28th of January the Cubans were taken by surprise by the news that a mini-fraction led by Aníbal Escalante was accused of clandestine propaganda against the PCC and of the undermining of Cuba's international relations. Two members of this mini-fraction, both prominent members of the PCC, were expelled from the party on the spot.⁵³ It seemed as if for the second time in the history of the Cuban revolution the frictions with the Soviet Union were to be fought out internally via a campaign against Aníbal Escalante. On February 3rd it was announced that a Revolutionary Tribunal had sentenced 34 members of the group to prison sentences, including Escalante, who received fifteen years. One of the main accusations of the PCC against the mini-fraction was that they had held a number of secret meetings with East German and Soviet officials, at which they had passed on detailed information concerning the Cuban economy and had warned that a catastrophe in the Cuban economy was imminent. They were accused of having asked the Soviet and German comrades to take measures against the Cuban government.⁵⁴

The Soviet Union replied on March 22nd 1968. On that day the trade contract for 1968 was finally signed in Moscow after long delays, but its terms must have been a blow for Cuba. The increase in the mutual exchange of products, which had been 23% in 1967, had now dropped to 10%. Besides, the contract did not include any provisions for an increase of the oil supply to Cuba, despite Cuba's serious oil deficiency.⁵⁵ The Soviet newspaper 'Pravda' published an article on March 19th

which could be construed as a commentary. This article sharply condemned Cuba's foreign policy for its support of armed struggle in Latin America.

The 'discrete' economic pressure exerted by the Soviet Union on Cuba yielded results. After all, Cuba was still under the economic blockade of the United States of America as well as of other Western and Latin American countries. To the surprise of many, Cuba presented an official declaration on August 23rd 1968 in which the Soviet invasion of Czechoslovakia which had taken place on the 21st was approved. A passage of the carefully worded declaration is as follows:

The essential point to be accepted, or not accepted, is whether or not the socialist camp could allow a political situation to develop which would lead to the breaking away of a socialist country, to its falling into the arms of imperialism. And our point of view is that it is not permissible and that the socialist camp has a right to prevent this in one way or another.⁵⁶

Had the pressure of events become too great, after the setback in Bolivia, the economic strain and the tight circumstances of the population at home? Was this the reason for Cuba's open legitimization of the action of the Soviet Union? Or was Castro right when he claimed at the time that it was in the interests of the 'world-wide class struggle' alone that the Cuban leaders had taken up this position?

Whatever the case may be, the remarkable Cuban standpoint was soon followed by a change in Cuban foreign policy in Latin America. No longer was it 'made in Cuba' and independent of Moscow. Cuba quickly abandoned the idea of openly propagating the Cuban revolution in Latin America⁵⁷ in favour of a reappraisal of Soviet policy. When Fidel Castro returned to the theme of the relations between the Soviet Union and the countries of the Third World on January 2nd 1969, the tone had changed:

In these times it must be said how significant the solidarity of the socialist camp has been for us, particularly the solidarity of the Soviet Union. On occasion we have held different views on certain questions, and we have expressed them in all openness. But at the same time that same honesty compels us to recognise that that assistance was of decisive importance for our country in these difficult years...

The result of this, in combination with international solidarity and the economic cooperation which our country receives, blockaded as it is by the imperialists, will be a surprise for our enemies and a source of pride for the revolutionary movement in the world. Cuba's triumphs are not triumphs of Cuba alone, but of the revolutionary movement. They are an example for the underdeveloped nations of the world, offering a way out for those who endure hunger, misery, underdevelopment and exploitation.⁵⁸

Moscow's satisfaction with the new Cuban attitude found expression in 1969 and 1970 in new bilateral trade agreements which were much more favourable to the Cubans than that of 1968 had been.⁵⁹ However, the Soviet Union and the other countries of the Eastern bloc made no attempt to help the Cubans out of the enormous problems of shortages which plagued Cuba in 1969.⁶⁰ The fight for a ten million ton sugar harvest in 1970 had to be fought by Cuba and Cuba alone.

THE FIGHT FOR THE HARVEST OF TEN MILLION TONS OF SUGAR

Despite the bleak economic prospects, the government stuck to its domestic policy without change. In fact, political awareness and mass mobilisation became even more important as the supports on which the economic developments between 1968 and 1970 rested. The only changes were a slightly more rigid control and an increased measure of austerity from 1968 on. Some observers, such as the political scientist Halperin, see the publicity surrounding the political trials against the mini-fraction of Aníbal Escalante at the end of January 1968 as the sign of the start of a new, harder line. The activities of the members of the fraction against official government policy were seen by all to have been punished with severity.

Six weeks later the Revolutionary Offensive began. This was a peak in the struggle against capitalist tendencies in the Cuban economy. In a six-hour long speech delivered on March 13th 1968 Castro announced the nationalisation of all private businesses and concerns that were still in existence. This affected small restaurants, shops, bars and one-man businesses: some 57,000 in all.⁶¹ The reasons he gave were the following:

If there is something for which this Revolution can be reproached, it is not that it has been extremist...but that it has not been sufficiently radical. There is not a moment to lose in further radicalising this Revolution. We must once and for all create a revolutionary people...

Capitalism, parasitism and exploitation of man by man had to be dug up by the roots...

This is the kind of communism we are proclaiming here...true communism.⁶²

Castro expressed his disapproval of the 955 bars in Havana whose owners made fat profits from the people who worked extremely hard for the collective good. The bar proprietors had it good:

There is still a *crème de la crème* which grows fat on the work of the rest and enjoys a considerably higher standard of living for which it sees the rest work. They are good for nothings in perfect physical condition who start up some business or other to earn 50 pesos a day, breaking the law and the regulations on hygiene and paying no respect to others, while every day wagon loads of women go past these bars on their way to work in the Green Belt on the outskirts of Havana or to pick tomatoes in Guínes or elsewhere.⁶³

The slogan was self-sacrifice and hard work for the good of the community: the economic development of the country. However small they might be, small-scale private enterprises designed to make individual profit did not fit into this scheme of things. They served only to demoralise those who carried out voluntary work or did overtime under conditions which could hardly be described as luxurious. The government was further driven by the shortages to ration more and more goods, including milk and sugar.⁶⁴ In 1969 the need to employ every available worker in the week-ends and holidays even led to an official postponement of the Christmas and New Year festivities until after July 1970, when the sugar had been harvested.⁶⁵ Some sources describe the 1968-1970 period as a time of militarisation.⁶⁶

The experiments with local government elected from the population were put into cold storage in 1968. A relatively small communist party decided how the production targets were to be reached, while the army was also assigned an important function in the fight for the 1970 harvest. The population was mobilised *en masse* to carry out voluntary agricultural work. Every Cuban was seen as a soldier in the enormous people's production army.⁶⁷ For example, in August 1968 there were

350,000 workers, students, soldiers and farmers working as volunteers on the land. The Cuban army (FAR) began courses to train volunteers from the Communist Youth Organisation (UJC).⁶⁸ The army had the lion's share in this massively organised sugar harvest from November 1969 to the summer of 1970. Some 100,000 soldiers were assigned agricultural posts, particularly in administrative and supervisory positions.⁶⁹

The enormous demands made on the people turned out to be an extremely uncertain factor in the fight to win recognition for a specifically 'Cuban' independent economic development. Official complaints about absenteeism began from the moment that political consciousness and social mobilisation were introduced as work incentives.⁷⁰ The sugar industry alone had absenteeism percentages of between 6 and 7 in the 1960s.⁷¹ Between 1965 and 1967, when there was such a strong emphasis on political consciousness and moral incentives, shirkers were sometimes even sent to special military labour camps. Popular protest led to the closure of these camps by the government again in 1967.⁷² In the meantime the problem of absenteeism became especially serious for agriculture, despite the amount of voluntary work that was done there.⁷³ Lack of experience affected production levels and negligence was often the cause of the careless treatment of machinery and other materials.⁷⁴ At the same time the period after the Revolutionary Offensive in the spring of 1968 saw a wave of acts of sabotage, according to the official Cuban sources, while the rising crime rate was also a cause for concern.⁷⁵ The most frequent crimes were robbery and theft, which the authorities attributed to the shortages with which the population had to deal.⁷⁶ A large proportion of these criminals were youths.⁷⁷ Castro's harangues proved unable to stem the rising tide of juvenile delinquency. In September 1967 Castro had expressed his indignation at the numbers of young people who had enjoyed extra opportunities for training and study compared with what they had received in the past and yet neither worked nor studied.⁷⁸ In 1968 groups of (long-haired) youths became a cause for concern. They were hardly affected by the work ethic of their surroundings, and spent their time idling on the streets, carrying out acts of vandalism, such as damaging public telephones or tearing down posters of Che Guevara, or indulging in other forms of petty crime.⁷⁹

This was the atmosphere of social and economic tension when the Committees for the Defence of the Revolution (CDRs) were mobilised *en masse* to patrol their districts and neighbourhoods against crime. This took place during 1968.⁸⁰ This was also the background to the introduction of base tribunals for the first time throughout the whole country. The rapid extension of the tribunals began in 1966 with the reinforcement of the radical 'Cuban-style' line in Cuban policy. When the Revolutionary Offensive began in spring 1968 they were permanently set up in all the districts and neighbourhoods of Havana. The tribunals provided the opportunity of letting the neighbours themselves try cases of petty crime and antisocial behaviour, including 'idling'. The advantage of lay judges as a cheap way of overcoming the shortage of professional judges was especially welcome at a time when rapid economic development called for heavy sacrifices and petty crime increased rapidly at the same time. The educational value of these neighbourhood tribunals fitted perfectly into the general political aims of the government: mass mobilisation designed to enhance the moral and political consciousness of the population. The tribunals must have appeared invaluable in this period.

The political and socio-economic situation described above helps to explain why a large proportion of the population eagerly supported the new institutions of

'mutual' social control, such as the patrols of the CDRs and the fundamental administration of justice by neighbours. The heavy social emphasis on morally correct behaviour, i.e. revolutionary behaviour, the severe work discipline and the austere living conditions will have tended to make the people more rather than less intolerant towards deviant behaviour on the part of petty thieves, robbers and idlers. The new institutions offered a means of tackling these problems at a level which was accessible, linked as it was to the familiar surroundings of the people themselves. Moreover, the criteria for these tribunals were not abstract, juridical formulae, but followed the general political line.⁸¹

SELF-APPRAISAL AND A NEW CHANGE OF DIRECTION

The high levels of the planned sugar harvest in the late 1960s proved unattainable. The harvest in 1969 was 4.5 million tons, only half of the target for that year. The target of 10 million tons for 1970, to which so much prestige was attached, also proved to be beyond the capacities of the people, despite the involvement of the whole population in the effort and the diversion of all other sectors of the economy to this end. The 8.5 million tons which were harvested in the end were a historic record, but they still meant a heavy moral and economic blow.⁸² The result was seen as a personal failure by the leaders of the government. 'The administrative apparatus and the leaders of the Revolution are the ones who lost the battle' is how Fidel Castro put it in a speech on 26th July 1970.⁸³ In retrospect five years later, Castro subjected the socio-economic model of the late 1960s to a fundamental critique:

It is necessary to speak about mistakes. Revolutions tend to have their utopian periods when their protagonists...believe that the historical goals are much closer and that men's wills, wishes and intentions are superior to the objective facts. It is not that revolutionaries should not be able to dream, nor that they should lack an iron will...

But sometimes the utopian attitude goes together with a certain disdain for the experience of other processes...

The Cuban Revolution certainly made important contributions to the world revolutionary movement. The fact that this is the first Socialist Revolution in this hemisphere has assured Cuba of a special place in history...

But from the very beginning the Cuban Revolution failed to profit from the rich experience of other peoples who had undertaken the construction of socialism long before we had. Had we been humbler, had we not overestimated ourselves, had we been able to understand that revolutionary theory was not sufficiently developed in our country and that we lacked solid economists and Marxist scientists to make really significant contributions to the theory and practice of the construction of socialism...

Even though we were faced with an extremely difficult situation, due to the economic blockade and to underdevelopment, the intelligent utilisation of those experiences would have been a great help to us.⁸⁴

The system of economic organisation in operation in the late 1960s proved to be too inefficient.⁸⁵ Other sectors of the economy and agriculture had suffered

enormously as a result of the 1970 sugar harvest, since all resources and manpower had been mobilised as far as possible for the sugar harvest.⁸⁶ The demands made on the people turned out in the end to have been too high. Popular discontent reached a high level in the middle of 1970. According to Castro, absenteeism sometimes reached a level of 20% in August and September of that year. In the agricultural sector absenteeism percentages as high as 52 were recorded!⁸⁷ The system of moral work incentives had become counterproductive. In this respect too, Castro's words of five years later provide a new insight and a revised ideological position:

By failing to take into account the work carried out in the payment of wages, there was a marked rise in the amount of money in circulation, while there was a scarcity of goods and services available. This created the conditions and breeding ground for absenteeism and lack of work discipline...

When we seemed to be approaching communist forms of production and distribution, we were in fact distancing ourselves from the correct methods for first constructing socialism.⁸⁸

Faced with the economic contradictions and the growing unrest among the people, the Cuban leadership was full of self-criticism in mid-1970. The far-reaching centralisation and bureaucratisation, the swallowing up of the civil service within the PCC, the great influence of the state on social life as a result of the weak and undemocratic position of the mass organisations -- these were all points of criticism. Castro promised measures at the end of 1970 to improve things in the future. The government was to be decentralised and made more democratic, and the functions of the PCC were to be given a much clearer definition.⁸⁹

For Cuba it meant the initiation of a process of institutionalisation which was to lead in 1976 to the popular power elected by the people, *Poder Popular*. It was a process in which state institutions and social organisations were assigned specific, legally defined functions. The reorganisation of administrative and constitutional law was laid down in the 1976 Constitution. A revised system of judicial organisation, laid down in a law of 1973, was revised in accordance with the changes in the organisation of administrative law in 1977.⁹⁰ As will be seen, the final version of the new judicial organisation which was eventually laid down in the 1977 legislation was influenced to no small degree by the Soviet Union. According to authorities such as Mesa-Lago and Halperin, the same is true of the constitutional revisions which were introduced in this period and of the restructuring of the communist party.⁹¹

The change of attitude towards the Soviet Union thus left its mark on domestic policy. The drastic changes which were introduced in the economy after 1970 were a result of Soviet pressure and insight derived from the evaluation of past errors. Unlike the situation in the past, planning and technical knowledge began to occupy an important position. The first five-year plan, for 1976-1980, was prepared in 1975. From 1971 emphasis was put on material work incentives⁹² and the use of voluntary labour was reduced and made more efficient.⁹³ An important pioneer of the new economic developments was Carlos Rafael Rodríguez, Guevara's opponent in the economic debate of 1963-1964 and a former member of the PSP, the forerunner of the Cuban Communist Party. He had also been the founder and chairperson of the Soviet-Cuban Commission for Economic, Scientific and Technical Cooperation, which had been founded in December 1970.⁹⁴ In mid-1972 Cuba became an independent member of the COMECON (East European Council for Mutual Economic Assistance).⁹⁵ At the end of 1972 the Soviet Union increased technical aid to Cuba

considerably and concluded favourable loans and trade contracts again with its distant Caribbean ally.⁹⁶

The close cooperation with the Soviet Union in the 1970s and the increasing economic dependence which this implied for Cuba have left visible marks on the style and design of those Cuban institutions which were revised in this period. The new laws affecting judicial organisation and criminal justice will be dealt with later.⁹⁷ For the time being it is sufficient to note that, with the exception of a few fundamental alterations, the first laws of 1973 affecting judicial organisation and criminal justice integrated the base tribunals of the 1960s entirely within a revised judicial administration.

Notes to Chapter Four

1. Santiago Cuba, Attorney-General of the Supreme Court at the opening of the courts, '**Los Tribunales Populares**', September 1966; Ministry of Justice, Dirección Nacional de los Tribunales Populares, **Manual de los Tribunales Populares**, Havana, 1966; David Booth, 'Neighbourhood Committees and Popular Courts in the Social Transformation of Cuba', Ph. D. thesis, University of Surrey, 1973, p. 60.
2. Santiago Cuba, *ibid.*
3. **LOSJ**, 1973, articles 83, 84 and 47; **LPP** (1973), Book V, articles 365-391.
4. Cf. Donald W. Bray & Timothy F. Harding, 'Cuba', Ronald Chilcote & Joel Edelstein (eds.), **Latin America: The Struggle with Dependency and Beyond**, Cambridge, Mass., p. 658; Maurice Halperin, **The Taming of Fidel Castro**, University of California Press, Berkeley, 1981, p. 292. The agreement was made between Castro and Khrushchev on 21st January 1964. Between 1964 and 1970 Cuba was to supply the U.S.S.R. with 24.1 million tons of sugar. In the end Cuba was not able to supply more than 13 million tons in this period. The price was 6.11 cents per pound. Cf. Edward Gonzalez, 'Relationships with the Soviet Union', **Revolutionary Change in Cuba**, ed. Carmelo Mesa-Lago, University of Pittsburgh Press, 1974, p. 90; Eric N. Baklanoff, 'International Economic Relations', *ibid.*, p. 262.
5. Bray & Harding, *op. cit.*, pp. 658, 659; Halperin, *op. cit.*, pp. 78-85.
6. Cf. Carmelo Mesa-Lago, **Cuba in the 1970s. Pragmatism and Institutionalization**, 1978, University of New Mexico Press, Albuquerque, p. 6.
7. Bray & Harding, *op. cit.*, p. 660.
8. Fidel Castro, 'Speech on the occasion of the presentation of diplomas to the workers who distinguished themselves most in the first national sugar refinery', **El Mundo**, 25.7.1965, pp. 8-9. Cf. Bray & Harding, *op. cit.*, p. 660.
9. Nelson P. Valdés, 'The Cuban Revolution: Economic Organization and Bureaucracy', **Latin American Perspectives**, Issue 20, Winter 1979, Vol. VI, no. 1, p. 14.
10. Halperin, *op. cit.*, pp. 93-111; *id.*, **The Rise and Decline of Fidel Castro**, University of California Press, Berkeley, 1974, pp. 280-297.
11. Ernesto Che Guevara, Minister of Industry for Cuba, at the XIX General Assembly of the United Nations on 11th December 1964. Source: **Política Internacional**, no. 8, cuarto trimestre, Institute of International Policy, Ministry of Foreign Affairs, Havana, Cuba, pp. 259-270 (citation p. 261).

12. Cf. Hugh Thomas, **The Cuban Revolution**, Harper & Row, New York, 1977, p. 702; Ernesto F. Betancourt, 'Exporting the Revolution to Latin America', **Revolutionary Change in Cuba**, ed. Carmelo Mesa-Lago, University of Pittsburgh Press, 1974, p. 107.
13. This conference was held in Havana on January 3-15th 1966.
14. Ernesto Che Guevara, cited in **Tricontinental**, Special Supplement, 'Commandant Ernesto Che Guevara; Message to the Tricontinental', pp. 16 and 22.
15. Halperin, *op. cit.*, 1981, pp. 190 and 258; Thomas, *op. cit.*, p. 704.
16. Halperin, *op. cit.*, 1981, pp. 258-260, 262-263, 267.
17. *Ibid.*, p. 116.
18. See for example the conflict with the Communist Party of Venezuela: Halperin, *ibid.*, pp. 233-235.
19. Che Guevara, Minister of Industry, 24.2.1965 in Algiers. Source: **Política Internacional**, no. 9, primer trimestre, pp. 237-244 (citation from p. 238). The same theme is developed by André Gunder Frank in a study dating from 1980: **Crisis in the World Economy**, Heinemann, London.
20. Speech of Fidel Castro Ruiz before the University of Havana, 13.3.1965. Source: **Política Internacional**, no. 9, primer trimestre, 1965, Institute of International Policy, Ministry of Foreign Affairs, pp. 257-264 (citation from p. 262). Che Guevara adopted the same stance in a letter addressed to the Organisation of Solidarity between the Peoples of Africa, Asia and Latin America, OSPAAAL, in **Tricontinental**, Special Supplement, 16.4.1967, p. 8.
21. Greeting from the Central Committee of the Communist Party of Cuba to the XXIII Congress of the Communist Party of the Soviet Union, **Política Internacional de la Revolución Cubana**, Havana, Editorial Política, 1966, Vol. I, pp. 279-291. Cited from pp. 280-282 and 286 in Halperin, *op. cit.*, 1981, pp. 208 and 209.
22. Adam S. Ulam, **Expansion and Coexistence: The history of Soviet Foreign Policy, 1917-1967**, p. 729, cited in Halperin, *op. cit.*, 1981, p. 209.
23. Cf. González, *op. cit.*, p. 91.
24. Cf. Régis Debray, **Révolution dans la Révolution et autres essais**, Maspero, Paris, 1972.
25. Cf. Halperin, *op. cit.*, 1981, pp. 233 ff.; González, *op. cit.*, p. 91.
26. This is the opinion of González, for one: *op. cit.*, p. 92.

27. **Granma**, Weekly Review, 20.8.1967, p. 5: Speech of Fidel Castro at the Termination of the First Conference of the Organization for Latin American Solidarity (OLAS), held on August 10th 1967.
28. Halperin, *op. cit.*, 1981, pp. 212 and 213.
29. Fidel Castro in his final remarks to the XII Congress of the C.T.C., 29.8.1966: **Granma**, Weekly Review, 4.9.1966.
30. *Ibid.*
31. Fidel Castro in a speech on the occasion of the sixth anniversary of the foundation of the CDRs, 28.9.1966, Plaza de la Revolución, **Granma**, Weekly Review, 2.10.1966, p. 4.
32. Halperin, *op. cit.*, p. 217 and 218.
33. Valdés, *op. cit.*, pp. 18 and 19.
34. **Granma**, Weekly Review, 28.7.1968, pp. 4 and 5: Speech of Fidel Castro on 26.7.1968, on the occasion of the anniversary of the attack on the Moncada garrison on 26th July 1952.
35. See Chapter Five.
36. Halperin sees this event as the sign of the beginning of a new romantic phase in the Cuban revolution: *op. cit.*, 1981, p. 167.
37. As in Fidel Castro's speeches of late 1965: Halperin, *op. cit.*, 1981, pp. 180 and 181.
38. Santiago Cuba, *op. cit.*, 1966; Ministry of Justice, **Manual**, 1966, *op. cit.*
39. Speech Fidel Castro, 2.1.1965, on the occasion of the sixth anniversary of the Revolution: **Política Internacional**, no. 9, primer trimestre 1965, pp. 107-127 (citation from pp. 114 and 118).
40. **Granma**, Weekly Review, 9.4.1967, p. 6.
41. Jorge I. Domínguez, **Cuba, Order and Revolution**, The Belknap Press of Harvard University Press, 1978, p. 282.
42. Bray & Harding, *op. cit.*, p. 662.
43. Fidel Castro in his concluding remarks to the XII Congress of the CTC, 29.8.1966: **Granma**, Weekly Summary, 4.9.1966, p. 5. The citation of Engels is taken from **Herrn Eugen Dührings Umwälzung der Wissenschaft**.
44. Armando Hart, 1967, cited by Valdés, *op. cit.*, p. 21.

45. Valdés, *ibid.*, p. 21.
46. *Ibid.*, p. 20.
47. In 1969 this party had only 55,000 members out of a population totalling 1 million: Mesa-Lago, *op. cit.*, pp. 68 and 71.
48. Speech by Fidel Castro Ruiz on the occasion of the Eighth Anniversary of the Triumph of the Revolution, 2.1.1967, in Havana: **Política Internacional**, 17, primer trimestre 1967, Havana, Cuba, p. 187. In this connection there were 45,000 soldiers mobilised in 1967 and 70,000 in 1970: Halperin, *op. cit.*, 1981, p. 223 (from **Area Handbook for Cuba**, Washington, 1976).
49. Halperin, *ibid.*, table on p. 292.
50. Discussion with a young Cuban in Havana in April 1981.
51. Fidel Castro announced this in a speech on 2.1.1969: Halperin, *op. cit.*, 1981, pp. 320 and 321.
52. Halperin, *ibid.*, p. 271. Source: **El Mundo**, 17.1.1968.
53. They were José Matar, head of the CDR organisation, and Ramón Calcines, leader of the sugar cane workers in Las Villas: Thomas, *op. cit.*, p. 692.
54. Halperin, *op. cit.*, 1981, pp. 271-276; González, *op. cit.*, p. 93; Thomas, *ibid.*, pp. 692 and 693.
55. Halperin, *ibid.*, p. 297; González, *ibid.*, p. 94.
56. **Granma**, Weekly Review, 25.8.1968, p. 2; Halperin, *op. cit.*, 1981, pp. 307-317.
57. Betancourt, *op. cit.*, pp. 112-113.
58. **Granma**, Weekly Review, 5.1.1969, Speech by Fidel Castro Ruiz, First Secretary of the Party and First Minister of the Revolutionary Government, on the occasion of the Tenth Anniversary of the Victory of the Resistance, 2.1.1969.
59. González, *op. cit.*, p. 95; Sergio Rocca, 'Cuban Economic Policy in the 1970s: The Trodden Paths', **Cuban Communism**, ed. Irving Louis Horowitz, Transaction Books, 1981, using as his source: Report of Fidel Castro in **Bohemia**, 12.1.1973, pp. 34-44.
60. K.S. Karol, 'The Reckoning: Cuba and the USSR', **Cuba Communism**, ed. Irving Louis Horowitz, Transaction Books, New Brunswick & London, 1981, p. 635.
61. E.g. Thomas, *op. cit.*, p. 669, **Granma**, Weekly Review, 15.4.1968.
62. Fidel Castro, speech of 13.3.1968: **Granma**, Weekly Review, 24.3.1968, p. 6. Cf. Halperin, *op. cit.*, 1981, p. 282.

63. **Ibid.**
64. The milk distribution had already been drastically cut in early 1968. In the same year petrol was rationed, and sugar followed in early 1969: Halperin, **op. cit.**, pp. 279 and 321.
65. Halperin, **ibid.**, p. 320; Thomas, **op. cit.**, p. 660.
66. Karol, **op. cit.** p. 644; Marta San Martín y Ramón L. Bonachea, 'The Military Dimensions of the Cuban Revolution', **Cuban Communism**, ed. Irving Louis Horowitz, Transaction Books, New Brunswick & London, 1981, pp. 554-559; James M. Malloy, 'Generation of Political Support and Allocation of Costs', **Revolutionary Change in Cuba**, ed. Carmelo Mesa-Lago, 1971, University of Pittsburgh Press, p. 41.
67. Cf. Castro's appeal to the Revolutionary Offensive as a quasi-moral war in his speech of 13.3.1968, **Granma Weekly Review**, 24.3.1968.
68. Founded on 4th April 1962: André & Françoise Demichel, **Cuba, comment ils sont gouvernés**, Pichon/Durand Auzias, Paris, 1978, p. 93.
69. Martín y Bonachea, **op. cit.**, pp. 555-557; Castro in a speech of 4.11.1969 in a theatre of the MINFAR: **Política Internacional**, VII, no. 26, 1969, pp. 351 and 339; Mesa-Lago, **op. cit.**, p. 3, Table 1.
70. See Chapter Eight.
71. Josefa González Carvajal et al., 'La Vagancia, Conducta Antisocial, Su Evolución Histórica', **Revista Cubana de Derecho**, no. 5, year 2, April-June 1973, Havana, Instituto Cubano del Libro, p. 143.
72. See Chapter Eight.
73. **Granma**, Weekly Review, 4.8.1968: Halperin, **op. cit.**, p. 291. See also Chapter Eight.
74. **Granma**, Weekly Review, 24.11.1968 and 15.12.1968: Fidel Castro in speeches of 15.11.1968 and 8.12.1968 respectively. Cf. Halperin, **op. cit.**, pp. 289 and 290.
75. Fidel Castro in a speech of 28.9.1968: **Granma**, Weekly Review, 29.9.1968. Cf. Halperin, **op. cit.**, pp. 286 and 287 on Castro's speech of April 9th 1968; Thomas, **op. cit.**, p. 696.
76. See Chapter Five.
77. In 1968 youths under the age of 18 committed 27% of the total thefts and 12% of the total robberies, according to Vice-Minister of Domestic Order, Pedro Pupo Pérez during a television broadcast on the National Forum of Domestic Order, 5.5.1969: **Granma**, Weekly Review, 11.5.1969, p. 10.

78. Castro in a speech of 28.9.1967: Halperin, *op. cit.*, pp. 228 and 229.
79. Castro in a speech of 28.9.1968: **Granma**, Weekly Review, 29.9.1968, p. 5.
80. See Chapter Five.
81. See Chapter Six.
82. The 8,535 million tons of sugar harvested was a new historical record. The record previously held had been 7,290 million (1952): González, *op. cit.*, p. 98.
83. Cf. Bray & Harding, *op. cit.*, p. 667. Source: **New York Review of Books** 21-23, Sept. 24.
84. Fidel Castro in 'Report to the First Congress of the Cuban Communist Party', **Balance of the Cuban Revolution** [in Dutch], Harold Suivas, Sjaloom, Odiijk, 1976, pp. 82-83; **Granma**, Weekly Review, 4.1.1976, p. 2.
85. There is an overview of the improvements introduced since 1970 in Mesa-Lago, *op. cit.*, pp. 30-61.
86. Cf. Bray & Harding, *op. cit.*, p. 667: milk production dropped by 25%, steel supply by 38%, cement production by 23%, etc.
87. **Granma**, Weekly Review, 8.9.1970, p. 5; **Bohemia**, 65, no. 26, 29.6.1973, pp. 91-92.
88. Fidel Castro: see note 84, p. 86.
89. Bray & Harding, *op. cit.*, p. 667; Mesa-Lago, *op. cit.*, p. 65.
90. The Law of Organisation of the Judicial System of 1973, revised in 1977, Law no. 4, G.O. no. 36, 25.8.1977.
91. Mesa-Lago, *op. cit.*, pp. 112-115; Halperin, *op. cit.*, p. 328.
92. Mesa-Lago, *ibid.*, pp. 45-49.
93. *Ibid.*, p. 50.
94. *Ibid.*, pp. 32 and 33; Halperin, *op. cit.*, p. 326.
95. *Ibid.*, pp. 16 and 17.
96. Halperin, *op. cit.*, p. 326.
97. See Chapter Seven.