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FEMINISM IN THE GLOBAL POLITICAL ECONOMY: CONTRADICTION AND CONSENSUS IN CUBA

Deborah M. Weissman[†]

INTRODUCTION

Much has been written about the globalization of feminist networks and its impact on the local condition of women.¹ Transborder feminist organizing has transformed local, national, regional, and international discourses and practices.² Global feminist initiatives have fostered the development of international legal standards that take into consideration the needs and circumstances of women and have contributed to the gender mainstreaming of human rights norms.³ At the same time, the feminist enterprise has also served to promote a neoliberal agenda that has focused on individual empowerment and self-esteem issues and thus raised questions about who is defining the agendas and strategies for women's struggles for rights.⁴

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1. See, e.g., VALENTINE M. MOGHADAM, *GLOBALIZING WOMEN: TRANSNATIONAL FEMINIST NETWORKS* (2005).
2. See Sonia E. Alvarez et al., *Encountering Latin American and Caribbean Feminisms*, 28 *SIGNS* 537, 538 (2003) (describing the *Encuentros* in Latin America as a form of transborder organizing). For an overview of the ways women have relied on transnational and international mechanisms for advancing the condition of women, see Deborah M. Weissman, *Gender and Human Rights: Between Morals and Politics*, in *GENDER EQUALITY: DIMENSIONS OF WOMEN'S EQUAL CITIZENSHIP* 409 (Linda C. McClain & Joanna L. Grossman eds., 2009).
3. See Hillary Charlesworth, *Not Waving but Drowning: Gender Mainstreaming and Human Rights in the United Nations*, 18 *HARV. HUM. RTS. J.* 1, 6 (2005).
4. See Sophie Bessis, *International Organizations and Gender: New Paradigms and Old Habits*, 29 *SIGNS* 633, 641 (2004).

An exploration of Cuban feminism in this context sets in relief the different ways that globalization impacts women, and, at the same time, underscores the ways that women share similar opportunities to make beneficial use of global networks. This article addresses the ways that Cuban feminism is decisively shaped by its national history as well as by the experience of colonization and neoliberal globalization, both essential mainstays for unequal global-political economies. Part I reviews the ways that feminism in Cuba has been influenced by the nineteenth-century wars for independence from Spain and women's participation in the revolutionary processes after 1959.⁵ Both experiences served to advance the cause of gender equality.

Globalization is not a neutral phenomenon but rather reflects a hegemonic political-economic project based on private-market power and the dominance of free-market ideologies on the one hand, and an exchange of ideas, social movement support, and solidarity, on the other. Part II explores these contradictions in the context of the development of Cuban feminism since the revolution. It demonstrates the ways that feminist theory has developed within and adapted to international mechanisms and transnational networks, and reveals how Cuban women have experienced the contradictory "message" of globalization in efforts to advance gender equality. Since the early 1960s, the U.S. government has maintained a policy of political isolation and economic sanctions as a cost-effective way to undermine the Cuban government.⁶ These circumstances have had adverse effects on the development of Cuban feminist critiques and projects. However, it is also true that globalization as transacted through international and transnational feminist projects has provided Cuban women with opportunities to create new norms and expand available spaces for national debate and action. This is particularly the case in the realm of gender-based violence. Cuban feminists successfully relied on an international discourse to reframe what had been a stalled debate about women's equality and gender-based violence as a global issue, which Cuba was obligated to address.

Part III examines the gendered impact of globalization, largely in the realm of political-economic developments. The repercussions of the policies of economic liberalization in the late twentieth- and early

5. See Jean Stubbs, *Revolutionizing Women, Family, and Power*, in *WOMEN AND POLITICS WORLDWIDE* 190 (Barbara J. Nelson & Najma Chowdhury eds., 1994).

6. Deborah M. Weissman, *The Legal Production of the Transgressive Family: Binational Family Relationships Between Cuba and the United States*, 88 *N.C. L. REV.* 1881, 1889 (2010).

twenty-first centuries, the collapse of the Soviet Union, and the U.S. global financial crisis have further contributed to household and workplace burdens, borne disproportionately by women. Part III.A examines this phenomenon and addresses the decline in the well-being of all Cubans, and women in particular, as a consequence of neoliberalism. Part III.B then considers migration strategies that have developed as a result of punitive U.S. policies and economic downturns that also have had gendered repercussions. Finally, Part III.C analyzes the gendered impact of the current cycle of Cuban economic reforms characterized by severe cuts to public sector employment that will drive increasing numbers of Cubans into self-employment (*proprio cuentismo*). Given that global self-employment data suggest that women fare poorly compared to men in self-employment endeavors, Cuban feminists must once again determine how to avoid a reversal of gains.

Cuban feminism continues to adapt in a globalized world and to choose those strategies that will advance the interests of both women and the nation. As Cuba's economy moves between socialism based on principles of social justice and recently introduced market mechanisms,⁷ Cuban women, shaped by their history and their national character, continue their efforts to advance toward full gender equality.

I. HISTORY AND REVOLUTION

Cuban feminism has its roots in the protracted nineteenth-century struggle for nationhood. Women's participation in the wars for independence from Spain helped to shape cultural norms around gender and equality.⁸ Feminist thought developed during this period and can be understood not merely as a historical experience but rather as an ongoing phenomenon throughout the twentieth century. It is from these historical experiences that Cuban women emerged as important participants during the 1959 revolution and contributed in various ways to its defense and development. This Part begins by considering the ways that these developments have furthered gender equality in Cuba.

7. See Lucy V. Katz, *Arbitration as a Bridge to Global Markets in Transitional Economies: The Republic of Cuba*, 13 WILLAMETTE J. INT'L L. & DISP. RESOL. 109, 111, 124–25 (2005).

8. See Stubbs, *supra* note 5, at 190–91.

A. *Feminism, History, and Transnationalism*

Substantive progress toward gender equality has been among the most important accomplishments of the Cuban Revolution, an achievement obtained as a struggle for independence and a historical process of decolonization and anti-imperialism. Although greater attention has been paid to the issue of gender equity in Cuba as a function of events following 1959, the achievements that Cuban women gained in the twentieth century are inextricably related to their remarkable national history. A great deal has been written about Cuban identity (*conciencia* and *cubanidad*) derived from a particular ethos of moralism based on an ethic of honor, dignity, and decorum that seized hold of the Cuban imagination and inspired men and women alike.⁹ The call to create a “moral republic” emphasized social justice and redemption for the benefit of all Cubans.¹⁰ The protracted Cuban wars for independence waged in pursuit of these ideals prominently included women who were widely recognized for their heroism and combativeness.¹¹ Legendary women fighters, known as *mambisas*, who were fundamental to the independence movements, used their celebrated status to argue for women’s rights.¹² Women’s resistance to colonialism resulted in new family and legal arrangements in which both women and men were permitted to own and control property.¹³ Women’s revolutionary clubs formed and constituted an important part of the struggle for

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9. See, e.g., Antoni Kapcia, *One Hundred Years of Solitude: 1898 and 1998 in the Cuban Search for National Identity*, in *SPAIN’S 1898 CRISIS: REGENERATIONISM, MODERNISM, POST-COLONIALISM* 229, 236 (Joseph Harrison & Alan Hoyle eds., 2000); JAMES J. PANCRAZIO, *THE LOGIC OF FETISHISM: ALEJO CARPENTIER AND THE CUBAN TRADITION* 158 (2004); LOUIS A. PÉREZ, JR., *CUBA: BETWEEN REFORM AND REVOLUTION* 340 (2d ed. 1995) [hereinafter PÉREZ, *CUBA: BETWEEN REFORM AND REVOLUTION*]; Nelson P. Valdés, *Cuban Political Culture: Between Betrayal and Death*, in *CUBA IN TRANSITION: CRISIS AND TRANSFORMATION* 207, 214 (Sandor Halebsky & John M. Kirk et al. eds., 1992) (citing Félix Varela, *1 LECCIONES DE FILOSOFIA [PHILOSOPHY LESSONS]* 244 (Editorial de la Universidad de la Habana 5th ed. 1961)); Louis A. Pérez Jr., *Thinking Back on Cuba’s Future: The Logic of Patria*, *NACLA REP. ON AM.*, Mar.–Apr. 2009, at 12, 13 (2009).
 10. See Archibald R.M. Ritter, *The Transferability of Socioeconomic Development Models of Revolutionary Cuba*, 7 *CUBAN STUD./ESTUDIOS CUBANOS* 183, 183, 189 (1977); LOUIS A. PÉREZ, JR., *CUBA BETWEEN EMPIRES: 1878–1902*, at 106–07 (1983).
 11. See Stubbs, *supra* note 5.
 12. See K. LYNN STONER, *FROM THE HOUSE TO THE STREETS* 22 (1991) (describing Ana Betancourt’s demands for an end to women’s subjugation along with an end to slavery in 1869).
 13. See *id.*

independence.¹⁴ To put it another way, women's engagement in the process of national liberation served as a means to achieve personal liberation.¹⁵ National independence implied women's liberation.¹⁶

Early gains for women in the nineteenth century reflected not only national-domestic initiatives in the struggle for independence but transnational influences as well. Geographic proximity and enduring cultural ties between the United States and Cuba created the circumstances by which the U.S. women's movement, particularly the suffrage struggle, contributed to the development of Cuban feminism throughout the early twentieth century.¹⁷ Many Cuban women who left the island settled in the United States and continued to play prominent roles in support of *Cuba Libre*.¹⁸ They were influenced by the relative degree of personal freedom American women enjoyed in public life.¹⁹ Cuban women, however, sought to adapt U.S. feminist ideological concerns that emphasized the importance of women in society to their own national circumstances, which often took the form of "mother nationalists" dedicated to Cuba's independence.²⁰ Indeed, their efforts to achieve equality for women and the development of Cuban feminism have been shaped by historically determined ethical paradigms that were uniquely Cuban.

B. *Cuban Feminism and Revolution*

The proposition of gender equality in Cuba was firmly embedded in the history of the nation, and thus, twentieth-century feminists were well-situated to continue the struggle for women's rights. The gains women achieved as a consequence of the Cuban Revolution of 1959 constitute some of the most significant advances for women achieved anywhere in the world.²¹ New possibilities provided vast numbers of women with an exalted sense of purpose and significantly altered the gender determinants of daily life, especially during the

14. *Id.* at 24.

15. LOUIS A. PÉREZ JR., ON BECOMING CUBAN 47–49 (1999).

16. *See* STONER, *supra* note 12, at 36–37 (describing the "first modern Cuban feminist" who in 1879 fought for women's legal equality).

17. *See id.* at 3.

18. *See* 1 LATINAS IN THE UNITED STATES: A HISTORICAL ENCYCLOPEDIA 126 (Vicki L. Ruiz & Virginia Sánchez Korrol eds., 2006) (noting the first women's club formed in New York through the efforts of Cuban exile Emilia Casanova de Villaverde).

19. *See* PÉREZ, *supra* note 15, at 50, 316.

20. *See* STONER, *supra* note 12, at 35 (describing women who became conveyors of Cuba's history and guardians of Cuba's morality).

21. *See* ILJA A. LUCIAK, GENDER AND DEMOCRACY IN CUBA 14–16 (2007).

early years.²² Women expanded their presence and participation in all realms of public life.²³ They were immediately recruited to join literacy and health campaigns, and gained improved access to employment and legal rights.²⁴ Shortly after the early years of the revolution, Cuba initiated a National Development Strategy committed to the eradication of all forms of discrimination, with a particular focus on women's issues.²⁵

In 1960, the Cuban government established the Federation of Cuban Women (*Federación de Mujeres Cubanas*) (FMC), one of the four principal mass-based organizations to encourage popular participation in nation-building efforts while consolidating political consensus.²⁶ The FMC, with access to political resources and media mechanisms, supported the integration of women into all aspects of the revolution but especially encouraged women to participate in wage labor outside the home.²⁷ As a result of the FMC's organizational drive, women of all ages contributed to Cuba's literacy campaign and expanded their engagement in all realms of voluntary labor.²⁸ The FMC helped to institutionalize quality day care services and established state-run laundries, cafeterias, and take-out restaurants as part of an effort to socialize domestic work.²⁹ The organization initiated a mass sex education program throughout the

22. *See id.* at 13, 16, 20–24.

23. *See id.* at 16–17.

24. *See id.* at 16.

25. *See* Lois Smith & Alfred Padula, Book Review, 13 CUBAN STUD./ESTUDIOS CUBANOS 127, 128–30 (1983) (reviewing INGER HOLT-SEELAND, *WOMEN OF CUBA* (1982); MARGARET RANDALL, *WOMEN IN CUBA—TWENTY YEARS LATER* (1981); and *WOMEN AND THE CUBAN REVOLUTION* (Elizabeth Stone ed., 1981)) (noting the commitment of state resources toward the goal of advancing women's equality).

26. *See, e.g.*, Haroldo Dilla & Philip Oxhorn, *The Virtues and Misfortunes of Civil Society in Cuba*, 29 LATIN AM. PERSP. 11, 16–17 (2002) (describing mass social organizations as “conveyor belts” for the state); Erik Luna, *Cuban Criminal Justice and the Ideal of Good Governance* 14 TRANSNAT'L L. & CONTEMP. PROBS. 529, 548–49 (2004).

27. Issues of class were early on considered more important than gender concerns. *See* ROSEMARIE SKAINE, *THE CUBAN FAMILY: CUSTOM AND CHANGE IN AN ERA OF HARDSHIP* 12 (2003).

28. *See* Lois M. Smith & Alfred Padula, *The Cuban Family in the 1980s, in TRANSFORMATION AND STRUGGLE: CUBA FACES THE 1990S*, at 175, 178 (Sandor Halebsky & John M. Kirk eds., 1990).

29. *See* Smith & Padula, *supra* note 25, at 128; Elizabeth Stone, *Introduction, in WOMEN IN THE CUBAN REVOLUTION* 5, 9, 16 (Elizabeth Stone ed., 1981).

island.³⁰ Women were also active with other mass organizations, often assuming leadership roles.³¹

Progress toward gender equality was registered on many fronts. State-run television endeavored to reflect new sensibilities about socially constructed gender roles in the home.³² School texts and other educational materials were revised to depict women as fully capable persons integrated into all levels of society.³³ The FMC has been and remains a highly impressive organization; over 85% of women over the age of fourteen are members.³⁴

Many of the changes that reflect the improved status of women have been in the realm of jurisprudence. All through the early years of the revolution, gender-related legal reform was the subject of public discussion and debate.³⁵ The 1975 Cuban Family Code provided for an equal division of housework and child care between husbands and wives.³⁶ In 1976, constitutional reforms addressed the burdens of the double shift on women; set forth standards for marriage as an equal partnership; and proclaimed equal political,

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30. See Beatriz R. Olson & Richard A. Dickey, *Mass Health Education on Sex and Sexuality and Its Impact on Cuba: An Interview-Based Medical Report on the Development, Evolution, and Current Status of This Educational Program in Cuba, with Emphasis on Women's Health*, 11 J. WOMEN'S HEALTH 767 (2002).
 31. See LUCIAK, *supra* note 21, at 7, 29, 31 (noting that a woman, Mavis Álvarez, was one of the co-founders of the Small Farmers Association, one of Cuba's principal mass organizations; and noting the increasing numbers of women in leaderships in local CDRs).
 32. Gail Reed, *The Media on Women: Caught Napping*, CUBA UPDATE, Summer 1991, at 15, 17 (reviewing a popular cartoon, *The Little Pumpkin*, which was remade to portray the primary caretaker figures as male).
 33. Convention on the Elimination of All Forms of Discrimination Against Women, *Consideration of Reports Submitted by States Parties Under Article 18 of the Convention on Elimination of All Forms of Discrimination Against Women: Fourth Periodic Report of Cuba*, ¶¶ 116–17, U.N. Doc. CEDAW/C/Cub/4 (Sept. 27, 1999) [hereinafter *CEDAW Report*], available at <http://www.un.org/womenwatch/daw/cedaw/reports.htm>.
 34. Alexander I. Gray, *The Genesis of NGO Participation in Contemporary Cuba*, in *THE CHANGING DYNAMIC OF CUBAN CIVIL SOCIETY* 160, 161 (Alexander I. Gray & Antoni Kapcia eds., 2008).
 35. See Johanna I. Moya Fábregas, *The Cuban Woman's Revolutionary Experience: Patriarchal Culture and the State's Gender Ideology, 1950–1976*, 22 J. WOMEN'S HIST. 61, 61–62, 75 (2010); Mark H. Kruger, *Community-Based Crime Control in Cuba*, 10 CONTEMP. JUST. REV. 101, 106, 111 n.5 (2007).
 36. See, e.g., Código de la Familia, arts. 24–28 (Cuba), available at http://www.informatica-juridica.com/legislacion/Cuba_Codigo_Familia.asp; Marjorie King, *Cuba's Attack on Women's Second Shift 1974–1976*, 4 LATIN AM. PERSP. 106, 106, 109–10 (1977).

economic, and social rights between husbands and wives, and men and women.³⁷ As a function of the need for women to participate in labor outside the home, laws extended new rights and protections to women.³⁸

Although some of these measures were aspirational and without specific legal enforcement mechanisms, they shaped the discourses of gender norms and equality.³⁹ Cuban women have not achieved full equality to be sure, and legal norms often function more as expedient propaganda than actual practice.⁴⁰ But that the revolution registered notable achievements toward gender equality cannot be gainsaid. The U.N. Special Rapporteur on Violence Against Women along with Cuban scholars have described Cuban women's progress in health (particularly reproductive health), education, and employment as "enviable."⁴¹ Women have made gains in traditionally male-dominated professions, most notably as physicians and engineers.⁴² Cuban women are statistically better off than most of their Latin American counterparts.⁴³ Moreover, the status of women in Cuba compares favorably with women in industrialized, capitalist countries.⁴⁴ Whether these gains can be sustained, given the current

37. See King, *supra* note 36, at 109–10.

38. See CEDAW Report, *supra* note 33, ¶ 75.

39. See Nicola Murray, *Socialism and Feminism: Women and the Cuban Revolution, Part Two*, 3 FEMINIST REV. 99, 99, 101 (1979) (noting the discourse about the double shift in periodicals published in Cuba and the implementation of *Plan Jaba*, by which working women could shorten their grocery shopping time).

40. See Debra Evenson, *Women's Equality in Cuba: What Difference Does a Revolution Make?* 4 LAW & INEQ. 295, 295 (1986).

41. See Berta E. Hernández-Truyol, *Cuba and Good Governance*, 14 TRANSNAT'L L. & CONTEMP. PROBS. 655, 681 (2004); Special Rapporteur on Violence Against Women, *Report of the Special Rapporteur on Violence Against Women, its Causes and Consequences: Addendum: Report on the Mission to Cuba*, ¶¶ 10, 28, 31 U.N. Econ. & Soc. Council Comm'n on Human Rights, U.N. Doc. E/CN.4/2000/68/Add.2 (Feb. 8, 2000) [hereinafter *Rep. of the Special Rapporteur*] (by Radhika Coomaraswamy), available at <http://www.unhchr.ch/Huridocda/Huridoca.nsf/TestFrame/cab2b9bda29591c0802568ac00531e1b?Opendocument>.

42. Therese Jennissen & Colleen Lundy, *Women in Cuba and the Move to a Private Market Economy*, 24 WOMEN'S STUDIES INT'L FORUM 181, 187 (2001).

43. See *Rep. of Special Rapporteur*, *supra* note 41, ¶¶ 10, 68.

44. See *¿Dónde están las oportunidades para las mujeres?*, BBC WORLD (Oct. 12, 2010), http://www.bbc.co.uk/mundo/noticias/2010/10/101012_reporte_igualdad_genero_lh.shtml; Stone, *supra* note 29, at 5, 19–22.

economic crisis, is of concern to many Cubans throughout the island.⁴⁵

II. GLOBALIZATION AND THE DEVELOPMENT OF CUBAN FEMINIST RESPONSE TO DOMESTIC VIOLENCE

Feminist concerns impact localities differently. Following the revolution, efforts to obtain gender equality were initially based on the premise that “the precondition for women’s equality was the destruction of private property as the basis for state and family.”⁴⁶ Indeed, as noted in Part I, the achievements for women’s economic, social, and legal rights as a consequence of Cuba’s revolutionary political-economic project have been dramatic. As efforts to develop a socialist economy unfolded, opportunities for women expanded in education, in the professions, and to a lesser degree, within households.⁴⁷ Increased participation in all dimensions of defending and building the nation (*patria*) notwithstanding, full equality remained elusive. And over time, as with the development of most social movements, the terms and nature of the campaign for equality changed.

A. *State Feminism and Autonomous Organizing*⁴⁸

Scholars outside of Cuba have observed that the FMC paid less attention to the development of an autonomous feminist movement than to the nurture and protection of the revolution.⁴⁹ As part of this critique, they have pointed to the inability of the state to challenge gendered hierarchies within the household.⁵⁰ Others have expressed concerns that the unintended consequences of the material gains

45. See Damien Cave, *Raúl Castro Again Offers No Speech at a Rally*, N.Y. TIMES, July 27, 2011, at A8, available at http://www.nytimes.com/2011/07/27/world/Americas/27cuba.html?_r=1.

46. Stubbs, *supra* note 5, at 192.

47. See Jennissen & Lundy, *supra* note 42, at 187.

48. See Sujatha Fernandes, *Transnationalism and Feminist Activism in Cuba: The Case of Magín*, 1 POL’Y & GEN., 431, 434 (2006) (discussing the concepts of Cuban state feminism and autonomous movements that function outside of the framework of the state).

49. See LUCIAK, *supra* note 21, at 35; JULIE SHAYNE, *THE REVOLUTION QUESTION: FEMINISMS IN EL SALVADOR, CHILE, AND CUBA* 156 (2004); Armando Chaguaceda, *The Promise Besieged: Participation and Autonomy in Cuba*, NACLA REP. ON AM., July–Aug. 2011, at 20 (“[A]utonomous organizations . . . have been made invisible both by power (as a sign of rejection) and by their own participants (as a means of survival).”).

50. See Moya Fábregas, *supra* note 35, at 74.

achieved by and for women resulted in the under-development of a “collective feminist consciousness” and a “triumphalist discourse” that inhibited a true feminist movement.⁵¹

Some Cuban women did create a short-lived feminist organization formed outside of state-sanctioned entities. The organization known as *Magín*, however, was short-lived for a number of reasons, including the professional character of the organization’s transnational networks, its failure to obtain mass support, and the state’s resistance to its continued development.⁵² Critics have decried the “deactivation” of *Magín* as a reflection of the political dominance of the FMC, which sought to deny space to an autonomous women’s movement.⁵³ While many of these critiques may be valid, Sujatha Fernandes has correctly argued that in the context of Cuba, “we need to go beyond the dichotomous classifications of ‘state feminism’ and ‘autonomous organizing’ as defined by theorists working mainly in liberal democratic contexts.”⁵⁴

In fact, Cuban feminists, including the leadership of the FMC, turned their attention to developing a gender analysis in addition to a materialist framework as a means to improve women’s circumstances.⁵⁵ Much of the effort to develop a feminist discourse and program, and to gain full equality for women was simultaneously made possible and constrained by forces of globalization. Cuba’s response to the issue of domestic violence sets these complicated, and sometimes contradictory circumstances in relief.

B. *Domestic Violence*

As Cuba’s revolutionary program unfolded, the FMC anticipated that domestic violence would cease with changed material

51. LUCIAK, *supra* note 21, at 35.

52. See Fernandes, *supra* note 48, at 431–32 (suggesting that the professional nature of transnational feminist exchanges prevented the organization from developing a mass base).

53. See SHAYNE, *supra* note 49, at 145–60; LUCIAK, *supra* note 21, at 28.

54. Fernandes, *supra* note 48, at 434.

55. See Jennissen & Lundy, *supra* note 42, at 187–88 (quoting Carolina Aguilera, member of the national leadership of the FMC, with regard to the need to address the persistence of machismo in Cuban culture); Nancy Saporta Sternbach et al., *Feminisms in Latin America: From Bogotá to San Bernardo*, 17 SIGNS 393, 417–18, 426–28 (1992) (noting that the FMC has participated in regular meetings of feminists throughout Latin America for the purpose of engaging in feminist debate and activism). As another indicator of some level of autonomy, the FMC now raises its own funds, after years of financial dependency on the Cuban government. See LUCIAK, *supra* note 21, at 24.

conditions.⁵⁶ Women, it was argued, had achieved economic security and thus no longer would be held hostage to violent or unwanted relationships because of financial dependency on men.⁵⁷ However, over time and with the recognition of the persistence of violence against women, the FMC, as well as other activists and scholars, urged greater attention to the issue.⁵⁸ Cuban feminists and scholars identified the social construction of gender roles among the factors that contributed to domestic violence and to the social and political problems that women continued to face.⁵⁹ As time passed, women in Cuba, like their counterparts elsewhere, began to engage in the politics of identity as a means to achieve full status in all realms of their public and private lives.⁶⁰ Matters relating to gender-based violence were no longer considered “mere subtexts of ‘real’ economic problems.”⁶¹

Women were successful in achieving the space for debate and a greater political acknowledgment of the problems of gender-based violence as a consequence of a number of circumstances. One scholar has suggested that women formed within Cuban Revolutionary rhetoric relied on the very public discourse that elevated the importance of women to the revolution as an opportunity “to defy constraining premises of femininity that kept them for many years in subordinated positions.”⁶² Others have observed that, in the 1990s, the channels of civil society were opened in ways that created favorable circumstances for feminist activity.⁶³ Regardless of the reasons, by the early 1990s, women’s groups and scholars were beginning to examine publicly the problem of domestic violence.⁶⁴

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56. See LUCIAK, *supra* note 21, at 35–36. Cuba’s initial treatment of the issue of domestic violence was based upon assumptions of the norms of heterosexual relationships. Cuba has demonstrated a significant improvement with regard to its position on same-sex relationships and transgendered identities. See Dalia Acosta, *Gay Marriage Coming to Cuba?*, HAVANA J. (June 16, 2007), <http://havanajournal.com/culture/entry/gay-marriage-coming-to-cuba-2882>; Noelle Stout, *The Rise of Gay Tolerance in Cuba: The U.N. Vote* NACLA REP. ON AM., July–Aug. 2011, at 34, 35.
57. Moya Fábregas, *supra* note 35, at 77.
58. See LUCIAK, *supra* note 21, at 35–36.
59. See CEDAW Report, *supra* note 33, ¶¶ 102, 163, 174.
60. See Nancy Fraser, *Mapping the Feminist Imagination: From Redistribution to Recognition to Representation*, 12 CONSTELLATIONS 295, 298 (2005).
61. *Id.* at 298, 300 (referring to the awakening of issues of recognition in the former second world).
62. Moya Fábregas, *supra* note 35, at 79.
63. See Fernandes, *supra* note 48, at 434–35.
64. See, e.g., Celeste Bermúdez Salvón & Mirta Rodríguez Calderón, *Laws and Aspects of Domestic Violence* 15 (1993) (unpublished manuscript) (on file with author). As

Researchers undertook surveys and disseminated their research findings about the character of gender-based violence and its consequences.⁶⁵ Cuba created a multi-disciplinary research team as well as working groups to develop policies addressing domestic violence.⁶⁶

This period of a new public consciousness about the enduring nature of domestic violence emerged around the time that Cuba declared a “Special Period in Time of Peace” in the early 1990s in response to the economic crisis prompted by the demise of the Soviet Union, its key trading partner and provider of subsidies.⁶⁷ Cuba responded to the loss of Soviet support with efforts to establish and improve international relationships, and to seek new economic ties and foreign investors.⁶⁸ The government also introduced political reforms as well as domestic economic adaptations as a means to weather the crisis and fend off internal collapse.⁶⁹

It was in this changing global setting that the United States seized new opportunities to further increase pressure on Cuba by enacting the Cuban Democracy Act of 1992 (Torricelli Act)⁷⁰ for the stated

early as 1991, the author was invited to meet with law scholars and FMC organizers who were collecting data, organizing conferences, and meeting with feminist counterparts in Latin America with regard to the issue of domestic violence.

65. See, e.g., *id.* at 15; *Rep. of the Special Rapporteur, supra* note 41, ¶ 28 (citing a study in Pinar del Rio).
66. See Raúl Gómez Treto, *Thirty Years of Cuban Revolutionary Penal Law*, in *THE CUBAN REVOLUTION INTO THE 1990S: CUBAN PERSPECTIVES* 175, 181 (Centro de Estudios Sobre América ed., 1992) (discussing the working groups created by the National Commissions on Prevention and Social Attention (*Comisiones de Prevención y Atención Social*) (CPAS), created in 1986 to study the social aspects of crime and deviance).
67. Frank O. Mora & Quintan Wiktorowicz, *Economic Reform and the Military: China, Cuba, and Syria in Comparative Perspective*, 44 *INT'L J. OF COMP. SOC.* 87, 98 (2003).
68. See Robert S. Gelbard, *U.S. Policy Toward Cuba*, 3 *DEPT OF ST. DISPATCH* 312, 313 (Apr. 8, 1992); James Petras & Morris Morley, *Clinton's Cuba Policy: Two Steps Backward, One Step Forward*, 17 *THIRD WORLD Q.* 269, 274, 280 (1996).
69. Archibald R. M. Ritter & John M. Kirk, *Introduction*, in *CUBA IN THE INTERNATIONAL SYSTEM* 5 (Archibald R. M. Ritter & John M. Kirk eds., 1995). See MARK P. SULLIVAN, *CONG. RESEARCH SERV., R40193, CUBA: ISSUES FOR THE 111TH CONGRESS* 12–13 (2011), available at <http://www.fas.org/sgp/crs/row/R40193.pdf>. In 1994, in response to U.S. prohibitions on foreign trade with Cuba involving dollar exchanges, Cuba announced that dollars would need to be exchanged for convertible pesos. *Id.*
70. See Cuban Democracy Act of 1992, Pub. L. No. 102-484, 106 Stat. 2315 (codified at 22 U.S.C. §§ 6001–6010 (2006)).

purpose of “wreak[ing] havoc on the island.”⁷¹ In response to Cuban efforts to reenter the global economy, the Torricelli Act sought to assume extraterritorial authority and prohibited third-country subsidiaries of U.S. companies from doing business with Cuba.⁷² It authorized the President to impose sanctions, including cutting aid and debt relief on any country that traded with or assisted Cuba.⁷³

In Cuba, U.S. sanctions were perceived and experienced as a threat to national security and contributed to a heightened sense of national crisis. Many Cubans—men and women alike—were concerned that their grievances against the state would erode national solidarity or, at the least, be perceived as undermining morale and confidence in the state.⁷⁴ Thus, efforts to examine state practices regarding domestic violence were dampened by the perceived need to maintain national consensus in the face of an external threat.⁷⁵ Feminists were more inclined to defend their gains than to advance new initiatives.⁷⁶ The leadership of the FMC, concerned about proffering critiques deemed divisive during a time when “Cuban exiles based in Florida were already discussing what policies to implement following their return to power,” as well as other feminists similarly troubled, faced a dilemma as to how to proceed.⁷⁷

Cuban feminists and scholars nonetheless continued to address the issue of domestic violence, but instead of formulating the problem as one located within the boundaries of the Cuban state, began to frame it as a global problem of epidemic proportions to which the Cuban people could not be immune.⁷⁸ They seized new opportunities that

71. See REESE ERLICH, *DATELINE HAVANA: THE REAL STORY OF U.S. POLICY AND THE FUTURE OF CUBA* 106 (2009) (noting the statement made by the bill's author, Rep. Robert Torricelli).

72. See 22 U.S.C. § 6005.

73. See 22 U.S.C. § 6003. Any vessel known to be engaging in trade with Cuba was restricted from loading or unloading freight at any place in the U.S. § 6005. The statute covered U.S. territories and “possessions.” § 6005(b)(4)(B).

74. See Isaac Prilleltensky et al., *Applied Ethics in Mental Health in Cuba: Part II—Power Differentials, Dilemmas, Resources, and Limitations*, 12 *ETHICS & BEHAV.* 243, 249 (2002).

75. See PÉREZ, *CUBA: BETWEEN REFORM AND REVOLUTION*, *supra* note 9, at 315, 327, 329; Prilleltensky et al., *supra* note 74, at 249.

76. See LUCIAK, *supra* note 21, at 24 (noting the abandonment of a reform agenda); Boaventura de Sousa Santos, *Why Has Cuba Become a Difficult Problem for the Left?*, 36 *LATIN AM. PERSP.* 43, 44 (2009) (“Resistance has ended up taking precedence over an alternative.”).

77. LUCIAK, *supra* note 21, at 24.

78. See Clotilde Proveyer Cervantes, *Feminine Identity and Domestic Violence: An Approach to Its Study 2* (unpublished manuscript) (on file with author) (describing the

arose during a period of heightened internationalism and the burgeoning development of gender-based human rights norms. They made use of the ways that Cuba extended its international relations in an effort to recover losses from the collapse of the socialist bloc.⁷⁹ Indeed, increased international relations were not confined to the economic sphere. Cubans also inserted themselves into various international and transnational exchanges on issues pertaining to the rights of women. Cuban women participated in international conferences hosted in Havana and abroad.⁸⁰ International organizations, including United Nations programs, opened offices in Havana.⁸¹ Cubans participated in transnational feminist networks and attended the Latin American Encuentros, which functioned as sites of debate around feminist issues of the day.⁸² Cubans also participated in the international Non-Aligned Movement, which grappled with issues relating to women's status during this period.⁸³ Caught up in the zeitgeist of feminist internationalism, much of which functioned around a discourse related to domestic violence, Cubans were able to use the politics of human rights as a way to expand opportunities to challenge the status quo without impugning the stature of *patria*.⁸⁴

Cubans writing on the topic of gender-based violence therefore attributed the obligation to address domestic violence as one arising from international solidarity and participation in the global realm, rather than a response to a problem within the boundaries of the state.⁸⁵ Research papers that addressed domestic violence in Cuba

global problem of domestic violence and placing Cuba's problem in the context of "no exception to this reality").

79. This is not to suggest that Cubans were isolated prior to this period, and, in fact, Cubans prided themselves as being good internationalists, as exemplified by their solidarity and support in the wars for independence in Angola. See ROBERT JACKSON ALEXANDER, *A HISTORY OF ORGANIZED LABOR IN CUBA 179-80* (2002).
80. See Fernandes, *supra* note 48, at 439; LUCIAK, *supra* note 21, at 26.
81. See Fernandes, *supra* note 48, at 439.
82. See Alvarez et al., *supra* note 2, at 537-38.
83. See Devaki Jain & Shubha Chacko, *Walking Together: The Journey of the Non-Aligned Movement and the Women's Movement*, 19 DEV. PRAC. 895, 897-99 (2009).
84. See Fraser, *supra* note 60, at 298-99. In a related analysis, Nancy Fraser describes the way new neoliberal policies that constricted the state limited the scope of redistributive projects and led to feminists recasting their claims in demands for recognition "in keeping with the postsocialist *Zeitgeist*." See *id.* at 300-01.
85. See Celeste Bermúdez Salvón & Mirta Rodríguez Calderón, *Laws and Aspects of Domestic Violence* 1, 13-14, 20 (1993) (unpublished manuscript) (on file with author) (referencing the U.N. Conferences on Women, International Tribunals, and the global condition of women as the basis for the paper on domestic violence in Cuba); Caridad Navarrete Calderón, *Criminological and Victimological*

often pointed to the commitments arising out of U.N. International Conferences on Women and the Convention to End Discrimination Against Women (CEDAW) as the basis for Cuban feminist advocacy, scholarly inquiry, and suggestions for reforms.⁸⁶ In fact, when *Granma*, the official government newspaper, discussed the problem of domestic violence in Cuba, the lead paragraph reported global statistics while noting that such violence affected women in every country throughout the world.⁸⁷

With these strategic developments, efforts to address domestic violence moved forward. The National Commission on Prevention and Social Attention (*Comisiones de Prevención y Atención Social*) (CPAS) trained Cuban officials in matters relating to gender violence.⁸⁸ CPAS also coordinated community organizations to conduct workshops and media campaigns to promote awareness and intervention in cases of domestic violence, with a focus on gender equality in spousal relationships.⁸⁹ The Center for Psychological and Sociological Research (*Centro de Investigaciones Psicológicas y Sociológicas*) (CIPS) developed curricular programs and training sessions for parents on the prevention of violent behavior within the family, including the disruption of gender-determined power dynamics.⁹⁰ Government agencies began to treat domestic violence as a public health problem and urged families and communities to re-examine patterns of patriarchal culture.⁹¹

These circumstances serve as an example of the ways that the internationalization of feminist human rights norms pertaining to domestic violence created the spaces of autonomy so that such norms could be adapted to the material and political conditions of those who

Characterization of Penalized Women for Committing Crimes of Injuries from the City of Havana 1–2, 5 (2004) (unpublished manuscript) (on file with author) (contextualizing the problem as one which exists in “any society” around the world).

86. See, Deborah M. Weissman & Marsha Weissman, *The Moral Politics of Social Control: Political Culture and Ordinary Crime in Cuba*, 35 *BROOK. J. INT’L L.* 311, 336–41 (2010).

87. See Ana Ivis Galán, *El Estado Protege a la Familia*, *GRANMA*, Dec. 24, 2002, at 3.

88. See Weissman & Weissman, *supra* note 86, at 341; *CEDAW Report*, *supra* note 33, ¶¶ 152, 158.

89. Weissman & Weissman, *supra* note 86, at 341; see also *CEDAW Report*, *supra* note 33, ¶¶ 89, 92, 93, 124, 134.

90. See Weissman & Weissman, *supra* note 86, at 341.

91. Juana Iliana Artilles de León, *Violencia De Género: Obstáculos Para Su Prevención y Atención* [*Gender Violence: Obstacles to Prevention and Attention*], 32 *SEXOLOGIA Y SOCIEDAD* 21, 21 (2006), available at http://www.cenesex.sld.cu/webs/Violencia_de_genero_32.htm.

sought to invoke their rights. By framing gender violence as a type of international human rights transgression to which all nations in good standing must respond, activists created strategic opportunities to mediate the tension between gender interests and group or nationalist consciousnesses that may have otherwise discouraged public claims of harm.

But it must also be reiterated that globalized feminism functions at the local level, where history, defense of nationality, and national character intersect with transnationalism. Although Cubans successfully reframed domestic violence as an issue that transcended the territorial state, and despite international and transnational influences, if not pressures, to emulate the paradigmatic criminalization response to domestic violence, Cubans did not, in their quest for solutions, abandon the theoretical developments that reflect Cuban culture. Cuba stands apart from most other nations with regard to domestic violence responses as distinguished by the absence of a call for more stringent applications of criminal laws.⁹² Clotilde Proveyer Cervantes, one of Cuba's most prominent experts in domestic violence, explains this difference and argues that legal sanctions must be the "last rung of the ladder"—that is, the last resort.⁹³ She has insisted that "criminal treatment is not the solution;" rather, the answer lies in "build[ing] other models of masculinity and femininity that are not conflicting."⁹⁴ Cubans instead emphasize social controls to mitigate gender-based violence through the development of social, capital, and community participatory mechanisms, as well as legal responses that mandate continued research and social services initiatives to the range of gender equality issues.⁹⁵ These viewpoints reflect a particular approach to Cuban criminology, one that invokes human dignity and reconcilability as the premises of an approach to domestic violence.⁹⁶

92. Weissman & Weissman, *supra* note 86, at 341.

93. *Cuba: El Silencio Nos Vuelve Cómplices* [*Cuba: Silence Renders Us Accomplices*], SEMLAC, Nov. 28, 2006, available at http://search.choike.org/cgi-bin/choike.cgi?cs=iso88591&q=PROVEYER&ch=http:%2F%2Fwww.mujireshoy.com%2Fsecc_n%2F3586.shtml&fm=off.

94. *Id.*

95. See Weissman & Weissman, *supra* note 86, at 342–45 (noting that while criminal strategies including prosecution and punishment are employed, alternative strategies are preferred).

96. Interview with Caridad Navarrete Calderón in Havana, Cuba (Oct. 16, 2003).

III. THE GENDERED PROCESSES OF GLOBAL CAPITALISM

The globalization of feminism enabled Cuban women to employ strategies to reduce the possibilities of creating a false dichotomy between national interests or identities and gender interests or identities. International relationships and transnational networks facilitated the development of broader discourses around issues of concern to Cuban women. At the same time, the consequences of a dominant neoliberal global political economy have contributed to the reversal of some gains and created disproportionate burdens borne by Cuban women in day-to-day life. These setbacks confirm feminist scholarship that has argued that globalization is not a gender-neutral phenomenon.⁹⁷ Women throughout the world have disproportionately suffered bleak working conditions, forced migration, sex and labor trafficking, changes to family structures, and violence as a consequence of the processes of global capitalism.⁹⁸

Much of the literature on gendered globalization has focused on women as subordinated workers in export zones and transnational factories in what has been described as “the South, the Third World, or in ‘peripheral’ or ‘developing’ countries.”⁹⁹ Scholars have also studied those countries that have transitioned from socialist economies to capitalist economies.¹⁰⁰ Although Cuba is differently situated and has maintained its ideological commitment to an egalitarian project, it too has been significantly impacted by the global rise of neoliberal capitalism in ways that have disproportionately burdened women.¹⁰¹ Political-economic crises

97. Feminist scholars have been theorizing about the relationship between globalization and feminism for close to four decades. *See, e.g.*, Joan Acker, *Gender, Capitalism, and Globalization*, 30 *CRITICAL SOC.* 17, 17, 20–21 (2004) (describing Ester Boserup’s 1970 book, *WOMAN’S ROLE IN ECONOMIC DEVELOPMENT*, as marking the notable beginning of such studies); M. Patricia Fernández Kelly, *Underclass and Immigrant Women as Economic Actors: Rethinking Citizenship in a Changing Global Economy*, 9 *AM. U. J. INT’L L. & POL’Y* 151, 157–64 (1993).

98. Deborah M. Weissman, *The Personal is Political and Economic: Rethinking Domestic Violence*, 2007 *BYU L. REV.* 387, 410 (2007).

99. Acker, *supra* note 97, at 21.

100. *See id.* at 22.

101. *See, e.g.*, Mao Xianglin, *Cuban Reform and Economic Opening: Retrospective and Assessment*, 34 *LATIN AM. PERSP.* 93, 102–03 (Mariana Ortega Breña trans., 2007) (describing how Cuba has maintained a socialist perspective while “adapting other nations’ experiences to the Cuban context rather than mindlessly copying them”); Arianne Plasencia, *Sex Tourism in Modern Cuba: An Outgrowth of the Tourism Industry’s Focus on Free-Market Capitalism*, 10 *GEO. J. GENDER & L.* 999, 1000

have resulted in the reinscription of gendered roles within households.¹⁰² The hardships occasioned by migration-as-survival strategies have had a particular impact on women and families.¹⁰³ Currently, women face the threat of the reversal of economic opportunities as Cuba drastically reforms its economy.

A. *Global Neoliberal Capitalism and the Social Reproduction of Households*

Nancy Fraser has written about the impact that the political-economic developments of the late twentieth century had on a transnational feminism once “committed to taming markets and promoting egalitarianism” that flourished through the 1960s and 1970s.¹⁰⁴ She states:

By 1989, however, history seemed to have bypassed that political project. A decade of conservative rule in much of Western Europe and North America, capped by the fall of Communism in the East, miraculously breathed new life into free-market ideologies previously given up for dead. Resurrected from the historical dustbin, “neoliberalism” authorized a sustained assault on the very idea of egalitarian redistribution.¹⁰⁵

The “assault” that Fraser describes has largely been a function of the dominance of the United States and the institutions it controls, including the World Bank and the International Monetary Fund (IMF).¹⁰⁶ These circumstances have impacted Cuba notwithstanding

(2009) (describing the increase of prostitution in response to the rise of free-market capitalism).

102. See Robert Perkovich & Reena Saini, *Women's Rights in Cuba: "Mas o Menos,"* 16 EMORY INT'L L. REV. 399, 437–38 (2002) (describing the subservient status of women in Cuban society).

103. See Berta Esperanza Hernández-Truyol, *Familias Sin Fronteras: Mujeres Unidas por su Historia*, 15 FLA. J. INT'L L. 321, 333–35 (2003) (describing the particular impact emigration has had on Cuban women).

104. Fraser, *supra* note 60, at 298.

105. *Id.*

106. See, e.g., ANNE ORFORD, *READING HUMANITARIAN INTERVENTION: HUMAN RIGHTS AND THE USE OF FORCE IN INTERNATIONAL LAW* 89–90 (2003) (describing the conditions attached to IMF and World Bank funding including privatization, cuts to public funding, and deregulation); MICHEL CHOSSUDOVSKY, *THE GLOBALISATION OF POVERTY* 15 (1997) (describing structural adjustment policies that require the dismantling of state institutions); James Gathii, *Human Rights, the World Bank and the Washington Consensus: 1949–1999*, 94 AM. SOC'Y INT'L L. 144, 145 (2000); Zoe

the government's commitment to a socialist project and its efforts to maintain a political economy distinct from global capitalism. Although Cuba has not been directly affected by the commands of the International Monetary Fund and World Bank to introduce structural adjustment programs, the government has been the focus of U.S. determination to obstruct and undermine its very existence for having turned the capitalist paradigm on its head, something for which Cuba would never be forgiven.¹⁰⁷ The Torricelli Act of 1992, notwithstanding the economic harm it caused, did not fully achieve its desired results, and thus, the United States introduced yet another embargo-related statute, the Cuban Liberty and Democratic Solidarity Act of 1996 (Helms-Burton Act), in pursuit of never-ending hopes of accelerating the Cuban government's demise.¹⁰⁸ The new law further expanded the extraterritorial reach of the embargo and prohibited the importation of any products, including goods "made or derived in whole or in part of any article which is the growth, produce, or manufacture of Cuba."¹⁰⁹ Congress instructed the executive branch to exercise its authority to prevent Cuba's membership in international financial institutions and the Organization of the Americas.¹¹⁰ International financial institutions that engaged in financial transactions with Cuba would suffer a forfeit of payment by the United States, an effective incentive to comply with U.S. embargo demands.¹¹¹ The embargo continues today, and Cuba remains on the

Young, *Market Gardeners*, TLS, July 23, 2004, at 30 (describing the hegemonic influence of these institutions worldwide through a "bombardment of bribes and threats"); Jeff Faux, *Rethinking the Global Political Economy*, ECON. POL'Y INST. (Apr. 2003), http://www.epi.org/publication/webfeatures_viewpoints_global_polit_econ/ (reporting that the former chief economist with the IMF admitted that no important decisions are made without first checking with the U.S. Treasury).

107. See generally Louis A. Pérez, Jr., *Thinking Historically About Cuba*, SOC. SCI. RES. COUNCIL: SOC. SCI. PERSP. (Mar. 7, 2008), <http://essays.ssrc.org/changeincuba/2008/03/07/thinking-historically-about-cuba> (discussing the contentious relationship between Cuba and the United States over Cuba's sovereignty and resistance to capitalism); Louis A. Pérez, Jr. *Fear and Loathing of Fidel Castro: Sources of U.S. Policy Toward Cuba*, 34 J. LAT. AM. STUD. 227, 228–29 (2002).
108. See Pub. L. No. 104-114, 110 Stat. 786–88 (codified as amended at 22 U.S.C. §§ 6021–6091 (2006)).
109. CUBAN LIBERTY AND DEMOCRATIC SOLIDARITY (LIBERTAD) ACT, 22 U.S.C. § 6040 (2006).
110. See *id.* §§ 6034–6035.
111. See *id.* § 6034. In 2004, the United States fined UBS, Switzerland's largest bank, in the amount of \$100 million for trading with Cuba in dollars. See Mark Frank, *Will Cuba Be Allowed to Use Dollars Again?*, ABCNEWS (May 18, 2009), <http://abcnews.go.com/International/Story?id=7595000&page=>

“state-sponsored terrorist” list although recently released U.S. diplomatic cables demonstrate that there is no factual basis to support such categorization.¹¹²

The lack of access to international financing severely limited Cuba’s integration into the global economy and prevented it from offsetting the loss of its trading partners.¹¹³ To be sure, Cubans have contributed to the weaknesses of their economic conditions. But as Boaventura de Sousa Santos has observed, “Cuba is perhaps the only country in the world where external conditions are not an alibi for leaders’ incompetence or corruption but a cruel and decisive fact.”¹¹⁴ To put it differently, as historian Louis A. Pérez has written, “All that is American imperialism has been practiced in Cuba.”¹¹⁵

Miren Uriarte, who has studied the consequences of the U.S. embargo on Cuba, found

Cuba’s Gross Domestic Product (GDP) was reduced by one-third between 1989 and 1993; import capacity plunged by 75 percent; and the availability of energy was halved. As a result, agricultural production practically stopped, leading to serious food shortages and a decrease of 30 percent in the average caloric intake between 1990 and 1995. Fuel shortages affected industrial production, transportation, and the availability of electricity. The lack of availability of raw materials halted the production of medicines, clothing, and other products for the domestic market and depressed significantly Cuba’s export industries.¹¹⁶

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112. See *Cable on the Effectiveness Cuban Dissidents*, ELPAIS.COM (Feb. 27, 2009), http://www.elpais.com/articulo/internacional/Cable/eficacia/cubana/disidentes/elpeuint/20101130elpeuint_27/Tes; Council on Foreign Relations, *State Sponsors: Cuba*, COUNCIL ON FOREIGN RELATIONS, <http://www.cfr.org/cuba/state-sponsors-cuba/p9359> (last updated Mar. 23, 2010) (“[I]ntelligence experts have been hard pressed to find evidence that Cuba currently provides weapons or military training to terrorist groups”).
113. See generally Maurico de Miranda Parrondo, *The Cuban Economy: Amid Economic Stagnation and Reversal of Reforms*, A CONTEMPORARY CUBA READER 128, 131–33 (Philip Brenner et al. eds., 2008) (describing such lack of access as a principal factor that prevents the Cuban economy from adequate development).
114. Santos, *supra* note 76, at 48.
115. Louis A. Pérez, Jr., CUBA IN THE AMERICAN IMAGINATION: METAPHOR AND THE IMPERIAL ETHOS 1 (2008).
116. Miren Uriarte, *Social Policy Responses to Cuba’s Economic Crisis of the 1990s*, 35 CUBAN STUD. 105, 107 (2004) (footnotes omitted).

Although Cuba, through a mixture of internal and external political and economic strategies, had in fact partially recovered from the collapse of the Soviet Union, economic conditions further deteriorated in 2008 when three successive hurricanes hit the island, affecting more than 60% of the country.¹¹⁷ At the same time, Cuba, like the rest of the world, suffered the consequence of the recent global economic crisis. One study describes the devastating impact of these circumstances on infrastructure and food production:

Ultimately, the Cuban government estimated that the damage caused by the trio of Category-Four hurricanes in 2008 was more than US\$10 billion—nearly one-fifth of Cuba’s annual GDP. Most provinces sustained extensive damage to their housing, roads, local industry, and electrical systems. The food system and the agricultural infrastructure were particularly devastated; all sectors of production—fruits, vegetables/tubers, grains, poultry, and swine—reported significant losses. What was not destroyed by winds and hard rains was damaged by sea surges that accompanied the hurricanes or floods that followed them. Moreover, with Ike alone, an estimated 4,000 metric tons of reserve foodstuffs were lost due to damage to storage facilities.¹¹⁸

It is these circumstances that have unfolded in ways that have disproportionately burdened women. Boaventura de Sousa Santos notes the importance of a comparative context and explains that “[i]n Cuban society, unequal relations of power are different from those existing in capitalist societies, but they do exist (even if weaker).”¹¹⁹ To be sure, women in Cuba have entered the workforce and have, in significant numbers, occupied professions historically limited to

117. See PHILIP J. KLOTZBACH & WILLIAM M. GRAY, SUMMARY OF 2008 ATLANTIC TROPICAL CYCLONE ACTIVITY AND VERIFICATION OF AUTHOR’S SEASONAL AND MONTHLY FORECASTS, 11, 12, 14–15 (2008), available at <http://typhoon.atmos.colostate.edu/forecasts/2008/nov2008/nov2008.pdf>. (Hurricane Gustav, August 30, 2008; Hurricane Ike, September 8, 2008; Hurricane Paloma, November 8–9, 2008).

118. Melanie Josée Davidson & Catherine Krull, *Adapting to Cuba’s Shifting Food Landscapes: Women’s Strategies of Resistance*, INT’L J. CUBAN STUD. (forthcoming) (manuscript at 12–13) (on file with authors) (footnote omitted).

119. Santos, *supra* note 76, at 48.

men.¹²⁰ However, gendered hierarchies have never been fully eradicated in the home, notwithstanding efforts to dismantle traditional roles within household and family assigned by sex.¹²¹

The day-to-day lives of families are often immediately and significantly impacted by economic crises of the type Cuba has experienced.¹²² The persistence of socially constructed norms that emphasize the assignment of the tasks of social reproduction of the household to women has meant that women have experienced the pressures of securing food and other household necessities that have been in limited supply.¹²³ The processes of assuring health and hygiene in the home, transportation to day care or school, and other family chores have been complicated by shortages of all household items and fuel, thus exponentially increasing the working hours of women.¹²⁴ Household appliances that cannot be repaired for lack of parts, together with regular power outages, have made chores such as cooking, laundry, and cleaning, more labor intensive.¹²⁵ Tampons, sanitary napkins, and contraceptives, have, at times, been in short supply.¹²⁶

The burdens are often so time-consuming that some women have abandoned paid work and social participation in mass organizations outside the home.¹²⁷ Others, for the first time, took on additional employment in order to provide for basic household needs.¹²⁸ Based on studies of households in Havana, researchers report that while fathers assist with child care responsibilities, women rely on mothers, daughters, or other female relatives for assistance in meeting daily family needs and with household work.¹²⁹ They also report that women restricted their own caloric intake as a means to assure that

120. See Jennissen & Lundy, *supra* note 42, at 187 (noting, for example, the percentages of agricultural engineers, forestry engineers, and doctors who are women; but noting that women continue to be primarily responsible for domestic labor).

121. See Vilma Hidalgo & Milagros Martinez, *Is the U.S. Economic Embargo on Cuba Morally Defensible?*, 3 LOGOS J. CATH. THOUGHT & CULTURE 100, 106 (2000).

122. *See id.* at 110.

123. *See id.* at 111.

124. *See* Jennissen & Lundy, *supra* note 42, at 192 (describing soap shortages and water cutoffs for example).

125. *See* Hidalgo & Martinez, *supra* note 121, at 111.

126. *See* Jennissen & Lundy, *supra* note 42, at 192.

127. *See id.* at 195; Davidson & Krull, *supra* note 118 (manuscript at 6).

128. Marta Núñez-Sarmiento, *Cubans Abroad: A Gendered Case Study on International Migrations*, 41 CUBAN STUD. 105, 122 (2010) (noting the multiple employment was a new phenomenon brought about by the economic crisis of the Special Period).

129. Davidson & Krull, *supra* note 118 (manuscript at 16–18).

other family members had sufficient food.¹³⁰ Economic strain has led to rising divorce rates.¹³¹ These circumstances have exacerbated the tension between the ongoing efforts to achieve gender equity in all facets of public and private life and the obligations to maintain family well-being.

Cubans have attempted to respond to these developments first and foremost by strengthening systems that protect vulnerable populations.¹³² Cubans have encouraged new means to adapt to the harsh economic conditions, including creative and environmentally sound methods of agricultural productivity and alternative medical treatments.¹³³ Many of the efforts to strengthen the safety net have been directed towards women. The Ministry of Public Health, in collaboration with other health sector entities and local governments, created programs to address the nutritional needs of at-risk pregnant women (*hogares maternos*), and to provide preventive education and other social services for pregnant women and their young children.¹³⁴ Municipalities coordinated with government workplace centers to assure that at-risk women were provided a minimum of one free meal every day.¹³⁵ The FMC initiated new programs targeted at women and their circumstances to mitigate the gendered impact of the economic crisis.¹³⁶ Women's centers were established throughout the island, staffed with lawyers, social workers, health educators, and mental health professionals.¹³⁷ Social work brigades were created to protect women's employment and assist with job training.¹³⁸ Cuban feminists have engaged in research projects to study how best to ameliorate the impact of the embargo on the lives of Cuban women.¹³⁹

130. *Id.* at 18.

131. Hidalgo & Martínez, *supra* note 121, at 113.

132. *See* Uriarte, *supra* note 116, at 122 (noting that Cuba continued its commitment to a universal safety net while focusing particular attention on the specific needs of vulnerable groups).

133. *See* Jennissen & Lundy, *supra* note 42, at 188–89; JULIA WRIGHT, SUSTAINABLE AGRICULTURE AND FOOD SECURITY IN AN ERA OF OIL SCARCITY: LESSONS FROM CUBA 7 (2009) (noting that Cuba looked for creative opportunities to farm and produce food as a result of the oil shortages following the collapse of the Soviet Union).

134. Uriarte, *supra* note 116, at 121.

135. *Id.*

136. *See* Jennissen & Lundy, *supra* note 42, at 195.

137. *Id.*

138. *See* Uriarte, *supra* note 116, at 122–23. For additional information on social work brigades, *see* Weissman & Weissman, *supra* note 86, at 352–53.

139. *See* Hidalgo & Martínez, *supra* note 121, at 110, 120 n.11.

Women with primary responsibilities for domestic work boast about their abilities to creatively strategize as “domestic ‘experts’” in order to keep their households functioning despite the crisis of scarcity.¹⁴⁰ Indeed, these sentiments are expressed by Rosa Elena Simeon, the former Minister of Science, Technology, and the Environment, who commented about the role of women in sustainable development: “One day we will have to build a monument to the special period, because it has forced us to find truly sustainable ways to meet our food, energy and medical needs.”¹⁴¹ Collective initiatives consistent with Cuba’s participatory culture have been integral to the overall plan of action.¹⁴² However, notwithstanding the pride and purposefulness with which Cubans have attempted to confront the challenge of economic crisis, gendered roles have been further reinscribed in Cuban households as women bear the brunt of the day-to-day consequences of the crisis.¹⁴³

B. Gendered Migration Strategies

The consequences of Cuba’s economic crisis as a function of its relations with the United States as well as global fiscal upheaval have had gendered repercussions in the realm of migration. To begin with, it is important to recognize that Cuba-U.S. migration has been a constant feature of the Cuban condition, both as cause and consequence of U.S. policy.¹⁴⁴ The first wave of migration from 1959 to 1969 consisted principally of Cubans associated with the Batista regime—upper-middle class Cubans who lost property—and individuals who feared retribution because of their collaboration with the failed Bay of Pigs.¹⁴⁵ The United States then implemented a course of action designed to promote internal rebellion by exacerbating economic adversity, but such efforts instead produced migration abroad.¹⁴⁶ Families with young children were targeted through the CIA sponsored *Pedro Pan Operación* (Peter Pan Operation) designed to frighten parents with false rumors of military

140. See *id.* at 111; Davidson & Krull, *supra* note 118 (manuscript at 16).

141. *Cuban Women in Sustainable Development*, GLOBAL EXCHANGE, <http://www.globalexchange.org/tours/1160.html> (last visited Dec. 30, 2011).

142. Davidson & Krull, *supra* note 118, (manuscript at 19).

143. See Jennissen & Lundy, *supra* note 42, at 195.

144. See Weissman, *supra* note 6.

145. *Id.* at 1891.

146. See *id.* at 1892 (observing that the United States, hoping to demonstrate to other parts of the world that socialist systems could not provide for their people, promoted migration particularly of the professional and skilled class).

conscription and indoctrination of children by the Cuban government.¹⁴⁷ The United States also adopted what can only be described as an exceptional immigration policy for Cubans in the form of the Cuban Refugee Act (Cuban Adjustment Act), which allowed Cubans to apply for permanent residency one year after arrival, without paying fees and without having to leave the country to apply, regardless of their status on arrival.¹⁴⁸ Thereafter, waves of Cuban immigrants who could take advantage of lenient immigration laws have entered the United States for reasons similar to those of the majority of people who leave their home countries: family reunification and economic necessity.¹⁴⁹ Cubans benefited from U.S. immigration laws that were exclusively created for and applied to Cubans—privileges, it should be noted, that were afforded in service of U.S. foreign policy.¹⁵⁰

As a consequence of migration and the desire of Cuban families in the United States to assist the families they left behind, a flow of foreign exchange and goods allowed many Cubans who remained on the island to survive the very sanctions designed to topple the Cuban

147. For a thorough examination of *Pedro Pan Operación*, see MARÍA DE LOS ANGELES TORRES, *THE LOST APPLE: OPERATION PEDRO PAN, CUBAN CHILDREN IN THE U.S., AND THE PROMISE OF A BETTER FUTURE* (2003).

148. See The Act of Nov. 2, 1966, Pub. L. No. 89-732, 80 Stat. 1161 (codified as amended at 8 U.S.C. § 1255 (2006)) (“The Act”). The Act was amended by the Immigration and Nationality Act Amendments of 1976, Pub. L. No. 94-571, § 9, 90 Stat. 2703, 2707 (codified as amended at 8 U.S.C. § 1153 (2006)). The Immigration and Nationality Act Amendments exempted those who could obtain lawful permanent resident status under the Act from numerical limits of the preference system. *Id.* The Act was also amended by the Refugee Act of 1980, Pub. L. No. 96-212, § 207, 94 Stat. 102, 103 (codified as amended at 8 U.S.C. § 1153 (2006)). The Refugee Act reduced the length of the physical presence requirement from two years to one year. *Id.*; see also RUTH ELLEN WASEM, CONG. RESEARCH SERV., R40566, *CUBAN MIGRATION TO THE U.S.: POLICY AND TRENDS 2* (2009), available at <http://www.fas.org/sgp/crs/row/R40566.pdf> (discussing the exceptional privileges afforded to Cubans through the Cuban Adjustment Act of 1966 and subsequent amendments). Most of the 165,000 Cubans who came to the United States up to 1966 entered without visas, without prior security checks, and without proof of guaranteed employment in the United States. John Scanlon & Gilbert Loescher, *U.S. Foreign Policy, 1959–1980: Impact on Refugee Flow from Cuba*, 467 ANNALS AM. ACAD. POL. & SOC. SCI. 116, 118 (1983).

149. See Susan Eckstein & Lorena Bareria, *Grounding Immigrant Generations in History: Cuban Americans and Their Transnational Ties*, 36 INT’L MIGRATION REV. 799, 815 (2002) (noting a study that demonstrated that eighty-three percent of rafters intercepted on their way to the United States were motivated to help families in need in Cuba).

150. See *id.* at 804.

government.¹⁵¹ In response, U.S. policy increased its restrictions on travel and remittances to Cuba.¹⁵² The net effect of U.S. laws and regulations designed to weaken the Cuban government was to adversely affect families.¹⁵³ And while the Obama administration recently liberalized travel and remittances to Cuba, relations between the United States and Cuba remain otherwise unchanged.¹⁵⁴ The embargo continues to the detriment of families and communities on both sides of the Florida Straits.¹⁵⁵

As a consequence of U.S. migration and remittance laws, Cuban migration patterns have contributed to the development of a unique, binational family system. The impact of travel and remittance restrictions has acted to deny Cuban families who have left the island the ability to fulfill commitments to family members who remained.¹⁵⁶ The burdens have been pronounced given that family is “the most important social unit in the life of Cubans.”¹⁵⁷ “Familism” is the basic structure of Cuban society and includes not only nuclear and extended family but friends, neighbors, and communities who

151. See Pérez, *Fear and Loathing of Fidel Castro: Sources of U.S. Policy Toward Cuba*, *supra* note 107, at 249.

152. Weissman, *supra* note 6, at 1909–13.

153. See *id.* at 1910.

154. See generally William M. Leogrande, *Making Up Is Hard to Do: Obama's New Approach to Cuba*, 44 NACLA REP. ON AM. 38, 38–39 (2011) (describing the Obama Administration's failure to improve U.S.-Cuba relations); MARK P. SULLIVAN, CONG. RESEARCH SERV., RL31139, U.S. RESTRICTIONS ON TRAVEL AND REMITTANCES, (2011), available at <http://www.fas.org/sgp/crs/row/RL31139.pdf> (describing ongoing restrictions and new proposed legislation to reverse the regulatory changes introduced by President Obama to further restrict travel and remittances).

155. See Sophia Weeks, *The President's Words Versus His Performance: One More Prong of His Presidency Shifting Towards the Democratic Centrist Wing of the Party*, COUNCIL ON HEMISPHERIC AFF. (Sept. 28, 2009), <http://www.coha.org/the-president-words-versus-his-performance-one-more-prong-of-his-presidency-shifting-towards-the-democratic-centrist-wing-of-the-party>; *supra* note 96 and accompanying text.

156. See Susan Eckstein, *Diasporas and Dollars: Transnational Ties and the Transformation of Cuba* 16 (Inter-University Comm. on Int'l Migration, Working Paper No. 16, 2003), available at http://web.mit.edu/cis/www/migration/pubs/rwp/16_diasporas.pdf.

157. Guillermo Bernal, *Cuban Families*, in ETHNICITY AND FAMILY THERAPY 187, 193 (Monica McGoldrick et al. eds., 1982), reprinted in CUBANS IN THE UNITED STATES: PROCEEDINGS FROM THE SEMINAR ON CUBAN AMERICAN STUDIES 135 (Miren Uriarte-Gastón & Jorge Cañas Martínez eds., 1984); see also Lisandro Pérez, *The Household Structure of Second-Generation Children: An Exploratory Study of Extended Family Arrangements*, 28 INT'L MIGRATION REV. 736, 741 (1994) (describing how Cuban families in the United States often consist of three generations, a structure that is consistent with traditional Cuban values).

represent fictive kin.¹⁵⁸ Family identity with Cuba attaches even to those individuals who emigrated before the age of one—they often consider visits to Cuba as visiting home.¹⁵⁹

Migration and remittance constraints have had a particularly gendered impact. First, it is important to note that vast numbers of Cuban women have emigrated.¹⁶⁰ Cuban women have participated in all successive waves of Cuban immigration, and, in some periods have comprised the majority of émigrés to the United States. Currently, women continue to exceed the number of males who have migrated.¹⁶¹

The status and experiences of Cuban women prior to migration reveal many of the reasons for their decisions to leave and the unique circumstances of their migration. The majority of women emigrated in their early adulthood, and their decisions to leave were formed by the processes and social structures of the revolution that emphasized social mobility and equality for women.¹⁶² It is reasonable to expect that their decisions to migrate would reflect the gendered dimension of their social formation.¹⁶³ Indeed, sociologist Marta Núñez-Sarmiento, who has studied Cuban women's migration patterns, observes that Cuban women, who were possessed of a sense of preparedness and independence, emigrated in greater numbers than men in part because two decades of economic crises “paralyzed the trend of extending social equality” and arrested the social mobility Cuban women had enjoyed throughout the 1960s, 1970s, and 1980s.¹⁶⁴ She found that Cuban women were unwilling to delay the

158. Bernal, *supra* note 157, at 140; *see also* JEANNE PARR LEMKAU & DAVID L. STRUG, LOVE, LOSS AND LONGING: THE IMPACT OF U.S. TRAVEL POLICY ON CUBAN-AMERICAN FAMILIES 2–3 (2007) (noting the particularly close ties maintained by Cubans).

159. Eckstein & Barberia, *supra* note 149, at 816.

160. Guillermo J. Grenier, *The Creation and Maintenance of the Cuban American “Exile Ideology”*: Evidence From the FIU Cuba Poll 2004, 25 J. AM. ETHNIC HIST. 209, 215 (2006); Núñez-Sarmiento, *supra* note 128, at 106. The Cuban government prohibited the emigration of men of military age as well as those with particular technical skills most often possessed by men, contributing to a higher rate of migration by women and the elderly. 2 LATINAS IN THE UNITED STATES: A HISTORICAL ENCYCLOPEDIA, *supra* note 18, at 472.

161. *See* Grenier, *supra* note 160, at 215. Núñez-Sarmiento, *supra* note 128, at 106.

162. *See* Keiko Osaki, *Economic Interactions of Migrants and their Households of Origin: Are Women More Reliable Supporters?*, 8 ASIAN & PAC. MIGRATION J. 447, 449 (1999).

163. *See* Núñez-Sarmiento, *supra* note 128, at 106.

164. *Id.* at 121, 123.

progress they had enjoyed in Cuba but that had come to a halt as a consequence of economic circumstances.¹⁶⁵

Cuban women's migration experiences have been shaped by gains they achieved in their home country in the realm of gender equality.¹⁶⁶ Cuban women "took within them peculiarities in their gender ideology gained in Cuba."¹⁶⁷ Two-thirds of the women in Núñez-Sarmiento's study had migrated alone, unaccompanied by a male partner and without a male partner waiting for them in their destination countries.¹⁶⁸ Notwithstanding their senses of independence and self-determination, and their assumptions that they would be able to continue to advance their social mobility, Cuban women's expectations were unmet and most experienced disappointment on arrival to the United States.¹⁶⁹ They faced greater difficulties than their male counterparts in obtaining employment commensurate with their education and training.¹⁷⁰ Many women were forced to work more than one job and reported salary discrimination and poor working conditions.¹⁷¹

Second, Cuban women have been impacted by the phenomenon of remittances. Although gendered relationships between migrants and their families and communities of origin have been inadequately studied, sufficient data exists to enable a comparison of the pattern of remittances between men and women and, in turn, the consequences of such patterns. Because women generally attach greater importance to family or are otherwise expected to fulfill family obligations, they tend to remit more funds and goods to families in countries of origin compared to men.¹⁷² Women are more motivated to remit specifically for the purposes of alleviating family hardships compared

165. *See id.* at 108.

166. *See id.*

167. *Id.* at 107.

168. *Id.* at 108.

169. *See id.* at 109.

170. *Id.*

171. *See id.*

172. MANUEL OROZCO ET AL., GENDER-SPECIFIC DETERMINANTS OF REMITTANCES: DIFFERENCES IN STRUCTURE AND MOTIVATION, REPORT TO THE WORLD BANK GROUP GENDER AND DEVELOPMENT GROUP, PREM 8 (2006), available at <http://siteresources.worldbank.org/INTGENDER/Resources/Session2Orozcoetal.pdf>; Mele Fuka Vete, *The Determinants of Remittances Among Tongans in Auckland*, 4 ASIAN & PAC. MIGRATION J. 55, 59 (1995).

to men, who often remit as a matter of investment interests, that is to say, in function of self-interest.¹⁷³

Several researchers have examined the gendered pattern of remittances to Cuba as a consequence of migration.¹⁷⁴ Cuban women, like their counterparts elsewhere, enact their sense of obligation to their families by sending remittances to families who remain behind.¹⁷⁵ Studies confirm that Cuban women have entered the wage-labor force in significant numbers upon arrival to destination countries, and reportedly conceive of workforce participation as an opportunity to help family on the island.¹⁷⁶ Cuban women were more likely than Cuban men to send funds to nonimmigrant families.¹⁷⁷ Women were also more likely than men to send goods as well as money.¹⁷⁸ Moreover, Cuban women remit more over time than their male counterparts as a reflection of their long-term commitment to families back home.¹⁷⁹ The effect of family giving is significant: the 2000 Havana survey conducted to assess, among other matters, the impact of remittances on families, described such assistance as making a “tremendous” contribution to reducing poverty.¹⁸⁰

These studies demonstrate the degree to which the gendered impacts of migration are a consequence of the global phenomenon of socially constructed sex roles, whereby women are charged with maintaining households and family well-being. They also reveal contradictory gendered migration consequences, especially in the realm of remittances to Cuba and the impact on women. As noted above, studies on the behavior of Cuban remitters demonstrate that women tend to remit more consistently and to a greater number of family members.¹⁸¹ However, they earn lower levels of income in the

173. See Admos Chimhowu et al., *The Socioeconomic Impact of Remittances on Poverty Reduction*, in REMITTANCES 83, 89 (Samuel Munzele Maimbo & Dilip Ratha eds., 2005).

174. See, e.g., Sarah Blue, *State Policy, Economic Crisis, Gender, and Family Ties: Determinants of Family Remittances to Cuba*, 80 ECON. GEOGRAPHY 63, 63–64, 78, 80 (2004); OROZCO ET AL., *supra* note 172.

175. See OROZCO ET AL., *supra* note 172, at 6.

176. See Silvia Pedraza, *Cuba's Refugees: Manifold Migrations*, in 5 CUBA IN TRANSITION 311, 324 (1995), available at <http://ascecuba.org/publications/proceedings/volume5/pdfs/FILE26.PDF>.

177. See Blue, *supra* note 174, at 78.

178. *Id.*

179. OROZCO ET AL., *supra* note 172, at 12–13, 20.

180. Blue, *supra* note 174, at 72.

181. See *id.* at 78.

United States than men and thus have less disposable income to remit.¹⁸² The fact that women remit more suggests that they may place themselves in greater economic hardship than their male counterparts.¹⁸³

The Cuban migration experience shares much in common with migration from other countries. Women leave in order to support their families and regularly remit funds out of a sense of obligation and deep family commitments. They contribute to household stability and, in the case of Cuba, to the recovery of nation. Their sense of social mobility, however, sets them apart from their female counterparts elsewhere, both as a cause and consequence of migration.

C. *Gender in the New Cuban Economy*

1. “Available” Workers and Self-Employment: Current Reforms.

As a consequence of the economic crisis that had reached grave proportions, in October 2010, the Cuban government formally announced dramatic reforms with regard to economic structures. Two decrees published on October 1 and October 8, 2010 in *Gaceta Oficial*, the mechanism by which the Cuban government communicates new legal measures and policies, proclaimed the need to establish new procedures in order to maximize profitability and efficiencies in the Cuban economy.¹⁸⁴ The government set forth means for accomplishing these goals and declared that each state-owned economic enterprise would be required to reevaluate its organizational structures.¹⁸⁵ In order to achieve new levels of competitiveness, the state government determined that up to one million Cuban workers would have to leave the formal Cuban economy (500,000 in the first six months), which, as of the date of the decrees, employed eighty-five percent of the national

182. *See id.* at 79.

183. Osaki, *supra* note 162, at 467 (noting that the migration of a female member of the household may benefit the household's economic circumstances while undermining the welfare of the female migrant).

184. 11 GACETA OFICIAL DE LA REPUBLICA DE CUBA 73, 73–74 (Oct 1, 2010) [hereinafter GACETA OFICIAL Oct. 1], *available at* http://www.mfp.cu/docs/GO_E_011_2010.pdf; 12 GACETA OFICIAL DE LA REPUBLICA DE CUBA 89, 116–19 (Oct. 8, 2010) [hereinafter GACETA OFICIAL Oct. 8], *available at* http://www.mfp.cu/docs/GO_E_012_2010.pdf.

185. GACETA OFICIAL Oct. 1, *supra* note 184, at 75–87.

workforce.¹⁸⁶ Cuban workers discharged from state jobs were declared to be “available workers” (*trabajadores disponibles*), were simultaneously authorized to engage in various forms of self-employment (*trabajo por cuenta propia*) that were previously prohibited, and were, for the first time, granted authority to hire employees.¹⁸⁷ The government repealed or modified laws that previously prohibited or otherwise strictly regulated such employment.¹⁸⁸ It created new systems for paying taxes and borrowing money, social security for self-employed workers, and a new pension system.¹⁸⁹ The government also issued regulations intended to provide a framework for determining how each enterprise would downsize its workforce and published various instructions with methods for calculating the means to achieve new standards of efficiency.¹⁹⁰

Notwithstanding, or perhaps because of, the detail with which the Cuban government attempted to undertake such historic changes, the new edicts with regard to layoffs have failed to sufficiently materialize, if at all.¹⁹¹ The regulations for determining which workers are to be made “available” are complex and met with resistance early on, including legal challenges.¹⁹² To further complicate matters, the state failed to repeal certain laws that conflicted with the new decrees, including laws that required a

186. Paul Haven, *Still No Layoffs in Cuba 5 Months After Announced*, ABC NEWS (Feb. 19, 2011), <http://abcnews.go.com/Business/wireStory?id=12956179>; *Cuba Sets out Rules and Taxes for Self-Employed Workers*, BBC NEWS (Oct. 26, 2010, 5:02 AM), <http://www.bbc.co.uk/news/world-latin-america-11625472>; *Cuba Begins Public Debate on Economic Reforms*, BBC NEWS (Dec. 1, 2010, 7:11 PM), <http://www.bbc.co.uk/news/world-latin-america-11894593>.

187. GACETA OFICIAL Oct. 1, *supra* note 184, at 74; GACETA OFICIAL Oct. 8, *supra* note 184, at 116–19; see Juan O. Tamayo, *Cuban Plans to Lift Remaining Restriction Against Hiring Non-Relatives*, MIAMI HERALD, May 17, 2011, available at http://www.cubaheadlines.com/2011/05/18/31365/cuban_plans_to_lift_remaining_restriction_against_hiring_non_relatives.html.

188. See GACETA OFICIAL Oct. 1, *supra* note 184, at 75–79.

189. See *Cuba to Cut One Million Public Sector Jobs*, BBC NEWS (Sept. 14, 2010, 6:05 AM), <http://www.bbc.co.uk/news/world-latin-america-11291267>; GACETA OFICIAL, Oct 1, *supra* note 184, at 85. Cuba also created a new game for children to teach them about the value and methods of paying taxes. See Esteban Israel, *Cuba Plans Children's Video Game to Promote Taxes*, THESTAR.COM (Jan. 26, 2011), www.thestar.com/news/world/article/928732--cuba-plans-children-s-videogame-to-promote-taxes.

190. See GACETA OFICIAL Oct. 8, *supra* note 184, at 89–97, 101–11.

191. See Haven, *supra* note 186.

192. Interview with Cuban economist, in Havana, Cuba (Mar. 9, 2010).

certain minimum number of workers per job.¹⁹³ Layoffs have yet to occur, and newspaper interviews suggest that the new economic program has been thwarted by resistance and a failure to establish sufficiently clear guidelines.¹⁹⁴

The government's reluctance to move forward with the decrees until there can be further clarification of the process is more than warranted. New reforms suggest an end to the Cuban government's covenant with its people to provide full employment notwithstanding its assurances that the new reforms would not change Cuba's socialist character and its promises that no one would be left behind.¹⁹⁵ Officials are now wary of proceeding with the restructuring of the economy given the many deficiencies and omissions of the plan.¹⁹⁶ Instead, the official Cuban newspaper, *Granma*, has published stories encouraging Cubans to meet and debate throughout the country.¹⁹⁷ However hesitant the government may be to move forward, officials continue to insist that such changes are necessary for the well-being of the nation.¹⁹⁸

Although the proposed layoffs have yet to materialize, the government reports that over 300,000 Cubans have applied for self-employment licenses and over 200,000 have received them.¹⁹⁹ Cafeterias, beauty salons, clothing stands, and newly planted privately owned farms are the types of enterprises that have been approved thus far.²⁰⁰ As the process has unfolded, individuals have complained about the complexity of and lack of specificity about the

193. *Id.*

194. See Haven, *supra* note 186; Shasta Darlington, *Cuba Further Eases Limits on Private Businesses*, CNN.COM (May 18, 2011, 4:04 AM, GMT), <http://edition.cnn.com/2011/WORLD/americas/05/17/cuba.private.businesses> (noting that government officials announced the delays of furloughs without setting a new timetable).

195. See *Cuba's Raul Castro Admits Mass Lay-Offs Behind Schedule*, BBC NEWS (Mar. 1, 2011, 5:33 AM), <http://www.bbc.co.uk/news/world-latin-america-12606044>.

196. See Haven, *supra* note 186.

197. *Cuba Begins Public Debate on Economic Reforms*, *supra* note 186.

198. See *id.*

199. See Ivette Fernández Sosa, *Trabajadores por Cuenta Propia Sobrepasan Las 300 000 Personas*, GRANMA (Mar. 21, 2011), <http://www.granma.cubaweb.cu/2011/05/21/nacional/artic05.html>; Darlington, *supra* note 194.

200. See Frank Jack Daniel, *In Fields and City Streets, Cuba Embraces Change*, REUTERS, Jan 25, 2011, [hereinafter Daniel, *In Fields and City Streets*], available at <http://www.reuters.com/article/2011/01/25/us-cuba-reforms-idUSTRE7005X720110125?feedType=RSS&sp=true>; Frank Jack Daniel, *Corrected: Factbox: Cubans Rush at Chance to Open New Businesses*, REUTERS, Jan. 25, 2011, <http://www.reuters.com/article/2011/01/25/us-cuba-reforms-factbox-idUSTRE7005XV20110125>.

process.²⁰¹ Taxes, the high costs of procuring licenses, and the limits on profits serve as disincentives and limit the possibility of building flourishing enterprises.²⁰² In addition, many Cubans have complained about the inability to procure the raw materials or products necessary to keep their businesses in steady operation.²⁰³ These are indeed significant challenges, many of which the Cuban government has tried to mitigate.²⁰⁴ But perhaps among the most significant are concerns regarding the degree to which the new economy may disadvantage women.

2. The Gendered Impact of the New Economy

The long-term impact of the reforms and the consequences for women's work and gender equality remain to be seen. However,

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201. See Gerardo Arreola, *Tribunal Supremo de Cuba Acepta Demanda Contra Ministra de Justicia*, LA JORNADA (Jan. 24, 2011), <http://www.jornada.unam.mx/2011/01/24/index.php?section=mundo&article=022n1mun> (reporting on a law suit filed to gain approval for a self-employment license).
202. See Daniel, *In Fields and City Streets*, *supra* note 200 (describing small business owners whose income was insufficient to pay for necessary materials and licenses).
203. See Julio Martínez Molina et al., *Self-Employment Takes Off in Cuba*, JUVENTUDE REBELDE (Mar. 22, 2011, 10:41 AM), <http://www.juventudrebelde.co.cu/cuba/2011-03-22/self-employment-takes-off-in-cuba> (noting the difficulty for food vendors and restaurant owners who either cannot find ingredients or cannot purchase them in the peso economy stores).
204. See Mayra Espina Prieto, *Changes in the Economic Model and Social Policies in Cuba*, NACLA REP. ON AM., July–Aug. 2011, at 13, 14–15, available at <https://nacla.org/article/changes-economic-model-and-social-policies-cuba> (stimulus efforts to assist new economic ventures); Andrea Rodriguez, *Cuba Cuts Bulk Prices to Support Private Workers*, ASSOCIATED PRESS, July 18, 2011, available at http://www.cubastudygroup.org/index.cfm/newsroom?ContentRecord_id=0ee3a7d1-b7ff-49fe-a788-adf95eb9fc46&ContentType_id=8c81d17c-7ffe-48d6-81e7-cd93fe3120eb&Group_id=0b3ad3ec-d24e-4d2a-b425-a97ae7617c16&MonthDisplay=7&YearDisplay=2011 (lowered bulk prices for a range of goods to support self-employment efforts); *Continúan Facilitando en Cuba Trabajo por Cuenta Propia*, GRANMA (May 27, 2011), <http://granma.cu/espanol/cuba/27mayo-continua.html> (tax holiday for many small business owners); *Cuba Approves Loans to Help Private Entrepreneurs Launch Small Businesses*, NEWS957 (Mar. 20, 2011, 11:01 AM), <http://www.news957.com/news/world/article/205092--cuba-approves-loans-to-help-private-entrepreneurs-launch-small-businesses> (reporting on new credit measures to help new entrepreneurs); *Cuba: Private Shops Win Praise*, N.Y. TIMES (May 24, 2011), <http://www.nytimes.com/2011/05/24/world/americas/24briefs-Cuba.html> (noting that over 1,000 independent shops have been authorized to sell building materials to side-step government bureaucratic delays); Damien Cave, *Cubans Set for Big Change: Right to Buy Homes*, N.Y. TIMES (Aug. 2, 2011), <http://www.nytimes.com/2011/08/03/world/americas/03cuba.html?pagewanted=all> (announcing the legalization of the sale of homes).

during the Special Period, Cuba previously experimented with private economy employment and enacted a law in 2007 that provided additional opportunities for self-employment.²⁰⁵ Thus, some data does exist with regard to the gendered effect of self-employment opportunities in Cuba. Moreover, the discourse that has emerged with regard to women's opportunities in the new economy and information about the license applications received thus far suggest, albeit in contradictory ways, the possible changes to women's status are a function of the new reforms. Data from other countries, both developing and developed, further informs the making of a prognosis concerning women's economy in Cuba.

a. Earlier experiments: gender, employment, and the Special Period

As noted above, during the Special Period, almost two decades prior to the issuance of the October 2010 reforms, Cuba introduced domestic economic changes as a means to adapt to the loss of its Soviet-bloc trading partners, including experimentation with self-employment and new international work assignments for state health care professionals.²⁰⁶ Described then, as now, as a set of reforms to further advance socialist goals, as opposed to a shift to capitalist economic modes, Cuba identified a number of new economic priorities that included the development of tourism, acquiring convertible currency and legalizing the U.S. dollar, expanding support for foreign investment, promoting medical exports, and legalizing certain forms of self-employment.²⁰⁷

During this period, women were affected in a number of ways.²⁰⁸ First, as a consequence of the development of two economies, one based on the Cuban peso and the other based on the dollar, individuals who held highly qualified administrative positions—

205. See GACETA OFICIAL Oct. 1, *supra* note 184, at 75–78.

206. See *supra* note 69 and accompanying text.

207. See Jennissen & Lundy, *supra* note 42, at 188, 190.

208. This paper does not address the issue of prostitution in Cuba. For a discussion of this issue, see generally Alyssa Garcia, *Continuous Moral Economies: The State Regulation of Bodies and Sex Work in Cuba*, 13 *SEXUALITIES* 171, 172–89 (2010) (comparing prostitution during two periods of Cuban history: the pre-revolutionary period before 1959, and the Special Period in the 1990s); Arienne Plasencia, *Sex Tourism in Modern Cuba: An Outgrowth of the Tourism Industry's Focus on Free-Market Capitalism*, 10 *GEO. J. GENDER & L.* 999, 999–1015 (2009) (discussing developments in prostitution and, more specifically, sex tourism throughout Cuban history).

teachers, health care professionals, and scientists—were obliged to remain in the peso economy.²⁰⁹ Cuban women, who comprised the majority of people employed in these positions, had fewer opportunities to acquire hard currency unless they abandoned their chosen professions—which, in fact, many of them did.²¹⁰ Data from this period demonstrates that women's state salaries were insufficient to keep up with the cost of living and that many household necessities were unavailable in Cuban pesos.²¹¹ The equitable salary structure that Cubans had enjoyed vanished.²¹²

An examination of the circumstances of Cuban health care professionals sets in relief the contradictory outcomes that characterize gender and the new economy in Cuba. In the early 2000s, Cuba began to engage in international medical missions and sent teams of health care workers abroad as an expression of solidarity with less developed countries, while charging below-market rates that nonetheless allowed Cuba to earn much needed hard currency.²¹³ Many health care professionals, the majority of whom were women, were assigned international posts.²¹⁴ They left family and community behind and were expected to do so as an expression of solidarity.²¹⁵ Those doctors and nurses who remained in Cuba, the majority of whom were women, increased their workload as they endeavored to meet the demands of Cubans who were accustomed to regular and easy access to medical care.²¹⁶

Doctors on international missions were paid a set amount in Cuban pesos and were expected to “get by” regardless of fluctuating economic conditions at their worksites.²¹⁷ In one interview, the family member of a doctor who was in her second year of a three-

209. See Sarah A. Blue, *Cuban Medical Internationalism: Domestic and International Impacts*, 9 J. LATIN AM. GEOGRAPHY 31, 40–42 (2010).

210. See *id.* at 41–42; Jennissen & Lundy, *supra* note 42, at 190, 192 (explaining that privatization of professional activities was prohibited).

211. See Blue, *supra* note 209, at 41; Jennissen & Lundy, *supra* note 42, at 192. Cuba recently raised the average peso-salary. See Ivette Leyva Martínez *Cuba: Crece el Salario Medio a 448 Pesos y se Dispara el Desempleo*, CAFÉ FUERTE (July 18, 2011, 11:07 PM), <http://cafefuerte.com/2011/07/18/cuba-crece-el-salario-medio-a-448-pesos-y-se-dispara-el-desempleo/>.

212. Blue, *supra* note 209, at 40–41.

213. See *id.* at 33.

214. See *id.* at 32–33, 35–39, 44.

215. Interview with a Cuban scholar with first-hand experience on medical internationalism and Cuban women doctors, in Havana, Cuba (Mar. 10, 2011).

216. *Id.*

217. *Id.*

year rotation abroad explained that her daughter often had to rely on newly-formed networks in the country where she worked, due to both delays in the receipt of her pay issued by the Cuban government as well as the insufficiency in amount.²¹⁸ Nonetheless, the family expressed great pride relating to their daughter's position and the contributions she made toward international health and observed that the position of a Cuban doctor abroad often carried with it an assignment of moral superiority and material privilege by way of donations from foreign patients and their families.²¹⁹

The experiences of women who did not hold professional-status positions in the state economy and who gained access to private enterprises were often less than salutary. Until the latest decrees, Cuban regulations prohibited individuals from hiring staff or otherwise relying on the labor of others with the exception of family.²²⁰ As a consequence of this policy, women often worked in family-owned restaurants as cooks, cleaners, or servers.²²¹ Other accounts of past experiments with self-employment reveal that the vast majority of productive private enterprises were initiated by men.²²² In contrast, women who moved from the state economy to the private sector abandoned positions that required a high degree of specialization and ability for low-skilled work.²²³ Studies found that women engaged in self-employment activities that were largely domestic in nature: coffee vendors, seamstresses, hairdressers, and cooks.²²⁴ Indeed, a study undertaken by the Center for Psychological and Sociological Investigation (CIPS) determined that self-employment opportunities favored men while disadvantaging women.²²⁵ These early experiences with self-employment, although reflecting a different set of laws and regulations than promulgated by the most recent decrees, nonetheless raise concerns as to how women will fare in the new economy.

218. *Id.*

219. *Id.*

220. Jennissen & Lundy, *supra* note 42, at 192–93.

221. *Id.* at 193.

222. See Dixie Edith, *El Reto de Trabajar por Cuenta Propia*, SEMLAC, Oct. 8, 2010, available at <http://www.redsem-lac-cuba.net/Sociedad/el-reto-de-trabajar-por-cuenta-propia.html>.

223. *See id.*

224. See Edith, *supra* note 222; Hidalgo & Martínez, *supra* note 121, at 112 (providing examples of where women are self-employed).

225. See Edith, *supra* note 222.

b. *Current reform: gender indicators*

Although complications and lack of clarity have delayed Cuba's new reform efforts, there are indicators that the current move toward self-employment will have gendered repercussions. On the one hand, women who occupy certain professional positions, including teaching and health care, will not be able to seek self-employment in those fields as they are not included in the list of self-employment alternatives.²²⁶ Although these individuals may not face layoffs, they are constrained economically as a result of the limitations of the peso economy. On the other hand, the women who comprise eighty percent of administrative and management positions will be disproportionately harmed by the new reforms because it is precisely those positions that are targeted for elimination.²²⁷

Cuban women have been alert to the possibilities that the new economy will result in new hardships. Women were the primary force behind the challenges to the implementation of the "*reordimiento laboral*" and were successful in delaying the process for layoffs as a consequence of litigation in Cuban courts.²²⁸ Experts have already expressed concerns about the increasing number of women who have moved into traditional gender-stereotyped employment with fewer opportunities for income and growth, especially in the area of food and coffee vendors who sell their goods in the streets.²²⁹ Within days of the publication of the October 1st decree, an article appeared in a newsletter written by and for Cuban women entitled *The Challenge of the Self-Employed (El Retrato de Trabajar Por Cuenta Propia)*.²³⁰ The article noted that although the government offered official assurances that the reforms would not burden or discriminate against women, women faced greater dangers of un- and underemployment.²³¹ Furthermore, Cubans have been meeting in workplaces and in neighborhood Committees in Defense of the Revolution (CDR) meetings to review the decrees and

226. See GACETA OFICIAL Oct. 8, *supra* note 184, at 119–26. Some Cubans report, however, that professionals do engage in private employment on the side and in a clandestine manner. Interviews, in Havana, Cuba (Mar. 2011).

227. Interview with Cuban economist, in Havana, Cuba (Mar. 12, 2011); see Edith, *supra* note 222.

228. Interview with Cuban lawyer, in Havana, Cuba (Mar. 9, 2011) (noting that the courts readily sided with the women in their challenges based on conflicting laws that were still in effect).

229. Interview with Cuban sociologist, in Havana, Cuba (Mar. 10, 2011).

230. Edith, *supra* note 222.

231. See *id.*

guidelines, and both men and women have raised concerns about the ways in which women will be adversely impacted by the changes.²³² In late July 2011, the government's official newspaper reported on a debate that took place at Cuba's National Assembly devoted to the issue of the incorporation of women into self-employment.²³³ Members expressed concerns regarding the need to create sufficient space and recognition for women's efforts in this regard.²³⁴ Others have raised criticisms about the list of enterprises open to self-employment opportunities for its gendered language, noting that feminine nouns were used to identify jobs traditionally, but not necessarily, held by women.²³⁵

In February 2011, a study of self-employment in Villa Clara found that women were seeking licenses to sell food and training for massage therapy, cosmetology, and hair styling.²³⁶ Other women have disclosed their anxiety about the limited private employment possibilities suitable for women.²³⁷ Sociologists on the island who study self-employment and women workers have urged women to consider self-employment opportunities other than gender-stereotyped occupations in order not to fall behind.²³⁸

Not all of the women seeking self-employment are moving from high-skilled or management positions to low-skilled domestic work. Many who applied for work licenses are former housewives entering

232. Interview with Cuban lawyer, in Havana, Cuba (Mar. 11, 2011) (noting that he and a university professor drafted and submitted objections to the decrees in part based on the burdens placed on women); see also Marc Frank, *Cubans Vent Frustrations as Party Congress Nears*, REUTERS, Mar. 17, 2011, available at <http://www.reuters.com/article/2011/03/17/us-cuba-congress-complaints-idUSTRE72G4LB20110317>.

233. See Raquel Marrero Yanes, *A Debate Incorporación de la Mujer a Trabajo por Cuenta Propia*, GRANMA (July 30, 2011), <http://www.granma.cubaweb.cu/2011/07/30/nacional/artic15.html>.

234. *Id.*

235. Interview with Cuban lawyer, in Havana, Cuba (Mar. 11, 2011) (pointing out, for example, *artesano* vs. *manicura* or *vendedoras de flores artificiales*); see GACETA OFICIAL Oct. 8, *supra* note 184, at 119–23.

236. Luz María Martínez Zelada, *Más de Dos Mil Mujeres se Suman al Trabajo por Cuenta Propia en Villa Clara*, GRANMA (Feb. 14, 2011), <http://www.granma.cubaweb.cu/2011/02/14/nacional/artic13.html>.

237. See Haven, *supra* note 186 (noting concerns that most new work opportunities would be in the areas of agricultural or construction work, neither of which ordinarily appeal to women).

238. See Edith, *supra* note 222.

the wage-labor force for the first time.²³⁹ For many women, self-employment can be a source of “self-fulfillment, autonomy and control, substantial financial rewards, and increased flexibility in balancing work and family demands.”²⁴⁰ And to be sure, there are women who have opened up car repair shops or work in construction.²⁴¹ Furthermore, as a means to incorporate women into self-employment, a number of Cuban institutions have begun to urge women to consider agriculture as a means to achieve economic stability.²⁴² Recently, the official newspaper, *Granma*, issued a call for women to enter into agricultural work as a means to carry out the new economic reforms.²⁴³ The article observed the rising number of women enrolled in Cuba’s Agricultural Polytechnic Institute who have gained critical technical skills in the field of agronomy.²⁴⁴ Women were praised for their capabilities in all realms of agriculture and for their contribution to the discipline of the field. Women students described the scientific aspects of their studies and expressed that agricultural work drew upon intellectual capacities to prepare

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239. See Yanes, *supra* note 233 (noting that of the 325,000 self-employed, 60,000 are women, seventy-three percent of whom have no link to the labor market); István Ojeda Bello, *Protagonismo Femenino Marca Día Internacional de la Mujer en Provincia Cubana*, PERIODICO 26 (Mar. 4, 2011, 12:11 AM), <http://www.periodico26.cu/index.php/noticias-principales/999-protagonismo-femenino-marca-dia-internacional-de-la-mujer-en-provincia-cubana.html> (identifying “housewives” as comprising a high number of women who have entered the realm of self-employment); Fernández Sosa, *supra* note 199 (reporting that over two-thirds of those who obtained licenses were previously unemployed).
240. Laurene Rehman & Wendy Frisby, *Is Self-Employment Liberating or Marginalizing? The Case of Women Consultants in the Fitness and Sports Industry*, 14 J. SPORTS MGMT. 41, 41 (2000) (describing the liberation view of self-employment). Indeed, such descriptions of self-employment opportunities are offered by Cuban women who appreciate having family and children on site. See Raquel Sierra, *Cuba: Mujeres Trabajan por Cuenta Propia, Ante la Crisis*, CIMAC/SEMLAC, Nov. 15, 2007, available at <http://cubaldirect.posterous.com/111507-cimacsemlac-habanamexico-el-cuentaprop>.
241. Interview with *un propriocuentista*, in Havana, Cuba (Mar. 11, 2100) (interviewee, however, noted that female mechanics were much more uncommon than male mechanics); *El Cuentapropista y la Discriminación Sexual*, CUBAVIBRA, http://www.cubavibra.es/admin/viewPDF.php?PDF=/documentos/cuentapropistas/Cuentapropistas_discriminacion_sexual.pdf (last visited Dec. 30, 2011).
242. See Olga Díaz Ruiz & Ernesto Núñez Arencibia, *Las Jóvenes Llevan la Voz Cantante*, GRANMA (Mar. 11, 2011), <http://www.granma.cubaweb.cu/2011/03/11/nacional/artic01.html>; Edith, *supra* note 222 (quoting Norma Vasallo, chair of Women’s Studies at the University of Havana).
243. See Ruiz & Núñez Arencibia, *supra* note 242.
244. See *id.*

them as skilled workers.²⁴⁵ However, women currently comprise a small percentage of agricultural workers notwithstanding efforts by the Association of Cuban Farmers (ANAP) to incorporate women as usufructuaries, an initiative that met with little success.²⁴⁶

c. Comparative data: gender and self-employment in other countries

Concerns about the gender impact of new economic reforms, particularly the uncertain consequences of self-employment on the well-being of women, are more than adequately substantiated by the available data. Studies from both developing and developed countries indicate the significant differences by gender in the realm of self-employment and demonstrate that opportunities for self-employment are more common for men than women.²⁴⁷ Of additional concern, studies of European Union countries, Eastern Europe, Canada, the United States, and developing countries note that women who are self-employed earn less than their male counterparts, principally because of the nature of the low-paying, service-related enterprises in which they engage.²⁴⁸ According to international data, women's self-employment earnings are consistently found to be lower than men's income.²⁴⁹ In Canada, women suffer even greater disparities in self-employment earnings than in the traditional wage-labor market.²⁵⁰

245. *See id.*

246. Interview with Cuban sociologist, in Havana, Cuba (Mar. 10 2011).

247. *See* Steven F. Hipple, *Self-Employment in the U.S.*, MONTHLY LAB. REV., Sept. 2010, at 17, 21; Results of the EU Labour Force Survey, EUR. COMM'N, http://epp.eurostat.ec.europa.eu/portal/page/portal/employment_unemployment_ifs/data/database (follow "LFS series - Detailed quarterly survey results" hyperlink; then "self-employed – LFS series" hyperlink) (last visited Dec. 30, 2011).

248. *See, e.g.*, Jacques Charmes, *Concepts, Measures, and Trends, in IS INFORMAL NORMAL? TOWARDS MORE AND BETTER JOBS IN DEVELOPING COUNTRIES* 27, 33 (Johannes P. Jütting & Juan R. de Laiglesia eds., 2009); BUREAU OF LABOR STATISTICS, *Labor Force Statistics from the Current Population Survey*, U.S. DEP'T OF LABOR, <http://www.bls.gov/cps/tables.htm> (last visited Dec. 30, 2011) (follow "Table 9," "Table 16," and "Table 39" hyperlinks); Hipple, *supra* note 247, at 23 tbl.3; Danny Leung, *The Male/Female Earnings Gap and Female Self-Employment*, 35 J. SOCIO-ECON. 759, 761 (2006); Shannon Dortch, *Women: To Get Ahead, Learn a Trade*, AM. DEMOGRAPHICS, Nov. 1994, at 14, 14 (noting that women often enter self-employment fields such as health home-aids, child care, hair styling, and other domestic work).

249. *See* Dortch, *supra* note 248, at 14.

250. Leung, *supra* note 248, at 761.

Self-employment, particularly in the developing world, is a proxy for informal employment, which, in turn, is often associated with rising poverty.²⁵¹ In Mexico, for example, informal work expanded as a function of poverty, particularly among women who are less likely to enter into the informal economy voluntarily and who, like their counterparts elsewhere, are paid less than men.²⁵² These employment circumstances fail to improve conditions for women.²⁵³

The crisis of global capitalism has tended to reinforce gender hierarchies in the realm of employment.²⁵⁴ Some suggest that, in the United States, women face a similar loss of economic power and security in the current period of budget cuts and downsizing.²⁵⁵ Recent attacks on state employees are predicted to adversely and disproportionately affect women, who are over-represented in teaching, secretarial, and clerical positions—employment categories most likely to suffer the consequences of a diminution of collective bargaining rights.²⁵⁶ As male unemployment has started to improve, however slightly, the unemployment rate for women is increasing.²⁵⁷ Experts predict that the economic reforms related to the debt-ceiling package, including cuts to child care and other related programs are likely to disproportionately harm women.²⁵⁸ Some have described the shift from permanent, secure employment with adequate wages and

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251. See, e.g., MARTIN A. CHEN, JOANN VANEK & MARILYN CARR, MAINSTREAMING INFORMAL EMPLOYMENT AND GENDER IN POVERTY REDUCTION: A HANDBOOK FOR POLICY MAKERS AND OTHER STAKEHOLDERS, 30–31 (2004); Charmes, *supra* note 248, at 27; Annette Tomal & Lacey Johnson, *Earnings Determinants for Self-Employed Women and Men in the Informal Economy: The Case of Bogotá, Colombia*, 83 INT’L SOC. SCI. REV. 71, 72 (2008); Rossana Galli & David Kucera, *Informal Employment in Latin America: Movements over Business Cycles and the Effects of Worker Rights* 3–4 (Int’l Inst. of Labour Stud., Working Paper No. 145, 2003).
252. James J. Biles, *Informal Work and Livelihoods in Mexico: Getting By or Getting Ahead?*, 60 PROF. GEOGRAPHER 541, 541, 548–49, 552 (2008) (disputing claims that self-employment for women reflects autonomous choices and suggests that such claims are based on “the masculinist ideal of the male microentrepreneur”).
253. See *id.* at 552–53.
254. Acker, *supra* note 97, at 37.
255. See Bryce Covert, *With State Budgets Withering, Get Ready for the 'WomanceSSION'*, NATION (Mar. 2, 2011), <http://www.thenation.com/article/158972/state-budgets-withering-get-ready-womanceSSION>.
256. See *id.* (describing Wisconsin and other “budget-crunching” states that target professions dominated by women while maintaining the status quo of bargaining rights for police and firefighters (i.e., male-dominated employment)).
257. *Women Hurt Most by Debt Deal Cuts to Medicare, Social Security, Tuition*, DEMOCRACY NOW (Aug. 4, 2011), http://www.democracynow.org/2011/8/4/women_hurt_most_by_debt_deal.
258. See *id.*

benefits to part-time or temporary low-paid work as the feminization of the economy.²⁵⁹ These global measures portend disconcerting prospects for Cuban women's economic well-being.

At the same time, however, structural differences serve to set Cuba apart. Cubans will continue to receive minimally sufficient food rations, free education, housing at no-cost or very low-cost, and health care.²⁶⁰ As they proceed with the proposed reforms, Cubans are mindful of the gains they have achieved as much as they lament their precarious economic condition.²⁶¹ Cubans have been engaged in a period of debate, during which some reforms have been delayed while government control of the economy has eased.²⁶² Both the government and the citizens seem determined to maintain the basic protections that have been a paradigmatic feature of the Cuban Revolution.

IV. CONCLUSION

Feminism and feminist legal theory are mediated through local and global realities. The condition of women in Cuba is a function of Cuba's history, characterized by the nineteenth-century wars of national liberation that were themselves harbingers of the process of decolonization of the twentieth century.²⁶³ The notable achievements that mark the advancement of women's equality can be attributed to the roles women played in such processes as well as the Cuban Revolution's commitment to the eradication of all forms of discrimination and efforts specifically to address women's issues.²⁶⁴ Many of these changes were facilitated by legal responses that were and continue to be constitutive of the political culture and the uniquely Cuban strategies by which progress toward gender equality has been achieved.²⁶⁵

While progress for women may be attributed to Cuba's resistance to colonization and global capitalism, those very forces have also

259. See Acker, *supra* note 97, at 35.

260. Haven, *supra* note 186.

261. See *id.*

262. See *Cuba Begins Public Debate on Economic Reforms*, *supra* note 186.

263. See generally Robert Perkovich & Reena Saini, *Women's Rights in Cuba: "Mas o Menos,"* 16 EMORY INT'L L. REV. 399 (2002) (discussing the evolution of women's rights during the Spanish colonial period through the emergence of Fidel Castro).

264. See Smith & Padula, *supra* note 25, at 128.

265. See Raúl Gómez Treto, *Thirty Years of Cuban Revolutionary Penal Law*, 18 LATIN AM. PERSP. 114, 121 (1991) (noting that the very organizations and commissions that study and coordinate responses to violence were created by legislation).

restricted space for discourse and debate and have disproportionately burdened the day-to-day lives of women. Defense of nation has, at times, dampened down debate.²⁶⁶ Notwithstanding efforts to eradicate gender hierarchies in the home, women have always borne the burden of the double-day, made more difficult because of the embargo, devastating hurricanes, Cuba's cumbersome and inefficient centralized economy, and the global economic crisis that has spared no country.²⁶⁷

The challenge for Cuba is to respond to global economic crises and the ongoing impact of the U.S. embargo without reversing the achievements for women. To be sure, the reforms have fostered public debate.²⁶⁸ Women and men have been alert to the ways that the new economy may negatively affect the gains women have achieved.²⁶⁹ Cubans continually assess the potential for a reversal of gains and are conscious of the ways reforms may limit opportunities for women.²⁷⁰ Notwithstanding the uncertainty and anxiety brought on by the October 2010 decrees, women continue to express guarded optimism for the project of economic reform and a desire to implement these changes with discipline and creativity.²⁷¹

266. See Isabel Valiela & Norberto Valdez, *Caribbean Contrasts: Gender, Race, and Class in Puerto Rico and Cuba*, 12 CONTRIBUTIONS BLACK STUD. 88, 95–96 (1994).

267. See Perkovich & Saini, *supra* note 263, at 437–38.

268. Interview with Cuban lawyer, in Havana, Cuba, (Mar. 11, 2011); Interview with a member of the Union of Cuban Writers and Artists, in Havana, Cuba, (Mar. 12, 2011) (indicating a resurgence of meetings and debates regarding the reforms).

269. See Dalia Acosta, *Cuba: Economic Reforms Hitting Women Hard*, IPS, June 16, 2011, available at <http://ipsnews.net/news.asp?idnews=56115>.

270. See *supra* note 97 and accompanying text.

271. See Sierra, *supra* note 240 (quoting a woman who opened a family restaurant and described her work as inspirational).