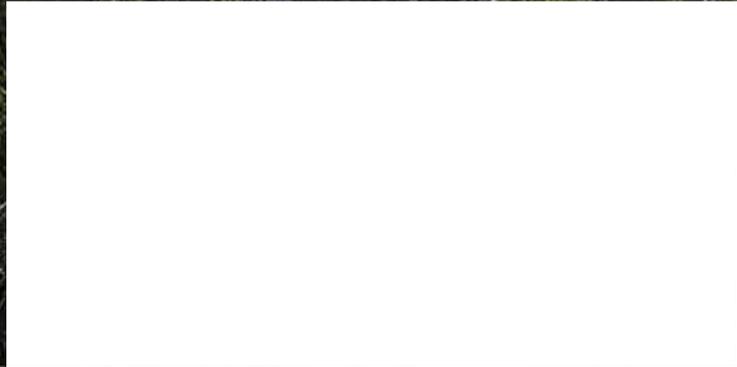


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BERKELEY REVIEW OF

# Latin American Studies

UNIVERSITY OF CALIFORNIA, BERKELEY

FALL 2020

**The Spirit of CLAS  
A New Constitution for Chile  
A Long Petal of the Sea**

# BERKELEY REVIEW OF LATIN AMERICAN STUDIES

## FALL 2020

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Chair

**Harley Shaiken**

Vice Chair

**Julia Byrd**

Program Coordinator

**Janet Waggaman**

Special Projects

**Ana De Carolis**

Research Fellow

**Daniel Payares Montoya**

Design and Layout

**Greg Louden**

Contributing Editor: **Deborah Meacham**

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CONTRIBUTING PHOTOGRAPHERS: Juan Carlos Cáceres, Megan Kang, Nico Novoa-Marchant, Peg Skorpinski, and Silvia Beatriz Suárez Moncada.

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Cover: Avenida Juárez in Mexico City during a Covid-19 lockdown, April 2020.

Photo by EneasMx.

## Comment

This issue of the Review appears during troubled, unpredictable times.

Latin America, the United States, and much of the world continues to be ravaged by a pandemic, cratering economies, and a climate crisis. As a result, 33 million Latin Americans slid below the poverty line in 2020. Inequality and poverty across the hemisphere serve as accelerators for the damage.

That said, a vaccine and a new administration in the United States offer real promise, but it will clearly be challenging to turn that promise into reality.

Against this backdrop, we begin this issue with my article “Twenty Years Now, Where’d They Go?” — a reflection on Latin America and the United States through the lens of what the Center for Latin American Studies (CLAS) has done over the past two decades.

Two articles focus on Chile in the midst of a social upheaval with implications across the Americas. Javier Couso looks at “The Demise of Pinochet’s Constitution,” analyzing the lopsided victory of a plebiscite in October 2020. James Lamb provides further context in “A Social Explosion,” with a look at new political actors, such as Deputies Gabriel Boric and Giorgio Jackson, and their roots in social movements.

As we go to press, we’ve received the sad news that Judge Juan Guzmán has died. As a judge, he played a historic and courageous role indicting Pinochet in Chile and showing true compassion for the dictator’s victims. We were proud to host him at CLAS several times and to meet with him on trips to Chile.

In the rest of this issue, we move across the region, from Elizabeth Farnsworth’s interviews with legendary Chilean journalist Mónica González Mujica to articles on generic drug labeling in Latin America, the dynamics between the Zapatistas and AMLO, and the rise of human rights groups in Peru.

We conclude with a conversation between historian Adam Hochschild and Isabel Allende about her masterful novel, *A Long Petal of the Sea*, which begins in the Spanish Civil War and comes to Chile.

Since this letter is my last as Chair, after a tenure far longer than I (or perhaps anyone else) ever imagined, I’ll conclude on a personal note. I was born and raised in Detroit and began my working life serving a four-year apprenticeship as a machine repair machinist in an auto factory.

I went to Latin America for the first time in the 1970s. I was on my way to Chile, carrying not much than those

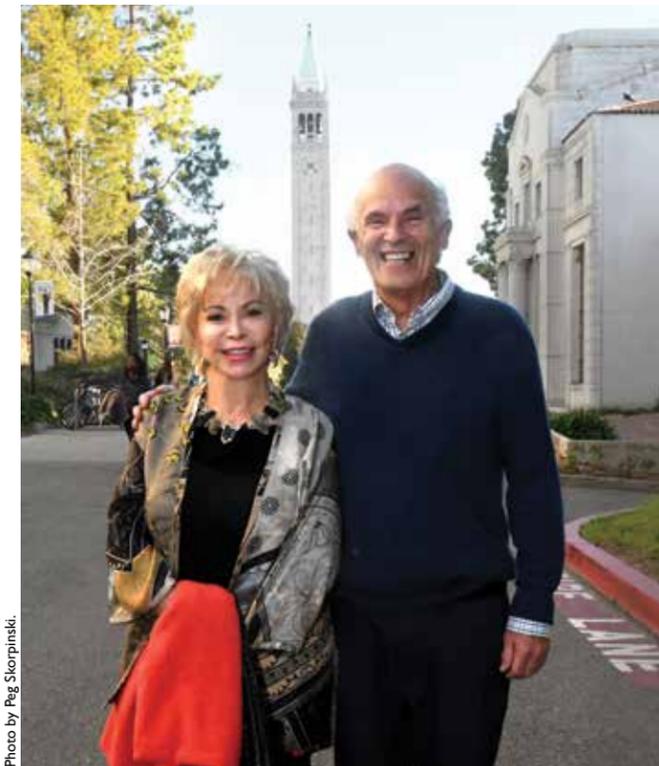


Photo by Peg Skorpinski.

Harley Shaiken with Isabel Allende at UC Berkeley, February 2020.

skills, a journeyman’s card, and a passion to learn much more about this extraordinary region that seemed very far from Detroit.

I was mesmerized by my first stop in Mexico and wound up spending a year there. When I continued by land towards Chile, I took a wrong bus in Guatemala and ended up in an obscure highland town, Santa Cruz del Quiche, where I unexpectedly met an exceptional Chilean woman, Beatriz Manz, then a graduate student in the United States, who was leading an anthropological field school.

The violent coup in Chile on September 11, 1973, upended plans for both of us — her return home and my journey to Chile in the first place. We have been together ever since, and we did make it to Chile. We were there during some of the darkest days of the dictatorship, and we have returned often during much brighter times.

CLAS has engaged with Latin America over the last several decades through both exhilarating moments and traumatic times. It has been a privilege to have been part of these efforts, working with exceptional students, faculty, and people at CLAS, Berkeley and throughout the Americas, many of whom have become valued friends. I’m proud of what we’ve done together and view it as the prelude of exciting things to come at CLAS.

— Harley Shaiken



THE SPIRIT OF CLAS

## “Twenty Years Now, Where’d They Go?” CLAS, Berkeley, and the Americas

By Harley Shaiken

**W**hen I first became Chair of the Center for Latin American Studies (CLAS) at UC Berkeley two decades ago, I began with grand plans and few resources. While this combination was far from ideal, I’m pleased to say it didn’t particularly slow us down.

CLAS has organized close to two thousand public programs, workshops, classes, working groups, and conferences during this time. Our speakers have ranged

from U.N. High Commissioner for Human Rights Michelle Bachelet to Colombian artist Fernando Botero; from Mexican statesman Cuauhtémoc Cárdenas to Chilean writer Isabel Allende; from courageous jurists under threat, such as Guatemalan Attorney General Claudia Paz y Paz (2010-2014), to undocumented migrants. We have also developed a strong online presence and have continuously published the Berkeley Review of Latin American Studies.

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Michelle Bachelet speaks at UC Berkeley, May 2010.  
(Photo by Jim Block)

Scholars at CLAS have produced cutting-edge research and made important contributions to a wide variety of disciplines. Our public events program has involved UC Berkeley faculty, and in addition, we have organized “special seminars” that have been taught by respected scholars and leaders from across the Americas. They have included Governor Sergio Fajardo from Colombia, President Ricardo Lagos and Ambassador Juan Gabriel Valdés from Chile, as well as journalist Alma Guillermoprieto and scholars Denise Dresser and Lorenzo Meyer from Mexico. A graduate student summarized the feelings of many across the seminars when she said, “The seminar with President Bachelet was one of the most incredible academic opportunities I have been offered.”

Our visitors from Latin America and the world have interacted with students and have inspired masters and doctoral dissertations, aided research projects, and opened students to new vistas. Most importantly, we have contributed to building a vibrant transnational intellectual community. Our work has gone beyond the campus and the classroom and directly impacted public policy — sometimes in major ways — in the United States and throughout the Americas. The climate crisis, democratic values, social justice, and human rights have all been high priorities. This engagement has not detracted from our scholarship, but strengthened it. We are scholars, to be sure, but we have not forgotten we are also human beings and citizens from diverse countries around the globe.

All that we’ve done reflects an exceptional group of people. They include Berkeley faculty, students, a dedicated staff, and a unique, committed community throughout the

Americas, which continues to grow. On campus, we’ve brought people together from the social sciences, the humanities, the professional schools, and the sciences in exciting new ways. This diverse group is truly the spirit of CLAS and has inspired all we’ve accomplished.

This article explores what CLAS has done over the last several decades by looking at five events, with one brief digression that focuses on a single semester. I’ll start with the “Alternatives for the Americas” conference in December 1998, the year I became Chair. Next, I’ll look at the exhibit of Fernando Botero’s brilliant and haunting Abu Ghraib paintings and drawings organized by CLAS in January 2007. Third, our “Road to the Sun” initiative explores solar energy, the hydrogen economy, and the climate crisis, beginning in April 2008. Fourth, our emphasis on human rights has run through much of what we do — in fact, it’s part of our DNA — and here, we focus on journalist Daniel Coronell in 2007 and Professor Beatriz Manz in 2013. Finally, I’ll conclude with our online webinars in 2020 and their roots in CLAS coverage of the activities of the Chilean student movement almost a decade earlier in 2011. These events have tended to grow into much larger programs spanning decades. Sometimes this growth took place by design, and in other cases, it was propelled by exciting and unpredictable factors.

Critical highlights of these events and so much more have been recorded in the pages of the Berkeley Review of Latin American Studies, published by CLAS since 1998. All issues are available on our website, and we hope this article might inspire you to take a look and explore.

Beatriz Manz and Cuauhtémoc Cárdenas, followed by Steve Silberstein and David Bonior, walk on UC Berkeley’s campus.



Photo by CLAS staff.  
“Alternatives” 1998, from left to right: Harley Shaiken, Jaime Estévez, Nancy Pelosi, Adolfo Aguilar Zinser, Luis Maira Aguirre, Amalia García, Jorge Castañeda, David Bonior, Sherrod Brown, Vicente Fox Quesada, Roberto Mangabeira Unger and Ciro Gomes (not pictured: Xavier Becerra).

### Alternatives for the Americas

The first conference I organized as Chair was “Alternatives for the Americas: A Dialogue,” which took place December 4, 1998. The opposition had unexpectedly won a majority in the Mexican Congress the year before, after many decades of being in the wilderness, and other political tremors were beginning to be felt elsewhere in Latin America. It seemed an important, even a critical, time to think through new ideas on the economy and politics, to pose defining questions, and to think strategically as to how meaningful social change might come about. How might we move in more progressive directions that would improve the lives of ordinary people? How do we achieve more productive, sustainable, and inclusive economies and more democratic societies? And we felt this discussion would be far more meaningful if it included political leaders, public intellectuals, and scholars from both Latin America and the United States.

We sought to bring together people with progressive visions and open minds, as well as new actors. We weren’t looking for a single perspective, and at times, there were significant differences among us. Almost all the participants were not well known outside their home countries — in the end, participants came from Mexico, Brazil, Chile, and the United States — but we felt they could well play important roles going forward. Berkeley faculty members and students rounded out the formal panel sessions and informal conversations.

We thought that the Berkeley campus — known as a place of groundbreaking research, intellectual openness, and free speech — would be an ideal location for these discussions. And we hoped the ideas that came out of the conference would have a real impact beyond the academy.

The world didn’t exactly cooperate. Political turmoil in Argentina and Chile caused all participants traveling from the Southern Cone to cancel at the last minute. During the week before the conference, the U.S. House of Representatives was preparing articles of impeachment against President Clinton in Washington, D.C., and several members of the U.S. Congress had to send their regrets. Overall, 40 percent of our invited speakers were forced to cancel their participation in that final week.

To further complicate matters, we didn’t have key staff in place at CLAS, so a lead organizer of the conference was an undergraduate, Joshua Bloom, now Professor of Sociology at the University of Pittsburgh. Another undergraduate volunteer provided important support: Julie Chávez Rodríguez, now Director of Intergovernmental Relations in the Biden White House. Sociology graduate student Angelina Snodgrass Godoy made a significant contribution to publications coming out of the conference. She is now Professor of International Studies and Law, Societies, and Justice and Founding Director of the Center for Human Rights at the University of Washington in Seattle.

Fortunately, Representative David Bonior (D-MI), who had been invaluable in helping us invite members of Congress in the first place, stepped in to find replacements. We were also able to invite new speakers from Chile who made real last-minute sacrifices to come.

The event set out to address two major themes — economic integration and political transformation — and wound up discussing much more: from hyper-inequality, to the value of migrants, to the urgency of democratic reforms. New progressive ideas — and at times, sharp disagreements — flowed in all directions. These themes were important then and are even more vital, timely, and challenging now.

Adolfo Aguilar Zinser, an independent senator in Mexico, pointed out that “the question of immigration is the center of all of the contradictions of the relationship between Mexico and the United States.” He then memorably said, “It’s not a question of labor markets anymore. It’s a question of two societies that are overlapping already.” And he warned all too prophetically that the failure to effectively address migration would have disastrous consequences. “More people are going to die,” he predicted, “because conditions are going to be harsher and more profound.”

Representative Bonior sought to put worker rights and democratic values at the heart of discussions over trade. As Democratic Whip (second-ranking Democrat in the U.S. House), he had been a leader in the opposition to the North America Free Trade Agreement (NAFTA) in 1993 and earlier had been a sharp and courageous critic of U.S. involvement in Central America in the 1980s. “I come here today in a spirit of hope and renewed optimism,” he said. He then reminded us, “It wasn’t so long ago [...] that people dismissed our concerns about wages, labor rights, protecting the environment, and promoting the democratic processes and freedoms. These issues are fundamental [...] to promoting broad prosperity for working families throughout the Americas and not just for the economic elite.”

Vicente Fox Quesada, Governor of Guanajuato and candidate in Mexico’s forthcoming presidential election, eloquently challenged U.S. policy on migration and drugs. Unlike the members of the long-ruling Partido Revolucionario Institucional (PRI, Institutional Revolutionary Party), he extolled Mexican migrants as heroes for their courage and contribution to the success of economies on both sides of the border. He was highly critical of U.S. drug policy and pointed out that “every time you consume a drug here, you corrupt a Mexican.” He was positive about NAFTA but agreed that the goal must be “to improve people’s standard of living and improve human capital in both of our countries.”



Alternatives for the Americas conference poster.

Jorge Castañeda, Professor of Political Science at UNAM and NYU (and former visiting professor at CLAS), emphasized inequality as defining for Latin America and equally troubling for the United States. “This is really the single issue,” he stated, “that is not only most common across the Americas, but that is also the single factor most negatively affecting societies within Latin America, in the United States, and between the United States and Latin America.” He was prescient then: we are now dealing with hyper-inequality and its political consequences across the hemisphere today.

Finally, three junior members of the U.S. House of Representatives — all frontline leaders today — made important contributions. Representative Xavier Becerra (D-CA) maintained that “for the most part, U.S. policy is still framed by a notion that we can stop U.S.-Mexico integration, whether it be with people or economically.” Representative Nancy Pelosi (D-CA) observed that “Pope Paul VI must have been talking about Latin America when he said, ‘If you want peace, work for justice.’” Representative Sherrod Brown (D-OH) laid out an ignored, though critical, paradox of U.S. trade policy: despite “unrelenting media and elite support for free trade [...] the American public still has major, major reservations about American trade policy.” He argued that if leaders took time to listen to workers and the U.S. public, “they might learn something

about workers’ anxieties, about [the] hopelessness with which many look to the future, and most importantly, about social justice.”

The consequences of ignoring these warnings from Brown and Bonior became dangerously apparent after the U.S. elections in 2016, when industrial workers in communities devastated by offshoring across the Midwest and elsewhere lashed out at governing elites and voted for Donald Trump.

Toward the end of the three-day conference, the speakers explored the impact of globalization on the ground during a tour of Oakland, California — a mid-sized industrial city that had been hammered by the erosion of



From left: Harley Shaikens, David Bonior, Vicente Fox, Amalia García Medina, Xavier Becerra, and Adolfo Aguilar Zinser listen to UC Berkeley’s Chancellor, Robert Berdahl, at the Alternatives for the Americas conference, 1998.

its industrial base. The conference participants had a wide-ranging, provocative discussion of the issues with our tour guide — the city’s mayor-elect, Jerry Brown — at his Oakland home before the tour. The debate continued on the tour, and we drove through the city as rain and night both began to fall.

An impromptu pizza dinner followed at my Berkeley home. Everyone pitched in, since we didn’t expect the discussion to be this engaging and we were all hungry. Mexican Senator Amalia García Medina made the salad; she would go on to be the first woman to lead a major political party in Mexico, the center-left Partido de la Revolución Democrática (PRD, Party of the Democratic Revolution). My wife Beatriz Manz, a noted anthropologist and professor at UC Berkeley, served the wine. Jaime Estévez, the former Socialist Speaker of the Assembly in Chile, helped me pick up the pizzas. Jerry Brown helped dish up the food and provided invaluable perspectives on politics and life in Oakland and California. The discussion went on into the early hours of the morning.

Ideas and political alliances seemed fluid in Mexico at that moment. Aguilar Zinser and Castañeda, long among the foremost scholars and public intellectuals on the left, were moving towards supporting the presidential candidacy of Vicente Fox in the Partido Acción Nacional (PAN, National Action Party), a center-right, business-oriented party. They had become convinced that Fox was the only candidate capable of defeating the PRI in the upcoming election and thought his victory was essential for a more democratic Mexico and a more progressive set of policies. Fox, in turn, was open to a number of ideas that Aguilar Zinser and Castañeda were putting forward, such as deeper economic integration of the Americas and

expanded rights for workers. Here, the voices of Bonior and Brown were invaluable in presenting new views of trade based on worker rights. And Fox’s embrace of Mexican migrants also struck a positive cord.

Eighteen months after the conference, in July 2000, Vicente Fox unexpectedly defeated the long-ruling PRI, the first such victory against the institutional party in 71 years. Mexico shifted course to a more democratic, if still deeply troubled, future. Fox appointed Castañeda Foreign Minister, and Aguilar Zinser would serve as Mexico’s Ambassador to the United Nations, holding a seat on the Security Council (2002-2003) and playing a pivotal role in opposing U.S. policy during the lead-up to the Iraq War.

As an unexpected post-script to the Alternatives conference, President Fox was invited to address a joint session of the U.S. Congress in September 2001. In the months before the address, Foreign Minister Castañeda had articulately and forcefully pressed the urgency of comprehensive immigration reform in the United States, which he famously termed the “whole enchilada.” It was a

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rare occasion when a Mexican Foreign Minister attempted to set the domestic agenda in the U.S. Congress, catching many by surprise.

Representative Bonior invited Beatriz Manz and I as his guests to hear Fox address this historic session in the House of Representatives. Afterwards, he suggested we have lunch in the House dining room. As we descended one side of a deserted V-shaped back stairway in the Capitol, we saw President Fox on the other side of the stairway with Castañeda and Aguilar Zinser. We all paused for a moment to talk and recalled the last time that we had been together was at the Alternatives for the Americas conference. When we ended that conference in Berkeley, this reunion here was unimaginable.

For a brief moment, it looked as if a breakthrough in the Mexico–U.S. relationship might be possible, though sharp opposition was certainly waiting in the wings. Nonetheless, a newly elected Republican President, George W. Bush, seemed open to immigration reform. Castañeda’s move had been so audacious the serious opposition that did exist was caught off balance, at least for a moment.

At the suggestion of the president of the Hewlett Foundation, CLAS partnered with the Instituto Tecnológico de México (ITAM, National Technological Institute of Mexico) in Mexico City to put together a new initiative, building on what we had done at Alternatives

for the Americas. The idea was to bring together a dozen political leaders from each country, along with academics and other stakeholders, for an annual conference that would alternate locations between Mexico and the United States.

Throughout the year, CLAS would put together a program on issues of importance to both Mexico and the United States as background material for the yearly conference. Some issues were already at the top of the political agenda in one or both countries, such as immigration and security, and the idea was we would seek to develop innovative new approaches. Other issues we thought were urgent, such as the climate crisis, weren’t high on the political agenda in either country, but we felt they would prove defining going forward. We called this new endeavor “The U.S.–Mexico Futures Forum.”

The road ahead looked bright, although we were well aware tough hurdles lay ahead. That bright moment would be brief. The Mexican president and his party flew home from Washington on September 8. Three days later, the world would never be the same. “Just as September 11 ravaged the landscape of Manhattan, so too did it irrevocably alter the international landscape,” graduate student Amy Lerman wrote in the *Berkeley Review* in 2003. “When the smoke cleared, the window of opportunity for Mexico had been buried at the foot of the Manhattan skyline.”

United Flight 175 hits the North Tower of the World Trade Center on September 11, 2001.



Photo by Robert J. Fisch.



Photo by Eskinder Debebe/UN Photo.

Adolfo Aguilar Zinser serving as President of the U.N. Security Council, April 2003.

The “whole enchilada” quickly became the “frozen enchilada.” Delayed by a difficult year, we went ahead with the Futures Forum meeting for the first time in Cuernavaca, Mexico, in late 2002. We felt it was more urgent than ever to begin this dialogue between Mexico and the United States. Surprisingly, this first Forum was highly successful, and we continued, at times in groundbreaking ways, with annual meetings and a robust program at Berkeley through 2017.

A year or so after the Alternatives for the Americas conference, in February 2000, CLAS organized another large international conference, “Challenges for Brazil: A Dialogue,” using a similar model. Ruth Cardoso, then a very active First Lady of Brazil, came to UC Berkeley for a month to teach a special seminar for CLAS on youth and social violence in her country. Cardoso, who had a Ph.D. in Anthropology, and her husband, President Fernando Enrique Cardoso, had both taught at Berkeley in the early 1980s when they were exiles during the military dictatorship. Conference participants ranged from Brazil’s Minister of Health José Serra to Senator Marina Silva, a passionate environmentalist who was the daughter of a rubber tapper. Both Serra and Silva would later become presidential candidates from rival perspectives and parties. And Representatives David Bonior and Nancy Pelosi both returned, among many new participants.

CLAS had a vibrant program and was conducting and supporting cutting-edge research and engaging the world.

What did that engagement mean in practice? Consider Adolfo Aguilar Zinser and David Bonior. They met at the Alternatives conference at Berkeley in 1998 and continued to interact through CLAS. On the sad occasion of the 2005 CLAS memorial for Aguilar Zinser, killed in a car accident in Mexico earlier that year, Bonior would recall that “a very hot issue at the time [I met Adolfo seven years ago] was the question of U.S. certification that Mexico was making progress fighting drug trafficking.” Aguilar Zinser’s eloquence and indignation opposing this certification process would make a deep impression on Bonior. “I left that weekend convinced that we needed to suspend our punitive policy and to engage in a partnership of trust [...] and I’m pleased to say that [the U.S. Congress] did change our policy.”

When Aguilar Zinser was appointed to be Mexico’s Ambassador to the United Nations and sat on the Security Council in the lead-up to the Iraq War, he became convinced that the U.N. inspection process was, in fact, working and no credible evidence existed that Iraq possessed weapons of mass destruction. He worked with Juan Gabriel Valdés, Chile’s Ambassador to the Security Council, and both statesmen were instrumental in denying U.N. endorsement to the U.S.-driven move to war. Valdés and Bonior would both speak at CLAS and teach special seminars.

During this period, while sitting on the Security Council, Aguilar Zinser made several trips to Berkeley, where he gave public talks and spoke at private briefings

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for faculty, graduate students, and close friends of CLAS about what was taking place at the United Nations. We knew at the time that these discussions were incredibly valuable and, in retrospect, feel they were truly historic.

On these trips, he would make time to speak to Mexican migrant groups in San Jose, Sacramento, and elsewhere. He would invite me to these meetings, and I would go. On one of these trips, a migrant group in San Jose rented an empty supermarket, and with only a day or two notice, it was packed with migrants anxious to hear Aguilar Zínser and speak with him. The organizers of the event had day jobs working at a car wash. We invited them to come hear him and others speak at UC Berkeley, and they came.

Adolfo Aguilar Zínser in conversation on the UC Berkeley campus.



Photo by Stefan Cohen.

In 2004, Aguilar Zínser gave a talk at a small college in Puebla, Mexico, and mentioned that the country was often treated by some in the U.S. government as its “backyard.” A single wire-service reporter was at the event and reported the remark in the press. Almost immediately, U.S. Secretary of State Colin Powell forcefully demanded Ambassador Aguilar Zínser’s removal from his post at the United Nations. Aguilar Zínser refused to say he was misquoted or retract his statement, which President Fox strongly encouraged him to do. The president eventually compelled him to resign, effectively firing him. We immediately invited Aguilar Zínser to come to CLAS for the 2005-2006 academic year and were very pleased when he accepted. He had spent a semester teaching at CLAS earlier, and we had already started to look for housing for him and his family again, when we received the shattering news that he had been killed in a car accident near Cuernavaca, Mexico, on June 5, 2005.

As a friend, the loss was devastating, but Aguilar Zínser was also irreplaceable as a political leader and part of the CLAS community. At the Berkeley memorial we organized in September 2005, Aryeh Neier, the founding president of both Human Rights Watch and the Open Society Institute, spoke eloquently of Aguilar Zínser’s legacy. “Among Mexico’s blessings,” he said, has been the “ability to enlist individuals with the intellectual distinction, the integrity, and the sense of public responsibility of an Octavio Paz or an Adolfo Aguilar Zínser to serve as the country’s diplomatic representatives.” Decades apart, both men would wind up resigning from their diplomatic posts in protest and both would have an affiliation with UC Berkeley. Paz came here in the 1940s as a Guggenheim Fellow for a semester, and Aguilar Zínser had taught here and was affiliated with CLAS.

“Adolfo could not change our war policy in Iraq — but nobody tried harder or exhibited such extraordinary courage,” David Bonior said at that memorial. “As a member of Congress then, I traveled to Iraq to try to prevent war, so I was one of his biggest cheerleaders as he battled for a slice of sanity at the United Nations in what I consider one of Mexico’s finest hours.”

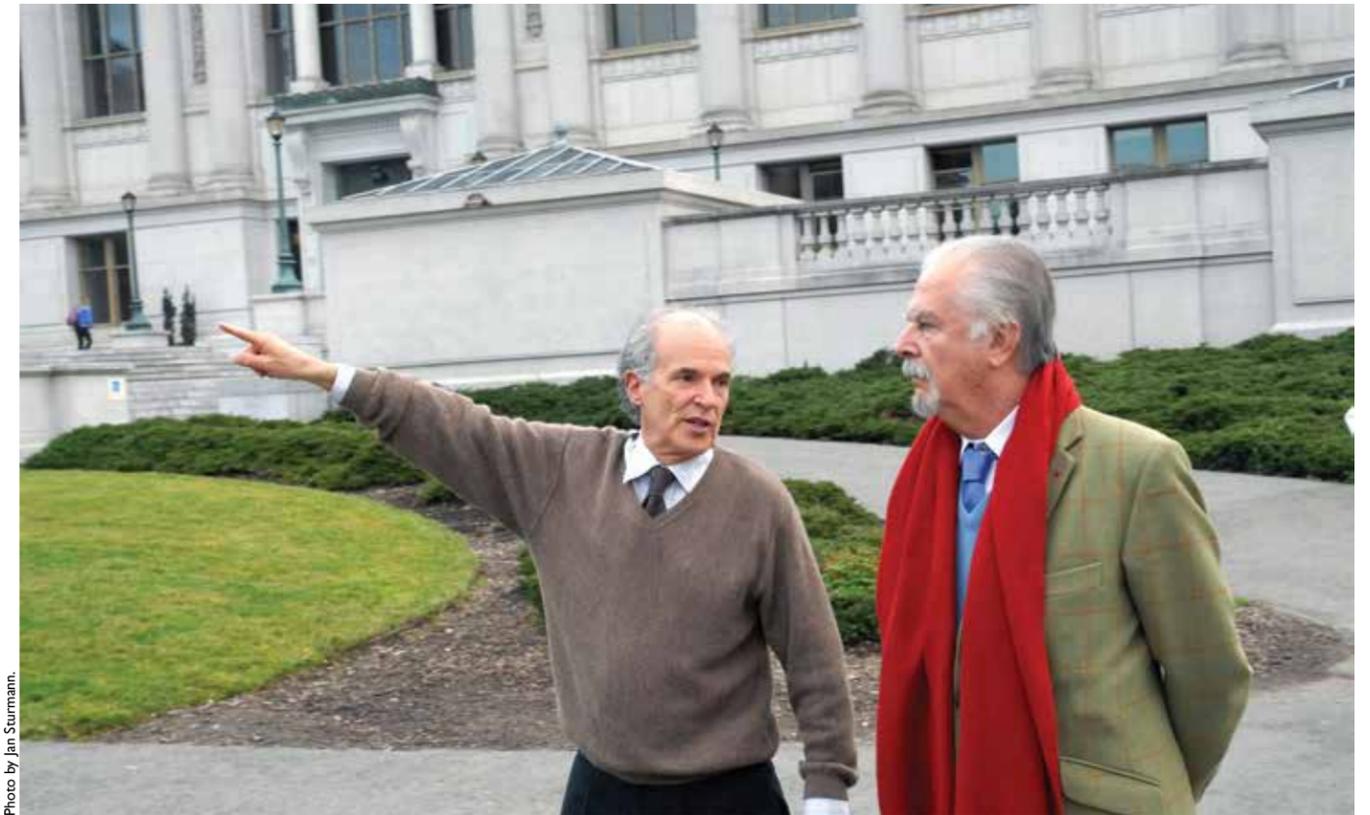


Photo by Jan Sturmman.

Harley Shaiken and Fernando Botero walk across the Berkeley campus, January 2007.

### Fernando Botero: A Maestro Touches Our Soul

Despite these and other courageous efforts to prevent it, the Iraq War was to take place with disastrous consequences for the United States, Iraq, and the entire region. In 2003, the horrors of the Iraq War became perversely surreal when U.S. forces commandeered one of Saddam Hussein’s most notorious prisons and torture centers, Abu Ghraib, 20 miles from Baghdad. Under U.S. control, the prison held captured combatants, to be sure, but also prisoners whose only crime was being in the wrong place at the wrong time. Nonetheless, all the prisoners were subjected to humiliation, torture, and in some cases, death. What truly shocked a jaded world was when photos were released documenting these acts.

Among those appalled by these atrocities was one of the world’s great living artists, Colombian painter and sculptor Fernando Botero. “I read about it in the famous New Yorker article by Seymour Hersh,” Botero would later recall. “I was surprised, hurt, and angry, like everybody.” The intensity of these emotions, in part, reflected his feeling that these barbaric acts violated the ideals of “compassion and human rights” that the United States had so eloquently and frequently championed in the past.

Botero could not leave it at that. He was on an airplane traveling back to Paris, he would recall: “I took out paper and pencil and started doing some drawings. When I got to

my study in Paris I kept drawing and painting. It became like an obsession. For 14 months, I was only working on this, thinking about this.”

Art critic Roberta Smith called these riveting paintings and drawings “among Mr. Botero’s best work” in a review that appeared in *The New York Times* on November 15, 2006. “It is moving to encounter these large, unnerving images and austere compositions on American soil,” she declared.

I read her review the morning it appeared. Later the same day, I learned that no museum or gallery in the United States — save the Marlborough Gallery in New York City — would exhibit these paintings, despite the stellar reception they had already received in Europe.

The refusal to exhibit these works in the United States seemed profoundly wrong. Silencing art — particularly great art — is a troubling sign and, like burning books, is corrosive to democracy. I called the Marlborough Gallery, which frequently exhibits Botero’s work, commended them for their one-month show, then told them that CLAS would like to show these works, as well, and could they inform Mr. Botero? Realistically, I thought it was unlikely much would come from the call. After all, CLAS was not well known — or, in fact, known at all — in the art world.

To my amazement, Fernando Botero himself called back from Paris several days later. He and I discussed the

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Image courtesy of Fernando Botero.

project for an hour or so, and we agreed that in seven or eight weeks, we would mount the exhibit at UC Berkeley. He would come for the opening with his wife Sophia Vari, herself a talented artist. In the urgency of the moment, we left the “details” for later, among them exactly where we would show the art and who would pay for the exhibit.

What happened next says a lot about UC Berkeley and even more about the exceptional people at CLAS who were central to making the exhibit happen. When museums proved unavailable — including the Berkeley Art Museum, whose director did say he might consider the exhibit in three to five years — we were not about to give up. Nonetheless, the situation had become far more complex, and the clock was already ticking against an amazingly tight, if not wildly unrealistic, deadline.

Ultimately, we were to display this brilliant collection in the University’s main library. Tom Leonard, the University Librarian, and Beth Dupuis, recently named Director of the Doe/Moffitt Library — the university’s largest library — stepped up to the plate without hesitation. They reminded us why libraries are truly the cornerstones of democratic societies. In a talk

at the time, I remarked that libraries had been housing controversial material for centuries, but the original contribution we were now making put the controversial ideas on the walls rather than the shelves. Christopher Edley, Dean of the UC Berkeley School of Law (Berkeley Law), played a vital role in making the exhibit happen. He observed that these paintings depict the abyss that opens when the rule of law departs. Steve Silberstein, himself a former librarian at Berkeley and now a progressive philanthropist, embraced the project and provided ideas, encouragement, and critical funding, as he would toward many other CLAS initiatives.

Over the next seven weeks, we removed all the shelving, books, and computers from a reference room of the Doe Library; rerouted the main entrance to the library; built a gallery; installed new museum lighting and a state-of-the-art alarm system; trained 40 or so docents, most of them students and faculty; and mounted the exhibit of 48 paintings and drawings. We also planned a semester-long academic program around the exhibit, which brought faculty from UC Berkeley and Stanford, as well as human rights scholars from New York and Chile. As part of this

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Left: Fernando Botero, “Abu Ghraib 74,” 2006. 175 x 117 cm, oil on canvas.

Below: Fernando Botero in the Abu Ghraib exhibition at UC Berkeley, January 2007.



Photo by Jan Sturmann.



Photo by Jim Block

Botero's "Abu Ghraib 57" hangs outside the UC Berkeley School of Law library.

program, we held an advanced screening of "No End in Sight," a documentary about the Iraq War, with the film's director, Charles Ferguson, who went on to be nominated for an Oscar that year for the film.

"The reviews do not fully prepare the viewer for encountering these paintings in person," I wrote in the Spring 2007 Berkeley Review. "Their visual richness leaves us no choice but to confront the demonic acts they portray." I will never forget the first time I saw the paintings. I was standing in a fine art custodial facility in Oakland as highly skilled workers gingerly removed the first painting from a carefully packed shipping crate. It was a poignant moment. I was struck by the richness and depth of the colors, the striking composition, and ultimately, the horror of the acts it portrayed. The image was indelible. Botero's brilliance as an artist truly reaches into one's soul. As Isabel Allende wrote in the first entry in the guestbook on opening night, "Thank you, *maestro*, for putting a mirror before our eyes."

When Fernando Botero and Sophia Vari arrived in Berkeley the day before the opening, Beatriz and I felt an instant personal connection with both that has only deepened over time. We opened with a conversation between Fernando Botero and Robert Hass, Professor of English at UC Berkeley and Poet Laureate of the United States. The event drew more than 1,000 people and

overflowed the largest space available on campus. The opening exceeded all our expectations but turned out to be only the beginning of our activities with the paintings and the artist.

During the seven-week exhibit, some 15,000 people viewed Botero's Abu Ghraib collection. One final event was a reception in the gallery for all the people who had made the event a reality. Overwhelmed by emotion, along with so many in the room, Beatriz Manz sent Botero an email that began, "I am writing this email through a veil of tears. You have deeply impacted us."

Several days later, clearly moved, Botero responded by announcing that he planned to donate 60 paintings and drawings — almost the entire Abu Ghraib collection — to UC Berkeley. The artist's extraordinary gift to Berkeley was international news. Agence France-Presse reported it, and The New York Times ran an article announcing it. We were stunned, ecstatic, honored, and deeply appreciative.

Thomas Laqueur, Professor of History at UC Berkeley, captured the meaning of this gift when he wrote "Berkeley will have, for study and contemplation, art that may well come to stand for a defining moment in the history of this country and the Iraq War." He felt the Abu Ghraib works were "an enormous visual and intellectual resource to the campus and the public at large." In addition to the

role CLAS played in staging the exhibit, Laqueur pointed out that "this art is here in large measure because of what Berkeley represents for the history of free speech and critical engagement with the great public issues of the day." And, he concluded, "well into the future, people will be able to come to campus to confront Abu Ghraib through the vision and craftsmanship of Fernando Botero."

In 2012, CLAS collaborated with the new Museo de la Memoria y los Derechos Humanos (Museum of Memory and Human Rights) in Santiago, Chile, to stage an exhibit of the Abu Ghraib works. The collection provoked intense, overwhelmingly favorable media attention across the country for months prior to and during the exhibit. These works became a must-see event and sparked a national discussion on human rights, torture, and democratic values. President Piñera visited the museum for the first time to see the exhibit.

The approach to the museum — a stunning modern building that evokes the haunting quality of the Vietnam Memorial in Washington, D.C. — leads down a gentle

slope toward "Memory Plaza," passing alongside the 30 articles of the United Nation's Universal Declaration of Human Rights. Upon entering the building, visitors are greeted with the words of President Michelle Bachelet, who inaugurated the museum in the final months of her first term as president: "We cannot change our past, we can only learn from what we have lived. This is our opportunity and our challenge."

Christopher Edley, who accompanied us to the opening in Santiago, was so moved by the reception of the art, first at UC Berkeley and now in Chile, that he chose to put four powerful paintings from the collection on permanent display at Berkeley Law. They sit just outside the dean's office in a major corridor between that office and the law library. "Art offers the possibility of serving a need that law has failed to serve," Edley said during the museum panel discussion in Santiago. "How can we be sure that we will continue to debate what is right and what is wrong? I believe that the answer lies, in part, in art. That is what Señor Botero has done for us."

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The Museo de la Memoria y los Derechos Humanos (Museum of Memory and Human Rights) in Santiago, Chile.

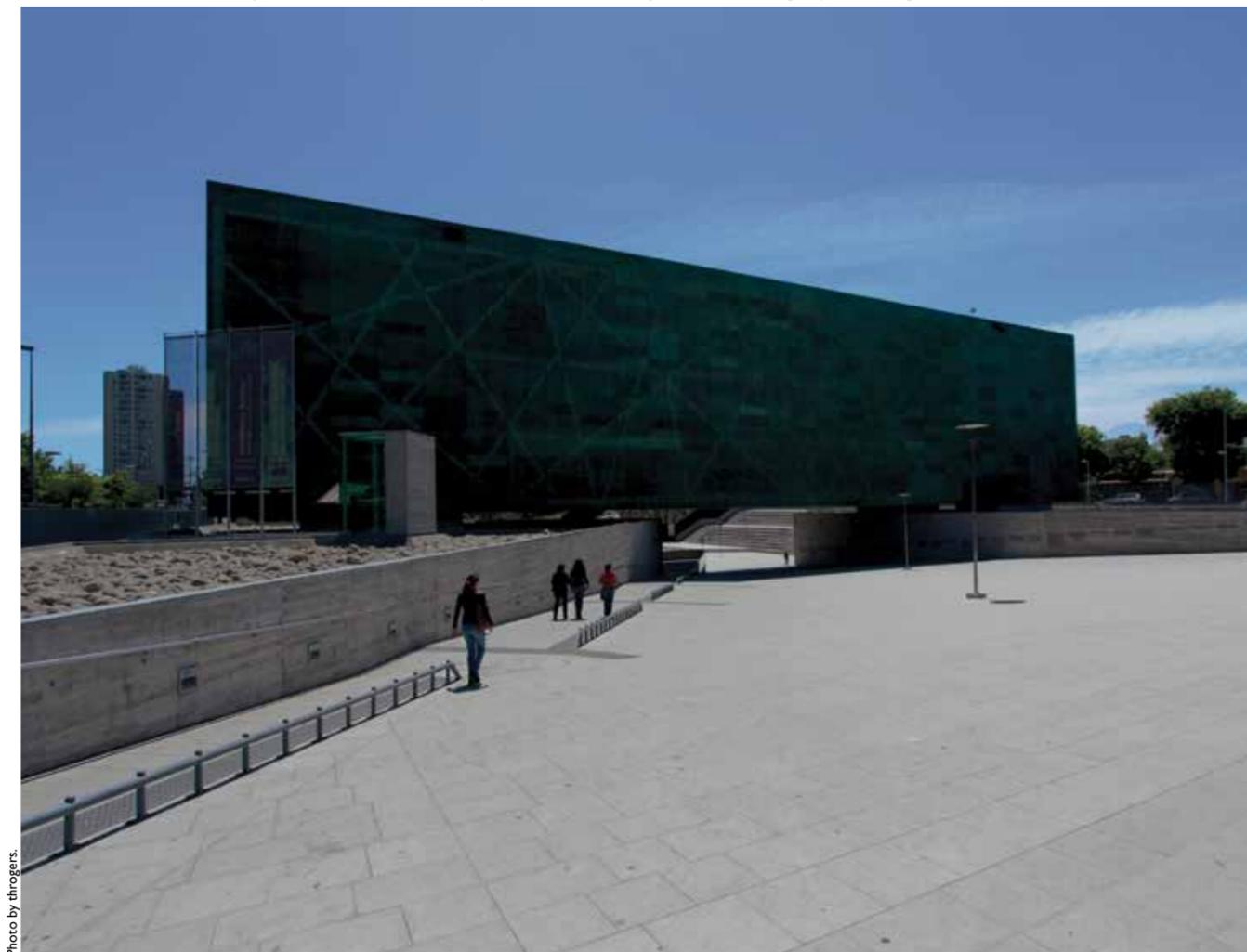


Photo by throggers

As the Abu Ghraib exhibit unfolded in Chile, the Museo de Bellas Artes in Mexico City, one of the most important cultural institutions in Latin America, chose to hold the largest-ever retrospective of Fernando Botero's paintings and sculptures. They devoted an entire gallery to the Abu Ghraib works, and CLAS facilitated the loan of 10 paintings from UC Berkeley. The President of Mexico and his Minister of Culture both attended the opening and publicly thanked the university for the loan of the Abu Ghraib paintings.

When we host visitors at CLAS for talks, seminars, and conferences, we almost always take them to Berkeley Law to see Botero's four Abu Ghraib masterpieces. When Dilma Rousseff (President of Brazil, 2011-2016) visited in April 2018, we also took her to see an exhibit of nine Botero Abu Ghraib drawings on display at the Berkeley Art Museum, in addition to the art at the Law School. As a student she had been arrested and horrifically tortured by the Brazilian military under the dictatorship, so we knew these paintings would have a special meaning and resonance for her.

Rousseff walked slowly along the Botero drawings, stopping in front of each one and studying it intensely in silence. Isabel Nogueira, a Brazilian staff member at CLAS, and I were in the gallery, standing several feet away. When she reached the end, Rousseff turned around and slowly began walking back looking at each painting a second time. Midway on this second view, she stopped and stared at a drawing that depicts a male prisoner suspended by a rope attached to his ankle. After a time, she quietly said, "I can hear their screams."

As noted art critic and managing editor at *Art in America* magazine David Ebony has pointed out, Botero is "one of the most courageous artists of our time." His genius as an artist underscores the value of art in our lives and the ways in which it can transform how we view the world.

CLAS is now facilitating a display of the Abu Ghraib works at the Beaux Arts in Mons, Belgium, that is scheduled to open in October 2021.

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Dilma Rousseff gazes at Botero's "Abu Ghraib 17" in the Berkeley Art Museum.



Photo by Isabel Nogueira.



Photo by Jorge Silva/Reuters.

A woman's sign demands a "New Constitution Now!!!" as Chilean and Mapuche flags fly at a demonstration in Chile, November 2019.

## CHILE

# The Demise of Pinochet's Constitution

By Javier Couso

**O**n October 25, 2020, Chile had one of the most consequential electoral events in a generation. That day, almost 80 percent of the voters decided in a referendum to end the rule of the Constitution imposed in 1980 by General Augusto Pinochet's military regime. The citizens of Chile chose to start a constituent process aimed at elaborating a new, democratically enacted charter. Thanks to this crucial first step, over the next year and a half (until mid-2022), Chile will be engaging in a constitution-building process without precedent in the country's history.

The road ahead is challenging. The rules governing the process are demanding and include the requirement that each clause of the new Constitution should be agreed upon by two-thirds of the members of the constitution-making body, a quorum that will force significant compromise. Furthermore, the process will unfold in the context of the highly disruptive economic effects of the Covid-19 pandemic, as well the impact of the social and political crisis that came to a boil in October 2019

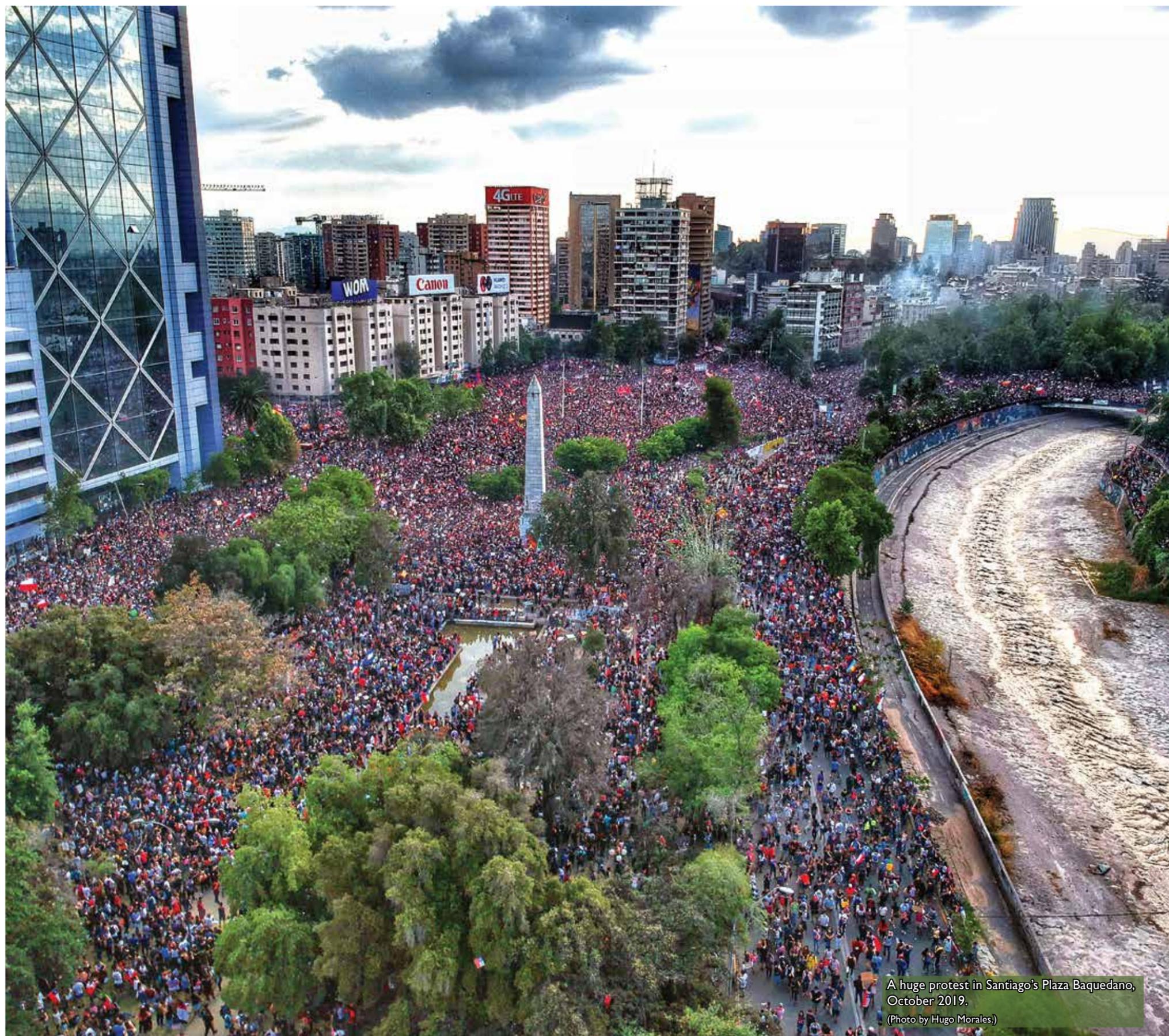
and has simmered steadily ever since. Despite these obstacles, however, most Chileans are optimistic about a constituent process that has the potential to not just get rid of a charter imposed by an authoritarian regime, but to enact a constitution that can be more responsive to the many challenges the country faces.

### Why Replace the Constitution?

To the occasional observer of Chilean politics and society, the fact that this country is about to embark on a process of constitution building might sound odd. Why would what many consider one of Latin America's most stable and prosperous democracies want to transform its constitutional order?

This question echoes the puzzlement that many felt in late 2019, when Chile experienced the most massive — and violent — demonstration in a generation, with millions of people demanding profound transformations to the country's notorious neoliberal economic model. There is, of course, a link between these two processes. On one

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A huge protest in Santiago's Plaza Baquedano, October 2019.  
(Photo by Hugo Morales.)

hand, the political agreement that triggered the constituent process was seen as a way to resolve the social and political tensions made evident by the October 2019 social unrest and channel them into an institutional process. On the other hand, the many elements of the economic model that was rejected by millions of demonstrators are entrenched in Pinochet's Constitution.

Indeed, as we shall see below, the Constitution of 1980 includes a number of highly idiosyncratic clauses aimed at making it hard to change key aspects of Chile's particularly radical version of neoliberal economics.

### The Constitution as a Safeguard for the Neoliberal Model

As opposed to most of the military regimes that swept Latin America during the 1960s and 1970s, the dictatorship in Chile was explicitly "revolutionary" in its aims and purposes. Indeed, in the early years of the regime, a banner reading "1810-1973" — calling out the year of Chile's independence from Spain and the year of the coup against President Salvador Allende — was displayed at an important official event gathering the entire military junta. The new authorities aimed at the re-birth of the nation. Working on the premise that Chile's political trajectory during the 20<sup>th</sup> century was one of demagoguery and irrationality, some within the authoritarian regime saw the seizure of power by the military as an opportunity to instill technocratic rationality into a society that had become dominated by populist political parties.

From this perspective, the interrelated goals of the military regime were to profoundly transform Chile's political and socioeconomic outlook in order to entrench the most fundamental tenets of the new order into a new constitution and thereby prevent the inevitable return to democratic rule from translating into the dismantling of the neoliberal economic model imposed during the authoritarian period. The conception of the Constitution as a sort of containment dam against the eventual democratic attempts to dismantle the neoliberal model imposed by the authoritarian regime is captured in a statement from one of Pinochet's most trusted legal advisers, Jaime Guzmán, published shortly before the introduction of the Constitution of 1980. Among other revealing observations, Guzmán declared that:

"The Constitution must ensure that, if our adversaries are able to come back to power, they would be constrained to follow an action not so different from the one that we ourselves would yearn for because — if you will allow the metaphor — the margin of alternatives that the playing field, in fact, imposes on those who play in it is small enough to be extremely difficult to do otherwise."

As Guzmán very candidly revealed, the new constitutional charter was not intended to provide a framework for democratic politics to unfold, but on the contrary, it was a means to perpetuate the reach of authoritarian politics into the democratic era, severely constraining the transformative power of democratic politics.



Augusto Pinochet and his military junta celebrate the 1980 Constitution.

### An Idiosyncratic Understanding of the Principle of Subsidiarity

The bulk of the clauses of the Constitution of 1980 that entrench Chile's neoliberal economic model are included in the Bill of Rights, specifically, a section in the extremely long Article 19 of the charter. Since it is impossible to analyze all of them in this piece, it might be useful to highlight the main goal of this section of the Constitution: to guarantee the provision of social rights by private entities as a fundamental right. In other words, while proclaiming the constitutional recognition of a number of social rights (such as the right to social security or the right to health care), the 1980 charter guarantees that private corporations will have a part in the provision of the aforementioned social rights as a constitutional right. This peculiar aspect of Chile's Constitution of 1980 is not just unprecedented in comparative constitutional law, but also comprises the most radical element of Chile's neoliberal model. In fact, if the motto "private solutions for public problems" already represented a radical version of neoliberal politics, the fact that this economic strategy was constitutionalized — through the notion that there is a fundamental right of private corporations to be the preferred provider of social rights — represented a radical version of neoliberal legality.

In Chile's constitutional jargon, the notion that there is a fundamental right of business to provide social rights for a profit is labeled "the principle of subsidiarity." Even though it is not explicitly stated in the text of the Constitution of 1980, the principle of subsidiarity is

generally regarded as one of the core principles of the country's constitutional order. In fact, this principle, along with the constitutional hostility towards state-owned companies and important labor rights, has been the most formidable obstacle to any attempts to transform Chile's neoliberal order. Significantly, the lasting strength of the principle of subsidiarity became apparent in Bachelet's second administration (2014-2018), which was the post-dictatorship government that did the most to depart from the economic model left in place by the military regime.

In order to provide a sense of how exactly the neoliberal clauses of the Constitution of 1980 block changes to the economic model, it is worth considering how the private administration of social

security is constitutionalized. Indeed, Article 19, number 18, of the charter states that "State action will be aimed at guaranteeing access for all inhabitants to the enjoyment of uniform basic (social security) benefits, whether they are granted through public or private institutions." This clause in effect provides constitutional recognition to the private pension fund administrators (known by their Spanish-language acronym as AFPs). A practical consequence of this constitutional clause is that it would make it unconstitutional to pass legislation eliminating the private administration of pension funds, in the manner of a "pay-as-you-go system."

Another example of a constitutional clause entrenching Chile's radical version of a neoliberal model is Article 19, number 9, which recognizes "the right to choose the health system they wish, be it public or private." The concrete impact of this clause is to constitutionalized the private health insurance companies (known by their Spanish-language acronym as ISAPRES). In effect, if legislation were passed eliminating the ISAPRES system, in order to, say, introduce something like Britain's National Health System, that bill would be considered unconstitutional, as it would collide with the right of people to choose between a public or private healthcare system.

### New Constitution or Old Lame Duck?

In the previous sections, I have shown how Chile's constitutional order is committed to a radical version of neoliberal economics, one that gives for-profit, private entities a fundamental right to provide social rights. However, with the October 25, 2020, referendum, all the

neoliberal clauses of the Constitution of 1980 are at very high risk of disappearing from Chile's constitutional landscape: two-thirds of the constituent body must vote to add any clause into the new Constitution, and only conservatives will want to re-enact the neoliberal clauses. In other words, even though at this point in the proceedings we do not know the precise outlook for Chile's Constitution of 2022, it is almost certain that the neoliberal legality enshrined in the 1980 charter will disappear.

Of course, for the above to happen, Chile's constituent body will need to agree on at least a minimal constitution and that will not be easy. Yet, the fact that almost four in five Chileans repudiated Pinochet's Constitution last October makes the mandate to deliver a new charter imperative. If the constituent body fails to agree on a new constitution, the country will be left in institutional limbo: with a decisive vote in 2020 demanding a new, democratically drafted charter, followed by the failure of a group of elected representatives to actually deliver. Such a scenario would not solve Chile's constitutional problem nor give back a measure of legitimacy to an authoritarian charter that is — for all practical purposes — a "lame duck."

### Conclusion

In addition to the factors analyzed in this essay, there are many elements of Chile's constituent process that are already changing the social and political outlook of the country. A couple of examples worth mentioning are the gender parity rule for electing the members of the constituent body, as well as the reserved seats for representatives of Chile's Indigenous population. These truly remarkable developments, coupled with the unprecedented participation that independents are having in the process, are already reshaping the country's political culture. This scenario suggests that once the members of the Constitutional Convention are elected (on April 11, 2021) and the constituents start to deliberate on a new charter, many things we take for granted will be revised and perhaps transform. In fact, it is likely that aside from the actual content of the new Constitution, the process of creating it will have lasting consequences for Chile.

Javier Couso is Professor of Law at Universidad Diego Portales, Chile, and Utrecht University, the Netherlands. He specializes in comparative law, with a focus on constitutional issues in Latin America.

References for this article are available online.

A socially distanced queue to vote during Chile's constitutional plebiscite on October 25, 2020.



Photo by Janet Waggaman.



A protest in Santiago, Chile, October 2019.  
Photo by Carlos Figueroa.

## CHILE

## A Social Explosion

By James Gerardo Lamb

“I am part of the problem,” said Chilean Congressional Deputy Gabriel Boric, deliberating on the seemingly vast disconnect between popular sentiment, social movements, and politicians in contemporary Chile. “In Chile, since the return of democracy, professional politicians have been progressively moving away from citizens, building an abyss.” This problem consumes Frente Amplio (Broad Front) — the left-wing coalition Boric helped found and of which his party, *Convergencia Social* (Social Convergence), is a member. “When you are in the institutions, you start to move away from common citizens,” Boric explained.

It was a stunning analysis from the high-profile political figure and former student movement leader. Yet, it very much encapsulated the self-reflective, contemplative, and analytical approach Boric has brought to his political work, both outside and within the government and formal party politics. “I have a point of view,” Boric said, “which, of course, doesn’t prevent me from questioning my own ideas, an exercise that for me is very important in politics and in life.” More than once, Boric shared his favorite quote, “Doubt must follow conviction as a permanent shadow,” which he attributed to the existentialist writer Albert Camus. It is a perspective that continues to guide his political orientation.

Boric spoke at multiple engagements at UC Berkeley on February 10, 2020. He reflected on the current intense conjuncture of Chilean politics and society, rocked since October 2019 by some of the largest and most contentious protests in the country’s history. Boric’s public comments came just as a campaign was about to begin for a plebiscite on a new constitution to replace the 1980 document imposed by the military dictatorship, but before the full force of the global Covid-19 pandemic began unfolding. Boric was central to the all-party agreement, spurred by the protests, that initiated the plebiscite process.

Above all, Boric reiterated his deep commitment to democratic dialogue and democratic political practice, insisting these components would be crucial for a peaceful exit from Chile’s current social ferment. “The problem,” Boric said, “is that there is a deep distrust in institutions and a crisis about the idea of representation. Compromising is perceived as treason, and even dialogue with those you

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disagree with is seen as a betrayal.” Boric warned that “people who don’t want to compromise [...] are very likely to become fanatics,” and he argued, “Those people have to be confronted. I don’t like those kind of people. [...] Compromising is important.”

This upheaval — which the Chilean media dubbed the *estallido social* or “social explosion” — has been a culmination of dramatic political changes in Chile this past decade. Generational turnover, social movements, corruption scandals, and the emergence of social media have transformed political institutions, parties, coalitions, and dynamics and have upended long-held assumptions about Chilean politics and society.

This period of rapid change has been particularly surprising given the prior 20 years of stability and continuity under center-left Concertación coalition governments (1990-2010). Those administrations followed the long-entrenched military regime led by General Augusto Pinochet (1973-1990). Within this context of convulsive transformation and uncertainty, Boric emerged as a progressive icon.

In his talk, Boric claimed that “the political system was not ready for an explosion” and that the country’s institutions were not working well. “The problem that we have,” he continued, “is that all the institutions, [...] President Sebastián Piñera, but also the Congress, the courts, police, don’t have legitimacy.” Boric argued, “That, in my opinion, is one of the most difficult challenges we’re facing: to be able to change institutions in order to defend them and to recover trust in each other.”

### Student Movement Roots

Boric first appeared on the national political stage after winning an election to become president of the Federación de Estudiantes de la Universidad de Chile (FECH, Universidad de Chile Student Federation). His closely contested election came in the middle of massive student-led protests in 2011-2012. In his talk for CLAS, Boric called this movement one of several warnings regarding the corrosive nature of inequality that was to spur the rebellion at the end of 2019.

As a law student, Boric had been a very involved political activist, even before winning the FECH presidency. He had served on the university’s student senate and as president of the Centro de Estudiantes de Derecho (CED, Law Students’ Center). During his time at the university, he was also an active member of a political collective known as Izquierda Autónoma (Autonomous Left).

Izquierda Autónoma was a political movement that primarily operated within universities. It claimed



Photo by antitezo.

Chilean students protest by dragging their desks into the school courtyard during the 2006 “Penguin Revolution.”

historical antecedents in broad currents of socialism and autonomism. It drew particular inspiration from the Italian revolutionary Antonio Gramsci and his theory of “hegemony.” Hegemony is the idea that ideological and cultural leadership in the shaping of public opinion is a key instrument of class politics and social control. Whereas dominant groups seek to use this leadership to elicit the consent of subordinated groups, Gramsci advocated for socialists to contest this ideological and cultural terrain. An influential early text of Izquierda Autónoma defined its mission as “the creation and strengthening of the political autonomy of the subaltern classes in opposition to the hegemony of the dominant classes.” Boric was a member of Izquierda Autónoma when he was elected to Congress in 2013 and remained affiliated with the movement until its merger with other left-wing forces in 2016.

In his talk, Boric noted, “I’ve always thought that we should make efforts to link politics with cultural expressions.” He also closed his presentation with a quote from Gramsci: “Educate yourselves because we’ll need all our intelligence. Stir yourselves because we’ll need all our enthusiasm. Organize yourselves because we’ll need all our strength.”

Key aspects of this theoretical perspective continue to influence Boric’s political thought and practice. One

defining aspect of the autonomist movement was its critique of 20<sup>th</sup>-century left-wing movements. Autonomism objected to the authoritarianism, vanguardism (deference to an ostensibly ideologically advanced leadership), and antidemocratic practices of these movements and parties. Boric echoed this critique in his comments: “Left-wing ideas failed in the 20<sup>th</sup> century, [...] I’m aware of that, so there is a big challenge to renovate these ideas.” Yet, he argued against the proposition that leftist forces in Chile resembled the authoritarian forces in Venezuela: “None of us is an ex-military authoritarian who wants to start everything from zero. [...] We have a strong conviction in democracy. [...] We want to defend the right of people to think differently.” Autonomism was also defined by a profound skepticism towards established political parties of the left, which were viewed as subordinating social movements to partisan strategic considerations.

As the student movement took off in 2011, the young Communist Party leader Camila Vallejo was president of the FECH. The Communist Party had been excluded from the Concertación since the transition to democracy but was soon to join an expanded center-left coalition called Nueva Mayoría (New Majority) to contest the conservative Chile Vamos (Let’s Go Chile) coalition of President Piñera, a frequent antagonist of the student movement. As FECH

president, Vallejo became a national and international media icon of the protests. In a closely contested student election on December 7, 2011, Boric ran on a coalition list of several student groups called Creando Izquierda (Creating a Left) and beat the high-profile Vallejo by just 189 votes to become president of the FECH. Vallejo remained as FECH vice president. On the occasion of his election, Boric stated that the intention of Creando Izquierda was to distance the student movement from “traditional political parties,” including those of the left. “We are not disposed to continue delegating our transformative cause to the politicians of yesterday,” he said.

During his talk at UC Berkeley, Boric recalled going to Congress as FECH president to meet with the head of the Senate Education Commission, Ignacio Walker, a Concertación parliamentarian from the Partido Demócrata Cristiano (PDC, Christian Democratic Party). According to Boric, the senator told him, “We’ll take it from here,” a reminder to the then-student leader that the political system was effectively closed to broader citizen and social movement participation.

However, as a social movement leader, Boric recognized another problem: social movements needed to engage with institutional and electoral politics, yet they were frequently reticent to do so. Referring to his overall political trajectory, Boric explained that “some of us wanted to push for some changes [...] which were impossible without a social mobilization, social movements.” Yet, Boric noted, “Social movements used to deny politics itself.” Speaking of this misjudgment, Boric recalled, “We had to face this in the 2011-2012 student movement. [...] We understood [...] that we couldn’t just stay in the social movement. We had to give the social movement a political expression.” He argued that “social movements without a political expression [...] become simple petitioners to government.”

Indeed, a central theme of Boric’s reflections on Chile’s current moment was this complex relationship among social movements, formal politics, and social change. “We need to know how to channel this incredible force,” Boric said. Acknowledging Congress’s 2-percent approval rating in a public opinion poll, he admitted, “We haven’t been able, as Frente Amplio, to represent the discontent. [...] We wanted to mix politics and social movements.”

The student movement had gained massive public support. Public opinion polling at the peak of the demonstrations suggested some 70 percent of the population backed the movement’s goals. High school students, members of labor unions, environmental campaigners, and others joined university students in the streets. The approval rating of President Piñera’s first

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Three leaders of the Chilean student movement: Camila Vallejo, Giorgio Jackson, and Camilo Ballesteros, September 2011.

government (2010-2014) cratered. Student movement leaders garnered popular support and legitimacy that challenged and even exceeded politicians from the traditional parties and incumbent coalitions, both the center-right government coalition and the center-left opposition.

After the height of the student movement and his term as president of the FECH, Boric became a central player in the most significant efforts of the past decade to represent progressive social movements within Chile's institutional political system.

### Electoral Victories

In the parliamentary elections of November 2013, Izquierda Autónoma ran three candidates as independents for the Chamber of Deputies, the lower house of the Chilean Congress. Boric was the only one to win a seat, gaining the most votes among nine candidates in his far-southern District 60, encompassing the regions of Magallanes and Chilean Antarctica.

Boric was elected to Congress in 2013 alongside other student movement leaders including Camila Vallejo, Karol Cariola, and Giorgio Jackson, Boric's frequent collaborator over the past decade. Impressively, Boric was the only member of this so-called *bancada estudiantil* (student

block) to win an election without being part of the center-left coalition, like Vallejo, or forming an electoral pact with them, like Jackson and his *Revolución Democrática* (Democratic Revolution) party.

Boric's win was especially significant because under the Chilean electoral law in effect since the transition from military rule, smaller parties and forces outside the two main coalitions were greatly disadvantaged. Under that "binomial majoritarian" system, two candidates for Congress were elected per district. A coalition list could only win both seats if their total votes were twice that of the next list. Such an electoral set-up strongly incentivized electoral competition to channel into a two-coalition dynamic. And, indeed, the two main coalitions had dominated Chilean politics for a quarter century to that point.

Boric's victory was heralded in the media as "breaking the binomial." After winning the election, Boric announced, "We demonstrated that a left-wing project outside the Concertación can be raised up and, importantly, that in Chile there aren't just two options." In that crucial election year, Boric and Izquierda Autónoma maintained a conscious distance from the coalition of center-left and left-wing parties led by former President Michelle Bachelet of the Socialist Party.

Under the banner of the *Concertación*, Bachelet had served as president from 2006-2010, a period that began with the first mass protest movement of Chilean students called the "Penguin Revolution" for the navy blue and white uniforms worn by most Chilean high school students. Bachelet left office with huge popularity but was barred by the 1980 Constitution from running for a second consecutive term. The *Concertación* lost the 2010 presidential election to Piñera, and during his first term, the historic center-left coalition expanded leftward, incorporating the Communist Party, which had demonstrated significant strength and organization within growing social movements, including the labor and student movements. This new, more progressive coalition was dubbed the *Nueva Mayoría*.

The *Nueva Mayoría* won resounding electoral majorities in the Chamber of Deputies and the Senate in the elections on November 17, 2013. Bachelet finished clearly ahead in the first round of the presidential elections that same day, besting the conservative second-place finisher 47 percent to 25 percent. Nevertheless, unlike the rest of the student bloc, Boric declined to back Bachelet in the presidential run-off held on December 15, 2013.

Characteristically, he maintained that "our position is for autonomy, but [also] dialogue."

Bachelet triumphed in the run-off 62 percent to 38 percent over the center-right *Alianza* (Alliance) coalition candidate, former senator and Minister of Labor Evelyn Matthei, and became president for a second term (2014-2018). It was thus as part of a broader progressive wave that Boric arrived in Congress in March 2014. In particular, the *Nueva Mayoría* had committed to progressive educational reforms inspired by the student movement during the electoral campaign.

### Progress and Complications

The Bachelet administration started off its second mandate with a high level of public approval. Progressive social movement ideas such as education system reform and replacement of the binomial majoritarian electoral system were taken up by the administration. Indeed, in 2015 Bachelet promulgated a reform that put an end to that system and finally broke the virtual duopoly on congressional representation by the two coalitions that emerged from the transition. The new rules, billed as an "inclusive proportional" system, governed the 2017 elections and the new Congress inaugurated in 2018.

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Gabriel Boric being interviewed as a candidate for Chile's Congress, April 2013.



Photo courtesy of Foros TVN.

Education reform, a top priority for Boric and the student bloc, was complicated and progressed slowly. These complications owed, in part, to divisions within the Nueva Mayoría and particularly to opposition from conservative sectors of the PDC, which had enjoyed significant political influence since the transition back to democracy. Tensions between the government and social movements began to mount.

In February 2015, the Caso Caval, an influence-trafficking case against President Bachelet's son, became a major public scandal. Public opinion swung decisively against the government as the economy decelerated. The Bachelet administration tacked to the center with policy compromises (including on education reform) and a revamped cabinet in a political recalibration promoted as "realism without renunciation."

By early 2016, this strategy had alienated Jackson's Revolución Democrática party, which had supported Bachelet in the run-off and supplied prominent officials to the Ministry of Education. Boric and Jackson began discussions in January 2016 about forming a broad alliance of left political forces outside of the Nueva Mayoría.

This effort was inspired by Uruguay's then-governing Frente Amplio (Broad Front) and Spain's Podemos (We

Can), progressive coalitions based in social movements. It was given strategic impetus by the new incentives of a reformed electoral system.

Crucial political moves came in the months that followed those initial discussions. At the end of May 2016, Revolución Democrática withdrew from the Bachelet administration. It cited, above all, frustration with education reforms.

At the same time, Izquierda Autónoma split. Boric led a dissident group known as Convergencia Autonomista (Autonomist Convergence) out of the movement, which was then in the process of considering whether to constitute itself as a legal political party. This faction represented four of the nine members of Izquierda Autónoma's executive directorate, 21 of the 42 members of its expanded directorate, and three out of seven presidencies of university federations, as well as Boric, its only national parliamentarian. The group founded a new political movement known as Movimiento Autonomista (Autonomist Movement).

The main point of contention was precisely the emphasis Boric's group gave to the formal political process, especially the upcoming 2016 municipal and 2017 national elections, and the looming possibility of establishing an

President Michelle Bachelet visits a Chilean school, August 2016.



Photo courtesy of Gobierno de Chile.

alliance with Jackson and Revolución Democrática. When asked in the media about controversial accusations during the heated split that he was a "traitor" or "sell-out," Boric said, "When one passes from the social movement to institutional politics, there are those who have adjectives on the tip of their tongues, and on social media, they come out all the time. I believe it has happened to Giorgio [Jackson] and Camila [Vallejo] as well, but those characterizations block the debate."

A second issue was the leadership faction's decision to continue meeting with Ministry of Education officials. Such a meeting was held despite a decision by the Confederación de Estudiantes de Chile (CONFECH, Confederation of Chilean Students) to freeze such contacts with the administration in the wake of its climbdown on education reforms that the student movement supported. An umbrella organization for university student unions across Chile, CONFECH had organized and led the iconic protests of the 2011-2012 student movement. Boric articulated a strategy that allowed frustration to mount over the failure of more ambitious education reforms and translated that discontent into electoral support for the left rather than the more modest proposals of the Bachelet administration.

#### Frente Amplio Is Born

In January 2017, the Frente Amplio coalition was officially inaugurated. Its formation was the culmination of a complex process of convergence uniting seven political movements and seven parties. Boric and Jackson were the two most prominent public figures of the new political referent, and their political movements boasted the greatest support and visibility. Frente Amplio emphasized a message of pluralism, participatory democracy, and political and financial independence from Chile's powerful business lobby.

Boric and Jackson were also key proponents within Frente Amplio of a strategy to run a full slate of congressional candidates and a presidential campaign to compete with the two historic coalitions. The Frente Amplio coalition ran 166 candidates for the Chamber of Deputies and 23 candidates for the Senate in 2017 and fulfilled its commitment to gender parity in its parliamentary candidature lists.

In the presidential election process, Boric and Jackson also played critical roles. They recruited Beatriz Sánchez, a popular independent radio journalist who had never run for elected office before. They offered her key support, first in the Frente Amplio primary and then in the general election. She announced her candidacy at the end of May 2017, campaigning on a strong social democratic policy mix



Image from Wikimedia.

The logo of Chile's Frente Amplio.

of free universal public education from preschool through university, universal health care and social security, sectoral collective bargaining, and a progressive tax system that would raise additional revenues from upper-income brackets. Her main themes included government transparency, citizen participation, and women's rights. Sánchez handily won the Frente Amplio primary on July 6, 2017, garnering nearly 70 percent of the vote. Boric served on the Sánchez campaign team as a political advisor during the election.

Frente Amplio, Sánchez, and Boric all achieved significant electoral success in the national elections on November 19, 2017. The new coalition got nearly a million votes and elected 20 out of 155 deputies and one senator. The Chamber of Deputies election was contested by 10 lists, 51 parties, and 960 candidates, and the staid two-coalition-dominated politics of post-transition Chile was left behind. The newly elected Congress was far more diverse than previous legislatures in terms of party representation, ideology, and demographics. This fragmentation and diversity extended to the right as Evolución Política (Political Evolution, known as Evópoli), which self-described as "classical liberal," joined the traditional two parties of the center-right coalition by seating six deputies and two senators.

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From left: Giorgio Jackson, Gabriel Boric, Beatriz Sánchez, and Jorge Sharp, candidates for office in 2017.

Although previous presidential candidacies had challenged the incumbent coalitions from the left, Sánchez won far more support than any prior attempt since the transition. With more than 1.3 million votes, she surpassed 20 percent in the first round. That showing nearly bested the 22.7 percent for Nueva Mayoría candidate Senator Alejandro Guillier and almost broke through to the run-off.

For the 2018-2022 congressional term, Boric handily won re-election in the newly formed District 28, improving upon his first performance. He finished first among six candidates with 32.8 percent of the vote, well ahead of the second-place candidate, Deputy Sandra Amar Mancilla of the conservative Unión Demócrata Independiente (UDI, Independent Democratic Union) party, who finished with 12.1 percent of the vote. In the new parliamentary term, Boric joined the Chamber of Deputy's permanent Constitutional Committee, a crucial position when talk of a new constitution suddenly came to the fore in the wake of the social explosion of October 2019.

### Challenges for the Left, Victories for the Right

Despite these successes for the new social movement-based left, the broad center-left suffered a series of divisions and internal crises. After 28 years, the Partido Demócrata Cristiano (PDC, Christian Democratic Party) broke away from its Concertación–Nueva Mayoría partners — the

Socialist Party, the Partido por la Democracia (PPD, Party for Democracy), and the Partido Radical (PR, Radical Party) — and ran its own presidential candidate in the first round: Senator Carolina Goic. This decision ultimately led to the dissolution of the Nueva Mayoría coalition. Nueva Mayoría presidential candidate Senator Guillier was himself an independent, though he aligned with the Partido Radical, which was a break from the post-transition streak of PDC and Socialist Party nominees on the center-left.

Just as Sánchez and Frente Amplio surprised many observers, so did the first round of presidential polling results for the independent conservative candidate José Antonio Kast. The uncle and close political ally of Evópoli Senator Felipe Kast won more than 500,000 votes — nearly 8 percent of the total — and outpolled the PDC candidate. He ran on a “pro-life, anti-illegal immigration” platform espousing lower taxes, less government, and unabashed support for the military government, including a proposal to forgive some convicted of human rights violations under the dictatorship.

In this context of center-left division and far-right emergence, Piñera scored a resounding victory in the second round of voting on December 17, 2017, and became president for a second time. With 54 percent of the vote, he had gained nearly 1.4 million votes after a relatively weak showing of 37 percent in the first round of the election.

Conversely, Frente Amplio experienced a process of internal convergence and mergers during 2018 and 2019: the original seven parties and seven movements became seven parties and two movements. Boric played a leading role in this reorganization, which consolidated and strengthened the left wing of the coalition, and he remained among its highest-profile representatives. The changes shifted the balance of Frente Amplio, in which Jackson's more moderate Revolución Democrática had previously been dominant.

Boric's Movimiento Autonomista began discussions on a process of amalgamation with three other left-wing Frente Amplio forces in January 2018. They held a foundational congress in November 2018 and resolved to combine into a single movement and seek recognition as a political party. In January 2019, the new group, Convergencia Social, was officially launched. The new organization was formed out of the dissolved Movimiento Autonomista, Nueva Democracia (New Democracy), the Izquierda Libertaria (Libertarian Left), and Socialismo y Libertad (Socialism and Liberty). Boric is currently one of four Convergencia Social parliamentarians in the Chamber of Deputies. During the 2018 congress, Boric told the media, “We want to form a new party to dispute the politics of the transition, of which we don't feel a

part.” Convergencia Social was inscribed in the electoral register as a legal party in three regions in March 2020.

Boric's old movement, Izquierda Autónoma, fused with Poder Ciudadano (Citizen's Power) in 2019. Together, they formed a “feminist, popular, and democratic” political party called Comunes (Commons), which seats two deputies in Congress. From this sector of the movement, Emilia Schneider Videla became the first transgender president of the FECH in April 2019, representing Comunes and Frente Amplio in that position.

Frente Amplio, particularly its left wing, has positioned itself as an often-fierce critic of the Piñera administration. Boric has been a prominent voice of dissent during the current conservative presidency.

### Social Explosion

This was the state of play on Friday, October 18, 2019, when the social explosion detonated in Chile to the shock of many in the nation and around the world. Yet, Boric was not among those taken by complete surprise. In his talk at UC Berkeley, he claimed, “Some of us [...] were expecting [this] a long time ago,” although he noted that “what has happened in the last months in Chile has surpassed all our expectations.”

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President Sebastián Piñera surrounded by military officers at a parade in 2010.



Photo courtesy of Gobierno de Chile.

## Twenty Years Now, Where'd They Go?

(continued from page 16)

### The Road to the Sun

Science plays a defining role in our lives, beyond theory and the laboratory. It is key to understanding critical social issues and, in particular, existential threats such as the climate crisis and nuclear risk that impact our very existence on the planet.

We invited U.S. scientist and inventor Stan Ovshinsky to give a talk at UC Berkeley in April 2008. The talk drew an overflow crowd of several hundred people that filled the elegant Morrison Room in the Doe Library across the hall from where we had exhibited the Abu Ghraib paintings little more than a year earlier. Almost immediately, Ovshinsky's talk received 25,000 views online, and that number continues to increase.

"Ovshinsky is arguably one of the greatest thinkers and inventors you've never heard of," the Smithsonian magazine wrote in October 2018. "He's been called his generation's Thomas Edison and his brilliance compared to that of Albert Einstein." Ovshinsky's fundamental contributions to amorphous materials — the field is now called Ovonics in his honor — transformed photovoltaics (the conversion of light into electricity using semiconducting materials), among much else.

The 2008 event with Ovshinsky inaugurated a new effort for CLAS on the climate crisis. It was the first step on our "Road to the Sun," a series of activities related to solar energy and other alternative energy sources across the Americas, including Chile, Costa Rica, Mexico, and the United States.

The next step would come soon after, when CLAS brought Chilean President Michelle Bachelet to Berkeley on June 12, 2008. The day began with a visit for the president and her delegation to Lawrence Berkeley National Laboratory, where five energy scientists briefed the group on what California was doing on renewable energy, with a particular emphasis on solar.

In a public talk organized by CLAS at UC Berkeley's International House later that day, President Bachelet explored the challenges of globalization and emphasized global cooperation as essential to deal with climate change and the rising demand for energy. She looked at California as a natural partner in these endeavors. Bachelet, Chile's first female president, also emphasized issues of gender equity and a number of critical initiatives related to women.

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Solar panels in the Atacama Desert, Chile.

Photo by obscur/Shutterstock.com.



Stan Ovshinsky with his "printing press," which produced flexible solar materials by the mile.  
Photo by Brendan Ross.

Issues raised during the visits by Ovshinsky and Bachelet inspired CLAS to organize a special two-day workshop of the U.S.–Mexico Futures Forum in Detroit, Michigan, where Ovshinsky lived and had research laboratories and production facilities. Participants in the September 2008 workshop included Roberto Dobles, Minister of the Environment and Energy in Costa Rica; Cuauhtémoc Cárdenas; Christopher Edley; Bob King, who would become the president of the United Auto Workers; and David Bonior, among others.

Ovshinsky laid out an inspiring energy vision in Detroit. "The ages of civilization have been classified by the materials they use: the Bronze Age, the Iron Age, the Silicon Age," he said. "We are at the dawn of the Hydrogen Age." In the early 1960s, he defined the "hydrogen loop" as an alternative to fossil fuels. The hydrogen loop starts with the unlimited energy of the sun — itself composed of hydrogen — and harnesses solar rays through photovoltaic material.

In Detroit, we toured state-of-the-art solar factories and research laboratories and spoke with scientists about their work. Standing under a solar material manufacturing machine the length of a football field that Ovshinsky had designed and built, we had the sense of the mass-production age and the hydrogen age coming together. We also knew we were standing just miles from the Ford Highland Park plant where the first Model T rolled off the auto assembly line almost a century earlier.

That evening, we spent a working dinner in the Garden Court of the Detroit Institute of the Arts, surrounded by Diego Rivera's "Detroit Industry Murals." Painted during the darkest hours of

the Great Depression, these masterpieces celebrate the dignity of work and the power of mass production. With this monumental art as a backdrop, we discussed the ways in which renewable energy could transform Detroit, Mexico, Latin America, and the world.

"We have to open the possibility of using inventions like those of Stan Ovshinsky and using hydrogen or solar energy as a fuel," Cuauhtémoc Cárdenas said. "And that will make our economies work much better than they are working right now." Cárdenas also observed that collaboration on these new technologies could improve living standards and bring the United States and Mexico together in more constructive, collaborative ways. "We should find the ways to cooperate and different ways to use renewable energies," he said. I raised the notion of a photovoltaic solar facility spanning the U.S.–Mexico border in the desert, a symbol of the links between the two countries and of the unlimited power available from the sun, a proposal Governor Jerry Brown shared with the Foreign Minister of Mexico in 2014.

This initial Detroit trip proved so successful that I accompanied Ricardo Lagos (President of Chile, 2000–2006) on another visit to Detroit the following year in 2009. At the time, Lagos was serving as the United Nation's

Special Envoy for Climate Change (2007–2010). After the visit, Lagos wrote in the Berkeley Review that "the kinds of solutions that Stan Ovshinsky is proposing should be available in Chile," and we all began contemplating more comprehensive ways to address the climate crisis, while simultaneously ensuring broader patterns of development for countries such as Mexico and Chile, as well as equitable growth and social justice.

Almost immediately, Lagos invited Ovshinsky to visit Chile for a week on a trip that would involve lectures, meetings with key stakeholders, and discussions about a renewable future. The trip was organized by the government of President Michelle Bachelet: she understood the importance of the visit, and Chile rolled out the red carpet. Ovshinsky was accompanied by his wife Rosa Ovshinsky, a noted hydrogen physicist in her own right.

Ovshinsky began by delivering the keynote address at a conference on renewable energy with 500 participants from throughout Chile in the port city of Antofagasta, surrounded by the Atacama Desert, and bathed in unlimited quantities of intense sunlight. He received an enthusiastic standing ovation, and his visit received extensive media coverage.

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From left: Dionicia Ramos, Cuauhtémoc Cárdenas, Roberto Dobles, Christopher Edley, and Stan Ovshinsky with a hydrogen-powered car.



Photo by Cristel Heinrich Bettoni.

Ovshinsky seized the moment and would later tell a film crew that “Chile [could be] a showcase of how you could have energy without pollution, without climate change, without war over oil.” He spoke about “building new industry in Chile” for jobs and development and collaborating with Chilean scientists on future research. While standing near the summit of an 8,600-foot peak near the Paranal Observatory, Ovshinsky couldn’t resist saying, “I love it here. I’m closest to the sun.”

Six years later, President Bachelet was elected for a second term. With Máximo Pacheco as her new Minister of Energy in 2015, she implemented a far-reaching plan to advance solar energy. Beatriz Manz and I were invited to Chile as her special guests for the inauguration. A day or two later, I was pleased to be asked to meet with Minister Pacheco. What I thought would be a fifteen-minute courtesy call wound up being an hour-long discussion of solar possibilities.

Bachelet’s efforts in this area proved impressive. Chile had virtually no solar installed in 2009, but had some 600 megawatts by 2015, and more than tripled that to nearly 2,000 megawatts in 2017, more than the rest of Latin America combined.

Ricardo Lagos also remains highly committed to addressing climate change and has continued to play an important role on this issue. He returned to CLAS in January 2018, following a conversation we had in Santiago several weeks earlier. We spent a morning at Lawrence

Berkeley National Laboratories, where he met with the Director Michael Witherell and key research scientists studying climate change. We then drove to Sacramento and met with Governor Jerry Brown that afternoon to discuss what California and Chile were doing on renewable energy and possibilities for collaboration. As always, Lagos took time to meet with students, faculty, scientists, and friends.

#### **A Brief Digression: The 2011 U.S.–Mexico Futures Forum and Spring Semester at CLAS**

I’m taking a slight detour to highlight the ways in which CLAS activities tend to intersect. I’d like to focus on a single semester, Spring 2011. It wasn’t a unique semester, but it gives a sense of our range and the ways in which various projects interact with one another.

The September 2008 renewable energy workshop in Detroit inspired Futures Forum activities more generally. The climate crisis was a central theme at almost all subsequent Forum meetings. In Spring 2011, the event included Luis Alfonso de Alba, Mexico’s U.N. Special Envoy for Climate Change, and Steve Weissman, Director of the Energy and Cleantech Law Program at Berkeley Law.

The 2011 Futures Forum also included some new participants. Sergio Fajardo, Mayor of Medellín, Colombia (2004-2007), related his groundbreaking work on combating drugs and violence in his city; Darrell Steinberg, the President pro Tempore of the California State Senate, and John Chiang, the California State

From left: Sergio Fajardo, Kamala Harris, and John Chiang speak over dinner with Pete Gallego (back to camera).



Photo by Meredith Perry.



Photo by Jim Block.

Participants in the U.S.–Mexico Futures Forum, 2011.

Controller, focused on the importance of the California–Mexico relationship. Robert Reich, former Secretary of Labor and Professor of Public Policy at UC Berkeley, discussed the continued economic uncertainty and ways to address it in both countries.

California Attorney General (now U.S. Vice President) Kamala Harris gave the keynote talk at dinner and spent the evening with us in a conversation that addressed drug policy, security, Mexico, and California. Fajardo provided critical perspective from his Medellín experience. CLAS would work with Harris on several other occasions going forward. Fajardo would become Governor of Antioquia and narrowly missed the runoff in the 2018 presidential election in Colombia.

In Spring 2011, we also hosted Michelle Bachelet for a special seminar. At the time, she was the inaugural head of U.N. Women, a new mega-agency, and came to Berkeley to teach a seminar on “Women, Development, and Democracy” for CLAS.

CLAS also welcomed Spanish jurist Baltasar Garzón that semester. Garzón’s 1998 indictment of Chilean dictator Augusto Pinochet set a critical precedent on universal jurisdiction. In addition, we screened “Presunto Culpable” (Presumed Guilty), a disturbing

documentary on the criminal justice system in Mexico, with its director, Roberto Hernández. The film is credited with inspiring major reform of the country’s judicial system. It became the highest-grossing documentary in Mexican history and was awarded a 2011 Emmy for investigative journalism. I received an Emmy as an executive producer, which also reflected the contributions of CLAS to the project.

#### **CLAS and Human Rights:**

##### **Daniel Coronell and Beatriz Manz**

Issues related to human rights in Latin America have run through much of what CLAS has done. In fact, human rights have been very much in our DNA. Two events provide a sense of our activities: our support for Colombian journalist Daniel Coronell and Professor Beatriz Manz’s participation in the genocide conviction of Guatemala’s former dictator Efraín Ríos Montt.

When I first met Daniel Coronell, he was one of the most highly regarded investigative journalists in Colombia. Through the combination of his sharp intellect, hard work, and uncommon courage, he had done groundbreaking work on human rights. He has received Colombia’s most prestigious awards for news programming, the Premio >>



Daniel Coronell in the newsroom at Univision in Miami.

Nacional de Periodismo Simón Bolívar and the India Catalina prize, several times.

Coronell was concluding a prestigious John S. Knight Senior Research Fellowship at Stanford University, when one of his colleagues phoned me with deeply disturbing news: Coronell had no option but to return to Colombia when his fellowship concluded in the spring of 2006, despite having received terrifying death threats against himself and his family.

At dinner that night in a small restaurant in Berkeley, Daniel Coronell spoke of his concern for the safety of his family and himself. His journalistic investigations of death squads, drugs, and politics as well as their unsavory linkages was both alarming and vital for Colombia, yet extremely dangerous for him. We discussed the possibility that he could come to CLAS as a Senior Scholar immediately and teach a course at UC Berkeley. We brainstormed ways to secure financial support for him. We had no specific funding or course at the time, but thanks to UC Berkeley's flexibility and the exceptional efforts of Aryeh Neier, who has been involved in so many of our efforts, we did the right thing and made the arrangement work.

Sara Lamson, CLAS Vice Chair at the time, and Dionicia Ramos, who would later become Vice Chair, put their hearts into the effort and immediately found housing for Coronell and his family. They quickly became a vital part of our community. At the end of Coronell's first year, we felt it was still not safe for him to return to Colombia, and we arranged

for his appointment to be extended for a second year.

During his first year, we opened the Botero Abu Ghraib exhibit in January 2007. We asked Coronell if he would interview Fernando Botero and write an article about the visit for the Berkeley Review. He immediately accepted our proposal but confessed he was in awe of Botero's iconic stature as an artist. When we told Botero that Daniel Coronell would interview him, he was thrilled but also told us he was in awe of Coronell's stature as a journalist. They were both right, and it was an exceptional article. Coronell most recently participated in a CLAS webinar on the November 2020 U.S. elections and their impact on Latin America. He is now President of News for Univision in the United States.

The second case involved Beatriz Manz, now UC Berkeley Professor Emerita, who played a key role in two

precedent-setting court cases concerning one of the most ruthless dictators in Latin America's contemporary history. For more than three decades, Manz carried out anthropological field work in Guatemala, some of it literally under fire. In the early 1980s, she chose to put her own life on the line to document horrific acts in the Ixil region during the genocide under General Efraín Ríos Montt. "I was one of the very few anthropologists — perhaps even the only one — who continued going to the area during the most intense period of war," she wrote in the Spring 2013 issue of the Berkeley Review. "I did this because I felt that these horrific crimes needed to be documented for a broader audience."

"General Efraín Ríos Montt came to power in Guatemala through a coup in March 1982 and was deposed by another coup in October 1983, seventeen blood-drenched months later," Manz wrote. "The most heinous state-sponsored violence of Guatemala's civil-war era took place during the brief period he was in power." Atrocities and widespread state-sponsored murders had continued in the country after Ríos Montt was deposed, yet Manz repeatedly returned to Guatemala.

One of the most notable political murders was the assassination of Manz's research partner and close friend, Guatemalan anthropologist Myrna Mack Chang. She was killed outside her office by military assassins on September 11, 1990, because of her work examining forced displacement during Guatemala's genocide. Seeking justice



Beatriz Manz is sworn in at the Ríos Montt trial in front of (from left) Justices Patricia Bustamante, Yassmin Barrios, and Pablo Xitumul.

for this unspeakable crime, her sister Helen Mack has become one of the most respected and courageous human rights campaigners in the country. Mack Chang's daughter, Lucrecia Hernández Mack, continues the tradition as a physician, former health minister of Guatemala, and now a progressive member of the Guatemalan Congress.

Court cases against former general and head of state Efraín Ríos Montt began in Spain in 1999 and concluded in front of a three-judge High Risk Court Tribunal in Guatemala City in 2013, where Manz played an important role. One hundred or so witnesses testified, many of them Indigenous Guatemalans from the Ixil area, but Manz was among the few foreign expert eyewitnesses to document the crimes committed in the Ixil region. At the end of this grueling trial, Chief Justice Yassmin Barrios announced a guilty verdict against Ríos Montt on charges of genocide and crimes against humanity, the first time these charges had been prosecuted successfully by national courts in the country where the heinous acts occurred.

For Manz, "the experience of testifying was not an act apart from anthropology but rather a central part of the responsibility of being an anthropologist." She sat a few feet away from the general when she delivered her testimony, which she views as one of the highlights of her professional career.

**Jerry Brown** @JerryBrownGov  
Standing with the Guatemalan judges who found Ríos Montt guilty of genocide. [pic.twitter.com/zlBxoA17hi](https://pic.twitter.com/zlBxoA17hi) 11 Oct



Governor Jerry Brown on meeting the Guatemalan judges.

Immediately after the Ríos Montt trial in May 2013, CLAS and Berkeley Law hosted the three Guatemalan judges on the tribunal — Yassmin Barrios, Pablo Xitumul, and Patricia Bustamante — for a week-long visit. These three courageous and principled jurists discussed the extreme challenges the trial posed for the Guatemalan judicial system in a public forum, and we also brought them to a course of 400 or so students that Professor Manz and I co-taught called "The Southern Border," something we did with many CLAS visitors.

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UC Berkeley students in "The Southern Border" course offer a standing ovation to the judges during their campus visit.  
Photo by Jim Block.



Emmanuel Saez speaks as Governor Sergio Fajardo listens, live from Medellín, Colombia, November 2012.

We had already discussed the broader context of human rights in Guatemala, as well as the trial itself, in several lectures. We were deeply moved when the students spontaneously gave passionate standing ovations, both as the judges entered the classroom and after their talk. For many, it was a visibly transforming experience, and students have mentioned it years later. Although the verdict was overturned on a legal technicality 10 days after being issued, it has been widely hailed as precedent-setting.

During the jurists' visit to UC Berkeley, we had dinner one evening at our home with Governor Jerry Brown and his wife Anne Gust Brown. The governor was deeply moved by meeting the judges and asked to take a photo with them. He then tweeted the photo with the caption "Standing with the Guatemalan judges who found Ríos Montt guilty of genocide." He was concerned about their continued safety and has raised this concern with high-ranking diplomats in the United States and Latin America a number of times since.

### CLAS and New Ways of Communicating

In March 2020, when the Berkeley campus closed and California locked down, CLAS immediately went online with an extensive public program. Our transition to this new reality was considerably aided by the fact that our online conversations didn't begin with the pandemic, but go back to 2011 and the height of the student-led protests in Chile. The students inspired and mobilized people throughout their country, including workers, Indigenous people, and community leaders, as well as members of labor unions, NGOs, and feminist groups. They drew as many as one million people into the streets in August 2011.

As the protests were unfolding, we invited several student leaders, including Giorgio Jackson and Camila Vallejo, to a spur-of-the-moment webinar with UC Berkeley students and faculty held at Berkeley Law. At the last minute, Vallejo became involved in a sit-in and was unable to take part, but the conversation with Jackson about the

issues and goals the students were pursuing, as well as their strategies, was exceptional and inspiring. Later, we would host webinars with other student leaders including Gabriel Boric.

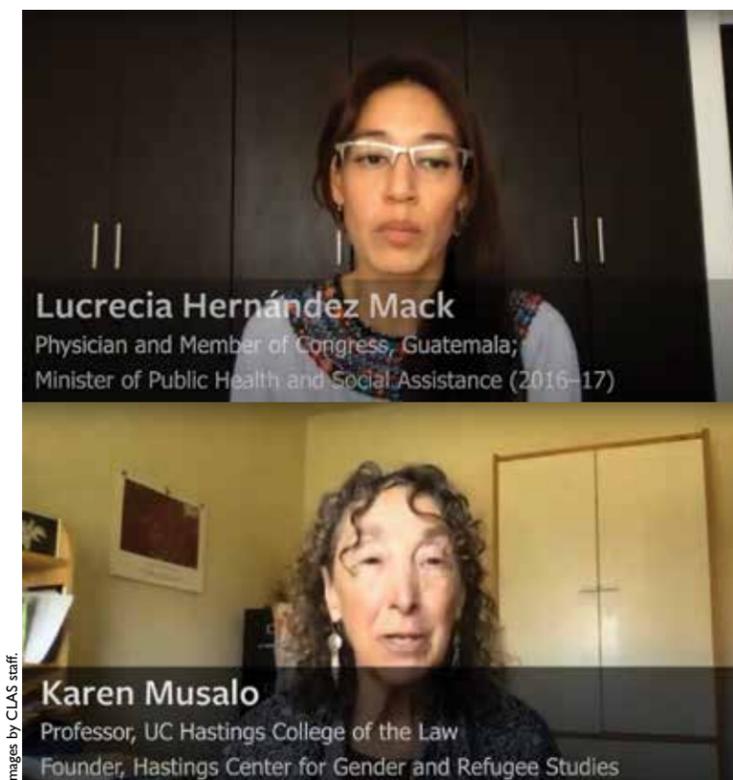
After the Jackson webinar, CLAS organized a four-part transcontinental series, "Inequality: A Dialogue for the Americas," in Fall 2012. The series opened with a conversation between Ricardo Lagos and Robert Reich and concluded with UC Berkeley Professor of Economics Emmanuel Saez and Sergio Fajardo, Governor of Antioquia, Colombia. Fajardo's government was just then implementing an innovative program, "Antioquia la más educada," as part of a broader effort to address inequality, impunity, and violence. Saez praised the approach, saying "as an economist, it's great to see such entrepreneurship at the political level."

The participants in these early webinars have remained very much a part of the CLAS community. Jackson and Boric are now members of Congress in Chile and have emerged as national political leaders. Fajardo concluded his term as governor, and *The Financial Times* flagged him in January 2021 as one of two frontrunners for the 2022 presidential election in Colombia.

As CLAS went online after March 2020, we built on that earlier experience. A few highlights capture the range of our efforts. We organized several webinars on Central America, seeking to provide a broader context for events through scholarly experts as well as immediate details as they were unfolding.

"Covid-19, the Northern Triangle of Central America and U.S. Immigration Policy" on May 1, 2020, featured Lucrecia Hernández Mack, the first female Minister of Public Health in Guatemala and now a congressional deputy with the reform-minded Movimiento Semilla party, and Karen Musalo, Professor of Law at UC Hastings College of the Law, where she founded the Hastings Center for Gender and Refugee Studies.

In late May 2020, the "Migration, the U.S.–Mexico Border, and Covid-19" panel included two noted academics and two people working in Mexico. The interaction between informed academic perspectives and highly knowledgeable people on the ground was particularly powerful. Stefano M. Bertozzi, Dean Emeritus at UC Berkeley's School of Public Health, and Elizabeth Oglesby, a professor at the University of Arizona, Tucson, provided incisive overviews. Katie Sharar, from the Kino Border Initiative in Nogales, and Adalberto Ramos, Director of the Center for the Assistance of Migrants in



Two experts discuss Covid-19 and immigration, May 2020.

Exodus, in Agua Prieta, provided the immediacy of what was taking place in Mexico.

We also held two webinars on Mexico's President Andrés Manuel López Obrador. The first was with Lorenzo Meyer, Professor Emeritus of History at El Colegio de México in Mexico City. The second was with Denise Dresser, Professor of Political Science at ITAM. Meyer and Dresser have different perspectives but are both noted public intellectuals and longtime friends of CLAS. More than 2,000 people registered for Dresser's webinar. While we were only able to accommodate 500 participants during the event, the rest were able to view a recording of the proceedings on our website. Denise Dresser has been a frequent presence at CLAS in recent years and has interacted extensively with faculty and students.

In September 2020, Irma Alicia Velásquez Nimatuj provided a compelling perspective on "Trade, Improvement, and Survival: An Indigenous Approach to the Current Immigration 'Crisis.'" She is a scholar and an international spokeswoman for Indigenous communities in Central America and was the first Maya-K'iche' woman to earn a Ph.D. in Social Anthropology in Guatemala.

Our final online event of 2020 was "U.S. Elections 2020: Implications for the Americas" with Maria Echaveste, Senior Scholar at CLAS and Deputy Chief of Staff to President Clinton (1998-2001); Daniel Coronell, President of News for Univision in the United States; and

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Paul Pierson, Professor of Political Science at UC Berkeley. This combination provided a range of perspectives and backgrounds from three compelling observers.

### A Few More Reflections...

This article has sought to provide insight into the spirit of CLAS through five events and a brief look at one semester. Before concluding, I'd like to briefly mention several other moments along the way that didn't fit neatly into this framework but nonetheless have left an indelible mark.

On a sun-filled morning in December 2002, I found myself with the president of South Africa's largest metalworking labor union. We stood on a dirt mound next to a river flowing with toxic industrial waste through a community about a mile south of the U.S.-Mexico border in Tijuana. This leader was no stranger to struggle or desperate poverty, yet he was incredulous and indignant that these conditions could exist within sight of the United States.

"How can the United States allow this to happen?" he asked, visibly upset. "The unemployed and the dispossessed living in these conditions so close to your country." I had to answer that what we were witnessing was not the jobless and the marginalized but was, in fact, a new phenomenon I've called "high-productivity poverty."

Harley Shaiken and members and leaders from the Machinists Union visit a toxic waste site left by the battery-recycling plant Metales y Derivados, on a ridge overlooking a densely populated neighborhood in Tijuana, Mexico.



Photo by CLAS staff.

All the workers we had met in the neighborhood, indeed most of its residents, were employed in state-of-the-art factories or *maquiladoras*, which we had also just seen, and their living standards reflected suppressed, poverty-level wages. Organizing independent unions was dangerous and virtually impossible, so even as productivity rose, wages slid, and families suffered.

We were on a CLAS-organized trip with the executive committee of the International Metalworkers Federation (IMF) — about 30 trade union presidents representing 20 million workers from around the world — as well as graduate students from UC Berkeley and CLAS staff members. The International Association of Machinists (IAM), an affiliate of the IMF and a major manufacturing union based in the U.S. and Canada, was the inspiration behind the trip. Seasoned leaders from South Africa, Brazil, Great Britain, Japan, Russia, Ghana, Canada, the United States, and other developed and developing economies were there.

This compelling moment was the culmination of a four-year collaboration between CLAS and the IAM that brought 600 elected and appointed leaders from across North America to visit Tijuana and meet with community leaders and workers in their communities on multiple trips. Our goal was not to build walls or throttle trade, but



Photo by Scott Squire.

Gilberto Gil and Joan Baez while she dances during his performance at UC Berkeley, February 2005.

to develop policies that ensure ordinary people, families, and communities on both sides of the border benefit from expanded trade and growing economies. The alternative is hyper-inequality, social tension, and political backlash, as we have so clearly and destructively seen around the world in recent years.

The second moment was infused with music and dance. In February 2005, we hosted Gilberto Gil, Brazil's Minister of Culture at the time, but also an iconic Brazilian musician and singer. He was a vital pioneer of the *Tropicália* movement, which fused local folk culture and global influences. During the military dictatorship, Gil was imprisoned and then driven into exile in 1969. Since Gil held a ministerial post, one of his staff members told us, he would not be able to give a concert... but if a guitar were on stage, who knows what might happen? Miraculously, a guitar appeared, and his singing electrified an overflow audience of 700. Gil alternated questions and answers with song, pioneering a new way of having a public conversation.

A woman whom I had invited was sitting in the first row and became so moved by the music that she got up on the stage and began dancing, which truly inspired the audience. She was a very good dancer, but unforgettable and known across the world as a singer. The woman was Joan Baez. She had met Gil in Brazil at a benefit for political prisoners, and they have been friends ever since.

The third moment took place with Governor Jerry Brown in late-July 2014. The governor was preparing to lead a large trade and investment mission that included leaders of California-based companies as well as leading members of the legislature and the governor's cabinet. At the time, the media was flooded with disturbing photos of children from Central America's Northern Triangle (Honduras, El Salvador, and Guatemala) perilously riding the roofs of freight trains headed to the U.S. border. Their plight tore at the consciences of many, while provoking extreme anger in others. The Governor of Texas sent the National Guard to the border to intercept the children. "The trains are loaded with cement, iron, quartz, wheat, corn, diesel, vegetable oil, fertilizer, or wood," the Mexican poet Homero Aridjis wrote, "but the human cattle along for the ride have no food, drink, or guarantee of safety."

Sixty thousand unaccompanied children had arrived at the border in less than a year and were turning themselves over to U.S. Border Patrol agents seeking refuge, their right under U.S. law. Governor Brown was deeply moved by their desperate plight, and we discussed what might be done in a phone call prior to his trip. The result was that he and the Archbishop of Los Angeles José H. Gómez invited a bishop from each of the three Northern Triangle countries and one from Mexico — all working closely with migrants in their respective countries — to a meeting in Mexico City.

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I was asked by the governor to accompany him on the trip and also to participate in this closed meeting. It was deeply moving to engage with the religious leaders who were dealing with the humanitarian crisis directly. At a moment when it seemed little would be done, Governor Brown and Archbishop Gómez galvanized action on the plight of children across the Americas. They spoke to a packed press conference immediately after the meeting, with the bishops behind them and journalists in attendance from across the Americas. More importantly, they followed up in substantive ways back in California. I am proud CLAS contributed to this exceptional event.

One final moment I had referred to earlier: the CLAS meeting on renewable energy and climate change in Detroit and the working dinner at the Detroit Institute of Arts. At the dinner, we were surrounded by Diego Rivera's 1932 masterpiece, the "Detroit Industry Murals," featuring the legendary Ford Rouge plant, the largest factory in the world, and its workers toiling on the line.

Cuauhtémoc Cárdenas was with us. He had come of age with Rivera as a young man in Mexico. His father, the legendary President Lázaro Cárdenas (1934-1940), had walked arm-in-arm with Rivera immediately behind Frida Kahlo's casket at her funeral in Mexico City in 1954. Three very different themes came together for me at that exceptional moment: the unique role Cárdenas had played

making Mexico a more democratic country; my memories of my grandfather, who had worked on the line in the Rouge plant for decades and was there while Rivera was making the sketches for the frescoes now surrounding us; and the existential threat of climate change in the Americas that had brought us to Detroit.

I'll end by giving a bit of context to the title of this article, "Twenty Years Now, Where'd They Go?" The title is a line from the song "Like a Rock" by Bob Seger, a legendary singer-songwriter from Detroit who transmits the hard work, grit, and spirit of the city through many of his songs.

For my part, I know where the years have gone, and it has been a special journey with exceptional people. It's been a privilege to be at UC Berkeley and to have remained in touch with students who have gone on to make real contributions and to know that they've taken what we've done together with them. And I look forward to the new and exciting paths CLAS will pursue going forward and the generations of new students who will be a vital part of that future.

Harley Shaiken served as the Chair of the Center for Latin American Studies from 1998 to 2020. He is Professor Emeritus in the Department of Geography and the Graduate School of Education at UC Berkeley.

Governor Jerry Brown and Archbishop José Gómez at a Mexico press conference on unaccompanied minors at the U.S. border, July 2014.



Photo by Justin Short, Office of the Governor of California.



A docent points out parts of "Detroit Industry" to local students visiting the Detroit Institute of Art's Rivera Court.  
Photo © 2017 Detroit Institute of Arts.



Photo by Jim Block.

CLAS has built a community that connects Latin America and UC Berkeley. From bringing students into the classroom with innovative thinkers to showcasing the cultural treasures of the region, here are several highlights of the Center's impact and the spirit of CLAS.

## Special Seminars

CLAS hosts some of the region's preeminent academics, artists, and leaders in residence at UC Berkeley, inviting them to teach master classes for graduate and undergraduate students. For many students, the Special Seminars Series at CLAS offers a unique opportunity to engage with world-renowned figures from Latin America.

In 2000, we hosted **Ruth Cardoso**, a noted anthropologist who was the First Lady of Brazil at the time. Several well-known Mexican scholars have also taught for CLAS, including **Lorenzo Meyer**, **Sergio Aguayo**, and **Denise Dresser**. Most recently, in March 2020, CLAS offered a virtual course with **Javier Couso**,

Above: Sergio Fajardo, 2018.  
Left: Denise Dresser, 2017.

Photo by Jim Block.

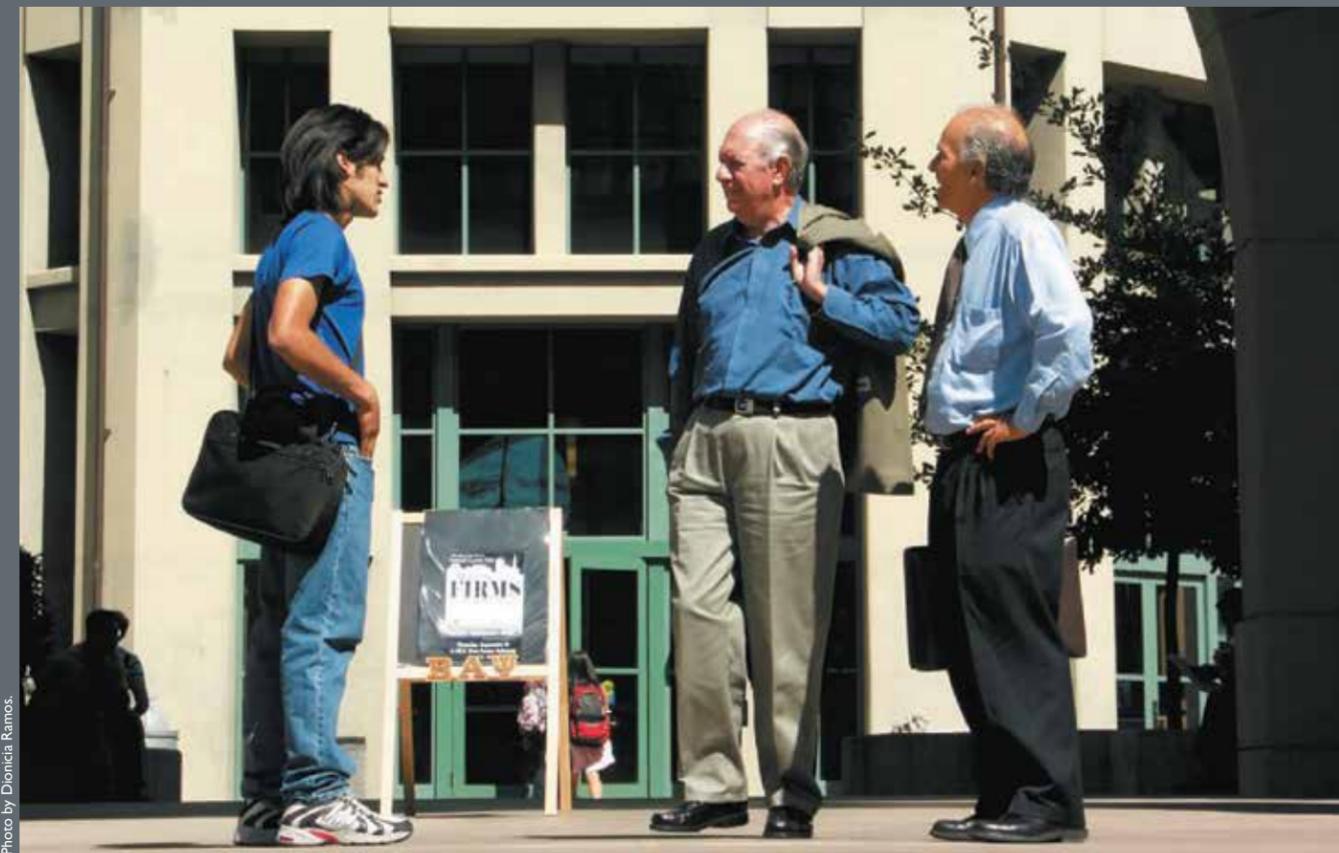


Photo by Dioniçia Ramos.

Professor of Law at the Universidad Diego Portales, Chile, and Utrecht University, the Netherlands.

CLAS has hosted political leaders the likes of **Ricardo Lagos**, President of Chile (2000-2006); **Cuauhtémoc Cárdenas**, Mayor of Mexico City (1997-99); **Michelle Bachelet**, President of Chile (2006-2010 and 2014-2018); **Juan Gabriel Valdés**, Chile's Ambassador to the United States (2014-2018); and **Sergio Fajardo**, Colombian presidential candidate (2018).

We have welcomed **Daniel Coronell**, Colombian journalist and President of News for Univision in the United States, who spent two years in residence and teaching at CLAS; Mexican journalist **Alma Guillermoprieto**; and Chilean guitarist and composer **Horacio Salinas**, musical director of Inti-Illimani.

As Berkeley students graduate — whether with doctoral, masters, or undergraduate degrees — and start their careers, we can see the impact of CLAS Special Seminars spread around the world.

Above: Ricardo Lagos (center) on the Berkeley campus, 2006.  
Right: Michelle Bachelet (center), 2019.



Photo by Jim Block.



Photo by Jim Block.



Photo by Perla Nation.

## Cultural Connections

The arts — painting, sculpture, literature, film, music, and more — have been at the core of CLAS programming since the beginning.

We welcomed the iconic Chilean musical group **Inti-Illimani** as part of Cal Performances in Zellerbach Hall in 2007 and the group's musical director, singer and guitarist **Horacio Salinas**, in 2011.

In 2007, CLAS hosted an exhibit of brilliant and searing paintings and drawings from the Abu Ghraib works by Colombian artist **Fernando Botero**. Professor of English at UC Berkeley and Poet Laureate of the United States **Robert Hass** held a conversation with Botero to open the exhibit. In 2009, Chancellor Birgeneau presented Botero with the Chancellor's Citation in recognition of his donation of 60 Abu Ghraib works to UC Berkeley as a result of the CLAS exhibit. In 2012, CLAS organized a showing of the Abu Ghraib collection at the Museo de la Memoria y los Derechos Humanos (Museum of Memory and Human Rights) in Santiago, Chile.

In 2015, CLAS hosted "Unspoken Words/Steps on Sand," an exhibit of murals by Central American children

Above: Horacio Salinas plays his guitar at Berkeley, 2011.  
Left: A visitor in the "MONTARlaBestia" exhibit at CLAS, 2017.



Photo by Miguel Oropeza Caballero.

in U.S. detention camps. The moving works portray their vision of the perilous journey to the U.S.–Mexico border and were painted under the supervision of Argentine artist **Claudia Bernardi**.

In 2016, CLAS partnered with the Mexican Museum of San Francisco to host flautist **Elena Duran**. CLAS and the Mexican Museum also hosted a talk by Mexican stateswoman **Guadalupe Rivera y Marín** about her father, Diego Rivera. The value of the 2015 event is reflected in the face of the young woman speaking with Rivera y Marín.

In 2017, CLAS hosted an exhibition by the **Colectivo de Artistas Contra la Discriminación** (Artists Collective Against Discrimination). "MONTARlaBestia" (Riding the Beast) showcased art and poetry about "La Bestia," the train that carries Central American migrants on a hazardous journey across Mexico towards the United States.

Above: The Tree of Life from "Unspoken Words/Steps on Sand," 2015.  
Right: Guadalupe Rivera y Marín after her talk, 2016.



Photo by Jim Block.



Photo by Jim Block.



Photo by Jim Block.

## In Conversation With Directors and Actors

CLAS frequently screens award-winning films and hosts directors and actors to discuss their recent work. Here are a few highlights.

A screening of “A Better Life” (2011) featured director **Chris Weitz** and Oscar-nominated actor **Demián Bichir**. In 2012, director **David Turnley** presented “Shenandoah” (2012), his documentary about disturbing tensions targeting Mexican migrants in a Pennsylvania coal town ripped apart during hard times.

Director **Diego Luna** screened his film “Cesar Chavez” with CLAS in 2014. At the event, he discussed the film with **Arturo Rodriguez**, president of the United Farm Workers union; **Maria Echaveste**, a Senior Scholar at CLAS; and **Harley Shaiken**. United Farm Workers co-founder **Dolores Huerta** was a special guest at the screening. After a visit by Luna to CLAS several years earlier, Shaiken mentioned a

Above, from left: Harley Shaiken, Diego Luna, Arturo Rodriguez, and Maria Echaveste discuss Luna’s “Cesar Chavez.”  
Left: Dolores Huerta with students at the “Cesar Chavez” screening.



Photo by Ana De Carolis.

talk Chavez had given at UC Berkeley, and the Bancroft Library provided a recording to the director.

**Walter Salles** received a standing ovation at a CLAS event in 2005 after discussing the production process for his movie “The Motorcycle Diaries” (2004). In 2016, we hosted a screening of “Aquarius” (2016) and a conversation with its star, **Sônia Braga**. A visit from director **Petra Costa** to screen her film “Democracia em Vertigem” (The Edge of Democracy, 2019) was followed by a public conversation with Oscar-winning filmmaker **Charles Ferguson**. CLAS has hosted advanced screenings with the director for all of Ferguson’s films, including the Oscar-winning “Inside Job” (2010).

A proud moment at CLAS was working with Mexican director **Roberto Hernández** and producer **Layda Negrete** on “Presunto Culpable” (Presumed Guilty, 2011). Among other awards, the film won the 2011 Emmy for Outstanding Investigative Journalism, and CLAS Chair Harley Shaiken received an Emmy as an executive producer of the film.

Latin America has a vibrant film tradition, and CLAS looks forward to future Cine Latino programs.

Above: Charles Ferguson listens to Petra Costa, 2019.  
Right: Demián Bichir with Berkeley students, 2013.



Photo by Jim Block.



Photo from Twitter: @lopezobrador\_

Subcomandante Marcos, Zapatista leader and spokesman, with Andrés Manuel López Obrador in 1996.

MEXICO

## The Zapatistas vs. AMLO

By María Inclán

On January 1, 2019, the 25<sup>th</sup> anniversary of the armed uprising by the Ejército Zapatista de Liberación Nacional (EZLN, Zapatista Army of National Liberation), Subcomandante Moisés expressed the Zapatista rejection of Andrés Manuel López Obrador's presidential inauguration and his government program:

*Vamos a enfrentar, no vamos a permitir que pase aquí ese su proyecto de destrucción, no le tenemos miedo a su guardia nacional, que lo cambió de nombre para no decir ejército, que son los mismos, lo sabemos. [...] Solo porque la madre tierra no habla, si no se lo dijera ¡Chinga tu madre! Porque la tierra no habla, si fuera, ¡no, vete a la chingada!*

We will stand up to what comes because we will not allow his project of destruction to be implemented here. We are not afraid of his National Guard, which is just the army under another name. He renamed it so he wouldn't have to admit it's the same army as always. [...] If Mother Earth could speak, she'd say, "Fuck off!" Mother Earth doesn't speak, but if she did, she'd say, "No! Go fuck yourself!"

This falling out between AMLO (the acronym by which Mexico's president is widely known) and the EZLN was not a new one. It can be traced back all the way to the 1990s, when López Obrador was the national president of the Partido de la Revolución Democrática (PRD, Party of the Democratic Revolution). Although neither side

wanted to recognize a formal alliance, the movement and the party enjoyed each other's sympathy. However, after the PRD had won a significant number of towns in Chiapas and seats in the local and national legislatures, the party proved unable — or unwilling, in the Zapatistas' eyes — to carry out the social and political demands of the movement. Then in 2001, when they marched to the capital in support of the Indigenous Rights Bill, the 24 Zapatista commanders did not receive the welcoming reception they were expecting from AMLO, Mayor of Mexico City at the time. Another falling out occurred in the wake of the 2006 presidential elections, when López Obrador blamed the EZLN's Otra Campaña (Other Campaign) for his defeat, as some pundits sympathetic to AMLO's presidential bid attributed part of the low voter turnout to the Zapatista call to reject political participation.

Nonetheless, Zapatista distrust of party and electoral politics and the movement's disenchantment with the partisan left has been present in EZLN discourse since the beginning of the movement, as many authors have indicated (see, among others, Legorreta Díaz, 1998; Estrada Saavedra, 2007; Sonnleitner, 2001; Trejo, 2012). Tired of being excluded, ignored, or co-opted by party and corporatist peasant leaders, the Zapatista support bases grew distrustful of the political parties and the electoral processes.

Mexico's democratic transition in the 1990s allowed the country to begin experiencing more competitive elections and different parties in power. As elections became more routine and changes in power allowed a more plural political system to flourish, contentious politics were successfully funneled through more institutional channels. In my previous work on the Zapatista cycle of protests in Chiapas between 1994 and 2003, I found that demonstrators concentrated their efforts on municipalities with a greater military presence and still governed by the Partido Revolucionario Institucional (PRI, Institutional Revolutionary Party), while localities that had recently come under the rule of other political parties enjoyed a grace period.

However, my research also showed that as time passed, the honeymoon between Zapatista demonstrators and incoming political parties gave way to disenchantment after local governments failed to meet or completely ignored the demands of the movement. By the third year of PRD government, protest activity in these localities appeared to be as high as during the second year of any other local PRI government, demonstrating that changes in power meant little advancement of the Zapatista agenda in the conflict zone.

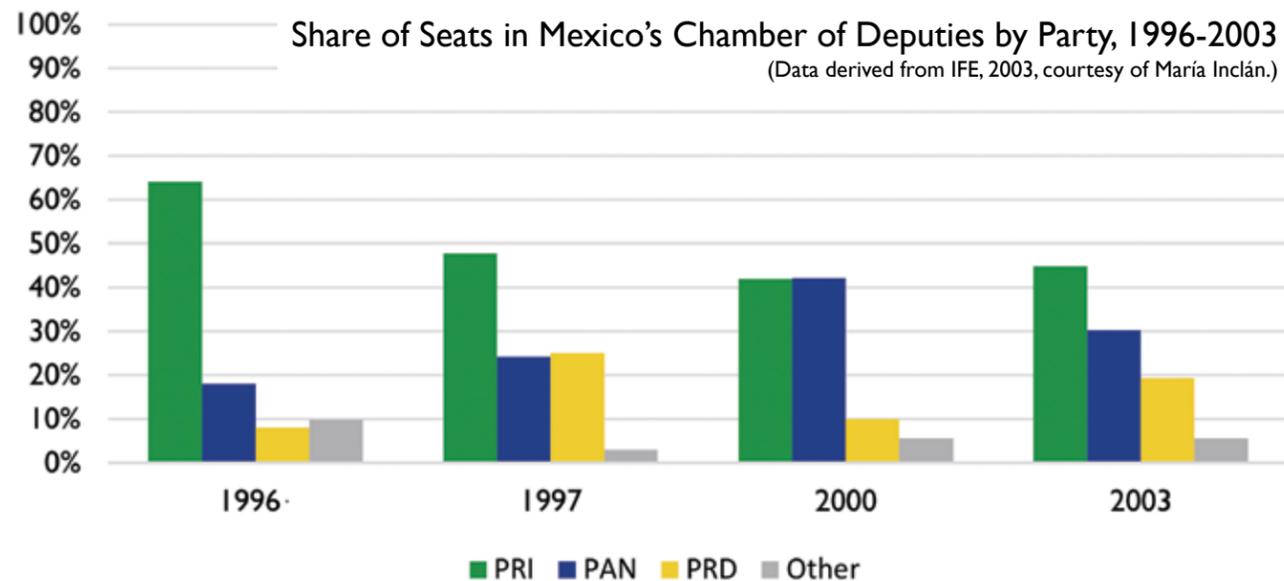
Nevertheless, hopes for achieving peace and further democratizing changes ran high, especially since negotiations between the Zapatistas and the federal government were being held during the same time that political elites sought reforms to allow for fairer and more transparent elections throughout Mexico. Between 1994 and 1996, these two negotiating processes marked the course of the movement and the type of democracy that emerged. On the one hand, protracted peace talks between the EZLN and the federal government led to the San Andrés Accords in February 1996, which proposed the legal recognition of Indigenous peoples' autonomous political power. On the other, legislative elites negotiated political reforms that gave rise to the two entities in charge of organizing and regulating free and fair elections: the Instituto Federal Electoral, now the Instituto Nacional Electoral (INE, National Electoral Institute), and the Tribunal Federal Electoral, now the Tribunal Electoral del Poder Judicial de la Federación (TEPJF, Electoral Tribunal of the Federal Judiciary).

However, these hopes for a more peaceful and stronger democracy were ephemeral. Given the movement's great salience both within the country and abroad, the EZLN was poised to become an influential political player in Mexico's democratic transition. Nonetheless, the Zapatistas did not become counter-elites like the insurgent movements in El Salvador and South Africa that pushed an insurgent path to democracy from below (Wood, 2000).

In my book, *The Zapatista Movement and Mexico's Democratic Transition* (Oxford University Press, 2018), I argue that the parallel process of protracted peace and democratizing negotiations was more an obstacle than an opportunity for the Zapatistas to advance their political demands. Political elites negotiating electoral reforms were separated and shielded from further social pressure to deepen mechanisms of representation and accountability or the inclusion of the San Andrés Accords into the reforms. In addition, the absence of formal alliances between the EZLN and political parties and the lack of electoral accountability also protected the political elites from facing the characteristic uncertainty and vulnerability that others have endured during the throes of transition. Under such conditions, those negotiating peace with the Zapatistas could focus on managing the conflict, while those involved in democratizing negotiations could concentrate solely on regulating electoral competition.

The reforms did have significant repercussions, however. In 2000, PAN nominee Vicente Fox won the presidency in what are considered Mexico's first free and fair presidential elections. Nonetheless, electoral results

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for state legislators didn't follow the same pattern of change. The chart above shows the changes in seats held by political parties in the Chamber of Deputies from prior to the Zapatista uprising in 1996 through 2003.

Likewise, the PRI maintained its dominance across electoral districts in Chiapas, despite the 1996 redistricting, as I describe in my book:

Before the EZLN uprising, all nine districts in the state were under the control of the PRI. In the 1994 elections, only District 5 (Tapachula) went to the PRD. Redistricting of the state of Chiapas before the 1997 elections involved partitioning the largest districts and creating three more: Ocozucua de Espinosa, Chiapa de Corzo, and Motozintla. The PRI carried those three districts, but lost Districts 9 (Tuxtla Gutiérrez) and 12 (Tapachula) to the PRD. In the 2000 and 2003 elections, District 12 (Tapachula) went to the PAN. (Inclán, 2018: 49-50)

A true plurality of parties in legislative power would only be seen in the state of Chiapas after the period under study, following the 2006 and 2009 elections. In 2006, the PRI and the Partido Verde Ecologista de México (PVEM, Ecological Green Party of Mexico) coalition held seven of the 12 districts and the PRD, the Partido del Trabajo (PT, Workers' Party) and Convergencia Democrática (CD, Democratic Convergence) took the other five districts. In 2009, the PRD held on to five districts, the PAN also took five, but the PRI only managed keep two districts (Inclán, 2018).

The electoral reforms of the 1990s did generate significant changes in voter turnout as well as the parties' winning percentages, however:

In 1991, the PRI winning percentages of the vote varied from 59.6 percent, with a 52.6-percent turnout in Tuxtla Gutiérrez, to 85.7 percent, with a 78.7-percent turnout in Comitán. During the 1994 elections, the winning and turnout percentages resembled those in 1991. Since 1997, however, parties have been winning electoral districts with electoral turnouts as low as 24.8 percent in Ocosingo and winning percentages as low as 33 percent of the vote (PRD in Tuxtla Gutiérrez). At the local level, prior to 1994 only one of the 111 municipalities in Chiapas was under PAN rule. All the others were dominated by the PRI. But in the 1995 elections the PAN gained four municipalities, while the PRD won 18. However, the PRI prevailed in the region of conflict (Sonnleitner, 2012). Still, by 2001 the PRI had lost a total of 46 municipalities to other parties (IEE-Chiapas, 2003, cited in Inclán, 2018: 49-50)

In sum, opposition parties began gaining considerably larger representation in both legislative chambers, and in 1997, the PRD gained control over Mexico City's governorship. Meanwhile, the PRI lost its legendary majority in Congress, which it would never regain without alliances with other political forces in the legislature, given the limits on majority rule imposed since the 1996 electoral reforms.

This more-plural face of the political system generated high hopes for a more responsive legislature. Yet, the EZLN did not see it that way. Although an Indigenous Rights Bill was passed in 2001, the approved law did not honor the San Andrés Accords and did not grant Indigenous peoples real political power. Ruling power continues to reside in the municipality; it is up to local authorities to define the type of power to be granted to Indigenous peoples and communities.

After the Indigenous Rights Bill fiasco, the Zapatistas grew frustrated with negotiations and with the democratization process as a whole. They abandoned the dialogue and their protest activity. In August 2003, they turned to a new form of mobilization: organizing their own autonomous authorities, the Juntas de Buen Gobierno (Good Governance Councils), despite the lack of legal recognition. Since then, Rebel Zapatista Autonomous Municipalities have been surviving, thanks to support from the local and transnational network of solidarity organizations that sympathize with the Zapatista cause.

The Zapatistas' self-imposed distance from party and electoral politics is not the fault of a single individual. To attribute it to Andrés Manuel López Obrador alone would give him too much credit and not enough credit to the Zapatistas themselves, as their distrust in party and electoral politics predates even their clandestine guerrilla organization in the 1980s. Indigenous peasants in Chiapas had begun organizing independently from the corporatist Central Nacional Campesina (CNC, National Peasant Confederation) in the 1970s, and some of these independent unions of *ejidos* (communally farmed land) served to build up EZLN bases of support across Indigenous communities (Legorreta Díaz, 1998).

A march by Zapatistas in Chiapas, 1999.



Photo by César Bojórquez

Nonetheless, it is AMLO who now heads the federal government, and the Zapatistas have welcomed him with a harsh communiqué stating their open opposition to his economic development project. Indeed, their welcoming letter to his inauguration was very much along the lines of their letters to President Ernesto Zedillo in 1994 and President Vicente Fox in 2000, which contentiously confronted how both the PRI regime and the incoming *panista* president intended to handle the Chiapas conflict. As in these two previous cases, the EZLN is still waging a fight against a federal government that wants to continue imposing an exploitative development model without considering its negative consequences. Meanwhile, the Zapatistas weigh their options to challenge this status quo as the only opposition force that AMLO hasn't dared discredit yet.

María Inclán is Associate Professor in Political Science at the Centro de Investigación y Docencia Económicas (CIDE, Center for Research and Teaching in Economics) in Mexico City.

References for this article are available online.



Photo by Rodrigo Abd/AR Photo.

A Chilean *carabiniero* pepper-sprays a demonstrator in Santiago, October 2019.

## A Social Explosion

(continued from page 31)

On that day and through the night, what had been four days of student-led mass fare-evasion protests in response to increased Santiago Metro prices became spontaneous massive demonstrations, street blockades, riots, looting, and arson attacks. In images replayed endlessly in Chilean and global media, dozens of metro stations, commercial establishments, and even the skyscraper that houses the headquarters of Chilectra, the national electric company, were set on fire.

At dawn on Saturday, October 19, 2019, President Piñera declared a state of emergency in the Greater Santiago region and a curfew to begin that evening, both enforced by the military. Within days, the state of emergency was extended to 15 of the 16 provincial capitals. This was the first experience of martial law in Chile since the transition back to democracy. Piñera announced in the media that the nation was “at war.”

Protests and repression escalated rapidly. At least three dozen people died in confrontations with armed authorities, arson-related fires, and violence between citizens, with at least five people killed by the military.

Chile’s Instituto Nacional de Derechos Humanos (INDR, National Institute for Human Rights) has established that 8,812 people were arrested and 3,349 civilians wounded between October 17 and December 6. Four separate reports — by Human Rights Watch, Amnesty International, the Inter-American Commission on Human Rights, and the United Nations High Commissioner for Human Rights — documented “grave violations” of human rights on the part of the armed forces.

On October 25, the so-called “Biggest March in Chile” shattered all previous records for mass social demonstrations in the country’s history. Although difficult to estimate, up to 3 million people — more than a million in Santiago alone — flooded the streets and plazas, despite the state of emergency and curfew still in effect.

Though lacking organized articulation, the main emerging demands of the protest movement revolved around the dual issues of economic inequality and political legitimacy. Pervasive demands for a “dignified life” or simply “dignity” often came with more specific complaints around meager pensions, low wages, tremendous inequities in access to education and health care, expensive transportation, and the burden of debt on many Chileans.

The rejection of neoliberal policies and the massive inequalities they created was summed up in the ubiquitous

protest slogan: *No es por 30 pesos* (It’s not for 30 pesos), the amount of the Santiago Metro fare increase; *Es por 30 años*, (But for 30 years), the time since the transition that many Chileans hoped would mark a more significant break with the dictatorship’s economic model. Boric argued in his talk that such policies “could only have been done in an authoritarian regime” and were “softened by democratic transition, but fundamental policies were maintained.”

On the economic issues, Piñera attempted to respond to the social explosion quickly. On October 19, he announced the suspension of the Santiago Metro fare increases. On October 22, Piñera apologized for “a lack of vision” and proposed a “New Social Agenda” that included increased minimum pensions, emergency health-care coverage, a new guaranteed minimum wage, and increased taxes on the wealthy.

The most frequently voiced political demands were twofold. The most prominent was for a new, democratically written constitution, along with the frequent stipulation that it be authored by a popularly elected Constituent Assembly. The second was more diffuse but revolved around a rejection of “corruption.” Many unseemly and illegal financial and political links among businesses, special interests, politicians, and government officials had come to light in recent years, which left a preponderance of Chileans feeling “abused.”

Having failed to suppress the protests by force and facing a fearsome popular backlash, Piñera announced

on October 27 that the state of emergency would be lifted as of midnight, and the military would return to its barracks.

On October 28, Minister of the Interior and Public Security Andrés Chadwick, who had command responsibility for the armed forces and Carabineros (the national police), was accused of human rights abuses and resigned from office. On October 30, a group of 10 parliamentary deputies, including Boric, filed a constitutional accusation against Chadwick for violations of human rights. The charge was approved by the Chamber of Deputies on November 28 in a vote strictly along coalition lines. Chadwick was found guilty by the Senate on December 11 in another vote that broke along coalition lines. This conviction bars Chadwick from holding any public office for five years.

### Towards a New Constitution

The most important political result of the social explosion was the accord for a new constitution, in which Boric played a central role. Ever since the military government imposed a constitution in 1980, many Chileans have demanded a new, democratically developed, fundamental charter. President Ricardo Lagos signed a series of reforms in 2005, and President Bachelet convoked a constitutional process to write a new document in the last year of her second term. Upon assuming office, Piñera discontinued the

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Demonstrators throw paint at police vehicles in Santiago, November 2019.



Photo by cameramemories.

process, saying he wanted to improve the reigning Constitution instead.

On October 20, however, Piñera met with the presidents of the Senate, Chamber of Deputies, and the Supreme Court: Jaime Quintana (PPD), Iván Flores (PPD), and Haroldo Brito, respectively. After the meeting, Quintana and later Brito called for re-initiating Bachelet's process and producing a new constitution to channel social demands. Initially, Piñera was ambiguous in response to those demands. On November 7, the Asociación Chilena de Municipalidades (Association of Chilean Municipalities), with members representing the entire political spectrum, called for a citizens' consultation or unofficial vote on a new constitution in one month's time. This announcement forced the government's hand, and on November 10, Minister of the Interior Gonzalo Blumel declared that the administration would initiate the redaction of a new charter via the standing members of Congress, which would then be submitted to popular ratification in a plebiscite through a process known as a Constituent Congress. Two days later, all 14 opposition parties — from the PDC to Frente Amplio — released a declaration demanding instead that a fully elected Constituent Assembly draft a new constitution.

On November 13 and 14, intense negotiations on a new constitution were held between the ruling coalition and part of the opposition. Three main issues were at stake: what form the convention to write a new constitution would take; the quorum necessary to approve its articles; and how popular participation would be incorporated into the constitutional process.

In the early hours of November 15, the “Accord for Social Peace and a New Constitution” was announced. Boric was a crucial actor in these negotiations and in the ultimate achievement of the multiparty agreement. He was also one of the 11 signatories of the historic document, along with the presidents of 10 political parties.

The accord's central compromise on the form of the convention was that it should be resolved by a plebiscite comprised of two questions. The first would be a yes/no vote on whether to write a new constitution. The second question would address the form the constitutional convention will take, should the first question gain majority approval. The two options with the greatest support among the political forces in the negotiations would appear on the ballot: a “Constituent Convention” and a “Mixed Constituent Convention.” Under the former, a 100-percent

The two parts of the ballot for Chile's October 2020 constitutional plebiscite.

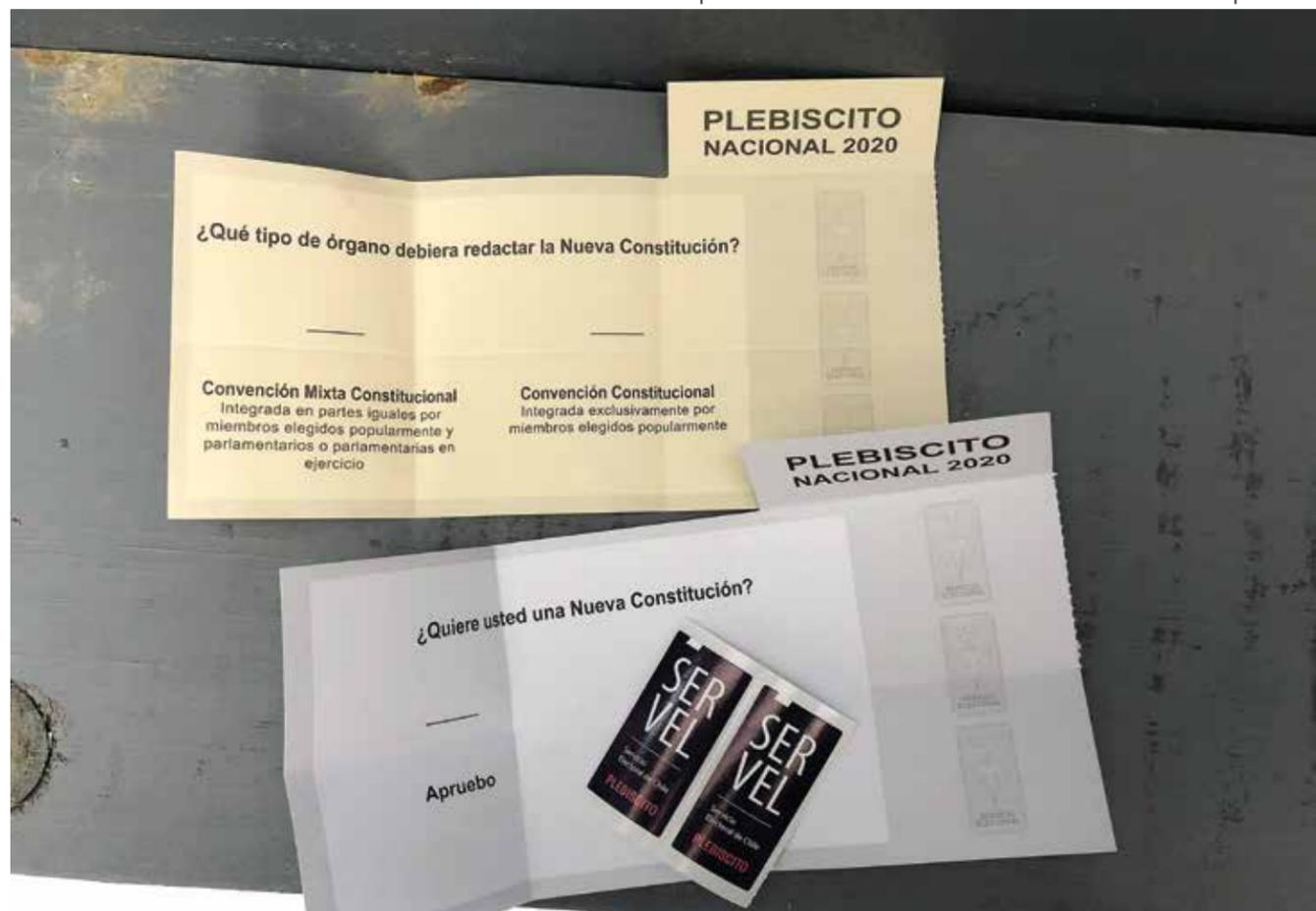


Photo by Janet Vagstad.



Photo by Nico Novoa-Marchant - www.sfpaidvisual.com.

At UC Berkeley, Gabriel Boric explains the drive to re-write Chile's Constitution in 2020.

newly elected assembly would write the Constitution; under the latter, the assembly would be composed of standing parliamentarians and directly elected members in equal part. In either case, the convention election will take place on April 11, 2021. The convention will have nine months to do its work and could be postponed only once for three months. The final product should be submitted for ratification in a plebiscite expected in 2022.

The accord fixed the quorum for articles to the new Constitution at two-thirds, a matter of ongoing contention. The day after the landmark agreement was signed, Boric told Chile's largest newspaper, “We would have preferred three-fifths, but [...] this Constitution cannot be of the left nor of the right.”

For all its transpartisanship, the accord generated major dissent and division on the left. The Communist Party and part of Frente Amplio refused to sign on. Indeed, the agreement — and Boric's adherence to it — caused the most significant fracture to date in Frente Amplio and in Boric's own Convergencia Social.

Only three parties from Frente Amplio ended up taking part in the agreement and having their presidents sign it: Comunes, the Partido Liberal (Liberal Party), and Revolución Democrática. Meanwhile, the Partido

Ecologista Verde (Green Ecologist Party), Igualdad (Equality), and the Partido Humanista (Humanist Party) dropped out of the coalition, costing the bloc 20 percent of its deputies in Congress.

Convergencia Social as a whole did not support the agreement, with party president Gael Yeomans emphasizing that “profound social change” was the goal of the group. For this reason, Boric signed the accord as an individual rather than as a representative of the party. Still, this move provoked the renunciation of scores of leaders from the party, including Boric's close ally Valparaíso mayor Jorge Sharp.

The amendments to the existing Constitution to allow the plebiscite, as well as three crucial additional changes, of which Boric was a crucial proponent in the Constitutional Committee, then went to the Congress. The amendments passed 127-8 in the Chamber of Deputies and 38-3 in the Senate. They were promulgated by President Piñera on December 24, 2019.

The additional amendments assured gender parity, reserved seats for Indigenous communities, and made provisions for the participation of political independents in the eventual election and convention. The gender parity amendment provoked a split in Piñera's Chile Vamos

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coalition. The more socially conservative UDI suspended its participation in the bloc when Renovación Nacional (National Renewal) and Evópoli supported the measure.

On January 14, 2020, Frente Amplio filed a criminal complaint of crimes against humanity against President Piñera, as well as current and former Ministers of the Interior Gonzalo Blumel and Andrés Chadwick, Governor of the Santiago Region Felipe Guevara, and Director General of Carabineros Mario Rozas. Presenting the charges at the Palacio de los Tribunales de Justicia, Beatriz Sánchez said, “We came to present, as Frente Amplio, this complaint for violations of human rights in Chile. It cannot be that if we are in a democracy, there are no guarantees for the people who want to protest in whatever city of our country.”

### Between Hope and Anguish

In his talk at UC Berkeley, Boric confessed that the uncertain but momentous time in Chilean history left him “transitioning every day between hope and anguish.” Hope arises because “I see people discussing in massive assemblies, not just in wealthy or leftist neighborhoods, but across the country. [...] Everyone has propositions, [...] everyone is thinking collectively.” Yet, he continued, “It seems we don’t have the capacity or ability or even the will to listen to each other. [...] My anguish is that we won’t be able to listen to each other, and intolerance is going to win.”

On March 24, 2020, shortly after Boric visited UC Berkeley and spoke for CLAS, the Chilean Congress agreed to reschedule the plebiscite due to the exploding Covid-19 pandemic. The date was moved from April 26 to October 25. This change required a constitutional reform, which was promulgated by President Piñera on March 26, 2020. Boric was once again a central negotiator in this “transversal” agreement of parties across the political spectrum.

The months between the agreement to reschedule the plebiscite and the vote were dramatic and tragic in Chile. The first case of Covid-19 in Chile was not confirmed until March 3, but by March 18, President Piñera had placed the country under a “state of catastrophe” for 90 days, a decree extended by the Minister of the Interior for 90 more days on June 15. Among other things, these legal dispositions prevented mass protests and in-person campaigning for the constitutional referendum. Different zones of the country were put under total quarantine at different times under the government’s “Step by Step” plan. With more than 15,000 Covid-19 deaths by the end of November, Chile became one of the countries most affected by the pandemic.

On August 3, the Chilean Health Ministry approved a “Sanitary Protocol for a Safer Plebiscite,” which became

law on September 10. The official campaign for the plebiscite was reinitiated on August 26, running until midnight on October 23. From September 25 until October 23, fifteen minutes of programming on the national television station ran both for and against the option for a new constitution, the so-called *franja electoral*. During the latter stages of the campaign, mass protests and incidents of political violence again came to the forefront of national attention. Particularly intense scenes marked the one-year anniversary of the *estallido social* on October 18, 2020.

Despite all this uncertainty and tension, polling remained remarkably stable and consistent for many months leading to the plebiscite. Polls generally showed around 75-percent support for creating a new constitution and 50- to 60-percent support for the “Constitutional Convention” option for generating the new charter.

In the midst of this tumult, a perhaps surprisingly orderly and peaceful referendum was executed on October 25. In the end, more than 5.8 million Chileans, more than 78 percent of voters, supported the “approve” option, which called for writing a new constitution. Nearly as many citizens, more than 5.6 million voters representing 79 percent of valid votes on the question, chose the “Constitutional Convention” option to produce the new foundational document.

Boric has continued to be an important strategist for the left, an effective political leader, and an influential parliamentarian. When the Covid-19 outbreak in Chile and subsequent national quarantine made it necessary to postpone the plebiscite and the constitutional process, Boric again took a leading role. He was a prominent voice in the successful opposition to conservative attempts to scuttle the plebiscite because of the emergency and redirect the constitutional process into Congress. Social movement demands will resurge when the pandemic passes, Boric has assured the media.

Gabriel Boric’s capacity for leadership during crisis — his ability, in the words of *Revolución Democrática* Deputy Pablo Vidal, to “cross the river” and “dialogue [...] without giving up his positions” — has even spurred talk of a presidential run within Frente Amplio.

Deputy Gabriel Boric represents the XII Region in Chile (Magallanes and Chilean Antarctica). He was elected to Congress in 2013, when he was 27 years old, and re-elected in 2017. Boric spoke for CLAS on February 10, 2020.

James Gerardo Lamb is an instructor in the Department of Sociology at UC Berkeley.

References for this article are available online.



A mural by Calozzama with a banner that reads “New Constitution” in Santiago, Chile, 2019. Photo by José Giribás/Süddeutsche Zeitung Photo.



Generic drugs on display in a pharmacy in Brazil.  
Photo by Wilfredor.

HEALTH

# Regulating and Promoting Generic Drugs in Latin America

By Elize M. Fonseca and Ken Shadlen

Over the past 20 years, one of the key health policy agendas in Latin America has been the coordination of drug regulation. Since 1997, the Pan American Health Organization (PAHO) has periodically gathered national regulatory authorities to discuss how to harmonize practices of pharmaceutical regulation in the region (Pan American Health Organization, 1997). The Pan American Network for Drug Regulatory Harmonization (PANDRH), founded in 1999, has been critical to defining and strengthening good regulatory practices and facilitating the trade of pharmaceutical products.

Likewise, efforts to improve drug regulation continue at the national and regional levels. In May 2018, Brazil hosted representatives from regulatory authorities,

international organizations, the pharmaceutical industry, and other stakeholders, who met to discuss these concerns at the conference entitled “Global Regulatory Convergence: Opportunities and Challenges.” Despite these longstanding and ongoing efforts to align national practices, however, we still witness profound divergences among countries, which motivates our research examining differences in national policies to promote and regulate generic drugs in Latin America.

The rationale for generic drug promotion is simple: once a patent expires, generic drug manufacturers can enter the market, and the competition created by the entry of additional suppliers will cause prices to drop. An immediate challenge to studying this process, however, is the need to define these products in the first place. Some countries

do not use the term “generic drugs” at all, but call them “similar drugs,” which can range from products that are demonstrated to be biologically equivalent to the originator drug (with or without a brand name), to those that are a fairly equal copy but potentially with different absorption rates in the body (likewise, with or without a brand name). The resulting cacophony of labels — “generics,” “branded generics,” “similar drugs” — is a recipe for confusion.

Further complicating matters is the difficulty of identifying reference products. Again, we typically think of generics as entering the market after patent protection has expired, but in Latin America, patents on drugs are a fairly recent development compared to the Global North. Countries in our region began granting patents in the mid-1990s or early 2000s, as a response to their commitment to the World Trade Organization’s agreement on intellectual property. Therefore, the reference product used for comparison is not always the innovator drug, but the product that was the first to receive local market authorization or even the product that is the market leader in that country.

Our first step was to map how countries define their pharmaceutical products. PAHO has produced relevant

reports, and some academics have also worked on this task (Homedes & Ugalde, 2005; Pan American Health Organization, 2008; Tobar, 2008). However, because many of these previous efforts were undertaken more than 10 years ago, the information was outdated when we began our research. These circumstances required us to dig deeper into the websites of various national regulatory authorities in our search for drug registration requirements and resolutions.

This investigative stage revealed a profound challenge: understanding the technical requirements that pharmaceutical companies must use to register a drug in a country when the product in question is not the original medicine (i.e., the first version of the drug to be put on the market). An emerging international norm is the requirement that all non-original (or “follow-on”) drugs demonstrate equivalence to the original products. Bioequivalence and bioavailability tests show, respectively, that one drug can be substituted for another and that its effects and absorption in the body are the same. However, not all countries require bioequivalence to register “follow-on” drugs, which have a chemical structure or mechanism of action similar to the original

drug. Some countries only require bioequivalence for a list of specific products, while others require it for all non-original products. And this is the perfect instance where technical requirements, politics, and markets collide.

In Brazil, where our in-country research has progressed the furthest, the introduction of bioequivalence requirements raised heated debates between government agencies and local pharmaceutical producers. In the words of a Brazilian executive, “local producers prefer simplicity.” Demonstrating bioequivalence can be expensive; it requires lengthy and costly adjustments to manufacturing practices and plants. In the late 1990s, many local producers in Brazil refused to accept this additional cost burden, but theirs was a lost battle.

Backed by the unwavering support of the Ministry of Health, the Brazilian Congress ruled in favor of bioequivalence requirements after a scandal in which dud birth control pills resulted in unwanted pregnancies for many women. Although local drug companies were not at fault — the ineffective drugs were linked to a transnational company — this case shed light on the mismanaged (and at times corrupt) state of health surveillance in Brazil. The scandal cast drug regulation into the limelight. The public

eye focused on an issue usually restricted to specialized circles and discussed only behind closed doors. The outcome was the creation of an independent regulatory agency, the Agência Nacional de Vigilância Sanitária (ANVISA, Brazilian Health Regulatory Agency) and a new regulation process for non-original products that defined generic drugs, mirroring American and European norms. It was a whole new world for Brazilian drug producers. They could either adapt — with a 10-year grace period for full compliance — or they could exit the market.

Several Brazilian drug companies adapted to the new regulation, becoming market leaders in this highly competitive sector. The country’s regulatory agency is now a model for other Latin American countries. This story inspired us to start our project in the first place. If bioequivalence is so important, why do other countries only require it for select products? Is bioequivalence actually necessary for generic drug regulation? We are currently conducting fieldwork in Argentina and Mexico to explore how these countries approach such issues.

However, technical requirements are only one part of the story. Generic drug regulation also entails informing consumers and prescribers about the importance of

Workers produce generic pharmaceuticals at a factory in Brazil.



Photo courtesy of GlaxoSmithKline.

drug substitution. We encounter additional challenges in this regard.

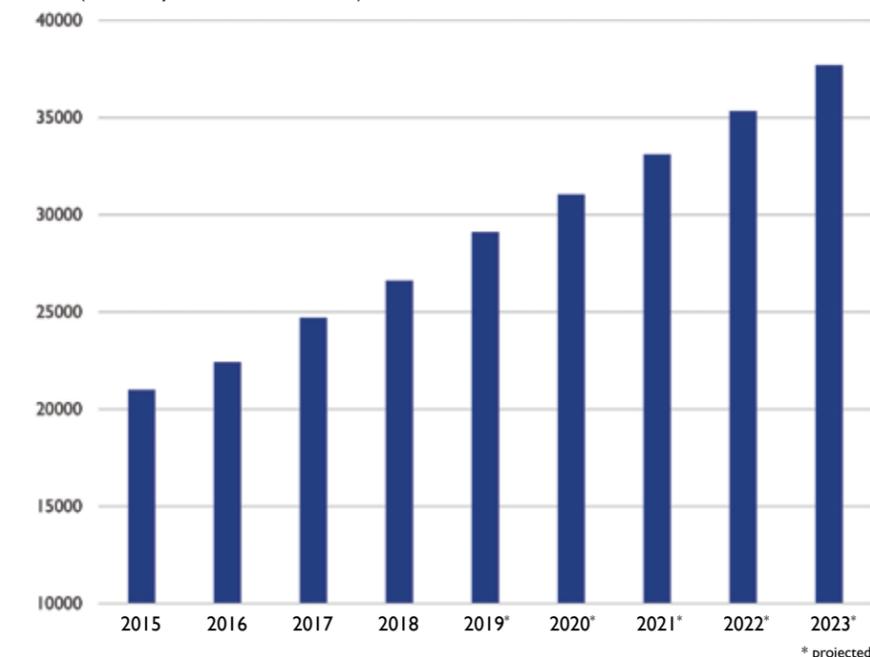
Drugs are usually known as and sold by their commercial names, not just their chemical names. For instance, Tylenol is a brand name of paracetamol (an analgesic known as acetaminophen in the United States). The commercial (or brand) name is at the discretion of the pharmaceutical company, which often opts for terminology that fits their marketing interests and context. Chemical names, in contrast, are generally determined by national nomenclature committees, often supported by a World Health Organization committee that selects the name for the active substance, known as the international nonproprietary name (INN) or simply the “generic name” (World Health Organization, 2010).

If all drugs were commercialized by standardized chemical names, one could more easily shop for the lowest-priced paracetamol, for example, regardless of the producer. Of course, drug firms typically resist this sort of commodification: the brand name is part of the commercial strategy and helps build trust in the product and the company. It also shifts marketing strategies away from the final end of the production chain (the pharmacy) to the physician’s office. Needless to say, drug companies employ a wide range of tactics to influence prescribers, from free samples, to visual aids, to support for conference participation.

Where do politics and regulators come in? If there is one thing that can mobilize the interests of local and transnational producers around a common agenda, it is the possibility of having governments interfere in their use of brand names. Chile has attempted to promote changes in the font size of the names of

## Generic Drug Sales in Brazil, in Billions of Brazilian Reals

Data and forecasts from Fitch Solutions Forecast Worldwide Generic Drug Market Forecast 2019. (Courtesy of Elize M. Fonseca.)



Brazil’s generic drug market is projected to grow dramatically from 2015 to 2023.

branded drugs in order to highlight the generic name and facilitate drug substitution. This initiative is being challenged by both the Associação de Produtores Locais de Medicamentos (Association of Local Drug Producers) and the Cámara de Innovación Farmacéutica de Chile, the trade association of transnational pharmaceutical companies in Chile. Among other things, they argue that this simple change in packaging and presentation could harm local industries, violates intellectual property rules, and would be difficult to comply with because of the difficulties of fitting several INNs on the same package (Cooperativa, 2017). We find similar situations in other countries throughout the region, including Brazil and Argentina.

The medical societies or associations are another relevant actor in this process. To boost demand for generic drugs, regulators can require physicians to prescribe using the chemical name. However,

medical associations can be a powerful interest group, and they do not want interference in their prescription practices. In Brazil, controversies developed with regard to whether or not the regulatory agency could interfere in the practice of prescription selection. After much debate, it was agreed that physicians working in the public sector would be mandated to prescribe via INN, while private doctors would maintain their discretion in prescribing by INN or brand name (Fonseca & Shadlen, 2017).

At times, the pharmaceutical companies even agree with the medical associations. For instance, in 2017 a deputy in the Argentine Congress proposed an amendment to the Generic Drug Law that mandated the use of INNs for all prescriptions. This policy decision was strongly opposed by both local and transnational firms and eventually rejected (La Política Online, 2017).

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In sum, promoting and regulating generic drugs requires the establishment of new rules that have stark distributive impacts. As a result, this process is an intensely political and far more complicated endeavor than implied by technical guidelines to stimulate supply of and demand for generics. Our study focused originally on three policy dimensions that allow for cross-national comparison: the demonstration of therapeutic equivalence; drug prescription and substitution; and pharmaceutical packaging and labeling. After mapping out nine Latin American countries examining these criteria, we are now embarking on political economy analyses of Argentina, Brazil, and Mexico to understand the differences observed. For this task, we will be looking into political interactions among state health officials and regulators, pharmaceutical industries, and medical communities within each of these policy instruments.

International organizations have recently acknowledged the need to strengthen pharmaceutical systems in developing countries, which is an important advancement compared to previous efforts that largely ignored the institutional capacity of these countries in

regulating pharmaceuticals — as if these rules were to be implemented in an institutional vacuum. No matter how relevant international technical standards are, they will be filtered by domestic institutions and their political actors. Our study represents the first step toward building not only a conceptual understanding of how different generic drug regulations work, but also a practical understanding of how best to compare countries' approaches to generic drug regulation.

Elize Massard da Fonseca is Assistant Professor of Public Administration at the Fundação Getulio Vargas in São Paulo, Brazil, and was a visiting scholar at the Center for Latin American Studies in 2019. She spoke for CLAS on February 28, 2019.

Ken Shadlen is Professor of Development Studies in the Department of International Development, London School of Economics (LSE). He holds a Ph.D. in Political Science from UC Berkeley.

References for this article are available online.

In 2012, a pharmacy in Rio de Janeiro, Brazil, advertises special discounts on generic drugs.



Photo by Eduardo Pazos/Wikimedia Commons.



Photo by Juan Carlos Cáceres.

Mónica González Mujica (center) at a women's march in Chile, 1986.

CHILE

## Mónica González Mujica: Between Sorrow and Hope

By Elizabeth Farnsworth, with María José Calderón

I first met investigative journalist Mónica González Mujica in Santiago in 2004 while producing “The Judge and the General,” a PBS documentary about the first Chilean judge to indict Augusto Pinochet for murdering and kidnapping political opponents. Chilean co-producer Patricio Lanfranco and I interviewed González six times during almost three years of filming. She is the brightest light, a beacon, among the hundreds of people I’ve interviewed in half a century of reporting in print and on public television. Her work has been pivotal in the struggle for truth and justice in Chile.

After studying Latin American history in college and graduate school in the 1960s, I was hired to assist in producing a feature film in Chile during the 1970 presidential campaign. Dr. Salvador Allende, a long-time leader of the Socialist Party, won that election, enraging the Chilean

right and high officials of the Nixon administration. The film, “¿Qué Hacer?” used documentary footage and fictional characters to explore, among other topics, democratic versus revolutionary socialism. Chilean actors portrayed leftists of various persuasions. A leader of the Movimiento de Izquierda Revolucionaria (MIR, Movement of the Revolutionary Left) appeared as himself from prison. American actors played CIA spies conspiring to prevent Allende’s election. Berkeley’s Country Joe McDonald composed the film’s music and served as a Brechtian chorus.

After returning to the Bay Area at the end of 1970, I spent the next three years reporting U.S. efforts to undermine President Allende’s democratically elected government. I contributed to publications ranging from Foreign Policy to the Report on the Americas of the North American Congress on Latin America (NACLA).

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On September 11, 1973, General Augusto Pinochet overthrew Allende in a violent military coup. Allende committed suicide in the presidential palace before soldiers could take him prisoner. In the following months, people I'd known were killed, forced into exile, or made to disappear. Jorge Mueller, a cameraman on "¿Qué Hacer?", was kidnapped, never to be seen again. He may be among those tied to rails and dumped from helicopters into the Pacific Ocean. I am godmother to the son of a friend who survived imprisonment and torture.

According to the National Commission for Truth and Reconciliation (Rettig Commission), the National Corporation for Reparations and Reconciliation, and the National Commission on Political Imprisonment and Torture Report (Valech Report), between 1973 and 1990 a total of 3,227 people were disappeared or killed by the military government and its secret police, the Dirección de Inteligencia Nacional (DINA, National Intelligence Directorate),<sup>1</sup> and more than 40,000 people were tortured and/or imprisoned.

Mónica González was among tens of thousands of Chileans who fled into exile. Born in 1949, she had grown up poor and joined the Communist Party as a young girl. At the time of the coup, she worked for El Siglo, the Communist Party newspaper. In fear for her daughters' lives, she sent them into exile and then escaped herself. She lived with her daughters in France until 1978, when she returned to Chile, "obsessed," as she says, with the "death machine" of the Pinochet regime.

Her obsession has produced hundreds of investigative articles and seven books. She has also edited several leading Chilean publications. In 2007, with U.S. journalist John Dinges, she founded the Centro de Investigación Periodística (CIPER), a highly regarded investigative website, and served as its director until 2019. She resigned the directorship for reasons of health but is still president of the nonprofit Fundación CIPER. She reports freelance and frequently comments on television. Her work has received awards from around the world. In 2019, Chile honored her with its highest journalistic honor, the Premio Nacional de Periodismo.

Chilean filmmaker María José Calderón and I recently reviewed the transcripts of González's interviews for "The Judge and the General"<sup>2</sup> and found her words more relevant than ever. In recent years, the struggle for human rights has suffered setbacks around the world, and Chile is no exception. When González learned that she'd received the Premio Nacional de

1. In 1974, DINA established itself as the principal arm of repression of the Pinochet regime. It received technical, training, and infrastructure support from the U.S. Central Intelligence Agency. In the summer of 1975, DINA chief Manuel Contreras was even put temporarily on the CIA payroll.

2. The film can be viewed on YouTube in English, French, and Spanish.

Periodismo, she said that fake news (*falsas noticias*) is now "a threat to democracy that threatens our lives." Her success in countering false news over almost half a century provides an example for today's human rights activists. Her courage and commitment are a tonic against despair.

Patricio Lanfranco and I first interviewed González on February 25, 2004, in the office of the Chilean magazine *Siete+7*, where she was editor-in-chief. I asked her opinion on the subject of our film, Appeals Court Judge Juan Guzmán Tapia, who was investigating Pinochet's alleged crimes (at that time, judges led criminal investigations in Chile).

It was widely known that Guzmán had supported Pinochet's coup against Allende, and at first, human rights activists had low expectations. Guzmán surprised them. Repeatedly threatened with assassination, he pursued a vigorous investigation and, on December 13, 2004, indicted Pinochet for murder and kidnapping.

Typically, Mónica González didn't condemn, but tried to understand, Guzmán's early support for Pinochet. Even after years of staring into the abyss, she still believed in the human capacity for change.

The death of Judge Juan Guzmán on January 22, 2021, makes the excerpts below more relevant than ever. CLAS had a close relationship with the judge and sends deep regards and sympathy to his family.

**Mónica González:** I was one of the first people Judge Juan Guzmán Tapia called to testify because in 1986 I had made public, with Ricardo García and Patricia Verdugo, the contents of a tape we called "Chile: Between Sorrow and Hope." At the end of that tape is something that had until then been completely unknown. It was recorded in September 1973, on the day of the coup d'état against President Salvador Allende. On the tape, Pinochet speaks the horrendous phrase, *Matando la perra, se acaba la leva*. Killing the bitch gets rid of the litter.<sup>3</sup>

Judge Guzmán called me to testify with others to find out where we'd gotten that recording and to learn if it was true.

I spent about three hours with Guzmán then, and as he began to question me, I realized that he knew next to nothing.

He is the son of Juan Guzmán Cruchaga, a Chilean poet, and in high school, we had to memorize one of his poems. Generally one doesn't like poems you're made to read, but I really liked that poem, and it is forever imprinted in my mind. Part of it goes like this:

3. In other words, "If we kill Allende, we get rid of his followers."

*Una lámpara encendida  
esperó toda la vida  
tu llegada.  
Hoy la hallarás extinguida.*

A burning lamp  
waited a lifetime  
for you to arrive.  
Now you'll find it extinguished.

I thought the poem reflected our situation because we'd been waiting so long for a judge, but I saw few indications that Judge Guzmán would be up to the task. When I told him that, he said, "Well, I don't want to be that extinguished lamp."

I think that Juan Guzmán is like Bishop Sergio Valech<sup>4</sup> when he assumed control of the Vicaría de Solidaridad. Valech was, as he admits, a *momio* [mummy], a conservative, and yet he changed into an incredible defender of people's rights. There's a difference between decency and indecency, between sensitivity and negligence or selfishness. There are those who justify the bad, the deaths, regardless of where they come from. It could be a Communist who justifies crimes committed in the Soviet Union or, like here in Chile, where thousands and thousands of people justified the assassinations knowing they existed but without wanting to know.

There were also some who didn't know what was happening because they were in their own world.

Judge Guzmán is not the only one, but he is an example. He was privileged. He likes to collect fossils; he likes ancient history; he's refined; he has a French wife. He created his own refuge and buried himself there, and he had the luck not to be forced to confront reality. But because he is a decent, intelligent, and sensitive man, when he was confronted with reality, he had to decide whether to be a judge who does only the minimum or to commit himself and do the best possible investigation, and he did the latter. Thanks to his work, Pinochet's immunity from prosecution was lifted on August 8, 2000, and that opened the doors so that today more than 60 killers of many Chileans are in jail. Without that lifting of immunity, we wouldn't have the concept of *secuestro permanente* [permanent kidnapping] which allows for those people to be indicted and tried as long the bodies are not found.<sup>5</sup>

4. Bishop Sergio Valech was a fierce defender of human rights in Chile. He assumed control of the Vicaría de la Solidaridad (Vicariate of Solidarity) during the last years of the dictatorship (1986-1992). The Vicaría was created in 1976 by the Catholic Church and other religious institutions to defend and promote human rights in Chile. For decades, the Vicaría collected testimonies of victims and relatives of those imprisoned, tortured, and disappeared during the military regime. In 2013, Bishop Valech directed the National Commission on Political Imprisonment and Torture, which created the Valech Report, a record of human right violations during Augusto Pinochet's military regime.

5. Judge Juan Guzmán used the term "permanent kidnapping" to refer to those crimes that last as long as they are being perpetrated. In a kidnapping, the crime lasts

Guzmán conducted an investigation in which he put together all the pieces with the help of the lawyers and especially the relatives, the most forgotten characters.

**Elizabeth Farnsworth:** You have said that some relatives almost became lawyers.

**MG:** These are the most forgotten characters. There are families that had to learn to be lawyers. They learned so much they could almost be attorneys today. There are cases of women who had very hard lives. You can't live a normal life waiting 30, 25, or even 10 years for a husband who may not come back. They were young, and many remarried, because that's life. And they had a really hard time with their new partners. They thought, "How can I fall in love again? What if he comes back?" For them, it was like killing the disappeared.

Some women started looking [for their husbands] — and they had to hear things like, "He left you for another woman, he was never detained. It's a lie that he 'disappeared.'"

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*In the February 25, 2004, interview at the office of Siete+7, González also discussed "Operation Colombo," a 1975 DINA operation aimed at covering up the murder of more than 100 of the disappeared at a time when Pinochet's government was under scrutiny for human rights violations by the United Nations, Amnesty International, and other international organizations. González had discovered the truth about Operation Colombo while investigating the assassination in Buenos Aires of General Carlos Prats, who had sought exile in Argentina after serving as Commander in Chief of the Chilean Army under Allende.*

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**MG:** In July 1975, newspapers like *El Mercurio* and *La Nación* had come out saying that those who had blamed the military junta for arresting and killing people had to bite their tongues. The "disappeared" had died because of killings among themselves.

**EF:** If you hadn't gone to Argentina, we wouldn't have learned the truth.

**MG:** The truth would have come out another way or someone else would have done what I did. I have a lot

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from the moment a person is illegally deprived of freedom until they are released or until that person appears, even if dead. The 1987 Amnesty Law had shielded Pinochet and all involved in criminal acts as authors, accomplices, or accessories, committed between September 11, 1973, and March 10, 1978, without making a distinction between common crimes and those committed with political motivation. In a "permanent kidnapping," the crime of kidnapping and disappearance continued to be committed continuously, so the amnesty law could not be applied since it referred to crimes committed within a specific period.

of faith in life, and I think that somehow things that are hidden below ground appear. I feel like I was just an instrument. I have faith that another judge, journalist, or lawyer would have done what I did later.

**EF:** But you opened that box....

**MG:** Because I am obsessive. It wasn't by chance. The guy at the courthouse let me into a dark, dirty room all by myself, because who cared about court documents in Argentina during those years?

I had gone under precarious circumstances to investigate the assassination of General Carlos Prats. Argentina was coming out of a dictatorship. The courts were occupied by fascists. They would threaten you and describe in detail what they do to "women like you." Then one day the Argentine journalist, Horacio Verbitsky stopped me in a corridor and said, "You are Mónica González, yes? Look for the case of Enrique Arancibia Clavel,<sup>6</sup> the spy case, and you'll find what you're looking for." I would have to get authorization from a judge to see that, and it was difficult. I spent many days standing outside the judge's house. It was winter in Buenos Aires. I started at 7:00 a.m.

Finally he gave in, and I was able to locate a room inside the judicial archives and find those boxes. I can see it as if it were today. They left me alone in this dirty place. I took the first box, and it was full of documents all jammed together. It was hard to open. I took a few things out and documents fell. The first things that came out were ID documents. I picked one up. It says, "Amelia Bruhn," a woman I knew, a marvelous woman, a disappeared prisoner. There was her ID.

From then on I was frantic. I very quickly asked myself, "What should I do?" So I started recording. Very quickly I realized these are DINA archives. It's the only file from DINA in existence.<sup>7</sup>

To my horror, I saw ID documents from disappeared prisoners, handwritten letters that describe the butchering, the deaths, people who were being followed.

**EF:** You recorded for days?

**MG:** I could have stolen those documents, but they were legal documents. If I took them, they'd lose their legal value. This "legality" is after us, but still we follow it.

6. Enrique Arancibia Clavel was the head of the clandestine network of DINA in Argentina. He was arrested in Argentina in 1978 and charged with espionage. After the arrest, his apartment was raided and more than 500 confidential DINA documents were found, seized, and filed in the Federal Court of Buenos Aires. Those are the documents referred to by Mónica González in the interview.

7. The "DINA documents" include cables, intelligence reports, and correspondence between Arancibia Clavel and his bosses in Santiago between 1974 and 1978. They reveal torture and disappearance techniques used by the Argentine death squads, as well as their cooperation with the Chilean intelligence agency to kidnap, torture, and disappear Chilean refugees in Argentina in operations known as Colombo and Condor, among others.

I tape and tape, and sometimes, I cry, sitting on the cold floor. It was very cold. I was there from 8 a.m. until they made me leave. No breaks. I tape and tape and cry, alone, because there are photos of bodies torn apart or when I read the story of my friend David Silberman.<sup>8</sup>

It was the first time I saw it, handwritten. My friend. There was his death.

Those DINA files show there was a systematic organization for the assassination of opponents of the Pinochet government, a decision to eliminate them brutally and leave no traces. The files show how they organized a "simulacrum" [fake newspaper story] to pretend the 119 disappeared had run away to Argentina, when the truth was they were killed in Chile.

Some of those prisoners were dynamited, others thrown in the sea. I found names of the disappeared prisoners they'd killed in that way. There were also three names that didn't appear on any list, and they became an obsession for me. It must have been six months until one day, while I was reading the testimony of a survivor, I found something that said, "...and González arrived together with the Andrónico Antequera brothers." And for the first time [the name of] Samuel González appeared.<sup>9</sup> He had not been on the other lists [of disappeared prisoners].

It's one of the most emotional stories for me because it was only because I'm obsessive that my search helped discover that child — he was a very young man without a father or mother, an orphan. His sister was a cloistered nun, and we found that nun, who came out of her cloister only once — to file a case for her brother in the courts. And I felt that day that Samuel González lived. I am agnostic, but I felt that God put me there to find that ID, as if saying, "Mónica, you can't rest until you find him."

In 1991, I found the man who had provided the list of names to those newspapers. His name was Gerardo Roa. He was chief of the Public Relations Department of the City of Santiago. I was then editor-in-chief of the newspaper La Nación. He received me saying, "What an honor."

I said to him, "Close the door because what I have to say is private and I don't want anyone to interrupt us." Then I showed him the documents and asked, "What do you have to say about this?" The guy turned pale and began to perspire, and suddenly, he fainted.

I got him water, and he started to recover and said, "Yes, Manuel Contreras [the head of DINA] personally

8. David Silberman was a member of the Communist Party and the General Manager of the Cobre Chuqui copper mine until the military coup of 1973. On October 4 of the same year, he was detained by DINA agents and taken to a clandestine detention center from which he disappeared. In 1975, a mutilated body was found in Buenos Aires, Argentina, with an identity card that identified him as David Silberman. Later that body was found not to be Silberman, who continues to be among the missing.

9. No relation to Mónica González.

asked me to deliver the documents. I was in Rio de Janeiro then and had contacts with the newspaper O Dia, so I did it. We paid for that edition."

I said, "If you will declare this to the Rettig Commission,<sup>10</sup> I won't publish it, but you must tell them everything. If you do that, I won't publish. What's important is that you establish, for potential prosecutions, how and who gave you the order, what information you gave to the newspapers, and how much you paid and to whom."

I had it all planned [for him to reveal the information on that same day], but he was having a hard time breathing. He was afraid he'd have a heart attack. He was very fat and sweating profusely. So I told him, "You can't do it today. I will come pick you up on Monday at 11:00, and nobody will know. I assure you that privacy." Luckily, we are compassionate. We are different from them, and we celebrate that difference.

So I went back on Monday. I was received by a composed man. He let me into his office, opened the drawer, and took out a recent photo of my daughters in Paris, and he said, "Do you want them to stay alive?"

He worked for a democratically elected government but still had that job. I spoke to his boss, who said, "Don't publish, you'll get killed." I told him, "You have to fire that man."

In spite of the threat, I immediately published the story in La Nación, including all the details of Roa's participation.

*González is emphasizing here that her encounter with Gerardo Roa occurred early in the democratically elected government of President Patricio Alwyn, a Christian Democrat. Even in 2004, with Pinochet under investigation for murder, she believed much more had to be done to uncover the truth about his death machine, but she nonetheless praised what had been achieved thus far. Some people were more critical.*

**MG:** I respect all opinions, but personally, I feel proud every morning for what we have achieved. But do you know what is sad? If we don't appreciate the work that we have all done, the relatives won't heal their wounds. Because if we keep saying we haven't done enough, then what else should we have done? There's no other country that had a dictatorship in South America that now has so many military officers in jail like we do in Chile, and there will be more.

10. Pinochet's dictatorship ended in 1989 when he conceded to holding elections and lost to Patricio Aylwin. Shortly thereafter, President Aylwin established Chile's National Commission for Truth and Reconciliation — known as the Rettig Commission — to investigate human rights abuses that occurred during the Pinochet regime.

Did you know that there wasn't a single day during the dictatorship when there wasn't a complaint that included the name of a torturer, the address of a secret detention center? All that is the history of Chile, and it's now in the courts. It's our work, our achievement. I feel proud in front of my daughters. A lot of bad things happened, but we've left something beautiful to our children and grandchildren.

*The following interview took place on December 15, 2006, five days after Augusto Pinochet died of a heart attack in the Military Hospital of Santiago. Judge Juan Guzmán had, in December 2004, ruled that Pinochet was medically fit to stand trial and indicted him and placed him under house arrest. By 2006, other Chilean judges had also indicted Pinochet. At the time of his death, he faced more than 300 criminal charges.*

**MG:** The first thing I thought of on Sunday when I learned that General Pinochet had died, and it was confirmed that he was going to be cremated, was that it was unbelievable.

He won't have a tomb!

He condemned thousands of Chileans to be disappeared, to be thrown in the desert or in abandoned mines, so nobody would ever find them or remember them. And he — not because of the force of the bayonet, but because of the fear of his own people — will be another disappeared person. I'm convinced that for many people, it's still very difficult to believe.

In 1974, after the coup, Pinochet had built a great tomb, a mausoleum, in the cemetery at his mother's request. But his mother died many years later, in 1986. And when his mother died, they buried her there, and soon afterwards, the grave was desecrated. Pinochet realized then that he could never be buried there. The times had changed. So he changed his dream to a grand Napoleon-style tomb inside the Military Academy. But the army didn't accept that. And that's interesting: today's army didn't accept him having a tomb inside the Military Academy.

The family had to accept that they must cremate him because his body would never be safe anywhere. As we have seen, more than one child or grandchild, more than one survivor of his crimes, someone who was tortured and survived was going to open that tomb so that nobody would ever find a milligram of his remains. But what I like is that nobody condemned him to suffer that. His own family did it out of fear. It's incredible how history has changed.

Thirty-three years ago, those who were scared down to their bones were those who opposed him, and he was the Almighty who declared, from some hidden spot in the headquarters of the coup d'état, "Se mata la perra,

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se acaba la leva.” Today, his people are the ones who are afraid of what is to come. That’s why they had to burn him, incinerate him at more than 1000 degrees Celsius, incinerate him with the coffin in which he was placed. Not a trace of that coffin will be left.

When I saw the ashes [when Pinochet was being cremated], that long cloud of black ashes going up, it was as if in Chile we were delaying the return of the monster. We signaled that murderers get punished. If someone wants to obtain glory by killing, torturing, imprisoning, throwing bodies into the ocean with their stomachs split open, they won’t get glory. What they’ll receive is reproach.

**EF:** I was surprised by the vehemence of both the hate and the love towards Pinochet, even though those people shouting his praises in the streets knew what he had done. How do you explain that?

**MG:** It’s true, there was love, there was vehemence, because I think what happened on the day he died was an explosion in which the masks came off. Countries have very few opportunities to experience those moments.

The *pinochetistas*, who have for many years hidden their love for Pinochet and their hate towards all those who think differently, are unable to control it. Their real personality comes out from deep inside them.

**EF:** What’s in the soul of a human being in society that allows these things to happen?

**MG:** It’s happened since the Roman circus, and probably before that, when an emperor gave a thumbs-down sign and an entire people screamed for blood, and those Christians or slaves died in the most brutal way in front of the crowd. That story repeats itself time and again. Today, it’s worse because there’s anesthesia. We see via a TV screen where journalists look for blood to show the audience, and the more blood, the greater success. Those 60,000 fervent, hot-headed pinochetistas, had so much hatred in their eyes and gestures. If you’d given each of them a machine gun, I don’t know what they would have done or how many people they would have murdered.

There’s a death machine, which is there, latent. I think this country is like a clock, which marks a pulse each minute, tick-tock, tick-tock, it’s the pulse of the country, the sound of the streets. The streets talk: they speak of the rage, the sadness, the passion, the pain of the citizens.

We have to look into their eyes and decipher those words full of hatred because when you don’t listen to them, they reach more people. They conquer more spaces. Their hatred invades everything. It’s very dangerous. We have to stop it.



Photo courtesy of Mónica González Mujica.

Mónica González Mujica.

“That’s the task of journalism, to alert us when there’s hatred, to alert us when hate expands through the streets, to alert us when madmen acquire positions of power...”

That’s the task of journalism, to alert us when there’s hatred, to alert us when hate expands through the streets, to alert us when madmen acquire positions of power, to alert us when there’s someone who isn’t democratic [who is] in control of weapons in a certain army unit, to alert us to not allow permissive judges to be judges, to not allow antidemocratic generals to remain in the army.

It’s a clock that we must treat with great care because if we don’t, what has happened before and has always happened will occur again. But we shouldn’t lose hope. Our work consists of this: how to delay the return of the monster.

Sunday evening something very powerful happened to me, a whirlpool of images as I drove towards Santiago after learning of Pinochet’s death. I had to keep moving, working, writing articles for Clarín newspaper that afternoon. I had a whirlpool of images — it was very powerful — images I thought were no longer registered in my memory, but they were very clear images, even odors, of many tough episodes. And suddenly, at one point during the evening, I got a terrible chill because I realized — and to this day I am terrified to say this — that I have two children because of Pinochet, because I could have had more, but I lost them. I have the loves I have had, the lost loves, and those I had, the pain I’ve gone through, the hours without love, the discipline, the crankiness, the desire to cry that I sometimes feel, the happiness I feel — so many things of mine have depended on what that madman has done. *Fue muy fuerte...* It was very strong....

Elizabeth Farnsworth is a filmmaker, foreign correspondent, and former chief correspondent of the PBS NewsHour. Her 2008 documentary, “The Judge and the General,” co-directed with Patricio Lanfranco, aired on television around the world and won the DuPont Columbia Award, among other honors.

María José Calderón is a Chilean documentary producer and editor based in Oakland, California. She associate produced “The Judge and the General” and has produced and edited documentaries for PBS, Latino Public Broadcasting, Univision, and other networks.

Mónica González Mujica is a Chilean writer and journalist, winner of the UNESCO/Guillermo Cano World Press Freedom Prize. The interviews were conducted in 2004 and 2006 during shoots for “The Judge and the General,” which first aired on POV(PBS) in 2008.



Images courtesy of the Olga &amp; Rufino Tamayo Foundation.

PERU

"Human Rights Triptych," Rufino Tamayo, 1984. Three 50x35 cm lithographs.

## The Shining Path and the Emergence of the Human Rights Community in Peru

By Charles Walker

Human rights organizations in Latin America have had much to celebrate in recent decades. The "justice cascade" forced the retreat of brutal regimes in the Southern Cone and Central America, with many authoritarian leaders losing their immunity and facing trial and jail terms. Human rights campaigns saved lives, freed prisoners, improved jail conditions, and aided in the demise of numerous military dictatorships. Some scholars and activists, however, have questioned whether the global human rights movement focused too much on preventing the state from committing heinous deeds and overlooked growing global inequalities. According to this view, human rights organizations shed light on, limited, and even prosecuted brutal imprisonments or forced disappearances (negative human rights, what the state cannot or should not do to individuals) but failed to pay sufficient attention to the accumulation of wealth and power among the top 1 percent. Critics, such as law and history professor Sam Moyn, recognize the achievements but highlight dire inequalities across the globe.

The debate resonates loudly in Latin America. On the one hand, local, national, and international organizations

can take great pride in the impact of their denunciations of the brutality of U.S.-supported military regimes. In the 21<sup>st</sup> century, groups have prosecuted Augusto Pinochet, Jorge Videla, Alberto Fujimori, Efraín Ríos-Montt, and other tyrants. On the other hand, Latin America has some of the world's most profound inequalities, evident in income disparities and difficult access to basic services. These brutal socioeconomic differences, painfully underscored by the Covid-19 pandemic, endanger democracy and undermine the real achievement of human rights advances.

Such disagreement over the limitations of the human rights communities' achievements can telescope their development in Latin America. The justice cascade stressed criminal hearings against human rights abusers rather than social justice and egalitarianism, but protecting the innocent and eventually prosecuting the guilty has not been the sole focus of decades of human rights work in Latin America. Many veterans in the human rights community contend that the struggles against injustice and the debates about its causes never ceased. The relationship between defending human rights and fighting for social justice needs to be

scrutinized. Peru is a fascinating and insightful case to explore these issues.

Peru confronted a horrific human rights debacle from 1980 to 1992, when the country was immersed in an "internal armed conflict" with the Maoist guerrilla group, Sendero Luminoso (Shining Path). The war with the Shining Path led to 70,000 dead, more than half of them at the hands of the guerrillas. Reacting to this bloodshed, national human rights groups multiplied in size and number, documenting and denouncing the situation. Did they ignore or abandon the critique of structural inequalities as atrocities increased and authoritarianism expanded? Were they slow to react to the horrors of the Shining Path? These questions can only be answered through an analysis of the human rights groups' development, the obstacles they faced, and their achievements and limitations.

### Born in the Struggle

The Shining Path began its war in May 1980, burning ballot boxes in the tiny Andean town of Chuschi. A small Maoist party rooted in the Universidad Nacional de San Cristóbal de Huamanga in the city of Ayacucho, the Shining Path contrasted with other Latin American insurgencies. They did not seek a broad revolutionary alliance, but instead perceived others on the left and members of grassroots organizations to be part of the enemy, the old order that needed to be eliminated. Within a few years, they had not only attacked the Peruvian state and military, but threatened and even executed anyone else who might question their Maoist project, from NGO workers to Catholic priests. The violence was fierce and shocking; the state reacted with brutality, as well. Nonetheless, human rights organizations did not emerge out of the bloodshed of the early 1980s. Instead, they grew out of the struggles against the Morales Bermúdez military regime (1975-1980). In this regard, they follow the pattern of much of Latin America.

In 1975, General Francisco Morales Bermúdez deposed General Juan Velasco Alvarado, the left-leaning leader of the first phase of the Revolutionary Government of the Armed Forces. Morales Bermúdez imposed severe socioeconomic measures that eliminated most price controls, defunded social services, and criminalized strikes. If Velasco had sought to give power to the people, Morales Bermúdez seized it back. Broad sections of society opposed his authoritarian project, culminating in a massive national strike that shut down most of the country on July 19, 1977. The government acted with force. Hundreds of civilians were injured in protests and thousands detained,



Image courtesy of Nando MG.

Peru's dictator Francisco Morales Bermúdez in 1976.

with as many as 5,000 union leaders fired. At this point, in 1977 and 1978, grassroots organizations began to use the language and tools of human rights to pressure the Morales Bermúdez regime and to defend those who were wounded, imprisoned, or fired.

These *Comités de Derechos Humanos* (Human Rights Committees) sprouted from the multiple and diverse leftist parties and organizations that had collaborated in the July 1977 strike and sought to organize the working class and the poor. The progressive Catholic Church constituted the other essential piece of the foundation. Peru was the birthplace of Liberation Theology, and since the profound doctrinal changes of Vatican II (1962-1965), many nuns, priests, and other members of the Church had dedicated themselves to working in poorer neighborhoods in cities and in the countryside. The *Comisión Episcopal de Acción Social* (CEAS, Episcopal Commission for Social Action) defended those involved in the protests of the late 1970s and promoted the work of local human rights groups. Although these early groups varied in objectives and methods, they

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Bodies of people killed in the 1983 Lucanamarca massacre lie in the street.

shared a contempt for the Morales Bermúdez regime and a commitment to social justice. The 1978-1979 Constituent Assembly introduced *derechos humanos* as part of the political agenda. Peru's human rights community dates from this period, firmly rooted in the left and among progressive Catholics.

Peru returned to democracy in 1980 with the election of Fernando Belaúnde Terry. Having received nearly one-third of the vote in the 1978 Constitutional Assembly, the left made periodic efforts to unite for electoral coalitions but was just as frequently divided. Some groups believed that elections and Congress held the key to their struggle, while others continued to focus on grassroots and worker organizations. Many still envisioned a revolution. But the emergence of the Shining Path and the incompetent and brutal reaction by the Peruvian state altered the situation. Human rights groups rapidly learned that the Shining Path was unique, a very different entity than the "new left" that had grown throughout the Americas since the 1960s. The guerrilla fighters did not use uniforms, respect civilians, or follow the Geneva Convention. Moreover, deeming anyone not a part of their Maoist project an enemy, the Shining Path attacked community leaders, labor organizers,

and eventually, human rights advocates. The police and then the military reacted to the guerrillas with violence and little respect for international norms, yet the armed forces consistently rejected the denunciations of their own atrocities. The nascent human rights community found itself caught between two fires, attacked by both the Shining Path and the state. This situation would only worsen.

In December 1982, President Belaúnde declared a state of emergency in Ayacucho and sent in the military. At this point, human rights abuses escalated. Torture, disappearances, and massacres became commonplace. While the military used brutal counterinsurgency tactics, the Shining Path imposed its will through coercion. The infamous massacres of the mid-1980s encapsulate these horrors: in April 1983, the Shining Path killed 69 people in Lucanamarca; in December 1984, the military killed 123 in Putis. All the victims were Indigenous peasants. These are just two examples — there were many more.

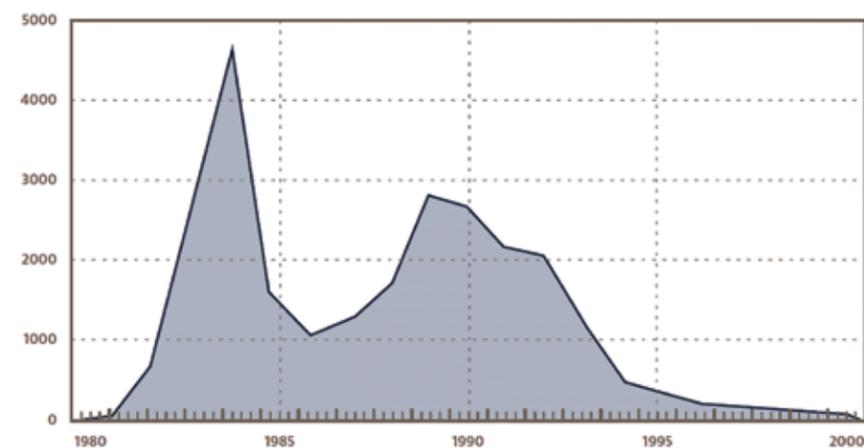
As the body count increased, human rights groups likewise grew in size and number. International organizations such as Amnesty International (1981) and the Comisión Andina de Juristas (Andean Commission of Jurists, 1982) set up offices in Peru.

National organizations also formed in the early 1980s, including the Asociación Pro Derechos Humanos (APRODEH, Association for Human Rights), the Instituto de Defensa Legal (Legal Defense Institute), and the Asociación Nacional de Familiares de Secuestrados, Detenidos y Desaparecidos del Perú (ANFASEP, National Association of Family Members of the Kidnapped, Detained and Disappeared of Peru). In 1985, dozens of groups created an umbrella organization, the Coordinadora Nacional de Derechos Humanos (CNDDHH, National Coordinator for Human Rights).

Human rights groups understood that they needed to collaborate and operate nationally, maintaining a presence in the "emergency zones," where the conflict was most dire, despite the obstacles and dangers. They received support from international organizations — technical and financial help as well as solidarity — and learned from the experiences of other countries. One activist described it as a "crash course in human rights." The escalating violence only made their task more urgent and more difficult.

From the outset, human rights groups faced opposition. Some on the left dismissed them as bourgeois, as too focused on the individual over the collective. Nonetheless, all of the leaders I spoke with insisted that once the seriousness of the situation became clear — the body count rose, and news stories about massacres finally reached a broad audience — support for their work increased, not only from the left, but from the center and even some conservatives. The Shining Path and the Peruvian military, however, criticized the notion of human rights and its practitioners relentlessly. Even today, conservative groups accuse human

## Peru 1980-2000: Number of Reported Deaths and Disappearances, According to Year



Deaths and disappearances in Peru, as reported to the Truth and Reconciliation Commission. (From Hatun Willakuy: Abbreviated Version of the Final Report of the Truth and Reconciliation Commission, p. 17.)

rights organizations of supporting or favoring the Shining Path.

This criticism was not the only obstacle. Human rights activists recall the challenge of tracking and disseminating information about human rights abuses, most of which were taking place in the Ayacucho countryside, an extremely dangerous area far from Lima, while also protesting Belaúnde's austerity measures and the rolling back of the safety net created by General Velasco. The gravity of the situation forced their hand: human rights workers had to focus more of their efforts on documenting and condemning atrocities, offering legal aid, and providing sustenance in Ayacucho and other regions where the Shining Path operated. The growth of the human rights organizations also meant increased administrative work and fundraising, which demanded more and more time. The struggle for social justice had to take a back seat to the efforts to document abuses, defend the detained, and question the government's tactics. The human rights community did count on important allies in Congress, from the left and the APRA party.

Looking back, human rights activists recognize that the demands of the era — the escalation of violence — marked their trajectories more than any type of plan. These organizations emerged in a grim context of mass horror that no one could have foreseen. They had to react as the situation deteriorated and the challenges mounted. Nonetheless, they did not abandon their search for social justice, their questioning of systemic inequalities in Peru and beyond.

When I interviewed him in 2019, Francisco Soberón, the co-founder of APRODEH and a human rights leader until today, pointed out that the organizations continued to fight for a more just Peru, condemning opportunity gaps and the profoundly undemocratic nature of Peru. "We never pushed these issues to the side," Soberón said. Indeed, Congressman Javier Diez Canseco (1948-2013), the founder of APRODEH, relentlessly criticized socioeconomic inequalities and capitalism. In a booklet published by APRODEH and Servicios Populares, *Democracia, militarización y derechos humanos en el Perú, 1980-1984* (Democracy,

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Photo by Kathie Meuzen.

In 1985, Argentine artist Adolfo Pérez Esquivel meets “Mamá Angélica” in Peru.

Militarization, and Human Rights in Peru, 1980-1984), Diez Canseco thoroughly describes the threat to democracy in Peru posed by authoritarianism from the left and the right and the terrible economic crisis faced by the poor. Only after making these points does he begin his discussion of human rights — socioeconomic issues are not secondary.

Peruvian human rights groups did not abandon social justice issues, but understood them to be essential humanitarian priorities. The country’s extreme economic crises in the 1980s ravaged the poor and particularly the primary victims of the war: *campesinos* in emergency zones. Soup kitchens expanded throughout the country but could not fulfill the demand. *Desplazados*, the displaced, fled to cities just as unemployment surged, prices escalated, and government aid dwindled. In 1983, Lima mayor Alfonso Barrantes initiated the Vaso de Leche (Glass of Milk) program to alleviate malnutrition among children. Human rights groups in Ayacucho and throughout Peru understood their double duty of defending the detained and searching for the disappeared while also aiding their families and other victims. Disappearances and torture were not the only humanitarian tragedy in Peru at this time: poverty deepened, and many struggled to feed their families.

Under the leadership of Angélica Mendoza de Ascarza, “Mamá Angélica,” Indigenous women with disappeared family members created ANFASEP in Ayacucho in 1983. Many of these families had fled the countryside because they had been attacked or threatened, or they had left in search of information about their missing loved ones. In any case, they were forced to abandon their fields and commercial activities; they were poor and often hungry.

hundreds of miles to Lima. Mamá Angélica and other leaders of ANFASEP stressed the constant need to feed their families — they did not have the luxury to put economic issues to the side.

The economic crisis worsened after 1988 under President Alan García, and the Shining Path’s violence extended throughout much of Peru. President Alberto Fujimori threatened democracy and promoted hardline tactics, particularly after his April 1992 “self-coup.” Attuned to the nightmarish situation of human rights in Peru, the human rights communities adapted to these changes, yet the leaders never abandoned their critique of the structural causes of inequality and their search for a more just Peru. They would not recognize the supposed shift away from these questions that some in the global human rights community have decried.

### Guerrillas as Perpetrators

The Peruvian human rights community collaborated with and learned from their colleagues in Chile, Argentina, and Central America, while also following the fight against apartheid in South Africa. The situation in Peru, however, diverged sharply with these other cases on one point: the guerrillas themselves were committing widespread human rights abuses. While truth commissions in Chile, Argentina, El Salvador, Guatemala, and South Africa would impute the state, the military, and the police as the perpetrators in the vast majority of cases (more than 95 percent), the Shining Path executed unarmed civilians, committed massacres, and used terrorist tactics such as car bombs in Peru. The Comisión de la Verdad y Reconciliación (Truth and Reconciliation Commission) estimated that the guerrillas

ANFASEP almost immediately created a soup kitchen for orphans: the Comedor Popular Adolfo Pérez Esquivel, named for the Argentine Nobel laureate who visited Ayacucho in 1985. ANFASEP’s Museo de la Memoria recalls these terrible times, when women sought not only justice, but food for their families. The tens of thousands of internal refugees, who moved to Ayacucho, Lima, and other cities in the midst of one economic crisis after another in the 1980s, endured racist hostility and faced competition for any type of employment. Many *desplazados* could not pay bus fare and walked

were the guilty party in the deaths of 54 percent of the 70,000 people killed in the conflict.

In documenting and denouncing the atrocities committed by the Shining Path, human rights organizations faced a series of challenges. Models such as those used in the heroic efforts against the military regimes in the Southern Cone focused on atrocities by the state and the military, which didn’t fit the local reality. Human rights leaders in Peru soon recognized that they had to adjust and create new parameters in order to understand and condemn the Shining Path’s methods.

Yet, information gathering — the first step in human rights work — was difficult and frustrating. The Peruvian government systematically withheld intelligence and, when probed about specific cases, would blame the Shining Path or deny the events. Journalists and activists had to piece together facts from a variety of sources and learn to deconstruct press releases for the bits of truth that emerged among the denials and misinformation. The Shining Path provided no information and instead excoriated and even attacked human right groups and journalists. Activists and journalists faced enormous obstacles in gathering basic facts.

Collecting information also proved perilous, and human rights professionals and journalists faced threats

from both sides. The murder of eight journalists in Uchuraccay in 1983 revealed the dangers of reporting in Ayacucho. In 1989 and 1990, activists Coqui Huamani, Angel Escobar, and Augusto Zuñiga were assassinated or disappeared by state agents.

Although difficult and dangerous, human rights work was also scorned. The Shining Path and the military fought a vicious war, but they agreed in their dismissal of human rights defenders. Many elected officials and even Church authorities, such as then-Bishop Juan Luis Cipriani, also chimed in with their disdain for these activists. The Shining Path, in turn, dismissed the notion of human rights as imperialist. They rejected the Geneva Convention and assassinated labor leaders such as Enrique Castilla and neighborhood activists like María Elena Moyano. The list is long.

Conservative critics vilified the human rights community for being soft on the Shining Path, for stressing the state’s “excesses” rather than those of the guerrillas. The 1970s left matured in the battles against the Morales Bermúdez regime. Did this anti-militarism and faith in revolution blind them, at least initially, to the Shining Path’s brutal authoritarianism?

The leaders I interviewed all categorically disagreed. Longtime activist Eduardo Cáceres said, “We knew >>

A protest after the killing of eight journalists in Uchuraccay, Peru, in 1983.



Photo by Silvia Beatriz Suárez Moncada.

the Shining Path from our years of militancy in the 1970s and understood that they were profoundly anti-democratic.” Soberón pointed out that APRODEH and other organizations had almost immediately investigated the murder of grassroots and union leaders killed or threatened by the Shining Path. They rapidly understood and feared the Shining Path and its broad definition of “the enemy.”

Early documents from APRODEH included critiques of the Shining Path. Contrary to the persistent accusations by military leaders and conservatives that human rights groups sympathized with terrorists or surreptitiously supported them — the phrase “apología del terrorismo” (apology for terrorism) has a long and dark history and remains a crime in Peru — human rights groups understood and opposed the Shining Path before almost anyone else.

The creation of the CNDDHH in 1985 marked a turning point in the human rights communities’ relationship with the Shining Path. In its founding national convention, this umbrella organization stressed its distance from the Shining Path, documenting the guerrillas’ grave responsibility for the bloodshed in Peru. Because some human rights groups and advocates had lost face when representing people who ultimately proved to be Shining Path militants, the CNDDHH limited its members’ role in defending accused Shining Path members. Human rights groups continued to fight for the rights of all prisoners to a fair trial and humane prison conditions (demands largely unmet in Peru in those years), but stipulated that the Shining Path use their own lawyers for their militants.

And yet the legal grounds for denouncing the Shining Path were unclear. The 1948 Universal Declaration of Human Rights, a reaction to the horrors of World War II, focused on actions by the state. Human rights organizations traditionally publicized and litigated state or para-state atrocities. Lawyers in Peru turned to international humanitarian law, particularly Article 3 of the Geneva Convention, which established the rules for humanitarian practices in international war as well as national conflicts. The fact that the Peruvian state deemed the Shining Path terrorists rather than insurgents made this international instrument more difficult to apply.

The Peruvian human rights community followed international precedent and shed the brightest light possible on illegal detentions, disappearances, massacres, and other crimes by the Peruvian state and military. They also, however, denounced crimes perpetrated by the Shining Path, particularly after the 1985 creation of the

CNDDHH. At this point, they had a better understanding of the Shining Path’s authoritarian methods and counted on a national network and international support, which allowed them to gather information, including testimonies. The accusations that they were soft on the Shining Path constituted a persistent effort to counter their charges of widescale human rights abuses by the armed forces. To the contrary, Peru’s human rights community forged new trails in terms of documenting and censuring abuses perpetrated by guerrilla forces.

### Legacy: The Final Report

Peru’s human rights community adapted and evolved over time. A timeline of the worst atrocities serves to summarize these changes: Uchuraccay demonstrated the dangers; numerous massacres throughout the 1980s drew attention to the brutality of both the Shining Path and the military; the 1986 extermination of prisoners in Lima contradicted President Alan García’s claims about his dedication to human rights; and the 1992 self-coup by President Alberto Fujimori brought to the fore concerns about authoritarianism and the threat to democracy, themes that would mark the entire decade. With Fujimori’s resignation in 2000, interim President Valentín Paniagua created the Truth and Reconciliation Commission, which included members of the CNDDHH as well as representatives of the Church and civil society.

In 2003, the commission released its nine-volume *Informe Final*. One of the most stunning findings of this final report was how greatly the number of dead had been miscalculated: there were not 20,000 or 30,000 casualties, as many estimated (I used these numbers in university courses at the time), but nearly 70,000. The commission’s report also updated statistics on the wounded, displaced, illegally arrested, and more.

The history of the Truth and Reconciliation Commission is waiting to be written. Key members included philosopher Salomón Lerner Febres, who served as the commission’s chairman, and the anthropologist Carlos Iván Degregori. If the *Informe Final* can be understood as a collective work of the human rights community — with assistance from many other organizations and individuals — then it confirms the arguments made here. The report paid remarkable attention to structural inequalities and deep-rooted injustice in Peru. From page one, it underlined how Indigenous and rural people had borne the brunt of the violence. It contended that the state and civil society were slow to react because the majority of the victims were rural and Indigenous. The violence was denied



Photo by Silvia Beatriz Suárez Mónica.

Women protesting disappearances and sexual violence by the military in Peru, 1988.

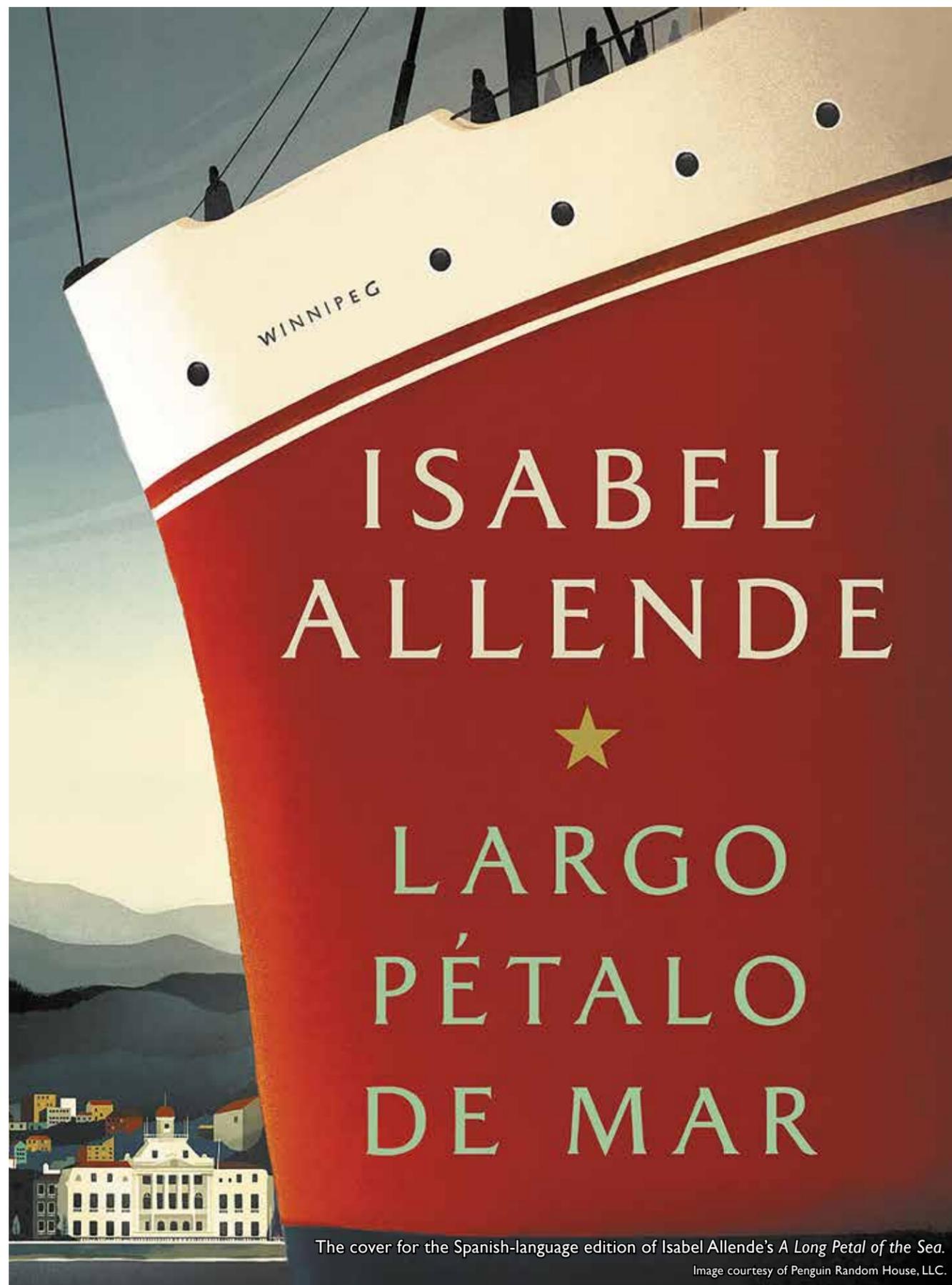
or overlooked. This would not have been the case, the report contended, had the victims been urban and white. While underlining race and class hierarchies, the Truth Commission also took into consideration Peru’s severe economic crises and the suffering of the poor. It did not separate its examination of human rights abuses from socioeconomic issues and structural problems.

*The Informe Final* also spotlighted the violence and authoritarianism of the Shining Path. Linking them to 54 percent of the dead was one of the most cited and controversial findings, but the report went far beyond tallying numbers to explain the rise of the group from a minute Maoist splinter party. The report detailed the extension of the Shining Path into Ayacucho’s countryside, its brutal techniques, its expansion into Lima and elsewhere after 1988, and the group’s demise. This explanation reveals how good intelligence work proved far more effective than torture. The great paradox is that conservatives accuse the Truth Commission of being soft on the Shining Path, while to the contrary, it produced a multi-volume indictment of the group, deeply documented and richly argued.

The report, available online, does not limit the blame to the guerrilla groups and the armed forces. In questioning

how these atrocities could have been committed, it takes a hard look at the Catholic Church, civil society, political parties, the press, and more. I have always believed that praise for the report has been muted by the breadth of its criticisms. Almost no organization escapes scrutiny in the effort to explain how tens of thousands of dead were overlooked. The report’s incorporation of socioeconomic questions, demographics, and Peru’s profound racism, as well as the document’s devastating critique of the Shining Path, reflect the merits and achievements of Peru’s human rights community. Their courage and analytical depth should not be forgotten as we reassess the work of human rights groups across the globe in recent decades. Anyone who assumes that human rights activism means foregoing issues regarding equality or turning a blind eye to insurgent atrocities should look closer at the Peruvian case.

Charles Walker is Professor of History at UC Davis, where he serves as Director of the Hemispheric Institute on the Americas. His most recent book is *Witness to the Age of Revolution: The Odyssey of Juan Bautista Tupac Amaru* (Oxford University Press, 2020). He spoke for CLAS in February 2020.



The cover for the Spanish-language edition of Isabel Allende's *A Long Petal of the Sea*.

Image courtesy of Penguin Random House, LLC.

## LITERATURE

# A Long Petal of the Sea

A Conversation Between Isabel Allende and Adam Hochschild

In the late 1930s, Spain's civil war compelled thousands of refugees to flee their homes in search of a safer life. Isabel Allende's latest book, *A Long Petal of the Sea* (Ballantine Books, 2020), follows a pregnant young widow whose life becomes intertwined with an army doctor who is her deceased love's brother. In order to survive, the two must unite in a marriage neither of them desires.

In the last event that the Center for Latin American Studies hosted publicly prior to the Covid-19 pandemic, Isabel Allende spoke with Adam Hochschild about her book and the legacy of the Spanish Civil War in Latin America and around the world. The following excerpts are from this conversation.

**Adam Hochschild:** Sometimes, when I read a book that moves me, I try to imagine the moment when it began, the moment when there was a pebble tossed in the pond and the ripples went outward. From what you've told me, I'm wondering whether that moment

was when your stepfather told you about greeting people from the *Winnipeg*?

**Isabel Allende:** I think the moment when I heard the story for the first time was 40 years ago. I was living in exile in Venezuela, and I met a guy who was charming. He had been one of the passengers of the *Winnipeg*. He was much older than me but still very attractive. He was called Victor [Bay]. He told me the story. He had been in the civil war that you described so well in *Spain in Our Hearts*, the Battle of Teruel and all that.

Then he came to Chile on the *Winnipeg*. He spent 30 years in Chile, almost as a Chilean citizen. Then we had the military coup, and he was arrested. He experienced again the same thing he had experienced before: a concentration camp and then exile. He ended up in Venezuela, where I was. He told me the story, and I kept it inside. I think that the moment I thought, "I have to write it," was when the issue of immigration and

Adam Hochschild and Isabel Allende, in conversation on the UC Berkeley campus, February 2020.



Photo by Peg Skorpiński.



From left: David Doran with Marion and Robert Merriman during the Spanish Civil War.  
Photo courtesy of Tamiment Library & Wagner Labor Archives.

#### BERKELEY HISTORY

### ROBERT HALE MERRIMAN RESIDENCE

Robert Hale Merriman, a UC Berkeley graduate student studying economics during the early 1930s, was among the first Americans to give his life in the fight against fascism. During the Spanish Civil War, Merriman was a commanding officer of the Abraham Lincoln Battalion, which consisted of over 3,000 American volunteers—at least ten of them from Berkeley—fighting to preserve the Spanish Republic. He disappeared after a battle in April 1938, presumably killed by General Francisco Franco's Nationalist forces. Merriman was also the inspiration for Robert Jordan, the protagonist of Ernest Hemingway's novel *For Whom the Bell Tolls*. While attending Cal shortly before leaving for Europe, Merriman and his wife Marion lived in this apartment building.



Robert Merriman, photo Tamiment Library, NYU.

Plaque sponsored by UC Berkeley history major Milton Zerman

Berkeley Historical Plaque Project  
www.berkeleyplaques.org  
2019

In 2019, a plaque honoring Robert Hale Merriman was placed next to his Berkeley residence.

Photo by Beatriz Manz.

refugees became so relevant, so in the air, that it was almost impossible to ignore.

My last three books featured refugees, but in this case, it was a story of refugees, which is different from just mentioning them in passing. This was really the story of a person who is displaced and who is looking for a home. I think the circumstances forced me to write it now and not before.

**AH:** For people who are not familiar with the story, give us a picture of this shipload of refugees from Spain. What they were fleeing, and how did they happen to come to Chile?

**IA:** In 1936, a socialist or a leftist coalition of parties was elected in Spain. Immediately, the right wing and the Church decided to topple the government, and on July 18, 1936, the army rebelled with the idea that in 24 hours, they would have control of the country. But the workers, the students, independent people, leftist people who had voted for that government took up arms against the army. The most cruel and horrible civil war lasted three years.

Many Americans, as Adam describes in his book, and volunteers from other countries joined what was called the International Brigades. Young men and women went into Spain illegally, they crossed the Pyrenees, and they entered Spain to fight for the República. Then, in January of 1939, the coldest winter ever, the fascist troops of Franco

Spanish Republican forces crossing the Río Ebro in 1938.

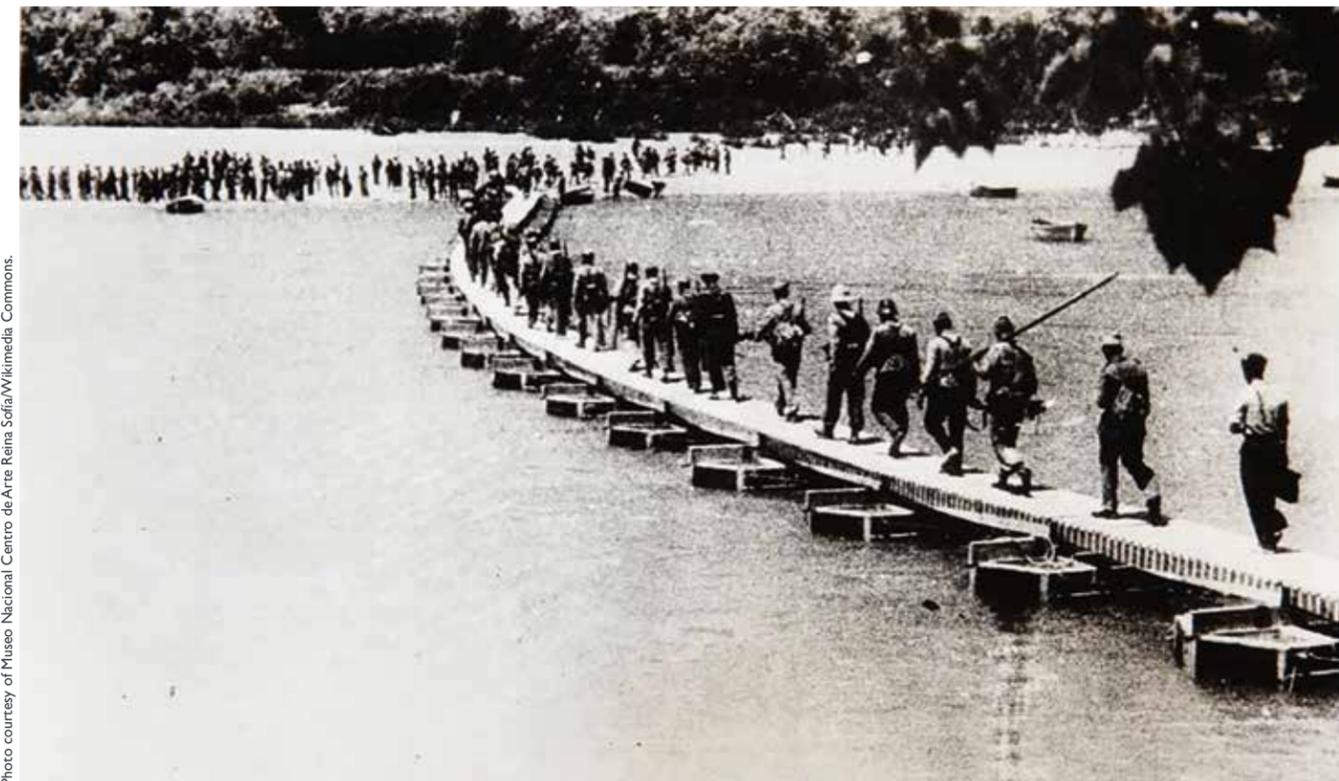


Photo courtesy of Museo Nacional Centro de Arte Reina Sofía/Wikimedia Commons.

surrounded Barcelona. The people were so scared because, in every place they had captured, the repression was so awful. Half a million people walked to the border with France with their grandchildren and their pets and their babies covered with blankets or whatever. The pictures of what they went through are incredibly horrible.

They arrived at the border, and can you imagine the French received half a million refugees in 24 hours? And we complain about what we have on the border! They didn't know what to do with them, so they placed them in concentration camps that they improvised on the beaches in that part of France. The beaches were closed off with barbed wire and patrolled by Senegalese troops on horseback with whips and rifles. They placed people there with no latrines, no running water, no food, no shelter, nothing. The children started to die. The old people died. And it was such a horrible situation that the poet Pablo Neruda, who loved Spain, wrote a book of poetry called *España en el corazón*, a title that you borrowed for your book.

Neruda convinced the Chilean government to bring some Spanish immigrants to Chile. There was opposition in Chile from the right and the Church because they didn't want these "leftist atheists." [...] They accused them of raping nuns, of coming to take away jobs. The rhetoric is so similar to what we hear today. When I read the newspapers from that time in Chile, it's incredible that we keep repeating the same wording even.

continued on page 94 >>



Photo from Wikimedia Commons

Spanish Civil War refugees in the town of Puigcerdà, Spain, crossing the border into Pyrénées-Orientales, France, in 1936.

“Con el despuntar del día la multitud desesperada se puso en movimiento como una inmensa mancha oscura y lenta. El rumor de que habían cerrado la frontera y más y más gente se aglomeraba frente a los puestos de paso corrió de boca en boca, aumentando el pánico. Llevaban muchas horas sin comer y los niños, los ancianos y los heridos estaban cada vez más debilitados. Cientos de vehículos, desde carretas hasta camiones, yacían abandonados a ambos lados del camino, porque los animales de tiro no podían continuar o por falta de combustible.”

– Isabel Allende, *Largo pétalo del mar*, p. 61.

“With the new day, the desperate mass began to spread out slowly like a huge stain. The rumor that the border had been closed and that more and more people were crowding at the crossings went from mouth to mouth, only increasing the panic. No one had eaten for hours, and the children, old folks, and wounded were growing weaker and weaker. Hundreds of vehicles, from carts to trucks, had been abandoned by the roadside, either because the draft animals couldn’t go on or for lack of fuel.”

– Isabel Allende, *A Long Petal of the Sea*, p. 54.



Photo by Keystone-France/Gamma-Keystone via Getty Images.

Spanish refugees, mostly Republicans and members of the International Brigades, at the concentration camp in Argelès-sur-Mer, France, 1939.

“A las treinta y ocho horas sin comer ni dormir, tratando de darle agua de beber a un chico adolescente que se estaba muriendo en sus brazos, algo se le reventó a Victor en el pecho. «Se me rompió el corazón», musitó. En ese momento entendió el significado profundo de esa frase, creyó escuchar un sonido de cristal quebrado y sintió que la esencia de su ser se derramaba e iba quedando vacío, sin memoria del pasado, sin consciencia del presente, sin esperanza para el futuro.”

– *Largo pétalo del mar*, p. 72.

“After thirty-eight hours without eating or sleeping, trying to give water to an adolescent dying in his arms, something gave way in Victor’s chest. *My heart is broken*, he told himself. It was at that moment he understood the profound meaning of that common phrase: he thought he heard the sound of glass breaking and felt that the essence of his being was pouring out until he was empty, with no memory of the past, no awareness of the present, no hope for the future.”

– *A Long Petal of the Sea*, p. 65.

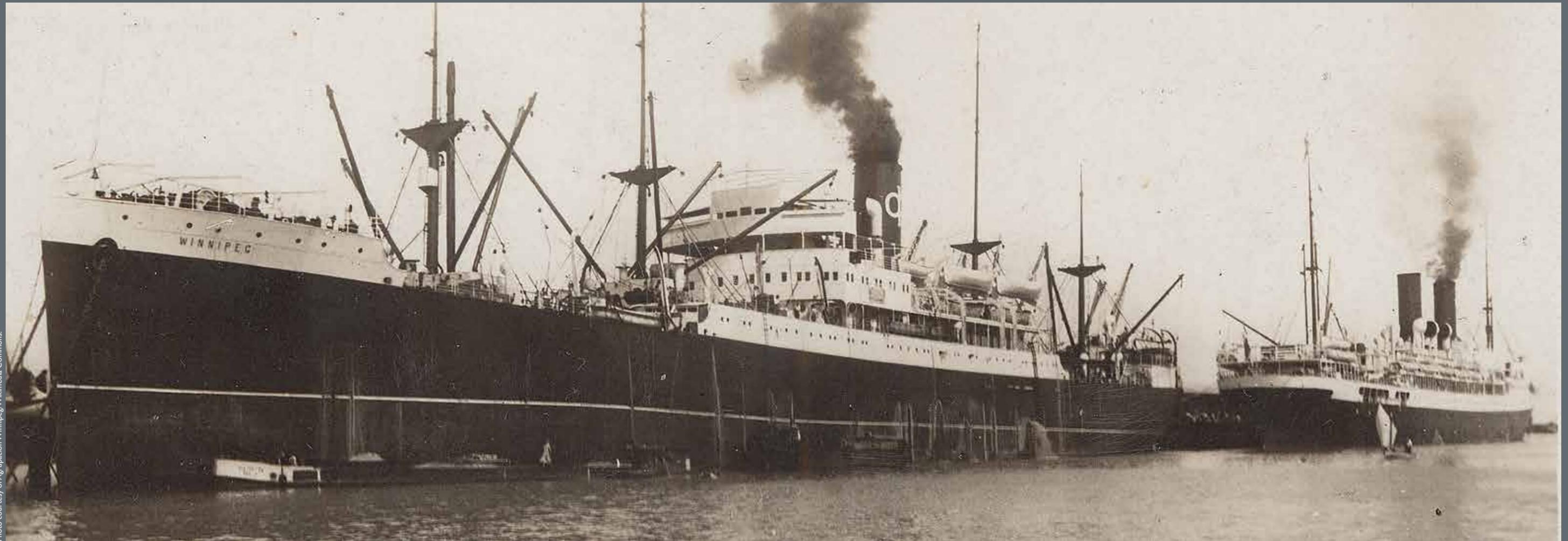


Photo courtesy of Agupación Winnipeg/Wikimedia Commons.

The SS Winnipeg in 1939.

“Al anochecer, con la marea alta, el Winnipeg levó anclas. En la cubierta unos lloraban en silencio y otros entonaban en catalán, con la mano en el pecho, la canción del emigrante:

« *Dolça Catalunya,  
pàtria del meu cor,  
quan de tu s'allunya  
d'enyorança es mor* ».

Tal vez presentían que no volverían nunca a su tierra.”

– *Largo pétalo del mar*, p. 121.

“At nightfall the *Winnipeg* weighed anchor with the high tide. On deck, some were weeping silently; others had their hands on their hearts as they sang the Catalan song of the emigrant:

*Dolça Cataluña,  
pàtria del meu cor  
quan de tu s'allunya  
d'enyorança es mor.*

Perhaps they knew in their hearts they would never return to their homeland.”

– *A Long Petal of the Sea*, p. 115.



“Millares de luces temblorosas del puerto y de las viviendas de los altos cerros de Valparaíso laderas empinadas, llena de perros vagos, pobretona y sucia, una ciudad de comerciantes, marineros y vicios, como casi todos los puertos, pero maravillosa. Desde el barco brillaba como una ciudad mítica salpicada de diamantes. Nadie se acostó esa noche; se quedaron en la cubierta admirando aquel espectáculo mágico y contando las horas. Víctor habría de recordar esa noche como una de las más hermosas de su vida. Por la mañana el Winnipeg atracó por fin en Chile, con un gigantesco retrato del presidente Pedro Aguirre Cerda pintado en un lienzo y una bandera chilena colgados a un costado.”

– *Largo pétalo del mar*, p. 132.

“Thousands of twinkling lights in the port and dwellings on the hills of Valparaiso competed with the stars: it was impossible to tell where the promised land ended and the sky began. Valparaiso was an idiosyncratic city of stairways, elevators, and narrow streets wide enough only for donkeys. Houses hung dizzily from steep hillsides; like almost all ports, it was full of stray dogs, was poor and dirty, a place of traders, sailors, and vices, and yet it was marvelous. From the ship it shone like a mythical, diamond-studded city. Nobody went to sleep that night: they all stayed out on deck admiring the magical spectacle and counting the hours. In the years to come, Victor would always remember that night as one of “most beautiful in his life. The next morning, the *Winnipeg* finally docked in Chile, with the enormous banner of President Pedro Aguirre Cerda and a Chilean flag draped from its side.”

– *A Long Petal of the Sea*, p. 126.

Left: Spanish refugees disembark from the *SS Winnipeg* in Valparaíso.

Photo © Colección Museo Histórico Nacional/ Miguel Rubio Feliz.



Photo courtesy of Biblioteca Nacional de Chile.

Refugees from Aragon, Spain, after arriving in Valparaíso aboard the *SS Winnipeg*.

“Entre la muchedumbre entusiasta del muelle había autoridades del gobierno, representantes de los trabajadores y las colonias catalana y vasca, con quienes había estado en contacto durante los últimos meses para preparar la llegada del *Winnipeg*, artistas, intelectuales, periodistas y políticos. Entre ellos se hallaba un médico de Valparaíso, Salvador Allende, dirigente socialista que al cabo de unos días fue nombrado ministro de Salud y tres décadas más tarde sería presidente de Chile.”

– *Largo pétalo del mar*, p. 134.

“Among the excited crowd on the quayside were members of the government; representatives of the workers and the Catalan and Basque communities with whom he had been in contact in recent months to prepare for the arrival of the *Winnipeg*; artists, intellectuals, journalists, and politicians. Also present was a doctor from Valparaiso, Salvador Allende, a Socialist Party leader who a few days later would be named health minister.”

– *A Long Petal of the Sea*, p. 127.

Neruda was sent to Paris with no money but with the authorization to bring the refugees. He was told — and there's a document that says so — to bring skilled workers who can teach Chileans their craft, don't bring the people with ideas. Of course, Neruda paid no attention. He chose about a thousand skilled workers, and the rest were all intellectuals, artists, professionals, his friends, and people like that.

They came to Chile on the *Winnipeg*, a cargo ship that he had fitted out [to transport passengers], and he selected the crew, also. He sent them to Chile, and in Chile, they were received with open arms. There is a scene that I tried to describe because when I read it — and I read a lot about it — I would cry every single time. These people had gone through three years of horror, concentration camps for months, and the terror of the Second World War that was just about to happen. They arrived after crossing two oceans and the Panama Canal. And they get to this country they can't even place on the map. They have never even heard of Chile. When they arrive and the ship docks, they see an immense crowd, waving flags, singing the songs of the República, with Chilean food, with wine, welcoming them. Immediately, they were received, they had jobs, they had places to stay, they had friends. My family was one of the families that opened their doors to them.

**AH:** Didn't you say your stepfather was on the dock...

**IA:** What happened, which is a nice story also, is that the ship first stopped in Arica, but it didn't get close to the port because it was not authorized. It would dock in Valparaíso, which is much further south, but Arica is the port nearest to the beginning of Chile's territorial waters. The ship stopped there, and they sent over a boat with two junior civil servants — one from Immigration and one from the Foreign Office — to give them visas. They had to interview each person on the ship.

These civil servants were just kids, a couple of very young guys. They came from conservative families. They didn't like the idea of these communists coming to the country. But when they talked with each one, and they saw who they were, and they saw the children and the women, they changed their minds. The passports they would give them were stamped with the place where they had to go according to their skills. For example, the fisherman to the south, the miners to the north.

One of those two junior guys later became my stepfather. He told me that he would stamp the passport with the visa from the Foreign Office. And he would say, "Don't pay any attention to this, you can be anywhere you want. This is a free country. You can move around. Don't pay any attention to the guys from Immigration. They're

crazy. Don't pay any attention." I heard that story from my stepfather many, many years later.

**AH:** Can you talk about why displacement and migration run through so many of your books?

**IA:** Because I am a displaced person, a very privileged one. First, I was born in Peru, and my father abandoned my mother, so we went to Chile when I was three, and I was raised in the house of my grandfather. Then my mother married the man who was the junior official that received the *Winnipeg*. He was a diplomat. We traveled all the time, all my youth, my childhood, and adolescence, saying goodbye to places and people and schools. When I finally established myself in Chile, had kids, I thought I would never leave.

We had the military coup, and I went into exile. Then, when we still had the dictatorship in Chile, and I couldn't return, I came on a book tour in the United States, fell in love with a guy, and became an immigrant in the United States. Well, I moved into his house without an invitation, with the idea that I would get him out of my system in a week. We were married for 28 years.

He married against his will, by the way — I needed a visa. I needed to bring my children. I said, "Look, if you want to be with me, a visa." He said, "Well, I've been married twice before, I'm not good at this, I am not made for marriage." I said, "I totally understand." He said, "I would have to think it over." I said, "Yeah, I understand. You have until tomorrow at noon." At 11:45 a.m., he said, "Okay." And that was that.



Isabel Allende and her stepfather.  
Photo courtesy of Isabel Allende.

Isabel Allende is one of the most widely read authors in the world. *A Long Petal of the Sea* was published in English by Ballantine Books (2020) and in Spanish as *Largo pétalo del mar* by Vintage Español (2019).

Adam Hochschild is an author, historian, and lecturer at UC Berkeley's Graduate School of Journalism. His book *Spain in Our Hearts: Americans in the Spanish Civil War, 1936-1939* was published by Houghton Mifflin Harcourt in 2016.



On the 80<sup>th</sup> anniversary of the arrival of the *Winnipeg* in Valparaíso, descendants of the Spanish refugees placed plaques in their memory.  
Photo by Alberto Valdés/EFE.

Not like the brazen giant of Greek fame,  
With conquering limbs astride from land to land;  
Here at our sea-washed, sunset gates shall stand  
A mighty woman with a torch, whose flame  
Is the imprisoned lightning, and her name  
Mother of Exiles. From her beacon-hand  
Glow world-wide welcome; her mild eyes command  
The air-bridged harbor that twin cities frame.  
“Keep, ancient lands, your storied pomp!” cries she  
With silent lips. “Give me your tired, your poor,  
Your huddled masses yearning to breathe free,  
The wretched refuse of your teeming shore.  
Send these, the homeless, tempest-tost to me,  
I lift my lamp beside the golden door!

— Emma Lazarus, “The New Colossus,” 1883

We will rise from the gold-limbed hills of the west.  
We will rise from the windswept northeast,  
where our forefathers first realized revolution.  
We will rise from the lake-rimmed cities of the midwestern states.  
We will rise from the sunbaked south.  
We will rebuild, reconcile and recover.  
And every known nook of our nation and  
every corner called our country,  
our people diverse and beautiful will emerge,  
battered and beautiful.  
When day comes we step out of the shade,  
aflame and unafraid,  
the new dawn blooms as we free it.  
For there is always light,  
if only we’re brave enough to see it.  
If only we’re brave enough to be it.

— Amanda Gorman, from “The Hill We Climb,” 2021

## Inspiring words

Two poems, written by two women almost 150 years apart, reach for the soul of the United States.



**Emma Lazarus**, 34, a Jewish poet, wrote “The New Colossus” in 1883. “Her words, lyrical and poignant, decades later came to define the American vision of liberty,” The Washington Post wrote. It took 20 years to place the poem on the Statue of Liberty, long after her death.



**Amanda Gorman**, 22, an African-American poet, wrote “The Hill We Climb” for the inauguration of President Biden in January 2021. She is the United States’ first National Youth Poet Laureate, and her reading received critical acclaim in the United States and elsewhere in the Americas.