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Edited by
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Fernando Ortiz and Allan Kardec: Transmigration and transculturation¹

Arcadio Díaz Quiñones

In every living moment there is a passage between decay and renewal ... To be renewed is to die and be reborn so that one can pass away and come to life again. Every living instant is one of creation, one of recreation. It is a connection with the past, of the enduring potentialities incarnated in the individual; and of the present, of the possible circumstances the environment contributes; from this contingent union with individuality the hereafter is born, in all its renewable variation.

Fernando Ortiz, *El engaño de las razas*.²

The two vogues, that of psychoanalysis and that of the occult sciences, have in common their opposition to the ideology and the way of life transmitted by the 'bourgeois society of consumption', in other words, by the Establishment. ... They express, each in its own way, the yearning of modern man, and his hope for a spiritual renovation *that would finally give a meaning to and a justification for his own existence*.

Mircea Eliade, *Journal III: 1970-1978*

Fernando Ortiz (1881-1969) is now known principally for his concept of 'transculturation' which passed into currency after the publication of his seminal book *Contrapunteo cubano del tabaco y el azúcar* [Cuban Counterpoint: Tobacco and Sugar] (1940; 1963). Transculturation has become established as a conceptual focus for contemporary cultural and literary debates.³ Nevertheless, the intellectual beginnings of Ortiz, which are usually treated as a Lombrosian and positivist stage preceding *Contrapunteo*, deserve a separate study in order to

understand his extraordinarily fruitful development of that category. These beginnings represent a formative stage in which Ortiz started to explore categories of analysis taken from different disciplines (criminology, law, ethnography, science and spiritist doctrines) and from very distinct political and social practices.

Ortiz quickly managed to become a public figure and intellectual of great influence in Cuba, a status he enjoyed until his death.⁴ He had a profound impact on many of his contemporaries, often speaking in the name of the younger generation of post-1898 Cuba in a quite aggressive manner and taking up, in his essays and statements, many of the new ideas of the time. Between 1902 and 1906 he was appointed to the Cuban consular service in Italy and France; in 1906 he was named Prosecuting Attorney (*Abogado Fiscal*) of the High Court of Havana (*Audiencia de la Habana*); between 1908 and 1916 he held the chair of Public Law at the University of Havana; and in 1915 he joined the Liberal Party, and became a member of parliament (*parlamentario*) (1916–26). From 1907 to 1916 he was editor of the prestigious *Revista Bimestre Cubana* [Bimonthly Cuban Review]. In 1926 Ortiz published his *Proyecto de código criminal cubano* [Cuban Criminal Code], the text of a bill submitted to the Cuban government that included a prologue by the Italian criminologist Enrico Ferri (1856–1929). In all these roles, which he undertook within the framework of the new Republic, he was the pioneer of, on the one hand, a certain way of rethinking the nation and the ethnic, religious and political dimensions of Cuban society; and on the other, of the application of criminology and dactyloscopy (the reading of fingerprints) to penal reform and the study of criminality.

Ortiz grew up in Minorca (1882–95) where he studied for his baccalaureate; he returned to Cuba, and during the War of Independence (1895–8) embarked on his law degree in Havana. At the war's conclusion he returned to Barcelona where he graduated as a lawyer in 1899–1900. He then moved to Madrid, where in 1901 he obtained a doctorate in law. From there he returned again to Cuba, earning the degree of Doctor of Civil Law at the University of Havana in 1902. Apart from his institutional career, his marriage in 1908 to Esther Cabrera, the daughter of the influential Cuban intellectual Raimundo Cabrera (1852–1923), was of great importance in enhancing his public profile.⁵

Ortiz returned from Spain with great enthusiasm and began to develop new forms of 'scientific' knowledge, and to establish his authority as a public intellectual. He became known for his critical scrutiny of Cuban culture and politics. (It is worth remembering that Ortiz knew very little about Cuba from first-hand personal experience;

most of his formative years had been spent in metropolitan exile). During the years in which Cuba was emerging from her war against Spain and from the United States occupation, Ortiz forged, with enormous energy, a modern republican discourse. His ambitious intentions can be traced through his early works: in *Hampa afro-cubana. Los negros brujos* [Afro-Cuban Underworld. The Black Sorcerers] (1906), one of his first books, in *La reconquista de América: reflexiones sobre el panhispanismo* [The Reconquest of Latin America: Reflections on Pan-Hispanism] (1910) and in the collection of essays, *Entre cubanos: psicología tropical* [Amongst Cubans: Tropical Psychology] (1913) in which he challenged the moral complacency of his fellow citizens. His ethical, political and historical concerns culminated in the well-known programmatic speech 'La decadencia cubana' [Cuban Decadence] (1924). Later on, Ortiz became President of La Sociedad Económica de Amigos de País [The Economic Society of Friends of the Country] between 1924 and 1933, and a founding member of the Institución Hispanocubana de Cultura [Spanish-Cuban Cultural Institute] to which he belonged from 1926 to 1932 and from 1936 to 1947.⁶

In the intellectual biography that has been more or less fixed by historians and critics, it is usual to present Ortiz's career as one-dimensional. According to this interpretation, Ortiz, under the influence of Cesare Lombroso (1835–1909), started out in criminal anthropology and the analysis of penal systems.⁷ During the course of his subsequent research he 'discovered' the notion of transculturation that enabled him to construct a national meta-narrative based on an intense meditation on the concepts of hybridization and mixture. According to this account, the paradigm shift criminology to transculturation 'culminated' in *Contrapunteo*, a book often read as representing his understanding of the history of Cubaness (*cubanidad*).⁸

The trouble with this linear interpretation is that it overlooks Ortiz's interests in certain nineteenth-century spiritualist trends. It fails to take proper account of the continuity of evolutionist perspectives in Ortiz, his persistent zeal for reconciling religion and science, the far-reaching implications of his attention to spiritism, and his interest in the discontinuities of space and time in the formation of Cuban society. Moreover, as well as his complex reformulation of Cuban national traditions (Varela, Saco, Martí and other intellectuals), Ortiz's intellectual origins include his appropriation of 'scientific' criminology and his interest in the new journalistic forms of police narratives.

The complex racist ethnology of the Brazilian Raymundo Nina Rodrigues (1862–1906) became for Ortiz a model of analysis for interpreting the relationships between race, nation and citizenship in

America.⁹ However, this model was not sufficient. The scientific spiritism of Allan Kardec (Hippolyte Léon Denizard Rivail; 1804–69) provided Ortiz with interpretative tools to understand the racial question from the perspective of an evolutionistic theory which articulates a broader framework of national spirituality, law and religion. Spiritist doctrine constitutes a fundamental aspect of the concept of transculturation. Thus, to reduce Ortiz's trajectory to the passage from criminology to transculturation obscures the multiple affiliations, resonances and interweavings that we find in his texts.

In the present essay, therefore, I am interested in raising again the question of Ortiz's beginnings, but with the intention of opening up a perspective in which the Lombrosian versions of positivist, rationalistic categories may enter into dialogue with the spiritualist currents of thought represented by Kardec.¹⁰ In fact, as we shall see, there exists a very subtle relationship between the transmigration of souls – the story of its successive incarnations – and the category of transculturation. Although the work of Kardec has almost disappeared from the intellectual discussion and study of the author of *Contrapunteo*, Ortiz, like other intellectuals in Europe and Latin America, was fascinated by the learned religion represented by Kardec's *Book of Spirits* (1857) and by the possible mediation between science and 'popular religion'.

Ortiz was not only a reader of Kardec, he also dedicated a large part of his intellectual activity to spiritist doctrines. *La filosofía penal de los espiritistas* [The Penal Philosophy of the Spiritists], a work originating in an inaugural lecture Ortiz delivered at the Faculty of Law of the University of Havana in 1912, was first published in the *Revista Bimestre Cubana* in 1914. He considered it so important that he published it as a book in 1915, the same year he published *Los negros esclavos* [The Black Slaves] and *La identificación dactiloscópica: estudio de policología y derecho público* [Dactyloscopic Identification: A Study of Police Science and Public Law]. *La filosofía penal* received considerable attention. Another Spanish edition, for example, appeared in 1924, part of the series *Biblioteca Jurídica de Autores Españoles y Extranjeros* [Juridical Library of Spanish and Foreign Authors]. A third edition was published in 1950 by the Buenos Aires publisher Editorial Victor Hugo, as part of the *Filosofía y Doctrina* [Philosophy and Doctrine] series. In 1919 and at the request of the Sociedad Espiritista de Cuba [Spiritist Society of Cuba], Ortiz gave a lecture entitled 'Las fases de la evolución religiosa' [The Phases of Religious Evolution]. In Havana's Payret Theatre, Ortiz took the bold step of expressing publicly his attraction to spiritism (1919: 16): 'Spiritists! As one who is not able to participate in your mysticism, I calmly say to you: You are the faithful followers of a sublime faith! Perhaps you are those who, with the greatest purity,

most closely approximate the ideal of reaching God through love and science!'¹¹

Ortiz returned over and over again to what he had written in *La filosofía penal*, reworking it, modifying and extending it. Ortiz's encounter with spiritism was a life-long attraction, as deep as it was intense. It is interesting to note that right up to the 1950s he was still writing about spiritism: 'Una moderna secta espiritista de Cuba' [A Modern Spiritist Sect in Cuba] and 'Los espirituales cordoneros del Orilé' [The Spiritual Rope-Makers of the Orilé] were articles published in *Bohemia*, and are very pertinent to a more detailed study of this subject.

Undoubtedly, however, Ortiz defined himself according to the terms of the dual institution of modern science and republican nationality. In 1903 the writer Miguel de Carrión (1875–1929) was already asserting in the journal *Azul y Rojo* [Blue and Red] that the young Ortiz was 'el único de nuestros hombres de ciencia dotado de facultad creadora' [the only one of our men of science gifted with a creative faculty] and a 'positivista convencido' [committed positivist]. At the same time he praised the doctoral thesis Ortiz published in Madrid, entitled *Báse para un estudio sobre la llamada reparación civil* [Basis for a Study of So-Called Civil Redress] (1901). Carrión also commented on the 'valioso estudio sobre el ñañiguismo en Cuba' [the valuable study of Afro-Cuban secret societies] which Ortiz would later publish in Madrid (Librería Fernando Fé) under the title *Hampa afro-cubana*.

There can have been no more arduous task than that of collecting the necessary data for this book, during which process we have followed him step by step. Day by day the researcher came up against the eternal difficulties which make the efforts of the man of science unfruitful in our country: there was no previous work to build upon; it was necessary to start from scratch, organizing the little scraps of isolated and incomplete data that came to his attention and, if that were not bad enough, the conviction of the author was constantly dashed by the apathy of the local scientific community and government circles, who were little concerned in the efforts of a *layabout* to write monographs about the Afro-Cuban secret societies, certainly a trivial matter when compared with the grand concerns of politics.

(Carrión 1903: 5–6).¹²

In *Los negros brujos* Ortiz declared that the 'savage' life could not be silenced, but should be cautiously heeded – and repressed – precisely because the country had to be brought under

control and morally educated. Its sensibility should be attuned to modern ethical and political norms. On the one hand, Ortiz was deploying the doctrines of the Italian school of criminology and positivist penal law; on the other, it is already perceptible that the conceptual framework of positivism was proving to be insufficient in his interpretation of the role of religiosity and cultural deracination in Cuban society.

The subtitle of *Los negros brujos, estudio de etnología criminal* [The Black Sorcerers, A Study of Criminal Ethnology], anticipated his condemnation of witchcraft. Ortiz emphatically wrote that:

The sorcerers' cult is, in the final analysis, socially negative with regard to the improvement of our society, because, given its inherent and totally amoral primitivism, it contributes to keeping the consciousness of uneducated Negroes bogged down in the lowest depths of African barbarism (1906: 227).¹³

He concluded that it was: 'An obstacle to civilization, principally of the coloured population ..., since it was the most barbarous expression of a religious sentiment devoid of any moral content.'¹⁴ This analysis of witchcraft was reiterated in his 1919 lecture 'Las fases de la evolución religiosa', where Ortiz interpreted it within the framework of the Cuban *lucha religiosa* [religious struggle] to arrive at the higher spiritual plane of spiritism (1919: 68): In Cuba three religious currents struggle for survival, if not for preeminence: African fetishism, especially of the *lucumí* nation; several derivations of Christianity of varying purity, especially Catholicism, and contemporary religious philosophism, especially spiritism.¹⁵

At the Spiritist Society of Cuba, gathered together at Havana's Payret Theatre, Ortiz presented spiritism as an improvement on Catholicism and witchcraft (1919: 79): 'Fetishism is the *amoral religion*, Catholicism is the moral religion, spiritism is the *areligious morality*, without dogmas and rituals, nor idols and priests'.¹⁶ Thus spiritism would prove to be 'a vigorous stimulus in favor of the moral improvement of humanity' [*un vigoroso estímulo en pro del mejoramiento moral de la humanidad*] (1919: 65). Looking back over his publications, Ortiz surmised that the honour accorded to him by Cuban spiritists was due to his 'obra acerca del *Hampa afro-cubana*' [work related to *Hampa afro-cubana*] and *La filosofía penal* (1919: 66). With this statement Ortiz was suggesting that his intellectual work made sense as a public service dedicated to Cuban religious evolution. It is important to note that Ortiz conceived his lecture as an act in the service of 'republican survival' [*existencia republicana*]. He was

concerned with fortifying the Republic, which led him to accuse 'many of our public men [of] *civic cowardice*' [*muchos de nuestros hombres públicos (de) cobardía cívica*] (1919: 65).

In Ortiz's thinking, the racist ethnology of Raymundo Nina Rodrigues, whom he frequently cites, allowed him to develop a racial theory of the nation: the different 'races' ought 'scientifically' to be situated at unequal stages in the evolutionary scale of culture; consequently, not all races should be expected to adapt themselves to European principles of citizenship. A 'disorderly life' [*mala vida*] was the result of 'psychic primitivism' [*primitividad psíquica*].¹⁷ But for Ortiz it did not suffice merely to establish Cuban racial inequality; rather, he was preoccupied with the possibilities of the spiritual 'progress' [*progreso*] or 'backsliding' [*retroceso*] of the Republic. For this reason, as we shall see later, he turned to Kardecist categories relating to the evolutionist theory of the soul.

There persisted in Ortiz a fear of cultural and intellectual regression [*regresión*] a fear of the effects it could have on society, and a fear of 'contagion' [contagio]. He regarded witchcraft and sorcerers as political adversaries: 'But the inferiority of Negroes, which subjected them to a disorderly life, was due to a lack of an integral civilization, since their morality was as primitive as their intellectuality'.¹⁸ On the other hand, Ortiz spoke from the vantage point of an imperious as well as aggressive idea of progress (1919: 221):

It is only natural that intellectual progress bring to Cuba, as to the rest of the world, the progressive weakening of superstitions, that it instil more profound faith in ourselves and will eventually debilitate faith in the supernatural, since, as Bain has said, the greatest remedy for fear is science.¹⁹

'Civilized' knowledge should eliminate 'primitive' practices and penetrate their secret jargon. There should be no area outside the control of a 'civilized', overseeing White intellect. Witchcraft could be liquidated by penal and scientific means, and its materials should be held confiscated in a museum (1919: 235): 'The campaign against witchcraft should have two objectives: the immediate one of destroying the infective centres; the other, the medium-term one, of disinfecting the environment, in order to halt this evil from spreading itself'.²⁰

The 'progress' of spirits toward perfection and Kardec's evolutionary ladder were implicit in the revision Ortiz undertook of the Lombrosian concept of *atavism* as it applied to the Cuban case. Although Ortiz does not cite Kardec directly, his historico-spiritualist interpretation

of the African's displacement to the Cuban milieu implies more than mere criminological categories ([1906] 1973: 230-1):

From the criminological point of view, the Afro-Cuban sorcerer is what Lombroso would call a born criminal, and this congenital quality can be attributed to all aspects of his moral backwardness, beyond his criminality. But the sorcerer is not *born* so because of atavism in the strictest sense of the word, that is as the individual's *leap backwards* in relation to the state of progress of the species that forms the social milieu to which he has to adapt himself, instead, it could be said that after being transported from Africa to Cuba it was the social milieu that, for him, unexpectedly leapt forwards, leaving him and his compatriots in the deepest darkness of their savagery, on the first steps of their psyche's evolution. For this, more suitably than according to atavism, the attributes of the sorcerer can be defined according to *psychic primitivism*; he is a *primitive* criminal, as Penta would say. In Cuba, the sorcerer and his adepts are immoral and criminal because they have not progressed; they are savages brought to a civilized country.

(*Los negros brujos*, 230-1).²¹

For Ortiz, the African was essentially a criminal, not so much in the Pentian sense of a 'primitive criminal' (as cited by Ortiz himself), but because his spirit was located in a different position on the evolutionary ladder. When he states that the sorcerer and his adepts are 'immoral' and 'criminal', there remains no doubt that Ortiz is thinking about the problem in spiritist terms – terms that he would later develop in 'Las fases de la evolución religiosa' – and no longer in strictly criminological ones.

Kardec and his belief in successive reincarnations assured Ortiz of a spiritual hierarchy that superseded the framework of 'born criminality' to include 'nation', 'race' and 'progress'. Indeed, his reading of Kardec, to whom he significantly referred as 'that interesting French philosopher' [*aquel interesante filósofo francés*], came early and coincided with his studies in criminology. Ortiz himself stresses the 'simultaneity' of his early readings of Kardec and his initiation in a positivistic epistemology. It seems obvious that Kardec became a major source of inspiration for his thinking, even though Kardec's texts were not legitimized by the academy. As a young student, Ortiz was already fascinated by spiritism (1914, 9.1: 30):

It is now twenty years ago, when in the lecture halls of my beloved University of Havana I was studying Penal Law and

attending classes with Professor González Lanuza – then the most scientific man in the Spanish dominions –, who was introducing me to the ideas of positivist criminology, whilst simultaneously I was also reading works far removed from the university, which chance had put in my hands or which my investigative curiosity fervently sought out.

It was as a result of the latter that I undertook my religious readings, which then as now delight me especially and arouse my spirit to a singular interest. It was at that time that I became acquainted with the fundamental books of spiritism, written by León Hipólito Denizart Rivail, or Allan Kardec, as he liked to call himself, reviving the name by which, according to him, he was known throughout the world, in a former incarnation during the time of the druids.

And this simultaneity of my university studies in criminology and my accidental philosophical studies of spiritist doctrine deigned that the enthusiasm already awakened in me by Lombrosian and Ferrian theories on criminality should lead me to undertake a special investigation of how that interesting French philosopher, who dared to think of himself as a reincarnated druid, thought about the same penal problems.²²

A host of questions present themselves. Should his interest be understood as an enthusiasm made possible by the scientific features of spiritism? Is it methodologically acceptable to postulate, as Ortiz does, that the 'penal problems' of criminology and spiritism are 'the same'? Did Ortiz want to legitimize spiritism through positivism? How else then could we reasonably account for his persistent interest in the many births and deaths of the soul?

In the introduction to *La filosofía penal*, Ortiz emphatically declared: 'I am not a spiritist' [*Yo no soy espiritista*]. At the same time he insisted that spiritism shared important premises with 'Lombrosian materialism' [(*el*) *materialismo lombrosiano*]. It is possible that Ortiz, along with other intellectuals, felt the necessity of distancing himself from other spiritists who were not learned and 'intellectually' inclined. In his correspondence with José María Chacón, Ortiz (Gutiérrez-Vega 1982: 35-6) alluded to 'The so-called spiritist societies of Cuba, who are more concerned with being entertained by more or less serious or grotesque feats of mediumship and by superstitious, parasitic healing practices'.²³ Nevertheless, any attentive reader of his early essays comes away from them with the feeling that Ortiz in fact identifies with spiritism. But there is a certain ambiguity on his part concerning Kardec. In public, he never committed himself entirely to Kardecism,

but he does concede him a revered place in both the intellectual world and that of science (1914, 9.1: 30–1):

And a short time after my mind took that direction I became aware, not without a certain surprise, that Lombrosian materialism and the spiritism of Allan Kardec notably coincided in not a few matters, and that one could arrive at the same criminological theories both by departing from materialist premises and being lead by the most forthright positivism, or by taking as one starting point spiritist judgements and being carried along by the most subtle idealism.²⁴

Ortiz presents Kardec according to one of his favorite rhetorical devices: the *topos* of *coincidentia oppositorum*. As he will later do with tobacco and sugar in *Contrapunteo*, his poetics tries to harmonize opposite forms of thought: 'Opposites meet, one might say, and this is certainly the case in our study' [*los extremos se tocan, pudiera decirse, y ciertamente es así en nuestro estudio*] (1914, 9.1: 33). As Kardec himself indicated, spiritism and materialism share an evolutionist vein. The possibility of finding a complement in the passage from one to the other allows Ortiz to structure his book. *La filosofía penal* is, thus, a book of translation, of passage between doctrines and of transmigration of matter into spirit.

La filosofía penal is also a didactic work: it offers instruction in Kardecist doctrine in straightforward, expository prose. Ortiz assumes the reader's knowledge of positivism, but feels obliged to offer extensive quotations from Kardec. In successive chapters, he analyses the following aspects of Kardecism: the ideological bases of spiritism, the laws concerning the evolution of souls, determinism and free will, the elements of criminality, and the atavism of criminals. In all these chapters he establishes and celebrates the analogies between Kardec and Lombroso.

A central node of the translation of Kardec by Ortiz is the chapter dedicated to 'The ladder of the spirits' [*La escala de los espíritus*] which certainly impressed Ortiz and from where he derives a theory of the elite. Spiritualist evolutionism, with its ladder based on varying degrees of progress, stressed the gradual divestment of imperfections. Those with a propensity for evil are 'imperfect' spirits – in whom matter dominates the spirit. They are given to all the vices and bodily cravings that engender vile and degrading passions, such as sensualism, cruelty, covetousness and sordid avarice. Whatever the social rank they enjoy, they are the scourge of humanity, indifferent to the responsibilities of the nation. For Ortiz they are the equivalent of

born criminals. They contrast sharply with superior spirits – in whom spirit dominates matter – who are distinguished by their desire to do good. Those pure spirits (with whom Ortiz identifies) bring together science, prudence and goodness, and seem to be the sole bearers of truth and spiritual understanding. Their language is always elevated and sublime: they are the most suited to intellectual life, are competent to make judgments on matters of right and wrong and, therefore, can be entrusted with public responsibilities. When by exception they find an earthly incarnation it is to fulfil a 'a mission of progress' [*misión de progreso*], and they offer us a model of perfection to which humanity can aspire in this world. The possibility of progress through spiritual purification must have seemed very attractive to Ortiz who, in works like his *Proyecto de código criminal cubano* [Cuban Criminal Code Bill] was preoccupied with the formulation of campaigns of 'national cleansing' [*saneamiento nacional*] (1926: XII).

In the chapter entitled 'Basis of Responsibility' [*Fundamento de la responsabilidad*], Ortiz stated that the criminal is an individual in whom a 'backward' spirit has been incarnated. This leads him to develop in a parallel way the notions of spiritual and social punishment: there is a *spiritual*, subjective responsibility based on the law of spiritual progression; there is a *human*, objective responsibility based on social law. Ortiz added (1914, 9.4: 288) that: [t]he law of conservation imposes on society – according to and beyond spiritist philosophy – the necessity of fighting for itself and its integrity, and from this necessity both spiritists and positivists are able to derive the reason for punishment.²⁵ In this way, Ortiz managed to lay an absolute foundation for the notion of punishment (1914, 9.14: 289): 'The progress of man, that is, the progress of the spirit, these are the psychological and subjective end of punishment, so it is in this world as the progress of beings is in the infinite universe'.²⁶ Undoubtedly, Ortiz put high on his agenda the necessity of operating on solid ground in the social organization of the nation.

In *Los negros brujos* Ortiz himself recognized that some repressive propositions could be considered rather threatening or inquisitorial. His extremely problematic position with regard to the figures of the sorcerer and the African demanded the theological foundations of a penal philosophy. That evolutionary theology allowed him to find a humanitarian meaning in the repression of cultural practices harmful to the Republic. Ortiz felt attracted by the moral force of Kardec's principles: there is progress, but it is threatened by the regressive movements of history. The possibility of applying scientific conceptualizations to the moral order ensured the *renovatio* of Cuban society. In a remarkable passage in *La reconquista de*

América (p. 26) he wrote: 'There are no fatally superior or inferior peoples, nor civilizations; there are only advances and regressions, differences in the integral march of humanity'.²⁷

Let us now return to *La filosofía penal*. In the chapters on the ladder of the spirits, and free will, Ortiz is particularly interested in the role played by 'prudent' spirits, who come to earth to fulfil a 'mission of progress'. In this conception two opposing projects coincided: one of constructing a space for a learned elite, with all the privileges of full citizenship, and another of opening the gates of progress to other 'backward' spirits who did not have the capacity of articulating their own projects. The political issues are inescapable, of course. The production of citizens for the Republic was possible, though complex, and it had to be based on the science of criminology, surveillance, discipline and the hierarchy of an evolutionist spirituality. *La reconquista de América* offers a particularly forceful – and disturbing – commentary (p. 47): 'White Cubans, those of us who constitute the core of our nationality, should be ever more educated so that we can keep republican life free of Hispanicizing or Africanizing regressions'.²⁸

How was the *renovatio* that permitted the ascent of inferior spirits to be achieved? From the theological point of view, the notion of free will contained the possibility of spiritual transcendence. Since the spirit is essentially neither bad nor good, Ortiz found an alternative to the biological determinism of *atavism* in the reincarnation propounded by Kardec (1914, 9.2: 131):

Just as we have men who are good or bad since infancy, so there are Spirits which are good or bad from the start, with the one capital difference being that the child's instincts are fully formed, whereas the Spirit, once it is formed, is neither good nor bad, but contains all tendencies, and by virtue of its free will can take one or another direction.²⁹

Consequently, the spiritist version of *atavism* consists fundamentally of an impasse in the spiritual progress that takes place in the passage from one life to another. While superior spirits continually progress, Ortiz suggests that the *atavistic* ones merely represent a regression in relation to the state of advancement of the rest.

Reversions, however should have no place in the construction of the nation. It is here that the notion of the transmigrating soul becomes crucial. Ortiz's political thinking cannot be understood without reference to Kardec and to the possibility that everyone may form part of spiritual progress. This notion of 'progress' is conceived as an organic part of biological evolution (1914, 9.1: 34):

Spiritist philosophy springs from the existence of a supreme Being, God; creator of all things and of the immortal existence of all the spirits.

But spiritism may be distinguished from other religious credos because it has ended up being an *evolutionist theory of the soul*, certainly an ancient theory, but one whose modern revival is owed to spiritism and theosophy. In effect, spirits are created imperfect, and their existence lived out according to an infinite series of painful trials which awaken it, fortify its faculties and raise it to the higher stages of psychic evolution, in the same way that according to biological materialists – Sergi, for example – the beings who enter their own visual field, from amoebae to the great mammals, progress, are transformed, and become intelligent through the pain of the infinite series of *trials* presented to them by their constant contact with their environment.

The purpose of the spirit is to progress, ascend, always raise itself and approach God. In the natural history of the spirits there are no regressions; there might be impasses, stretches of stillness, but never reversion.³⁰

On the other hand, the harmonization of materialism and spirituality is translated into the 'theory of beauty' which Ortiz adopts from Kardec. Kardec explained racial differences by establishing a correlation between physical beauty and the evolutionary ladder of the spirits. His racial aesthetic situated Blacks next to animals. Ortiz cites Kardec (1914, 9.4: 261):

A Negro may seem beautiful to another Negro, in the same way a cat may to another cat, but he is not beautiful in an absolute sense; because his crude features and thick lips reveal the materiality of his instincts; they may very well express violent passions; but they could not adjust themselves to the delicate nuances and modulations of sentiment of a distinguished Spirit.³¹

Thus, in the evolution of the spirit, Blacks would gradually lose the physical features that characterize them to become more similar to Whites.

The embryonic concept of transculturation is found in Ortiz's appropriation of the 'reincarnationist credo'. In his somewhat utopian essay 'La cubanidad y los negros' [Cubanness and Blacks] (1939) he elaborates the theory of the *ajiaco* [Cuban stew] as an emblem of nationality. Ortiz interprets the 'amorous embraces' of *mestizaje*

[miscegenation] as 'foreshadowing a universal peace amongst races ... as a possible, desirable and future deracialization of humanity' (p. 6).³² In the heightened tension of the 1930s Ortiz was rejecting racial hierarchies and rethinking the cultural and public space occupied by Blacks in Cuba. Afro-Cubans were no longer viewed with distrust and hostility. But Ortiz did not abandon the fundamental Kardecist notions of spiritual progress presented here as 'deracialization'. Similarly, he replaced the category of *mestizaje* with the concept of transmigration, in this way enriching its interpretative possibilities (1939: 11).³³

We do not believe that there have been more transcendental human characteristics for Cubanness than these continuous, radical and contrastive geographical, economic and social *transmigrations* of populations; than that perennial transitoriness of objectives and than that life always uprooted from its inhabited land, and always out of phase with its host society [my emphasis].³⁴

An outline of the notion of transmigration as being spacially and temporally out of phase is already apparent in *Los negros brujos* and *La filosofía penal* where Ortiz applied the spiritist doctrine of the evolution of souls. 'Cubanness' was fundamental in the formulation of the concept of transculturation, and it allowed the development of new forms of interpreting the national culture by profiting from the Kardecist conceptualizations of the spiritual order. In accordance with the spiritual 'regression' developed in *La filosofía penal* or the African's backwardness in relation to his environment in *Los negros brujos*, 'Cubanness' retains the idea of displacement to explain the position of Blacks in Cuban culture. It is worth lingering over the following passage where Ortiz allows one clearly to see the spiritist aspect of his formulation of transculturation (1939: 11, 12):

With their bodies the Negroes brought their spirits ... but not their institutions nor their implements ... there was no other human grouping undergoing such a profound and continuous *transmigration* of environment, culture, class and consciousness. Like the Indians, they passed from one culture to another more advanced one; unlike them, however, they did not suffer on their native land, *believing that after death they would pass to the invisible side of their own Cuban world*, but, in a more cruel twist of fate, they crossed the ocean in agony, *believing that even after death they would have to*

*cross over it again to live with their lost ancestors over there in Africa.*³⁵

Transculturation is inextricably linked to the spiritist tradition. In spite of an absence of explicit references in Ortiz's last texts, we cannot continue to ignore the philosophical contribution of Kardec to his thought. In Ortiz we find the nationalization, historicization and anthropologization of Kardec's theory of the transmigration of souls. This is the *renovatio* that continued to fascinate Ortiz. Transculturation was constructed taking as its point of departure the categories transmigration, displacement, spiritual progress and evolution. I cannot comment here on *Contrapunteo*, but it will not be difficult for the reader to discover how much denser and richer the concept of transculturation becomes in the context of Kardecism. For Ortiz the history of humanity is also a history of souls in transmigration. The lesson Ortiz drew from Kardec silently resounds through his foundational texts of Cuban nationality: the spirit cannot be reduced to the body.

Notes

- 1 We should like to thank the Institute of Literature and Linguistics of Havana for permitting us to consult the Ortiz archive, and the Fundación Fernando Ortiz for its hospitality. We are profoundly grateful to Cristián Roa de la Carrera and Carlos Rincón for their numerous critical comments concerning this critical study. We are also grateful to John Perivolaris for his translation, and to Paul Firbas, David Carrasco, James E. Irby, Karl D. Uitti and Michael Wood for their valuable suggestions and generous assistance.
- 2 *En cada momento presente de la vida hay un paso de envejecimiento y de renovación ... Renovarse que es morir y renacer para tornar a fallecer y a revivir. Cada instante vital es una creación, una recreación. Es una cópula del pasado, de las potenciales supervivencias que el individuo trae encarnadas consigo, y del presente, de las posibles circunstancias que el ambiente aporta; de cuya contingente conjunción con la individualidad nace el porvenir, que es la variación renovadora.*
- 3 For a detailed and important discussion of Ortiz's reception and the evolution of *transculturation*, see the recent prologue by Fernando Coronil to the reprint of the English translation of *Contrapunteo*. A 'postmodern' reading of *Contrapunteo* is offered by Benítez Rojo in his remarkable *The Repeating Island* (1992).
- 4 For the principal facts and the bibliographic sources, see García-Carranza (1970). See also García-Carranza, Suárez Suárez and Quesada Morales (1996).
- 5 Cabrera, one of the founders of the Partido Liberal Autonomista de Cuba [Autonomist Liberal party of Cuba], is the author of *Cuba y sus jueces* [Cuba and her judges] (1887). In New York he founded the political, literary and cultural review *Cuba y América* [Cuba and America] (1897-8; Havana 1899-1917) of which Ortiz was a collaborator. Cabrera was, furthermore, a founder member of the Cuban Academy of History (from 1910).

- 6 A brief history of the *Hispanocubana* and Ortiz's role is provided by Carlos del Toro (1996).
- 7 Whilst he occupied his consular post in Genoa, between 1902 and 1905, Ortiz was a disciple of the criminologist Cesare Lombroso and Enrico Ferri. As critics have already pointed out, Ortiz proudly traced his intellectual lineage to Lombroso. His first great theme would be precisely marginality, *mala vida* [disorderly life] and religious phenomena. He sought to delimit a scientific object, the *hampa afrocubana* [Afro-Cuban underworld] or the *negros brujos* [black sorcerers], which might also contribute to the development of ethnographic and criminological studies in Cuba. Furthermore, it proves to be very significant that it was in Lombroso's review, the *Archivio di Psichiatria, Neuropatologia, Antropologia Criminale e Medicina Legale*, that Ortiz first published in Italian the articles which were to become his first book: 'La criminalità dei negri in Cuba'; 'Superstizione criminosa in Cuba'; e 'Il suicidio fra i negri' [The Criminality of the Negroes in Cuba; Criminal Superstitions in Cuba; and Suicide amongst the Negroes]. Later, Lombroso would contribute a prologue to his book. All of this forms part of a series of intellectual relations with the metropolitan centres. In the final decades of the nineteenth century an extraordinary amount of activity in Europe was dedicated to the reform of the penal systems. The debate involved doctors, philosophers, jurists and progressive lawyers, all of whom laid the foundations for penal reform according to the criminological discipline of the time. It is in this context that one can appreciate the great importance of *L'Uomo delinquente* [Criminal Man] (1876; 1878), which was based on a study of inmates in Italian prisons, a book where Lombroso finds the motive for criminality in hereditary 'regression' and also in disorders such as epilepsy. Lombroso's book generated an extensive debate about the notions of 'atavism', the genetic determinism of criminality and 'degeneration'. See, amongst others, Robert Nye's book (1984).
- 8 See, for example, Jorge Ibarra (1990), where he interprets transculturation as the dialectical surmounting of Ortiz's previous ideas. Also relevant are the essays by Thomas Bremer (1993), Diana Iznaga (1989) and Antonio Melis (1987).
- 9 For a study of Raymundo Nina Rodrigues, see Ventura (1991).
- 10 On another occasion it would be necessary to study the broader questions relating to the reception of Kardec by the Latin American intelligentsia. Kardec was extensively translated and published in nineteenth-century Spain and Latin America, largely thanks to the work of the Society of Spiritist Propagation of Barcelona (Sociedad Barcelonesa Propagadora del Espiritismo). Even though it was disseminated in the form of popular texts, the influence of spiritist doctrines spread remarkably in Latin American intellectual circles and in poets such as Rubén Darío and Leopoldo Lugones. For example, see Hess (1991) on the Brazilian manifestation of spiritism, and Gramuglio (1994) for Lugones. On the spiritist dimension of the Mexican intellectual Francisco Madero and the importance of spiritualist currents for José Martí, see Rafael Rojas' study (1995). For Kardec's influence in Cuba, see Argüelles and Hodge (1991). Equally, it would be important to situate Ortiz in the context of the Cuban Race War of 1912 against the Partido Independiente de Color [Independent Party of Colour], when the Black veterans of the War of Independence demanded their own political space and were severely repressed. Aline Helg (1995) includes a study of the journalistic 'sources' of *Los negros brujos* in the period leading to this war.
- 11 *Espiritistas! Quien no participa de vuestra mística, serenamente os dice: Sois fieles de una sublime fe! Acaso sedís los que con mayor pureza os aproximáis al ideal de marchar hacia Dios por el amor y la ciencia!*
- 12 *Ningún trabajo más arduo que el de coleccionar los datos necesarios para este libro, durante el cual le hemos seguido paso a paso. El investigador tropezaba día tras día con la eterna dificultad que hace en nuestro país infructuoso el esfuerzo de los hombres de ciencia: nada existía hecho con anterioridad; era preciso crearlo todo, ordenando los pocos datos incompletos y aislados que llegaban a su noticia, y para colmo de males la fe del autor estrellábase contra la apatía del mundo científico local y de las esferas del gobierno, que se preocupaban poco con que un desocupado escribiese monografías de ñáñigos, cosa bien trivial por cierto al lado de los grandes intereses de la política.*
- 13 *El culto brujo es, en fin, socialmente negativo con relación al mejoramiento de nuestra sociedad, porque dada la primitividad que le es característica, totalmente amoral, contribuye a retener las conciencias de los negros incultos en los bajos fondos de la barbarie africana.*
- 14 *Un obstáculo a la civilización, principalmente de la población de color ... por ser la expresión más bárbara del sentimiento religioso desprovisto del elemento moral.*
- 15 *En Cuba tres corrientes religiosas luchan por la vida, cuando no por el predominio: el fetichismo africano, especialmente lucumí; el cristianismo en sus varias derivaciones más o menos puras, especialmente el catolicismo, y el filosofismo religioso contemporáneo, especialmente el espiritismo.*
- 16 *El fetichismo es la religión amoral, el catolicismo es la religión moral, el espiritismo es la moral areligiosa sin dogmas, ni ritos, ni ídolos ni sacerdotes.*
- 17 Ortiz's formation on the one hand coincided with the context of Africa's imperialist 'discovery', social Darwinism, the modernization of systems of control and surveillance, the development of criminology as a science, and the mixture of aestheticism and violence that characterize the appropriation of the 'primitive' world by modernity. For Lombroso, in the general framework of Darwinism, the concept of atavism postulated the regression to a primitive condition. The term itself comes from Latin: *atavus*, ancestor. It was a leap backwards. Lombroso found certain physical qualities in the *criminale nato* and, above all, a total lack of morality. On the one hand, Lombroso presented the death penalty as a solution; whilst on the other, he suggested a type of reform that would transform the environmental factors affecting the criminal.
- 18 *Pero la inferioridad del negro, la que le sujetaba al mal vivir era debida a falta de civilización integral, pues tan primitiva era su moralidad como su intelectualidad.*
- 19 *Natural es que el progreso intelectual traiga a Cuba, como al resto del mundo, la progresiva debilitación de las supersticiones, infunda más fe en nosotros mismos y vaya borrando la que se tiene en lo sobrenatural, pues como ha dicho Bain, el gran remedio contra el miedo es la ciencia.*
- 20 *La campaña contra la brujería debe tener dos objetivos: uno inmediato, la destrucción de los focos infectivos; mediato el otro, la desinfección del ambiente, para impedir que se mantenga y se reproduzca el mal.*
- 21 *El brujo afro-cubano, desde el punto de vista criminológico, es lo que Lombroso llamaría un delincuente nato, y este carácter de congénito puede aplicarse a todos sus atrasos morales, además de a su delincuencia. Pero el brujo nato no lo es por atavismo, en el sentido riguroso de esta palabra, es decir, como un salto atrás del individuo con relación al estado de progreso de la especie que forma el medio social al cual aquél debe adaptarse; más bien puede decirse que al ser transportado de Africa a Cuba fue el medio social el que para él saltó improvisadamente hacia adelante, dejándolo con sus compatriotas en las profundidades de su salvajismo, en los primeros escalones de la evolución de su*

psíquis. Por esto, con mayor propiedad que por el atavismo, pueden definirse los caracteres del brujo por la primitividad psíquica; es un delincuente primitivo, como diría Penta. El brujo y sus adeptos son en Cuba inmorales y delincuentes porque no han progresado; son salvajes traídos a un país civilizado.

22. Hace ya unos cuatro lustros, cuando en las aulas de mi muy querida universidad de la Habana cursaba los estudios de Derecho Penal y el programa del Pro. González Lanuza – entonces el más científico en los dominios españoles – me iniciaba en las ideas del positivismo criminológico, simultaneaba esas lecturas escolares con obras muy ajenas a la universidad, que el acaso ponía a mi alcance o que mi curiosidad investigadora buscaba con fervor.

Entre estas últimas estaban las lecturas religiosas, que antes como ahora me producen especial deleite y despiertan en mi ánimo singular interés. Por aquel entonces conocí los libros fundamentales del espiritismo, escritos por León Hipólito Denizart Rivail, o sea Allan Kardec, como él gustó de llamarse, reviviendo el nombre con que, según él, fué conocido en el mundo cuando una encarnación anterior, en los tiempos drúidicos.

Y quiso la simultaneidad de los estudios universitarios sobre criminología con los accidentales estudios filosóficos sobre la doctrina espiritista, que el entusiasmo que en mí despertaran las teorías lombrosianas y ferrianas sobre la criminalidad me llevase a investigar especialmente cómo pensaba acerca de los mismos problemas penales aquel interesante filósofo francés, que osaba presentarse como un druida redivivo.

23. las sociedades llamadas espiritistas de Cuba, más entretenidas con mediumnidades más o menos serias o grotescas y con prácticas de curanderismo supersticioso y parasitario.
24. Y a poco que mi mente tomó esa dirección hube de percatarme, no sin cierta sorpresa, que el materialismo lombrosiano y el espiritualismo de Allan Kardec coincidían notablemente en no pocos extremos, y que a unas mismas teorías criminológicas se podría ir partiendo de premisas materialistas y conducido por el positivismo más franco, que arrancando de juicios espiritualistas y llevado por el idealismo más sutil.
25. La ley de conservación impone a la sociedad – dentro y fuera de la filosofía espiritista – la necesidad de luchar por sí y por su integridad, y de esta necesidad los espiritistas como los positivistas hacen derivar la razón de castigo.
26. El progreso del hombre, es decir, el progreso del espíritu, he aquí la finalidad psicológica y subjetiva de la pena así en este mundo como en el universo infinito el progreso de los seres.
27. No hay pueblos, ni civilizaciones fatalmente superiores ó inferiores; hay sólo adelantos ó atrasos, diferencias en la marcha integral de la humanidad. What might seem a curious use of accents in this passage and others of Ortiz was part of common usage in the first decades of this century (eds).
28. Seamos los cubanos blancos, los que constituimos el nervio de la nacionalidad, más cultos todavía para poder mantener la vía republicana independiente de retrocesos hispanizantes o africanizantes.
29. Así como tenemos hombres buenos y malos desde la infancia, así también hay Espíritus buenos y malos desde el principio, con la diferencia capital, de que el niño tiene instintos completamente formados, al paso que el Espíritu, al ser formado, no es ni bueno ni malo, sino que tiene todas las tendencias, y en virtud de su libre albedrío toma una u otra dirección.
30. La filosofía espiritista arranca de la existencia de un Ser supremo, Dios, creador de todas las cosas y de la existencia inmortal de los espíritus.

Pero el espiritismo se distingue de otros credos religiosos, porque viene a ser una teoría evolucionista del alma, teoría ciertamente antigua, pero cuya revivencia moderna se debe al espiritismo y a la teosofía. En efecto, los espíritus son creados imperfectos, y su existencia se desenvuelve a lo largo de una serie infinita de pruebas dolorosas que lo despiertan, le fortalecen, le fortalecen sus facultades y lo elevan hacia los estados superiores de la evolución psíquica, de la misma manera que según los biólogos materialistas – Sergi, por ejemplo – los seres que entran dentro del campo de su visualidad, desde la ameba a los grandes mamíferos, progresan y se transforman y se hacen inteligentes por el dolor en la serie infinita de pruebas que supone el contacto constante con el medio ambiente.

El fin del espíritu es progresar, ascender, elevarse siempre y acercarse a Dios. En la historia natural de los espíritus no hay regresiones; puede haber estancamientos, situaciones de quietud, pero nunca de retroceso.

31. El negro puede ser bello para el negro, como lo es un gato para otro, pero no es bello en el sentido absoluto; porque sus rasgos bastos y sus labios gruesos acusan la materialidad de los instintos; pueden muy bien expresar pasiones vilenas; pero no podrían acomodarse a los matices delicados del sentimiento y a las modulaciones de un Espíritu distinguido.
32. augurales de una paz universal de las sangres (...) de una posible, deseable y futura desracialización de la humanidad.
33. Always a compulsive rewriter, Ortiz recycled this paragraph in *Contrapunteo* as part of his discussion of the notion of transculturation.
34. No creemos que haya habido factores humanos más trascendentes para la cubanidad que esas continuas, radicales y contrastantes transmigraciones geográficas, económicas y sociales de los pobladores; que esa perenne transitoriedad de los propósitos y que esa vía siempre en desarraigo de la tierra habitada, siempre en desajuste con la sociedad sustentadora.
35. Los negros trajeron con sus cuerpos sus espíritus ... pero no sus instituciones, ni su instrumentalario. ... No hubo otro elemento humano en más profunda y continua transmigración de ambiente, de cultura, de clases y de conciencias. Pasaron de una cultura a otra más potente, como los indios; pero estos sufrieron en su tierra nativa, creyendo que al morir pasaban al lado invisible de su propio mundo cubano; y los negros, con suerte más cruel, cruzaron el mar en agonía y pensando que aún después de muertos tenían que repararlo para revivir allá en Africa con sus padres perdidos. See also the translation by Harriet de Onís, in *Cuban Counterpoint*, pages 101–2.