Comment

This issue of the Berkeley Review explores Mexico from contemporary political crisis to pre-Columbian ruins, stopping at a historic art exhibit in Detroit along the way.

Henry Kissinger presented Mexican President Pena Nieto with the World Statesman Award “for all of what you have already accomplished as well as for all that lies ahead,” on September 23, 2014, at a gala banquet in New York City. Three days later, what “lies ahead” for Mexico would be thrown into question. In the midst of a protest, Mexican police shot and killed six students from a rural teachers college in Ayotzinapa and abducted another 43 who have not been heard from since. Public outrage over the incident combined with anger over charges of corruption at the highest levels to create a toxic mix. Nonetheless, the Institutional Revolutionary Party (PRD) avoided a rout in the June mid-term elections, losing seats but retaining a slim majority in the lower house. Voter frustration spilled over and damaged the two main parties of the traditional opposition in Mexico.

We begin this issue with an article on the missing students, “It Was the State,” the English translation of a widely used slogan and hashtag, #FuiElEstado. The article provides historical and social context for what took place, based on research by Alberto Diaz-Cayeros, a senior fellow at the Freeman Spogli Institute at Stanford University.

We then examine a number of critical social, economic and political questions facing Mexico. “Mexico’s Second Land Reform” looks at the far-reaching implications of agrarian transformation over several decades and is based on the research of Alain de Janvry, a professor of Agricultural and Resource Economics at UC Berkeley.

Other articles explore the intersection of policing and criminal justice in Mexico, the crisis of water in Mexico City, and “The Queretaro Approach.”

At the center of this issue, we highlight an unprecedented exhibit at the Detroit Institute of Arts (DIA) entitled “Diego Rivera and Frida Kahlo in Detroit.”

In “Teotihuacán: A Multiethnic Metropolis,” we present fresh insights into one of the most important archeological sites in Mexico through the decades of work by archaeologist Linda Manzanilla, a professor at Universidad Nacional Autónoma de México (UNAM). Professor Manzanilla’s event in Berkeley in Spring 2015 inaugurated a new collaboration between the Center for Latin American Studies (CLAS) and the Mexican Museum in San Francisco.

At the center of this issue, we highlight an unprecedented exhibit at the Detroit Institute of Arts (DIA) entitled “Diego Rivera and Frida Kahlo in Detroit.” Both artists were transformed by the year they spent there, an intense, passionate and, at times, traumatic period. Their art truly transcends borders.

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The Berkeley Review of Latin American Studies is published by the Center for Latin American Studies, 2334 Bowditch Street, Berkeley, CA 94720.
On September 26, 2014, more than 100 students from a rural teachers training college in Ayotzinapa, Guerrero, Mexico, boarded a caravan of buses headed toward the town of Iguala to protest discriminatory hiring and funding practices in schools. Forty-nine of the young men never made it home. Local police intercepted the buses and a shootout ensued. Six students died at the scene and 43 were kidnapped. The fate of only one of those 43 students is known for sure, with his bone fragments identified from a pile of ash that the government claims are the charred remains of all the students.

Who was responsible for this mass kidnapping? Alberto Díaz-Cayeros, Senior Fellow at the Freeman Spogli Institute for International Studies at Stanford University, declared “it was the state” when he gave the talk “Security and Political Authority in Guerrero, Mexico” at an event to explain the origins of this tragedy, hosted by UC Berkeley’s Center for Latin American Studies. The explicit and implicit failures of the Mexican government, in this case used synonymously with the idea of the state, led directly to the disappearance of these students. Díaz-Cayeros’s decisive answer reflects widespread public opinion in Mexico. “Fue el estado” (it was the state) has been an oft-invoked slogan in Mexico since September. According to a survey commissioned by the Mexican Chamber of Deputies in December 2014, the vast majority of respondents attributed high levels of blame to public officials and institutions. When asked to select whom they believed to be “very responsible” for this mass kidnapping, 73 percent indicated then-mayor of Iguala, José Luis Abarca, 46 percent indicated President Peña Nieto, and roughly 25 percent of respondents each indicated the Senate, the Chamber of Deputies, and the Army.

Beyond the role of the state apparatus and its guardians in this tragedy, instability in Guerrero has deep geographical roots. Guerrero has a long tradition of being a hotbed for insurrection, rebellion, and social change. Situated at the meeting point of two tectonic plates, a large mountain range spans the underbelly of the state as does the Balsas river, which runs parallel to the coast. With the indigenous populations of this area largely wiped out prior to Mexican Independence, low
population density combined with these two important natural features have created large expanses of isolated and difficult to navigate terrain.

This region also has been historically contentious. Prior to independence, Guerrero was considered to be the land of muleteers, runaway slaves, and smugglers. Mexican Independence itself was finalized in Iguala, Guerrero, with the state’s namesake, Vicente Guerrero, meeting with fellow independence-seeker Agustín de Iturbide. Díaz-Cayeros asserted that while this unique history and difficult geography was not deterministic, this region has been ideal for the growth of guerrilla movements and rebellious activity, making it an unsurprising epicenter for the current controversy.

The particular school from which these disappeared students originated, the Escuela Normal Rural Raúl Isidro Burgos de Ayotzinapa, likewise has a strong history of political activism. Díaz-Cayeros describes the town of Ayotzinapa as being at the crossroads of the two distinct and powerful processes: large-scale drug trafficking to the west and endemic and profound poverty to the east. A byproduct of the effort in the 1920s to create more rural schools, the Raúl Isidro Burgos Rural Teachers College of Ayotzinapa itself was founded with the goal of being “belligerent.” This school, along with other rural teachers training colleges, was an integral part of the 1960s movement toward dismantling the system in which local political bosses, caciques, exercised arbitrary power in rural areas with little oversight. Powerful actors within the state of Guerrero have been at odds with students from the Ayotzinapa teachers college for decades. Its history of fighting for power redistribution is emblazoned on the walls of the school in the form of murals dedicated to rebels and insurrectionaries.

The fate of the students who boarded the buses to protest on that fateful September day is still largely unknown. Much of the evidence indicating that the disappeared were, in fact, killed comes from the tortured and coerced testimony of local police, bureaucrats, and members of the drug-trafficking organization Guerreros Unidos. The government claims that all 43 students are dead, having been killed at the hands of drug traffickers after the mayor of Iguala ordered local police to intercept the caravan of buses and turn them over to the traffickers. However, only the remains of one of the 43 have been identified.

One of the promises of independence, enumerated in the Sentimientos de la Nación, one of the most important documents of the Independence Movement, was that the security of Mexican citizens was the single most important social guarantee of the state. Díaz-Cayeros asserted that this promise was one of the most
Mexico’s Second Land Reform

By Carola Binder

Land is at the center of rural and agricultural economies. Land is not only an economic resource but also a political resource, forming the crux of power relations among individuals, communities, and governments. Any effort to reform the regulations and laws regarding land is intensely political, altering the nature of all of these relationships.

Systems of land ownership and use vary across the world. In most developed countries, property rights to land are based on land titles. In the title system, the owners of land have clear property rights and can sell, rent, or use the land with minimal restrictions. In many developing countries, in contrast, property rights are established by contingent use of the land. Individuals or groups may acquire the usufruct of a property but not legal title. In this type of regime, the occupant of a plot of land faces severe restrictions on how he can use the land. He maintains secure access to the land he occupies only if he demonstrates that he is farming it himself. He cannot leave the land idle, rent it out, or hire other laborers to work it without risking loss of usufruct.

Lack of complete property rights over land constitutes a major contributor to poverty. The development literature provides theoretical justification for strong property rights over land. When property rights are complete and enforced, agricultural productivity improves — and with it, so does the wellbeing of the global poor. Reforms to the incomplete land-rights systems across the world could bring tremendous progress toward reducing global poverty, which is largely concentrated in rural areas. Why is it, then, that effective land reform, despite its vast potential to improve human welfare, is rarely implemented?

An 1880 photo of Hacienda Peotillos, San Luis Potosí, Mexico.

Alain de Janvry, Professor of Agricultural and Resource Economics at UC Berkeley, discussed this question at a CLAS event in March 2015. Land reform, he explained, is very difficult to implement for political reasons, since landed elites typically control the state. In cases when autocratic regimes or foreign powers attain sufficient power to oppose the landed elites, they prefer to grant incomplete property rights over land as an instrument of political control.

Mexican history provides a prime example. Under the colonial regime in Mexico prior to the revolution of 1910, land was expropriated from the native indigenous communities by the elite and concentrated in large estates. By the turn of the 20th century, agriculture was booming, but extreme poverty and inequality sparked a revolution by peasant leaders. Following the revolution, as part of a settlement with the victorious revolutionary leaders, the autocratic government began a process of land reform in which land was taken from elite landholders and reallocated to peasant households. This land reform, considered Mexico’s first land reform, eventually created 32,000 communities called ejidos on 52 percent of the Mexican territory, making it one of the largest land reforms in the world.

Beneficiaries of the first land reform were granted incomplete property rights, or usufruct, over a plot of land: they could use the land but could not sell, rent, or collateralize it. The most active period of land redistribution occurred under President Lázaro Cárdenas between 1934 and 1940. Redistribution continued at a slower pace until 1992, when around 3.5 million households — more than half of the rural population — lived in the ejidos.

The ejidos were used as a very effective tool for political control. Individual farmers, called ejidatarios, were dependent on the state, which mediated their link to the market. The electoral system was deliberately set up so that there was a high level of geographic coincidence between each ejido and each electoral district, which meant that party bosses could see exactly how each ejido voted. Politicians did not have to provide public goods to win elections; instead, the ruling party — the left-leaning Partido Revolucionario Institucional (PRI) — could secure control by threatening to punish the ejidos that did not vote for them.

In the early 1990s, Mexico was negotiating a free trade agreement with the United States and Canada, the North American Free Trade Agreement (Nafta). Mexican entry into the Organization for Economic Co-operation (OECD) was also on the horizon. Since Nafta...
required the complete elimination of import tariffs on all agricultural goods within 15 years. Mexican agriculture, after years of stagnation under the ejido system, would soon face competition from the United States. Technocrats within the PRI realized that a fundamental transformation was needed in order for Mexico to succeed in this new global context. In 1992, President Carlos Salinas, hoping to improve Mexico’s ability to compete with food imports, decided to initiate a transition to more complete property rights for agricultural land. The technocratic wing of the PRI used its large congressional majority to amend the constitution, ending the first land reform and beginning what came to be known as Mexico’s second land reform.

The second land reform, the Program for the Certification of Ejido Rights and Titaling of Urban Plots (Procede), was rolled out between 1993 and 2006. Procede was a multiagency federal government effort that established boundaries for each ejido as a whole and for individual land parcels within each ejido. The implementation process was not only relatively rapid, but also remarkably smooth. Agrarian tribunals settled disputes over boundaries. Under Procede, ejidatarios received certificates of ownership over their land parcels, allowing them to rent their land, hire outside labor to work the land, or leave the land fallow. They had none of these rights prior to receiving the certificates.

The certification process made property rights much more complete, but still not fully complete. The certificates were not exactly the same as land titles in developed countries. Recipients of land certificates under Procede could sell land, but only to other members of the same ejido community. However, the members of an ejido could also vote to turn all or part of the ejido certificates into fully private property, allowing unrestricted sales to non-ejidatarios.

In joint work with Elisabeth Sadoulet, Kyle Emerick, Marco Gonzalez-Navarro, and Daley Kutzman, de Janvry uses the rollout of Procede to study the political, economic and social effects of strengthening property rights. Since certification of property rights were granted at different times in different areas, the researchers can contrast outcomes in areas with strong property rights and in those without. They use administrative data from the certification program, matched with electoral outcomes over six federal congress elections.

A political implication of Procede was a marked shift to the right in federal congress elections. This shift is in line with a political science theory called “vested interest theory,” which predicts that expanding the ownership of productive assets benefits more conservative parties. Asset-owning individuals, according to the theory, prefer less state intervention and lower taxes. Indeed, in areas where land was more valuable, the shift to the right was even more pronounced, as vested interest theory predicts. This shift was quite costly for President Salinas and his party, the PRI. Salinas had originally hoped to transform the PRI into the pro-market party, but segments of his party opposed the transformation. The transformation of the PRI failed, and the party lost significant power.

The Partido Acción Nacional (PAN), seen as the pro-market party, gained an increase in votes in congressional elections. PAN also gained control of the presidency for the first time in 2000-2006 and again in 2006-2012. The political consequences of the second land reform demonstrate why the transition to stronger property rights across the world is so politically difficult to implement. Another political science theory, “distributive politics theory,” argues that political parties offer material incentives to constituents who reciprocate with their votes. But voter reciprocity is more likely when the material benefits are short-term and repeated, so that voters recurrently exchange votes for continuation of benefits. A one-time, irreversible benefit — such as the awarding of a land certificate — is less likely to elicit a reciprocal voter response. Even though recipients of the certificates benefited materially from the second land reform under Salinas, they did not reciprocate by voting for his party. Other left-leaning parties know that they have a lot to lose. If they grant land property rights to their constituents, they will likely lose a share of the vote to parties further to the right.

Procede also had implications for economic efficiency, both within the agricultural sector and in the overall economy. The property rights literature usually argues that strong property rights improve economic outcomes by enhancing investment incentives. In fact, this was the motivation of the technocrats in the PRI who advocated for Procede. But de Janvry and his co-authors use the experience of Procede to test the importance of two other channels through which improved property rights affect economic outcomes. The first is by enabling migration that improves the allocation of labor between the agricultural and non-agricultural sectors. The second is by allowing more optimal farm sizes.

Both channels were quite important. Procede had significant effects on migration and labor allocation. Before Procede, the ejido system linked land rights to land use. Land could not be left fallow. A state-level Mixed Agrarian Commission determined the requirements for using land productively within each ejido. If an

The spread of ejido land certification under Procede. (Images courtesy of Alain de Janvry.)
ejidatario left his land, or did not farm it productively according to the commission’s standards, he would lose his usufruct over it. The commission would simply reassign the land to the next person on a waiting list. This "use-it-or-lose-it" restriction resulted in an inefficient over-allocation of labor to agriculture. When households received certificates and had more flexibility to leave their land without losing it, they began to migrate off of their farms to find better work opportunities elsewhere. Households that obtained a certificate were 28 percent more likely to subsequently have a member migrate. Young people, especially, left the ejido for outside work opportunities. Households with better land for agriculture were less likely to migrate away than those with smaller, lower-quality land. This migration pattern improved agricultural productivity. Land use patterns in the former ejidos became similar to private land-use patterns, resulting in efficiency gains.

Procede also brought about efficiency gains because of an increase in the average farm size. Prior to certification of land ownership, ejidatarios could not consolidate multiple plots of land into larger farms. Individuals farmed small plots, unable to benefit from economies of scale. Consolidation of land holdings following Procede alleviated the efficiency loss from sub-optimally small farms. Since agricultural productivity increased, overall agricultural production did not fall, even though the share of labor in agriculture declined.

Importantly, the efficiency gains from Mexico's second land reform were reaped by labor and remained with the people. The development literature is unfortunately full of too many examples of asset transfers to the poor that are quickly dissipated. Procede is a large-scale counterexample. Procede was not only one of the largest asset transfers in history but also an asset transfer to the poor that was not dissipated. The 3.5 million certificate recipients benefited from greater wealth and land security. In this sense, Procede was an enormous success.

The transformation of the Mexican economy and society under the second land reform is still incomplete. So far, the community aspect of the ejidos has shown tremendous resilience. Recall that the members of an ejido can vote to convert the certificates of ownership into fully private property, which would allow land to be sold without restriction to non-members of the ejido. This conversion to fully private property, called dominio pleno, requires a two-thirds majority vote.

Only 10 percent of ejidos have voted for dominio pleno. The remaining 90 percent continue with the certificate system. De Janvry predicts that dominio pleno is likely to increase, but only gradually, as urbanization spreads. The slow uptake of dominio pleno demonstrates the value of community to ejido residents, who recognize the capacity of the community for governance, protection, socialization, and environmental protection, even in the context of globalization. The question going forward is whether modernization and diversification can coexist with community preservation. This, he concludes, will depend on national policies toward growth and decentralization.

The effects of Procede on politics, labor allocation, farm size, and general welfare hold important implications for other developing countries. The value added per worker in developing countries is about four times higher in the non-agricultural sector than in the agricultural sector. Reallocation of workers away from agriculture can thus lead to large efficiency gains. But distortions, including incomplete property rights, limit this reallocation. Distortions also result in inefficiently small farm sizes in many of these countries. Property rights reforms that reduce these distortions have high potential to improve the welfare of many people. Despite these large benefits, political considerations may block the implementation of reforms.

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On March 12, 2013, Cardinal Jorge Mario Bergoglio of Buenos Aires entered the Vatican papal conclave in Rome with a heavy heart. He had just resigned as Cardinal Archbishop of Buenos Aires and had already chosen a simple room in an Argentine retirement center for Catholic clerics when he was suddenly summoned to the Vatican following the shocking resignation of Pope Benedict XVI/Joseph Ratzinger. Instead, he would now be sequestered with 114 other cardinals until they reached a divinely inspired consensus about who would be the next spiritual and political leader of an estimated 1.2 billion Catholics, 40 percent of whom live in Latin America.

Two days before the opening of the papal conclave, Cardinal Bergoglio took a solitary walk through Rome’s historic district dressed incognito in the black cassock of a simple village priest. On seeing an old friend, Father Thomas Rosica, Bergoglio grabbed his hand saying, “Please, pray for me.” When the acquaintance asked Jorge Mario if he was nervous, the future pope replied that, indeed, he was.

Crisis in the Roman Catholic Church had led to the abdication of Pope Benedict/Ratzinger, a scholarly and fiercely conservative prelate who owned up to being a poor administrator. He and his close friend, Pope John Paul II/Karol Józef Wojtyła, were Central Europeans who came of age during World War II and rose to preeminence in the church during the cold war. Both popes had participated in Vatican II, which was led by Pope John XXIII who sought to “open the window and let in fresh air” and to reposition the church in the modern world. However, the future popes, caught up in European cold war politics against the “evils” of a godless, Soviet Communism, became obsessed with the “errors” and “excesses” unleashed by Vatican II, in particular, the rise of Latin American liberation theology.

Although liberation theology was never the dominant or hegemonic Catholic theology in Latin America, it was a strong and visible social movement that realigned clergy and nuns in support of the poor and those who spoke on their behalf during civil wars in Central America and...
The Final Conversion of Pope Francis

In 1985, the Vatican silenced Brazilian liberation theologian Leonardo Boff, and Dom Helder Câmara was forced into retirement, along with other radical bishops, theologian Marcella Althaus-Reid proposed an “indecent theology” that confronted the political trinity of Pope, Nation, and Catholic family that provided the ideology of right-wing military regimes in Latin America. She wrote: “The resurrection [of Christ] was not a theme for our generation ... Los desaparacidos [that included kidnapped women and their babies] was our theme.”

Ivone Gebara, a Brazilian nun and one of Latin America’s leading theologians, wrote from the perspective of ecofeminism and liberation theology. For nearly two decades, Gebara was a professor at ITER, the liberation theology seminary in Recife. Gebara’s theology emerged directly from her intimate work with poor women in the slums and favelas of Recife in the late 1960s during the military dictatorship years. In her first book, “Longing for Running Water: Ecofeminism and Liberation,” Gebara articulates what she called a theological anthropology embedded in the struggles of everyday life. The garbage in the street, the non-existent or inadequate health care, and above all, the reproductive crises faced by poor women led Ivone Gebara to argue for a “religous biodiversity” that was inclusive of women’s suffering and needs. She saw reproductive rights for women as linked to environmental and economic sustainability and to the creation of a dignified human life.

Less recognized was the central role of Latin American women theologians, such as the Argentine Marcella Althaus-Reid and the Brazilian eco-feminist Ivone Gebara, and women catechists, often illiterate, almost invariably poor, who organized, led, and mostly populated the ecclesiastical base communities. The feminist theologians, while in sympathy with the liberation theology of Leonardo and Clodovis Boff and Gustavo Gutiérrez, identified a lacuna in the failure of the progressive theologians to recognize and acknowledge the suffering of women that included those who were designated as “sinners” and “indecent” because they were single mothers, traditional midwives, or sex workers who had nowhere else to turn during times of extreme scarcity and crisis. Many of these same women became prominent leaders in liberation base communities.

In response to the wars on “indecency” by the military junta of the 1960s-1980s, Argentine liberation military dictatorships in South America in the 1970s and 1980s. At the 1968 Medellín Conference of Latin American bishops, liberation theologians took their message further into what this might mean in terms of everyday pastoral practice. The bishops pledged themselves to a new spiritual/social contract called a “preferential option for the poor,” which required the Latin American Church to detach itself from its colonial moorings and its favoritism toward the power elites, the landowning and industrial classes. The practitioners of liberation theology called for the growth of “ecclesiastical base communities” in favelas, poor barrios, and shantytowns where Catholic clergy and nuns working closely with lay people would read and discuss the scriptures as political as well as theological texts. Poverty and hunger were recast as “structural violence” and as social sins to be challenged and expunged. Liberation theology reconciled Christianity and social Marxism at the grassroots level as community leaders, catechists, and pastoral counselors and representatives of the new church.

Working in tandem, Pope John Paul II and Cardinal Ratzinger, later as Pope Benedict, actively dismantled liberation theology. In 1984, just as the Brazilian military dictatorship was ending, Cardinal Ratzinger issued his “Instruction on Certain Aspects of the ‘Theology of Liberation,’” which listed the many doctrinal errors and excesses, including its dedication to building a church of the poor.

Not surprisingly, the papacies of John Paul II and Benedict XVI fought tooth and nail against this Latin American theological “heresy.” The two previous popes saw the new Latin American radical theology as a threat to Papal authority. They argued that liberation theology was no theology at all, but a political project that focused on the “here and now,” rather than a spiritual project concerned with the soul and its afterlife. However, liberation theology’s greatest threat to papal authority was its empowerment of women as theologians and at the grassroots level as community leaders, catechists, and pastoral counselors and representatives of the new church.

In 1985, the Vatican silenced Brazilian liberation theologian Leonardo Boff, and Dom Helder Câmara was forced into retirement, along with other radical bishops, and theological and political conservatives replaced them.
When in October 1989, Ratzinger closed ITER, Dom Helder’s liberation theology seminary, several hundred seminarians, nuns, laypeople, and peasants traveled by foot from the impoverished, drought-ridden interior of Pernambuco to protest, and one of us [Jennifer] joined the demonstration. The powerful social movement that was called liberation theology was eventually destroyed, as theologians were disciplined, if not silenced, and young clergy were encouraged to take up a populist and artificial charismatic Catholicism to contest the growth of Pentecostal churches in Latin America. One of the last straws was the attack on the feminist theologians who had never really been incorporated within the male-dominated hierarchy of liberation theology. They were marginalized even by their male colleagues who, with the exception of Dom Helder, found them to be scandalous in addressing in public the sexuality of women in the context of a kind of “green” feminist theology.

Professor Gebara achieved notoriety when the Vatican silenced her for two years in 1995. Her difficulties began in 1993 with an interview she gave to the Brazilian news magazine, VEJA, in which she said, rather off-handedly, that abortion was not necessarily a sin for poor women. Given the extreme poverty of many women in Brazilian favelas, too many births would only result in more hardship for the mothers and their other children. Moreover, Gebara said to the journalist, overpopulation puts increased stress on natural resources, including decreased access to potable water, one of the feminist theologian’s main concerns. For these reasons, Gebara called for greater tolerance for women’s reproductive rights and needs. The article in its day went viral via television rather than the social media. Complaints were raised, and following many discussions throughout 1994, the President of Brazil’s Catholic Conference of Bishops, Dom Luciano Mendes de Almeida, judged the case against Gebara as a heretic was closed, citing her deep commitment to, and understanding of, the suffering and pain of poor women. However, the Vatican’s Congregation of the Doctrine and Faith disagreed and began an investigation of Gebara’s theological writings, interviews, and teaching modules. On June 3, 1995, Professor Gebara was instructed to refrain from speaking, teaching, and writing for a period of two years, during which time she was exiled to France for theological re-education. Today, Professor Gebara is struggling with illness, but she remains totally dedicated to her feminist theology.

Enter Jorge Bergoglio:
A Vatican in Shambles and a Catholic Church Divided

Cardinal Bergoglio approached the 2013 papal conclave with anxiety. He had come close to being chosen as pope in the 2005 papal conclave that elected Cardinal Joseph Ratzinger. Bergoglio withdrew from the competition and threw his support to Ratzinger when he learned that opponents in Argentina were undermining his candidacy by circulating critical documents about his history as Provincial Superior of the Jesuits, during Argentina’s infamous dirty war (1976-1983). Among the tens of thousands of victims were 150 Catholic priests who refused to bend, as well as hundreds of nuns, lay catechists, and religious persons who embraced liberation theology.

Bergoglio’s complex political history began in 1973 when, as a recently ordained Jesuit priest, he was appointed Provincial Superior of the Argentine Jesuits at the absurdly young age of 36. Jesuits are the muscular scholars of the Roman Catholic Church. Ordination requires more than a decade of intellectual and spiritual training, often culminating in two doctorates, one in theology and one in another chosen field. It was unheard of for a man so young and inexperienced to be appointed Provincial-Superior of the Jesuits anywhere in the world.
My Life as a Suspect in Mexico City

By Roberto Hernández

The first time I got arrested, I was probably 20 years old. I am now 40. I was headed home after a long day at law school, and distracted, I leaped on the wrong trolebus, one of the shambling, pale-green electric buses that still run in Mexico City. After I had paid the fee to the driver, I realized my mistake and asked for my money back. The driver refused, muttering, “I’ve already issued the ticket.” There was a long line of weary people behind me: some women with children in their arms, laborers, the ticket. “You could easily give the ticket to the man behind me and give me my money back,” I said. This drew only silence from the driver. It was the only coin I had. I am now 40. I was headed home after a long day at law school, and distracted, I leaped on the wrong trolebus, one of the shambling, pale-green electric buses that still run in Mexico City. After I had paid the fee to the driver, I realized my mistake and asked for my money back. The driver refused, muttering, “I’ve already issued the ticket.” There was a long line of weary people behind me: some women with children in their arms, laborers, university workers, a few students, most indifferent to my predicament. “You could easily give the ticket to the man behind me and give me my money back,” I said. This drew only silence from the driver. It was the only coin I had. Giving it up meant a two-hour walk home. The driver shook his head. I decided to grab my money from the take the money and yelling, “This is about one coin!” Within minutes, two police cars arrived. I was put in the rear of one of them, which rolled off slowly into the red light, followed sluggishly by the empty trolebus. From the rear window, I saw people throwing their coins at the rundown bus. Someone yelled, “Catch some real crooks!” I spent three hours in a holding cell in a prosecutor’s office in Delegación Coyoacán, south of Mexico City, but was released when the prosecutor in charge found out I was a law student. Only years later would I learn what could have happened to me. In 2003, Mary Jordan and Kevin Sullivan won the Pulitzer for international reporting for a series of articles documenting the injustice rife in Mexico’s justice system. I still remember reading the following passage, published July 6, 2002, in The Washington Post, and imagining what could have happened to me:

MEXICO CITY — Giovanni Hurtado Avilés was hurrying to his engineering class when he realized he didn’t have the two pesos — about 20 cents — for the subway. When he tried to use somebody else’s pass to get on, he was caught and haled to jail. “I made a mistake. I am really sorry. I won’t do it again,” Hurtado, 20, said he told the guard who nabbed him that January morning. But the Mexican justice system, which often fails to punish serious criminals, zealously prosecutes the most minor of offenders. So the college student with no criminal record was denied bail and forced to mop floors for 12 hours a day for two months while he awaited trial.

Had that Coyoacán prosecutor been ill disposed towards me, I could have been indicted for “robo en transporte público” (robbery on public transportation), a more serious crime than trying to skip the fare. Courts didn’t need much evidence to convict, I would later learn. In 2001, freshly graduated from law school and after completing a master’s in comparative law at McGill University, I had been asked to collaborate with the National Center for State Courts, a non-profit organization charged with improving judicial administration in the United States and around the world. We surveyed a random sample of 450 criminal files from Mexico City courts, and the statistics we discovered were eye opening, but not as much as the experience of deploying the survey itself. Part of the data gathering painstakingly took place in the criminal courts, which looked unlike anything I could have imagined.

Back then, and until now, Mexico City courts were small rooms where defendants were prominently displayed behind iron grilles, while judges sat in cubicles surrounded by glass. With gray linoleum on the floor, light curtains covering the windows, brick walls painted a cream color and brown doors, the space of the typical court was divided in five sections: an office for the two prosecutors, one for the defender, a closet where the court files were stored, and two courts within the court. That is, two open spaces divided only by the structure of the furniture, each with a cell attached where prisoners could be observed.

In each of these courts, two separate trials were taking place simultaneously, usually in the presence of a court secretario, but in the absence of the judge, who sat in her cubicle, often reading other case files but sometimes the newspaper. The lone, underpaid defender assigned to the court was outnumbered. He had to confront two prosecutors and often had to desperately swing between the two cases, shooting whatever questions and defenses he could craft on the fly.

The court’s operation centered around the production of files. Tables displayed large books, manila folders with the tribunal’s logo, electric drills and balls of white string. The drills were used to perforate the thick files. The string was then used with a needle to sew thousands of pages together. The sound of the printing on old dot matrix printers dwarfed the voices of the witnesses and blended with the other ambient noises: an employee listening to the radio; a microwave oven heating up lunch; a drill piercing a thick file; chatter. A judge could be seen having his shoes polished, while a secretary was eating at his desk. I saw the scattered elements of a kitchen mingled with the old furniture of the courtroom. One day, a prosecutor’s birthday party was celebrated in one of the courts we visited. The defender, the secretaries, even the judge, sang “Happy Birthday.” In the meantime, a number of prisoners waited for the celebrations to conclude. Stunned, we diligently filled the survey questionnaires.

The results were in after a few months. What we learned — or should I say, confirmed — was predictable. About 65 percent of the city’s criminal cases were petty thefts. About 90 percent of the suspects were blue-collar workers, caught in the low-skill, low-wage trap. The defendants averaged 11 years of formal education. Some of the indictments were unforgettable: stealing a plastic mango, a broken belt, an old tire, a crushed Gansito (Mexico’s favorite snack cake). More than half of the suspects (54 percent) were submitted to pretrial detention. Rather than being thrown out as ridiculous, 72 percent of the cases ended with a conviction, and notably, none ended with a withdrawal of charges.

The trials were swift but senseless, like a runaway train. No opening speech from prosecutors or defenders preceded the examination of witnesses. Professional litigants know never to ask a question whose answer they do not know in advance. But in these courts, questioning seemed like a fishing expedition, like a conversation: “Do you like soccer? Do you smoke? Do you drink alcohol?” These are the questions defendants in the sample got asked by every court. Why? “For statistical purposes,” we were told, but no one knows where those statistics are published.
The median duration of a trial was estimated at 97 days, but the procedures were worthless as a probe of the evidence. While filming “El Túnel,” my cameraman followed court employees going through the court’s script: “Do you like soccer? Do you smoke?…” Yet even while being filmed, the question “Were you mistreated by authorities?” was entered in the case file, but the suspect was never actually asked if he was mistreated. Mexico’s police are widely known for continuing to use witness coercion, mistreatment of suspects, and torture as investigative tools, and yet most courtrooms lacked the sense that such behavior needed to be investigated and punished. Our research could never capture the reality.

No justice could be served in these courtrooms. I simply had no idea this was going on in my country. I realized that if numbers could not possibly convey the slow-motion train wreck that is every criminal case in Mexico, perhaps a film could. Eventually, such a film emerged in the form of the documentary “Presunto Culpable” (Presumed Guilty). Filmed during the summers as my family shuttled between Mexico City and Berkeley, no one (myself included) expected that this documentary would end up being distributed nationally by Cinepolís, one of the world’s largest theater chains. After a judge censored the film, media attention intensified. Censorship was a blessing in disguise. By 2013, the survey firm Parametría found that 36 percent of Mexicans had seen it.

The story is simple: it recounts the case of Toño Zúñiga, a young man wrongly convicted of murder, and his struggle to regain his freedom. We recorded our long telephone calls and filmed conversations with Toño’s wife and friends. When we discovered that his defender had forged his license to practice law, the possibility of requesting a retrial opened up. Eventually, the opportunity to film that retrial materialized. The film was completed in 2009, shown at festivals around the world, and it won an Emmy award. In Mexico, it was broadcast by Televisa, reaching 13 million viewers in one night.

The film’s impact in Mexico was strong in policy-making circles. In 2008, the Constitution was amended to include presumption of innocence and adversary trials, with a 2016 deadline for implementation. By the end of 2013, 17 of 33 Mexican jurisdictions were at an early or intermediate stage of implementation, with three states fully operating a new justice system. In January 2014, the Constitution was again amended to authorize the federal legislatures to issue a National Code of Criminal Procedure, likewise slated to enter into force by 2016. But even before the most recent reform eliminated state authority to legislate on criminal procedures, several states had already taken significant steps to implement the adversary system. As a result, a number of inmates were tried and convicted under the new trial procedures, so we had a marvelous opportunity to measure and project what the Mexican reforms might look like, even before implementation of the new code was complete.

Today, Mexico’s courts are changing dramatically, with significant improvements to their infrastructure. No microwave ovens, balls of string, drills or newspapers can be seen in the new courts. In the meantime, I moved from surveying criminal files to surveying convicted inmates. I had good reason to expect their accounts to be richer and more informative than the official criminal files, and I hoped to put myself in a position to observe any changes. In collaboration with Layda Negrete, a policy analyst, and Alejandro Ponce, from the World Justice Project, I created a survey questionnaire for inmates. Its deployment was also partially funded by the World Justice Project. A stratified random sample of 750 inmates, about half of them convicted under the old system and about half under the new one, helped reveal the significant changes under the new justice system.

Before, defendants literally stood trial (only 2 percent reported that the courts in Estado de México had a chair for them); under the new justice system, 87 percent reported they had a chair to sit on. The courts now had microphones, speakers and a videotaped record of the proceedings. Some new courts even had air conditioning. Most importantly, the new courts now had judges attentively listening to the cases. In Estado de México, only 9 percent of inmates convicted under the old system said a judge was present. That number rose to 87 percent.

Finally, the outcomes also indicate positive changes. Presumption of innocence is finally beginning to take hold. The median duration of a trial was estimated at 97 days, but the procedures were worthless as a probe of the evidence. While filming “El Túnel,” my cameraman followed court employees going through the court’s script: “Do you like soccer? Do you smoke?…” Yet even while being filmed, the question “Were you mistreated by authorities?” was entered in the case file, but the suspect was never actually asked if he was mistreated. Mexico’s police are widely known for continuing to use witness coercion, mistreatment of suspects, and torture as investigative tools, and yet most courtrooms lacked the sense that such behavior needed to be investigated and punished. Our research could never capture the reality.

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My Life as a Suspect in Mexico City

Under the old system, 68 percent of the convicted said they were considered guilty before the trial. That number is down to 46 percent. The number of inmates who say that they were wrongly convicted is down from 66 to 43 percent in Estado de México and down from 56 to 37 percent in Baja California. The inmates’ reports, which some might intuitively dismiss as inherently biased, are actually quite informative (see Figure 1).

Despite the good news, I have serious doubts about these reforms. While the number of inmates who claim to be convicted in error has dropped significantly, even after the best implementations (as in Estado de México or Mexico City), about 40 percent of inmates still insist that they are innocent. Clearly, transparency soars at the judicial level, but there is insufficient investment in transparency in the police and prosecution services.

Our film exemplifies this concern: we created the first videotaped record of an entire criminal trial. The cameras encouraged the judge to attend the proceedings. We ensured that a vigorous defender litigated the case, and he presented the court with an airtight alibi for the defendant. The evidence of culpability offered by the prosecutor was feeble and disorganized. Her star witness could not make an in-court identification of the defendant nor physically describe him. The gunpowder residue test was negative. The detectives who made the arrest said they remembered nothing about the case. One of them ventured to tell Toño Zúñiga, with the judge by his side: “Look, I do not think you did it, but there’s someone who is accusing you.” In sum, it was an easy case. And the threat of public embarrassment should have made it even easier. And yet, to the surprise of audiences who have seen “Presunto Culpable” worldwide, Toño Zúñiga gets reconvicted. We lost. It puzzles me to this day. Why was he reconvicted?

Either the judge had poor judgment or something was missing from the judge’s toolkit for evaluating the evidence (not unlike the 300 juries in the United States that wrongly convicted men who were later exonerated with DNA evidence). I think the missing tool in Mexico was the absence of legislation governing eyewitness identification procedures and custodial interviews of suspects, Mexico’s poorly paid defenders are forced to fight an uphill battle for police accountability, one that they typically lose. In our survey, most inmates reported a dismal performance by their defenders, who never asked them if they were mistreated by detectives during questioning, if their interrogation was filmed, if they were shown alone or in a lineup to the eyewitness, and much else that mattered. Without detailed legislation that defenders could use as guidance during preparation for trial or to cite in court, arguments about departures from acceptable police procedures may be easily discarded as utopian or foreign.

The situation in Mexico, both in terms of public spending and laws, is akin to having an old fleet of buses with flat tires and poorly dressed, myopic drivers. These buses move people with a high rate of fatal accidents, and yet when confronted and forced to invest, the owners of the fleet first spend most of their resources on tailored suits for the drivers rather than on giving them corrective eyeglasses and replacing the tires. And the police are the tires.

This is a country that builds airports when it lacks sidewalks and bike paths. Public spending is focused on beautifying the top of the pyramid of the justice system, while the bottom lacks elementary resources and rules. The Mexican government is building courts and laying out marble floors in rooms where the hearings are to be held, but we still lack decent police stationhouses. Money pours out to buy wooden hammers and robes for the judges, but policemen are poorly paid and often asked to buy their own bullets or required to use their own money to repair police cars. Courts are given top-notch video surveillance equipment, but the holding cells where suspects are interrogated lack cameras and even lighting. Providing police with telephones, computers, Internet access, offices, case management technologies, and bulletproof vests will surely cost, but such spending is unavoidable, and legislation is a truly inexpensive first step to send public resources to the bottom of the pyramid and to build trust in the police.

In our inmate surveys, we asked about several types of criminal evidence but focused mainly on those that should draw most concern from policy makers: confessions by suspects and eyewitness identifications. These are very persuasive forms of evidence; they frequently result in convictions but also can induce judicial error. Sometimes confessions are false, and eyewitness identifications are
very frequently mistaken. It turns out that 70 percent of inmates convicted under the old system and 65 percent of inmates convicted under the new system reported being interrogated by authorities in attempts to get them to confess. About 50 percent of inmates reported that an eyewitness was used to testify against them. These numbers suggest that confessions obtained during custodial interrogations of suspects and eyewitness identifications are critical policy-making targets. In fact, eyewitnesses are the most frequently used form of evidence in trial (see Figure 2).

And yet in Mexico, most typical police powers remain unclearly defined under the law. Enormous faith is being put in the new adversary system, but this faith may be misplaced; for it is evident that most police activities will actually never see the light of a public courtroom. Arrests, eyewitness identification lineups, and interrogations of suspects will always occur far more frequently than oral hearings to scrutinize them. Mexico needs to rewrite the laws on police powers, not only to empower police to investigate in a sensible way, but also to provide officers with the necessary independence to investigate, to cut down on corruption and incompetence, and to begin building citizen trust, particularly during the early stages of crime investigations. This is where human rights violations have had the most egregious impact and where departures from acceptable investigative standards occur.

In the absence of legislated powers, Mexico’s substitute is an institutional design that is dense in approvals but thin on investigative standards. Police are required to seek permission from prosecutors for every step they take in crime investigations. Just to receive crime reports, police must be so authorized by prosecutors; to interrogate a suspect, prosecutorial nods must be obtained, and so on.

This system has been in place in Mexico for many years and was simply retained in the new National Code of Criminal Procedure. Submitting every aspect of crime investigation to a prosecutorial nod rather than to legislation engenders problems. The system places prosecutors — who themselves are not trusted by citizens — as inefficient overseers of the police. In addition to being costly, this design fails to provide police with guidance on how to investigate and fails to understand that prosecutors are experts at following procedure, not at creating it.

Thus, a lack of legislated rules does not promote investigative creativity, as the reformers hoped. Instead, it promotes arbitrariness, torture, human rights violations, and the recurrent imprisonment of innocents, as the data show. Our interviews of a random sample of 750 inmates convicted in Mexico City and Estado de México confirm that mistreatment is widespread and, most importantly, not significantly reduced in Estado de México, even after the new justice system was installed. No statistically significant differences were observed in the reformed state compared to the situation before the reform. Surprisingly, Mexico City — which has not implemented the reforms — is becoming more humane in some forms of mistreatment.

Without better rules, police officers will continue to fall to the same pressures of corruption almost as quickly as they leave the new academies. Investment in the judiciary is unquestionably a necessity, but investment in police is an emergency. A truly effective police reform would be a national law that regulates the following police powers:

• The power to receive crime complaints. Today, the task is delegated to prosecutors, who are outnumbered by the police ten to one. This situation creates a bottleneck that exposes citizens to long queues to submit their denuncia (crime report) and distracts prosecutors from their real job of taking cases to trial.

• The power to search cars, homes, and facilities. Today, the law says precious little about this power, thereby exposing citizens to arbitrariness and abuse by police.

• The power to interrogate suspects. Today, the National Code of Criminal Procedure devotes only 69 words to this matter.

• The power to conduct identification procedures, such as lineups to identify suspects through eyewitnesses. Eyewitness evidence is very commonly used in Mexico, and in the absence of resources, it is the evidence that will more likely be encountered in court, as compared to fingerprints or DNA.

Sadly, the presidential solution remains obsessed with who is the boss rather than with providing scientifically validated procedures that police can follow and that defenders and courts can supervise. The disappearance of the 43 students in Ayotzinapa is horrifying, yet it offered (and still offers) a political opportunity to launch a nationwide call for police reform.

As for me, I’ve continued to have problems with Mexico City police. The last time I was arrested — for taping a police officer as he made an arrest — it was in the news (unfortunately, I was wearing a fluorescent-green shirt). Unlike the day I was taken into custody for snatching a coin on the trolebus, this time I was not alone. A search in Google for the incident shows 88,300 results in .45 seconds.

Roberto Hernández is a Mexican lawyer, Emmy Award-winning documentary filmmaker, and policy analyst. His film “Presunto Culpable” has broken every documentary box office record in Mexico. Hernández spoke for CLAS on April 8, 2015.
Teotihuacán: A Multiethnic Metropolis

By Mario Alberto Castillo

The ruins of Teotihuacán still have the capacity to awe. The Pyramid of the Sun — towering over the valley — is among the most massive ancient structures in the hemisphere. It was part of a complex society that achieved its apex almost 14 centuries ago in the Valley of Mexico, less than 30 miles from modern-day Mexico City. The ancient city at the heart of this society was among the largest and most sophisticated in the world, spreading out over more than 20 square kilometers and anchoring an urban state-level society in central Mexico for four centuries. Archaeologists estimate that 125,000 people once inhabited the site, which recorded its most exceptional achievements prior to 650 CE. Centuries later, the Nahua of Mexico-Tenochtitlan — more commonly known as the Aztecs — encountered the abandoned city and gave it the name we use today: Teotihuacán.

Mexican archaeologist Linda Manzanilla has done work across the world — from Mesoamerica to Mesopotamia and from Egypt to the Andean region — but she is particularly known for her pioneering, decades-long research at Teotihuacán. In the course of her work, Manzanilla and her students have demonstrated that the city developed an unusual sociopolitical organization based on group identity, and in her talk for CLAS entitled “Teotihuacán: An Exceptional Multiethnic City in Pre-Hispanic Central Mexico,” Manzanilla explored some of the city’s more unusual aspects.

Founded after the volcano Popocatépetl’s eruption in the first century, Teotihuacán became one of the largest and most populous preindustrial cities in the world, developing characteristics that made it unique in Mesoamerica. Its orthogonal urban grid system defined the city, with a geometric design reflective of Mesoamerican cosmology. The famed Avenue of the Dead and the East-West Avenue divide the city into four quadrants. Symbolically, the four quadrants represent the four corners of the Mesoamerican universe. The Pyramid of the Sun and the Pyramid of the Moon — also named by the Aztecs — are located at the core of the city. These and other monumental structures were built in Teotihuacán’s iconic talud-tablero architectural style. The pyramids align with natural landscape features, suggesting a remarkable feat of urban engineering. Likewise, Teotihuacanos channeled the San Juan River to align with the city’s urban grid system.

For hundreds of years, Teotihuacán drew tens of thousands of migrants from all over ancient Mexico, developing the settlement into a multiethnic metropolis. Ethnic groups from the Valley of Mexico, Oaxaca, Michoacán, and Veracruz lived and worked in this exceptional society. The diversity of the city is not only evident across ethnic enclaves, but also within each ethnic neighborhood, where most of Teotihuacán’s residents lived in novel, multifamily apartment compounds. Although the city was inclusive overall, the society was highly stratified. Visual representation developed to convey identity, ethnicity, rank, and class.

In addition, the city plan restricted movement. Commoners were barred from most of Teotihuacán. Only elites, who were a small percentage of the total population, had access to the city core. Group cohesion was developed through public ritual, which played a major role in the social lives of residents. Ritual events included agricultural ceremonies for the state Storm God; however, foreigners were allowed to continue their traditional rituals.

Decades of archaeological fieldwork and multiple lines of evidence provide a more accurate representation of domestic and public life for commoners, intermediate elites, and ruling elites. “Each neighborhood in Teotihuacán, and that’s the most dynamic part of Teotihuacán society, was like a house society,” Manzanilla explained. “Each neighborhood had their own feasts, their own relics, their own attire, their own titles, their migratory tales. They were a group with an identity.”

Teotihuacán’s multiethnic neighborhood centers may have anchored each of the city’s four residential quadrants. Neighborhood centers contained large plaza-temple complexes for festivals and public rituals, including dedicated areas for food preparation and storage. Neighborhood centers also served as residences and administrative centers for the intermediate elite, a “middle class” of traders and specialized craftspeople. Additionally, each center housed a military garrison and a medical facility.

The Avenue of the Dead and the Pyramid of the Sun at Teotihuacán.
Evidence suggests extensive use of human remains in rituals similar to those performed in the Veracruz region.

Manzanilla’s most recent and ongoing archaeological project at Teotihuacán focuses on Xalla, a palatial complex adjacent to the Pyramid of the Sun. At Xalla, archaeologists recovered elite items like jade (from Central America) and mica (from Oaxaca). Architectural features and temples at Xalla follow the four-quadrant system indicative of Mesoamerican cosmology, with each of the four temples associated with different deities and material remains. Xalla may have been where Teotihuacán was co-ruled by the elites of each neighborhood, which would explain the absence of royal tombs in the city.

Even though sophisticated archaeological research provides a clearer representation of the complexities of urban life in this sacred city, much is still unknown. Teotihuacán’s residents abandoned the city by the sixth century. Archaeological evidence shows that Teotihuacán suffered widespread destruction. Manzanilla suggests that the intermediate elite class revolted against the ruling elites, which unravelled the city’s sociopolitical organization and caused its eventual downfall. By the time Europeans arrived in Mexico, the city had been abandoned for almost a millennium and had been named Teotihuacán — meaning “the place where gods were born” — by the Aztecs.

Nowadays, the archaeological site of Teotihuacán draws tens of thousands of tourists and teams of domestic and international archaeologists every year. To date, the remains of ruling elites have not been identified, and much of the city is still unstudied. However, the decades of archaeological fieldwork and scientific analysis under the care of Linda Manzanilla speak to the vibrancy and vitality of this once-flourishing multiethnic metropolis.

Linda R. Manzanilla is a professor at the Institute of Anthropological Research of the Universidad Nacional Autónoma de México (UNAM) and a member of El Colegio Nacional. She spoke for CLAS on April 15, 2015.

This talk inaugurated a new partnership between CLAS and the Mexican Museum in San Francisco.

Mario Alberto Castillo is a graduate student in the Department of Anthropology at UC Berkeley.
Diego and Frida: Art Transcends Borders

By Harley Shaiken

The Great Depression was a tough time in Detroit. The city's unemployment hit 50 percent, twice the national average, and economic collapse translated into fear and desperation. A plaque on the Fort Street Rouge River Bridge, not far from the sprawling Ford River Rouge plant, commemorates a traumatic and defining moment. It reads:

“On March 7, 1932, in the midst of the Depression, unemployed autoworkers, their families and union organizers braved bitter cold temperatures and gathered at this bridge, intent on marching to the Ford Rouge plant and presenting a list of demands to Henry Ford. Some three thousand ‘hunger marchers’ paraded down Miller Road. At the city limit, Dearborn police blocked their path and hurled tear gas. The marchers responded with rocks and frozen mud. Near Gate No. 3, the demonstrators were bombarded by water from fire hoses and a barrage of bullets. In the end, five marchers were killed, nineteen wounded by gunfire and numerous others by stones, bricks, and clubs. Newspapers alleged the marchers were communists, but they were in fact people of all political, racial and ethnic backgrounds.”

At a memorial, days later, 60,000 Detroiters marched through the center of the city in grief and solidarity for the five demonstrators who had been killed.

A month-and-a-half later, in the midst of a plummeting economy and social upheaval, Diego Rivera and Frida Kahlo arrived in Detroit, where they would spend the next 11 months. Rivera was 44 years old and a world-famous muralist; Kahlo was 24 and an artist who had yet to make her mark. They would both do great things while in Detroit and be forever changed by the experience.

Edsel Ford, president of the Ford Motor Company and one of the richest men in the world, had commissioned Diego Rivera to paint a mural that captured the spirit of the city for the newly inaugurated Detroit Institute of Arts (DIA). “Machinery has always fascinated me,” Rivera had said. After touring Detroit during those dark times, he was amazed by the Ford Rouge plant, the largest manufacturing complex in the world. Rivera was struck by the power, importance, industrial precision and, for him, poetry of what he saw. Ford-owned boats brought iron ore and limestone to the docks of the 1,000-acre complex; workers tended blast furnaces and rolling mills to make steel, fed presses that stamped steel into fenders and hoods, produced engines and glass, and put together the Model B Fords that rolled off the Rouge assembly lines, now slowed by a paralyzed economy.

Rivera was deeply sympathetic to the workers. He still viewed himself as a communist, despite having been expelled from the Mexican Communist Party in 1929. At the Rouge, he thought he was looking at the future, although it was admittedly stalled in the present. He felt he was at the epicenter of an industrial system whose assembly lines would transform the world. “In the future,” he would write in his autobiography, “man and machine would be as important as air, water, and the light of the sun.” Rivera began to sketch and draw almost immediately.

His original commission was to paint two murals on opposing walls of the DIA’s Garden Court, a vast and elegant enclosed courtyard, in the heart of the museum. Once he began, however, the project would expand into 27 panels covering all the available wall space in the room.

As Rivera explored the Ford Rouge plant and sketched the people and process, my grandfather, Philip Chapman, was toiling on the line. He had come to Detroit in 1913, a Russian immigrant via Bel Air, Ohio, for the $5 day at the Ford Highland Park plant where the auto assembly line was born. Later, he would spend more than two decades working on the line or operating machines at the Rouge. Their paths might even have briefly crossed amid the machines, conveyors, and noise of fast-paced industrial production.

When Rivera finished the murals, he reportedly felt they were his best work. Ten thousand people packed into the museum for their opening in March 1933. Not everyone was pleased. The New York Times reported on the opening in a story with the headline of “Detroit in Furox Over Rivera Art,” pointing out the “murals scored as communistic.” The Detroit News ran a scathing front-page editorial, “Rivera’s whole work and conception is un-American,” the News concluded. “The best thing to do would be to whitewash the entire work completely.” Workers volunteered to defend the murals, which delighted Rivera, who in the midst of the uproar said, “My public is made up of the workers — the manual and
Visitors to “Diego Rivera and Frida Kahlo in Detroit” are greeted by video of the River Rouge Plant and Rivera’s “cartoons” rarely displayed preparatory sketches for the murals.

(Photo courtesy of the Detroit Institute of Arts.)
intellectual workers.” Prominent citizens also stepped up to the plate, “I admire Rivera’s spirit,” Edsel Ford responded. “I really believe he was trying to express his idea of the spirit of Detroit.”

The Detroit Industry frescoes hold a powerful and special meaning for me, as they do for many who live there. I was born and raised in the city because of my grandfather’s northward journey and my father coming to work decades later at a Chrysler plant on Jefferson Avenue. I was 10 or 11 when my father first brought me to the DIA. The reaction to Rivera’s Detroit Industry murals in the 1930s. While critically acclaimed over the years, some have unsettled, inspiring power, nonetheless.

I was struck immediately by the color, the form, the strain ing, feeding machines. The viewer can almost hear the noise and feel the heat. Later, I became aware of the ways in which the influence of Rivera’s Mexico shaped the images and the ways in which great art can transcend borders. “He effectively elevated the ‘moral’ mandate of the DIA by seeking to instruct its audience about the city’s industrial base surrounding then,” Mark Rosenthal, the curator of the exhibit “Diego Rivera and Frida Kahlo in Detroit,” writes in the exhibit’s catalogue. Rivera wanted his art to provoke, challenge, inform, engage, and ultimately change the world. For all this, a canvas was far too small, mammoth spaces barely large enough. He wanted workers and a broader public to appreciate his art on the walls but had no problem with the world’s richest capitalist putting it there. For Rivera, art, like life, could be full of contradictions.

I have visited the murals countless times. The thrill of walking into the Garden Court doesn’t diminish, and I am sometimes surprised by seeing the familiar images in new ways and being engaged, challenged, and inspired by the art all over again. The murals captured the spirit of Detroit then and provide relevance and insight for the times in which we live today. We look at the dignity of work then and better appreciate that it is still with us today. The rhythm of the assembly line is still present, though its importance is diminished, and the city once again faces hard times. New York Times art critic Roberta Smith aptly summed it up when she wrote, “the ‘Detroit Industry’ frescoes are probably as close as this country gets to the ceiling of the Sistine Chapel.”

Frida Kahlo came to Detroit with Diego Rivera after marrying him three years earlier. Their relationship was both passionate and tumultuous. They inspired and provoked each other, often at the same time. “I suffered two accidents in my life,” she wrote. “One in which a streetcar knocked me down… The other accident is Diego.” Unlike him, she hated being in Detroit. The 11-month stay proved traumatic, but the experience transformed her as an artist. The exhibit is brilliant in its own right, but also adds a vital dimension to understanding and appreciating his murals as well as her extraordinary works.

Consider Kahlo’s “Self Portrait on the Borderline Between Mexico and the United States,” painted at the DIA in 1932 while Rivera was creating the murals. She stands upon a stone block in the foreground in a bright pink dress. A massive ruin of a Mexican pyramid dominates the painting to the left under a fierce Mexican sun and dense Mexican moon; the fertility of the Mexican earth defines the foreground. Skyscrapers, industrial air ducts, and the towering stacks of a Ford factory define the right; one of her hands holds a Mexican flag towards Mexico and the other, a cigarette pointing towards the United States. “Kahlo clearly wanted to challenge Rivera’s worldview of a united Americas,” Rosenthal writes. “Her own position was that Mexico and the United States were too spiritually distinct to ever find common ground.” Nonetheless, the wires of a U.S. fan snake underground to touch the roots of a Mexican plant.

What is fascinating from today’s perspective is that the border as barrier doesn’t exist. She’s in both worlds, although the viewer senses her heart remains in Mexico. As I viewed the painting, I wondered what Kahlo might have painted were she doing a “Self-Portrait on the Borderline Between Mexico and the United States” today? Would a high wall run down the center of the painting? Would abandoned auto plants litter Detroit? Might violence be gripping Mexico? Roberta Smith captures the power of Kahlo’s art when she writes “[her] small paintings are portable altarpieces for private devotion and a high point of Surrealism that speaks to us still.”

More than eight decades have passed since the creation of Rivera and Kahlo’s art in Detroit and their display in this exhibit. The artists painted during economic times so grim that the DIA faced closure and the sale of its art in 1932; ironically, the museum once again confronted having to sell its extraordinary collection in the wake of Detroit’s bankruptcy before the opening of this exhibit in 2015. Yet, Rivera’s dream of a popular international art has found an enthusiastic new audience, and Kahlo has become iconic.

“To me there is something majestic and inspiring about those powerful hands of labor and industry Rivera has painted on the wall of the courtyard,” Dora Lappin, a noted lyric soprano told The Washington Post in 1933. “They are reaching upward toward … a day when the cultural life will be available to every person in the city.” The exhibit “Diego Rivera and Frida Kahlo in Detroit” has brought that day a step closer. It illuminates the work of two extraordinary artists and reminds us that the Detroit Institute of Art remains the soul of a great, resilient city.

Harley Shasken is the Class of 1930 Professor of Letters and Science, Graduate School of Education, and the Department of Geography, and Chair of the Center for Latin American Studies at UC Berkeley.
Diego and Frida in Detroit: An Interview With Graham Beal

The Detroit Institute of Arts exhibit “Diego Rivera and Frida Kahlo in Detroit” brought together some 70 works illustrating the careers of these two gifted artists, including eight of the large-scale drawings that Rivera made in preparation for his Detroit Industry murals and 23 works by Kahlo. In an exclusive interview, Professor Harley Shaiken, Chair of the Center for Latin American Studies at UC Berkeley, talks with Graham Beal, director, president and CEO of the DIA since 1999, and the driving force behind this monumental exhibit.

Harley Shaiken: Let me start by asking, what inspired the “Diego Rivera and Frida Kahlo in Detroit” exhibit?

Graham Beal: Many of the stories that were circulating about Diego Rivera and Frida Kahlo, as I discovered, were not true. They were wonderful stories, but setting the record straight just seemed a strong human-interest story: realizing that Rivera had come here as a fully formed well-recognized genius and Frida, who is now much more appreciated, was completely unknown. When she left Detroit, she had become the artistic Frida that is unmistakable today.

Frida Kahlo paints “Self-Portrait on the Borderline Between Mexico and the United States,” as Diego Rivera observes. In the background, the Detroit Industry murals are in progress. (Photo courtesy of the Detroit Institute of Arts Archives.)
HS: How complex was it to put together an exhibit of this scale, with the work of both artists involved, and then to stage it in Detroit?

GB: The critical thing was to get as much of a representation of Frida’s work that was done in Detroit, and that really meant going to three particular lenders in Mexico. Without one of those paintings, the “Henry Ford Hospital,” it wouldn’t have been worth doing the exhibition.

While she was in Detroit, Frida suffered a miscarriage, and in the painting she created to record this trauma, you see, for the first time, all of the ingredients in what we have come to expect from a Frida Kahlo painting: the focus on self and surrounding as well as symbols that allude to her inner feelings. With the Henry Ford Hospital picture, it’s as if the butterfly emerges from the chrysalis.

So it was really a matter of going to Mexico and talking to the owners of those works of art. I thought to go about 10 years ago, working with Agustín Arteaga, a recognized Rivera specialist who was the Director of the Museo del Palacio de Bellas Artes in Mexico City at the time. He now is the director of the Museo Nacional de Arte. He helped me, he was my guide and took me to see all of Rivera’s murals, and we negotiated the launch. But then we had taken a detour into how important Rivera was in the United States in the 1930s, and we were looking at an exhibition that was more about Rivera’s universe alone than about Rivera and Frida.

Then all the existential economic threats to the Detroit Institute of Arts came along. At the time, we had an urgent need to generate new financing, and so the idea of the exhibit was dropped for a time. When we went to work again, I decided to go back to the human-interest dimension. When you start talking about Rivera’s influence on U.S. artists, as important as that was, what we were planning had become too much of an art history lesson.

We had the opportunity to do a unique show here in Detroit. It can’t travel because it’s based around the Rivera murals at the museum. If people want to see the exhibition, they will have to come to the DIA in Detroit to see it. We brought in Mark Rosenthal, a highly regarded curator with an international reputation, and he went to work. We started negotiating the loans all over again, and this time it all happened.

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HS: It is certainly an extraordinary achievement to have done this exhibit at a time of existential economic threat that only got worse while you were mounting it. The achievement recalls the fact that the frescoes of Diego Rivera were themselves initially painted at a similar moment of economic crisis. You have spoken about “art as a shared human experience.” What is your sense of the impact that this exhibit has had in Detroit?

GB: It has drawn wonderful crowds. I’ve actually just come from the courtyard in which Rivera painted his murals. People have come from far away as well as from throughout the local area to see the exhibition. I think it is adding to the sense of pride that local people have, now that the collection has been given so much attention as a result of Detroit’s bankruptcy.

I also think that it’s showing people in this time and place that art and life are deeply intertwined in a way that doesn’t often come across in exhibitions. If this exhibition is about anything, it’s about passion. Passion of human beings to one another, passion of human beings for art, passion of one individual for industry and everything that is produced by people, and passion about identity, in the case of Frida.
Right:
Diego Rivera, "Detroit Industry," west wall, 1932-33, fresco.
(Photo courtesy of the Detroit Institute of Arts.)

Centerfold:
Diego Rivera, "Detroit Industry," north and south walls, 1932-33, fresco.
(Photos courtesy of the Detroit Institute of Arts.)
Left:
(Photograph courtesy of the Detroit Institute of Arts.)
HS: Focusing on passion is a moving way to talk about the exhibit. Are there parts of the exhibit that have particular meaning for you, paintings, drawings, anything that really personally affects you in a particular way?

GB: I think it’s being able to look at the Rivera “cartoons” [the life-size drawings he made for the murals] and realize, in looking at them, that he didn’t actually use them the way that they were traditionally used, which was to put them over the actual area that’s to be painted and then use a roulette to make the outlines and then pounce onto the paper. There is no pouncing [pricked holes] on the paper; it’s just the marks he made on the paper as an artist. We have footage of him with the cartoon to one side and him painting directly onto the wall, transferring the drawing by eye with no perceptible difference in terms of the overall composition and design. There’s more detail in his paintings, but isn’t that amazing, this manual, perceptual feat that Rivera carried out?

Then — and I make this point as often as I can — he came up with the whole program for the complicated murals when he went beyond the initial commission. Originally, Edsel Ford agreed to commission just the two main panels showing the creation of an automobile. The original plan then became 27 panels. Rivera created a highly realistic, convincing scene of an automobile being created. An engineer from another automaker, not from the Ford Motor Company, pointed out that Rivera had compressed two miles of an assembly line onto two walls, and it was perfectly coherent from the engineer’s point of view. Not only was he able to organize that, but he then went on to create this program. I call it allegorical — it’s symbolic, not literal — although there is plenty of realism in it. It’s wonderfully complex, and in those days, it was not uncommon to hire a university professor of philosophy or someone like that to help the artist pick his way through the overall program that they were trying to design, the story that they were trying to tell. Instead, these murals are manually, intellectually, his creation, and I find that extraordinary.
HS: One of the things you’ve done as director of the Detroit Institute of Arts is reorganize the entire museum to present art in a highly sophisticated but very accessible way, often in historical context that draws the viewer in and allows them to discover and appreciate art in new ways. The Wall Street Journal has called the DIA “the most open museum in the world.” As you are stepping down as director, what do you feel is your most important legacy?

GB: Never losing sight of the fact that the art is what we’re all about, finding ways to connect art to the broader public. What I leave behind I see as my contribution to a global debate that has been going on for some 25 years now about what a modern museum, an art museum in particular, should be to its public. [My legacy] was demonstrating that the museum has relevance to its community, and that is demonstrated by people in Southeastern Michigan voting to tax themselves to keep the museum going. I think that also underlay the strong public feelings that the collection should not be sold when Detroit entered bankruptcy. We have been a little bit ahead of the game, and I am very curious to see what my successor does to take this institution further.

Graham W.J. Beal is the director, president and CEO of the Detroit Institute of Arts. He spoke with CLAS on May 13, 2015.
The Querétaro Approach

By Brittany Arsiniega

The state-of-the-art aircraft factory has machines that slice through carbon fiber sheets with lasers and oversized ovens that bake seamless molded fuselages. While it might look like a factory in Montreal, Canada, or Wichita, Kansas, this factory is in Querétaro, Mexico. Located in the north-central part of the country, Querétaro is one of Mexico’s smallest states. At just over 4,500 square miles, it could fit inside the U.S. state of Connecticut, and with a population of just under 2 million people, it is home to only 1.5 percent of the nation’s population. Querétaro’s small size, however, is at odds with its growing reputation as an economic success.

Querétaro, Tierra de Inmigrantes

The state has a long and important history of welcoming immigrants. When a traumatic earthquake devastated Mexico City in 1985, thousands went north in search of safety and security. Many of these newcomers found what they were looking for in Querétaro: the state ranks as one of the three safest in the country. Beyond security, infrastructure and sustained economic growth have laid the basis for a better quality of life. With programs in the capital like “Saca la Bici” (Get Out Your Bike), a weekly nighttime bicycle ride that regularly attracts 1,500 participants, the state is promoting an innovative image.

Three Focus Areas for Calzada

The Calzada government has emphasized three principal areas: household income, local manufacturing and supply, and infrastructure.

Ongoing Challenges

Querétaro’s economy has experienced strong and sustained growth for the past two decades. A focus on infrastructure investments and creating a nourishing environment for high-tech, value-added industries has certainly paid dividends. Calzada himself twice has been named best governor in Mexico. Given these accomplishments, it is important to note — and Calzada did — that the state faces ongoing challenges in education and security.

During this visit, Governor Calzada expounded on his political focus and the ways in which rapid population and economic growth present both opportunities and challenges for political leaders. In his time as governor of one of Mexico’s fastest-growing states, Calzada has worked to earn and keep his state’s prestigious reputation — no small feat in a country buffeted by political crisis and scandal.

Calzada underscored the importance of improving infrastructure in pace with population growth. While other Mexican states invest an average of 5 to 7 percent of their annual budgets in infrastructure, Querétaro has invested 16 percent annually under Calzada. Public transportation is responsible for moving 650,000 people every day — approximately a third of the state’s population. In comparison, San Francisco’s BART system accommodates 420,000 riders per weekday. An up-and-coming bike-share program in the state’s capital, Santiago de Querétaro, burnishes the state’s innovative image and, combined with protected nature areas, helps preserve and improve air quality.
who want to attend college, only 33 have the financial or logistical means to do so. Calzada underscored the need to address this deficit in education. Mexicans with unequal access to education cannot compete with their northern neighbors and other highly skilled workers in the global marketplace. Yet education is about more than just competition between the United States and Mexico. It is also about cooperation.

Currently, only 14,000 Mexican students attend U.S. community colleges or universities and 7,000 students from the United States are taking classes in Mexico. In comparison, 274,000 Chinese students and 54,000 Saudi Arabian students were enrolled in U.S. colleges and universities in 2014. On a July 2014 gubernatorial trade mission to Mexico, California’s Governor Jerry Brown signed an agreement with Mexico’s Ministry of Education with the goal of increasing the number of exchange students between the two countries.

Calzada reiterated the importance of an enhanced educational alliance, stating a goal of 100,000 Mexican students in the United States and 50,000 U.S. students in Mexico. For the governor of Querétaro, Mexico’s cooperation with the United States in education underscores the importance of recognizing and seizing joint potential.

Querétaro is not immune from security threats afflicting other parts of Mexico. Calzada noted that safety is a constant concern. It is also one that requires hypervigilance, given that the country’s most traveled interstate, Highway 57, cuts through the state. Querétaro’s accessibility via plane, car, truck, and passenger bus, makes the state’s 40 permanent police and military-monitored checkpoints an essential ingredient in maintaining security within the state’s borders.

Governor Calzada’s time in office may be waning, but Querétaro’s rising star is not. Through policies aimed at increasing incomes, investing in infrastructure, and improving local manufacturing, Calzada has emphasized his concern for what he calls a single bottom line: that citizens feel they are better off today than they were yesterday.

José Eduardo Calzada Rovirosa is governor of the Mexican state of Querétaro. He spoke for CLAS on January 23, 2015.

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Berkeley Review of Latin American Studies
Center for Latin American Studies, UC Berkeley

Reporting Under Threat
By Yolanda Martinez

A grainy video implicates Baja California’s State Attorney General of trying to take control of organized crime in Mexicali with the help of the Sinaloa Cartel, one of the most powerful and violent drug trafficking organizations in Mexico. In the video, a man who claimed to run the Mexicali cell of the cartel said that his team was asked to kill policemen who were stealing merchandise. The man in the video was tortured, killed, and left in a car in front of the house of the Attorney General’s girlfriend.

This video was delivered to several news outlets in Baja California, but only Zeta, a Tijuana-based weekly, uploaded it and investigated the allegations. After publishing the story, journalists at Zeta saw that nothing happened: the Attorney General stayed on the job and faced no consequences.

Bernardo Ruiz’s 2012 documentary, “Reportero,” recounts the history of Zeta, from its foundation in 1980 to the assassination of several of its journalists by organized crime. The story is told through Sergio Haro, a serious photojournalist who is so dedicated to his job that he has continued to work, even after receiving death threats from drug cartels.

Told primarily through archival video footage of known cartel members, photos of Zeta’s founders, and video interviews, the film pulls back and shows that the violence faced by journalists in Mexico began before President Felipe Calderón’s drug war.

Over time, the physical and psychological toll of this conflict has shredded journalists’ ability to report. Since January 2007, more than 42 members of the press have been murdered, and several have disappeared. Because they were fearful of retaliation, the other news outlets that also received the video confession implicating the Attorney General did not pursue the story. Only Zeta.

To safeguard the individual journalists, explosive stories that might elicit threats are published under an anonymous byline: Investigaciones Zeta. Taking advantage of its proximity to the United States, Zeta prints its paper...
on the California side of the border. But for a small regional paper, anonymous bylines and printing outside of Mexico can only offer so much protection.

In the talk that he gave as part of the UC Berkeley Graduate School of Journalism’s Unity Film Series — an event organized by the student chapter of the National Association of Hispanic Journalists and CLAS — Ruiz stated that, while he and his crew never felt like they were in direct danger during the two-year production, Zeta’s editor-in-chief, Adela Navarro, did receive threats while filming “Reportero.” Ruiz explained that the threats did not stem from her participation in the film, but from Navarro’s “ongoing reporting that looked at the nexus between political corruption and the narco.”

In the film, Adela Navarro said that in Mexico, criminals have impunity. Zeta publishes the names of corrupt politicians, investigates the murders of their own journalists, and does not shy away from drug-trafficking stories, yet criminals are rarely arrested or prosecuted. “They can kill whoever they want,” Navarro said.

This fact weighs on the Zeta staff. They are constantly reminded of the assassination of co-founder Francisco Ortiz Franco and columnist Héctor Félix Miranda as well as the assassination attempt against co-founder and former editor-in-chief Jesús Blanconelas.

“We can now publish what we want, but we also suffer the consequences,” Navarro said.

Despite the dangers inherent to the job, photographer Haro continues to report, tracking down the stories. He’s in constant movement: always driving, winding down desert roads, through traffic-jammed Tijuana streets, and at night, when the red and green lights illuminate the car, he remembers the deaths of journalists he worked with.

Haro struggles to tell stories about social issues, but like other residents of Tijuana, he is constantly pulled into the world of corrupt politicians and organized crime.

With a camera around his neck at all times, Haro takes portraits of people picking through garbage dumps and youths in a shelter who have just been deported from the United States. Ruiz then frames each subject in an intimate video portrait. The older men picking through trash quietly stare at the camera. A teenage boy with dark hair looks into the lens, hesitant. These shots are the film’s strongest and most memorable moments. Removed from interview voice-overs about corrupt officials and assassinated journalists, these are the faces of regular people who are affected by drug violence. These are the people who do not know what their next meal is going to be and kids who have no job prospects but might consider working for the lucrative drug trade.

Unlike Zeta, other papers cannot protect their press freedom by printing in the United States. And the drug trade is a growth industry. Media outlets that cover violent gun battles and other narco news sell papers. Auto body shops that specialize in bulletproof windows and chassiss have had business grow exponentially since the start of the conflict. At one point in the film, the owner of a shop that actually advertises in Zeta goes over the different plans available for customers, who range from those who only want to feel more protected to those who are expecting to be shot any day now. The cost of the armored vehicle also varies depending on whether customers are looking to stop handguns, assault rifles or machine guns.

Corruption runs so deep that after Haro’s life is threatened, the documentary delivers one of its more poignant moments. As the camera focuses on him in his truck, with his wife and son in the rear seat as the background, Haro explains that he has received a death threat. The State Attorney General sent 20 state guards to protect him, but after spending some time with them, Haro decides to strike out on his own. “They justify their corruption,” Haro said, “I’d rather take care of myself.”

During the two-year production of “Reportero,” Ruiz and his crew witnessed how Zeta leverages its position in a border city to protect itself. They are independent and aggressive — a bit sensationalistic for some readers — but their will for strong reporting never falters. New, younger journalists continue to join their ranks, learning from Haro, Navarro, and other journalists who have been reporting for decades.

The death of a journalist is rarely investigated, corrupt officials never leave office, and people continue to be murdered by cartels. But now, the people of Mexico have taken to the streets to protest corruption and violence and to support freedom of the press.

“I think the question remains, what kind of support do they have from the international community?” Ruiz concluded.

Bernardo Ruiz is an independent filmmaker based in New York. On March 30, he spoke at the UC Berkeley Graduate School of Journalism’s Unity Film Series event organized by the student chapter of the National Association of Hispanic Journalists and CLAS.

Yolanda Martinez is a multimedia student at the UC Berkeley Graduate School of Journalism.
The “10 Ps” of Marijuana Legalization

By Beau Kilmer

Setting the Stage

Up and down the Western Hemisphere, marijuana policy is a growing topic of discussion, and laws are starting to change.

In 2014, retail marijuana stores opened in the states of Colorado and Washington, where anyone over 21 years old can purchase a wide variety of marijuana products: buds, baked goods, candies, drinks, lotions, e-cigarettes infused with hash-oil solutions, etc. Similar stores are expected to open in Oregon and Alaska in the upcoming year. While marijuana remains illegal under U.S. federal law, the Obama administration has decided not to block these efforts.

At the southern end of the hemisphere, Uruguay became the first country in the world to remove its prohibition on marijuana in late 2013. While the new law allows users to grow their own, join a cooperative, or purchase marijuana from a participating pharmacy — those who want to legally obtain marijuana must choose one of these options and register with the government — it remains unclear when the pharmacy option will be made available.

In addition, both Colombia and Costa Rica have bills in Congress that would make allowances for medical marijuana. In February, Jamaica passed a law to decriminalize personal possession and create a regulatory system for supplying marijuana for medical and religious purposes. In April, the Chilean congressional health committee approved a bill to legalize home marijuana production for medical and nonmedical purposes. The bill has now moved to the lower house of the Chilean Congress.

Legalizing marijuana for nonmedical purposes is especially controversial, with many arguments made by advocates on all sides of the debate. For example, those seeking to legalize marijuana hope to diminish the black market and the violent crime that can be associated with the trade, depending on the country. They also want less money going to criminal organizations and more to governments via taxation; however, the revenue aspect has been much more a topic of discussion in the United States than in Uruguay. Legalization proponents do not want people arrested and incarcerated for marijuana use, often saying that it does more harm than good and that it is an inefficient use of criminal justice resources. Finally, many advocates argue it is hypocritical to allow alcohol to be legally consumed but not marijuana.

Those on the other side of the debate worry that legalization will increase marijuana consumption — especially among youth — because of increased availability, reduced stigma, lower prices, and marketing (when it is allowed). Marijuana is not a harmless substance, and its consumption is correlated with adverse outcomes (e.g., high school drop-out, mental health disorders); however, it is often hard to prove that marijuana use causes those outcomes. There is, on the other hand, clear causal evidence linking marijuana use to accidents, cognitive impairment during intoxication, and anxiety and panic attacks that sometimes lead to emergency-room visits. Persistent heavy users run the risk of becoming dependent and also suffering from bronchitis. There is also strong evidence linking heavy marijuana use with psychotic symptoms, cardiovascular disease, and testicular cancer. We know very little about the health consequences — both harms and benefits — of the new marijuana products that are proliferating in places that have legalized.

Since no jurisdictions had removed the prohibition and extended two of my essays published in the American Journal of Drug and Alcohol Abuse and USA Today.)

The 10 Ps

1. Production. Prohibition dramatically raises the costs of producing and distributing agricultural products. The costs are inflated because suppliers need to be compensated for the risk of arrest, incarceration, theft, and sometimes violence. There are also inefficiencies associated with having to operate covertly in relatively small spaces. Jurisdictions considering alternatives to prohibition need to decide on the number of producers (e.g., permit three facilities or 300?), the amount of production allowed,
and the location where it can be produced (indoors or outdoors). They also need to decide on the types of products that can be sold in the market.

2. Profit motive. Research suggests that roughly 80% of marijuana expenditures in the United States are made by 20% of the users. These are the heavy users who report using marijuana on a daily or near-daily basis. If a profit-maximizing firm wants to make serious money in the marijuana market, they will have to focus on creating and maintaining a large stock of heavy users. There are also concerns that for-profit industry and its lobbyists will fight against regulation and taxation.

Thus, serious thought should be given to whether marijuana should be supplied by profit-maximizing firms. Besides home production and cooperatives, other options include limiting the market to nonprofit organizations or “for-benefit corporations,” which typically focus on the triple-bottom line of people, planet, and profits. Jurisdictions could also limit supply to a state-run monopoly, although that option does not receive much attention in the United States because of the federal prohibition of marijuana.

3. Promotion. If a jurisdiction is going to allow marijuana sales, it will need to decide whether to allow advertising. Uruguay banned marijuana marketing, and other jurisdictions have this option; this is not the case in the United States. While regulators in Colorado and Washington have attempted to limit advertising, they cannot ban it because that would be inconsistent with the doctrine of “commercial free speech” in the United States. As my frequent collaborator Jonathan Caulkins noted in an essay in The Washington Monthly, “Most restrictions on alcohol and tobacco advertising come from voluntary restrictions, negotiated agreements, and lawsuits, not legislation, which helps explain why they are so weak.”

4. Prevention. Legalizing jurisdictions will also have to decide if they are going to devote resources to prevention efforts (especially for youth), and if so, whether they plan to change the messaging to reflect the new legal environment. There is also the issue of timing. Many legalization advocates will argue that tax revenues from legal marijuana can be used to fund prevention, but jurisdictions need to decide whether they want to have these prevention efforts developed and implemented before legal marijuana hits the streets.

5. Policing and enforcement. Legalizing marijuana will not eliminate police interactions involving marijuana. In Colorado and Washington, it is illegal to consume marijuana in public, and possession is still illegal for those under 21 — a group that accounts for 20 to 25 percent of the entire market in the United States. Police departments and regulatory agencies will need to decide how much time and effort they want to expend enforcing these laws as well as conducting inspections and minor sting operations.

Perhaps an even more important decision will be what to do about the existing black market. A legalized industry is expected to largely eliminate the black market, but this may take time. During this transition, states could lose out on significant fees and tax revenues; however, arresting illicit producers and adjudicating these cases comes with costs of their own. Thus, jurisdictions will need to decide how aggressive they want to be about cracking down on illicit producers and distributors — especially if there is a well-entrenched export industry.

6. Penalties. Closely related to policing and enforcement is deciding how to sanction those who break marijuana laws. Will it be a criminal offense for minors to possess marijuana, or will it be a civil penalty that only results in a fine? What about for those who supply minors?

Closely related to policing and enforcement is deciding how to sanction those who break marijuana laws. Will it be a criminal offense for minors to possess marijuana, or will it be a civil penalty that only results in a fine? What about for those who supply minors?

Decisions also need to be made about how production violations will be punished for those licensed to legally sell marijuana. Will penalties be limited to progressive fines and the possibility of license revocation, or will firms that are illegally producing face criminal charges?

7. Potency. There are dozens of cannabinoids in the cannabis plant, but tetrahydrocannabinol (THC) is the chemical compound that receives the most attention. THC is what gets users intoxicated and can increase the probability of panic or anxiety attacks. The average amount of THC in marijuana flowers consumed has increased over time (although the increase is often exaggerated), and THC is now regularly extracted from the plant to produce oils, waxes, and other products that can be quite potent. Jurisdictions considering a legal medical market need to decide whether they will limit the amount of THC in products sold. Neither Colorado nor Washington limit THC levels, but the Dutch continue to discuss whether to limit THC in the marijuana sold in their coffee shops to 15 percent.

Of course, other cannabinoids should be considered, including
cannabidiol (CBD), which is receiving an increasing amount of scientific attention. Some researchers believe CBD can offset some of the psychoactive effects of THC, and clinical trials are underway to determine if a high-CBD extract can be used to treat children suffering intractable seizures.

8. Purity. Choices will also need to be made about whether to monitor and limit the levels of mold, pesticides, and other contaminants associated with agricultural production of marijuana. Another important decision is whether to allow the sale of marijuana products infused with alcohol or nicotine.

9. Price. The role of price cannot be overstated: it shapes what happens to the black market, government revenues, and perhaps most importantly, consumption. A number of studies by economists have found that when the price of marijuana decreases, the prevalence of marijuana use increases. While marijuana prices are typically described in terms of grams or ounces, what largely matters is the price per unit of intoxication or THC.

Since legalization is expected to reduce the production and distribution costs — especially if there are a number of for-profit firms competing against one another — jurisdictions should consider all of the tools they have for affecting the retail price. License fees and regulations can add costs that can be passed on to consumers, but the biggest tool is taxation. However, if the tax is set too high, it could fuel black-market transactions.

No one knows the best way to tax marijuana, and none of the options is perfect. Colorado and Washington are taxing marijuana as a function of its value, while Alaska and Oregon plan to tax marijuana as a function of its weight. Analysts often offer another option of taxing marijuana: as a function of its power to intoxicate (e.g., by the amount of THC or some combination of cannabinoids), but this will require more work up front and has yet to appear as an option on ballot initiatives. Decisions about the tax bases and levels of taxation are extremely important, and there is no reason to believe that the chosen tax structure in the early years will be optimal as the market matures. Smart jurisdictions will leave their options open with respect to taxation.

10. Permanency. For those designing legalization regimes, decisions have to be made about the amount of flexibility that will be built into the system. This is not only critical for taxation, but also for the regulations. We have a lot to learn about cannabinoids and new marijuana products, and there should be mechanisms in place for incorporating new information into these regimes. One option would be to create an independent commission that would be charged with handling these decisions.

Since we do not know how marijuana legalization will play out, jurisdictions should consider sunset provisions that would allow them to change course without getting locked into a particular regime. The state of Illinois built such a provision into its medical marijuana law, enacted in 2013: if the state does not renew or create a new law by the end of 2017, the program will cease to exist.

In Conclusion

When it comes to marijuana legalization, we are in uncharted waters. There is much to learn from what is happening with the earliest adopters — Colorado and Washington — but their for-profit commercial approach is only one alternative to easing marijuana prohibition. The home production model in Washington, D.C., and collectives being implemented in Uruguay highlight some of the other non-commercial approaches.

While these 10 Ps are not the only choices confronting jurisdictions considering changes in marijuana policy, they cover many of the critical decisions that will determine whether removing prohibition is a good idea. May they serve as fodder for debate and as an outline for jurisdictions seeking guidance if they decide to legalize.

Beau Kilmer is the co-director of the RAND Drug Policy Research Center. The second edition of his co-authored book Marijuana Legalization is scheduled to be released next year by Oxford University Press. Dr. Kilmer spoke for CLAS on November 20, 2014.
The Final Conversion of Pope Francis

Jorge Bergoglio

The First Conversion of Pope Francis

Less noted, however, is the failed response of the former Jesuit superior on learning of the disappearances of three women. Two of them were French nuns, originally catechists (catechism teachers) to the mentally “deficient,” which included their devoted care for Jorge Videla’s young son who had severe and irreversible developmental problems. A third disappeared was Father Bergoglio’s former boss and mentor, Esther Ballestrino de Careaga, a chemist in the factory where the future pope worked as a student in 1953–1954, just before he decided to enter the priesthood. Over time, the spiritual formation of the nuns and Esther Ballestrino de Careaga changed as it was shaped by liberation theology. They spoke of “an option for the poor,” while criticizing General Videla’s option for “power, blood, and fire.” On December 13, 1977, Videla’s secretary general broke the news of their kidnapping a week after all three were drugged and disappeared. They were later exhumed from graves. They were later exhumed from graves. The Catholic world quickly heard a report of three bodies of two of the women washed up on shore, to be buried in pauper graves. The bodies of two of the women washed up on shore, to be buried in pauper graves. They were later exhumed and identified by members of the Argentine forensic team. Several weeks before she and her daughter were kidnapped, Esther Ballestrino contacted Father Bergoglio asking for help when she learned that her daughter, a university student, had been targeted by the military. Bergoglio agreed to come to the family’s home and to remove and hide any books that might be seen as questionable or subversive. Of the books Bergoglio took away with him was “Das Kapital.” He warned Esther to be prudent, to drive carefully, to wear dark sunglasses, and to be inconspicuous as possible. This assistance proved to be not so helpful. Both the daughter and, later, her mother were kidnapped. While her daughter was released and survived, Esther was dropped into the ocean.

After his period of seclusion in Córdoba ended, Bergoglio was given another chance and appointed Auxiliary Archbishop of Buenos Aires in 1992. He emerged as a strong and popular spiritual leader and as an effective politician. He moved quickly up the ladder from Archbishop to cardinal in 1998. A new Bergoglio began to emerge during this time, a more tolerant and humble prelate, not without contradictions but clearly on a different path. He visited poor villas and barrios, he tended to the needs of young clerics, and he became involved in social action on behalf of marginal people, including migrants, street children, and asylum seekers. He collaborated in the founding of an NGO dedicated to the rescue of displaced refugees and trafficked persons. In 2000, Archbishop Bergoglio made the most difficult voyage of his life, when he paid a visit to Father Jalics in Germany. By all accounts, it was an emotional encounter. Both men wept, embraced and (presumably) forgave each other, and co-celebrated the Mass. However, Pope Francis has not yet made amends to the memory of the Argentine women who died for their faith under his watch.

The First Latin American Pope

By the time Bergoglio was summoned to Rome for the papal conclave, the political climate had changed. The desire for a new dispensation, a petite reformation of the Roman Church and its Curia, was on the agenda. There was talk of selecting a pope from the South, Latin America, Africa, or Asia. However, the cardinal from Argentina did not enter the conclave as one of the papal finalists. But after just 24 hours of deliberation the conclave had settled on Bergoglio. When asked if he accepted the vote, Jorge Mario did not give the expected ritualized reply “Accepto.” Instead he said, “I am a great sinner; trusting in the mercy and patience of God in suffering, I accept.”

When he appeared on the balcony of Saint Peter’s Basilica as the new pope, the well-wishers gathered below in Saint Peter’s square were confused. They did not recognize him. But once they heard that the new pope would be known as Pope Francis, they sent up cheers “Viva Francesco! Viva Francesc!”

Like Wojtyla/John Paul II, Bergoglio/Francis was a first: the first Latin American pope, the first pope from the global South, the first Jesuit pope, and the first pope to name himself after Saint Francis, who was never a pope at all. Both of these outsider popes were/are positioned to make decisive public roles in global transitions. The Polish pope, John Paul II, gave his blessing to Solidarnoś, contributing to the end of the Soviet Union. The Argentine pope played a key role in negotiating the dialogues between President Obama and Raúl Castro that promises a long-overdue end to the U.S. cold war in Cuba and U.S. policies of meddling with perceived socialist agendas in other Latin American nations.

The Catholic world quickly warmed up to Pope Francis who was praised for his simplicity, humility, and his common touch. The new pope refused all the trappings of popery: the throne and the papal palace, the lace and rose slippers. This pope brought well-worn black shoes with him from Buenos Aires.
Face-to-Face With Pope Francis

By Nancy Scheper-Hughes

First of all, he is an incredibly happy man, a man at peace with himself and with the world. He seems comfortable in his skin. But most of all, he is fearless. Although he still ends most encounters with the petition, “Pray for me,” he is smiling and radiant. In accepting the heavy cargo that is the papacy, with all of its entanglements, intrigues, risks, and dangers, as well as its daily uncertainties, Pope Francis is calm and reassuring. Whatever happens, it will be all right. He needs company and conviviality. He is no longer of the Society of Jesus, the Jesuits; he is not walled up in a rectory of aging priests. He is a lucky man, fully in in the world, surrounded by people, families, students, visitors from parts known and unknown. He is as if freed from a burden. He can say what he wants, even surprising himself at times.

June 2015 will see the release of the pope’s long-awaited encyclical on climate change and global warming and their effects on soil, water, and all the creatures, including humans, whose survival depends on a healthy and sustainable planet. The pope sounds quite a lot like the Latin American ecofeminist Ivone Gebara, when he says, “the worldwide disruption of the physical climate system and the loss of millions of species that sustain life are the grossest manifestations of unsustainability.” In preparation for his encyclical, Pope Francis convened many workshops and, in April 2015, two linked, back-to-back, plenary advisory sessions at the Pontifical Academy of Social Science: the first on “Human Trafficking: Issues Beyond Criminalization,” from April 17-21, 2015, and the second, on April 28, on “Climate Change and the Common Good,” at which UN Secretary General Ban Ki-moon spoke and said of Francis, “I count on his moral voice, his moral leadership.”

Pope Francis sees the destruction of the environment and the proliferation of human trafficking networks as interrelated abominations, both of which are catastrophic. Never one to mince words, he refers to global warming as a mortal, deadly sin and to human trafficking as a crime against humanity. He refers to the 15 percent who are devouring the earth as unconscious consumers dependent, knowingly or not, on modern slave labor through human trafficking. He wants the elimination of human trafficking to be inserted within the UN’s Millennium Sustainable Goals in 2015.

The invitation by the Chancellor of the Pontifical Institute, Marcelo Sánchez Sorondo, and President Margaret Archer to participate in the plenary session on human trafficking was a surprise. Having published several articles on clerical sexual abuse over the years and having criticized church teachings on women, sexuality, and reproduction in my books and edited volumes, I feared the invitation might have been a mistake. But I prepared for the event assiduously. The plenary was organized at the request of Pope Francis, who wanted the academy “to examine human trafficking and modern slavery” to which he added pointedly: “Organ trafficking could be examined in connection with human trafficking.” On arrival at the airport, a Vatican car and driver was waiting, and he drove at breakneck speed, taking the curves like a motorcyclist. I apologized after each stifled cry. We rolled into the Vatican, and I was unceremoniously deposited with my heavy bags and two computers (in case one wouldn’t work).

The building was called Domus Sanctae Marthae in Latin; it sounded familiar. It certainly should have rung a bell, but it didn’t at first. My room was an elegant but simple suite of two rooms with large, high windows. A bedroom with a single bed, a plain cross on the wall, and a bureau with a flat-screen TV that I would never use. Restless, I went downstairs to the dining room, where I was served a three- or four-course lunch that was still somehow light. Delicately seasoned and organic, the meal was served with an exquisite red wine. But I had arrived first, and I was all alone in a sea of men in black and white cassocks or brown robes. So it was to be every day after the other scholars and participants arrived for the plenary meeting. There were 29 of us in all: 11 academic social scientists, three of whom were Catholic clergy (including two archbishops), an amazing 11 of us women, including one nun, and several representatives of anti-trafficking organizations, government representatives, and members of international agencies (UN, ILO). At the Santa Marta guesthouse, however, we women were in the minority by spades, and we adapted easily to the dress code of women in black or dark pants and men in long white frocks. In the end, clothes...
Face-to-Face With Pope Francis

I had sorely missed the simple beauty of a Mass well celebrated, and I readily accepted the invitation by Bishop Marcelo to participate in a small, intimate Mass every morning led by a different bishop or cardinal each day in Saint Peter’s crypt. Holy Communion was the best bread for a hungry soul. There, in the bowels of Saint Peter’s cathedral, once again on my knees, the old habits and “habitus” returned along with, if not exactly faith, my former suspension of disbelief. The words of the Latin responses — mea culpa, mea culpa, and mea maximum culpa — glided off my tongue like anxious little captives who had been freed after a long time. I began to pray again, and I prayed for the pope’s safety as well as that of my family, dispersed as we were.

Our task at the plenary, in addition to presenting our papers, was to work on a draft of recommendations regarding the Prevention, Criminalization, and Resettlement and Rehabilitation of Trafficked Persons. Among our recommendations were that all nations having ratified the ILO Convention (1957) would make forced labor a criminal offense and call for the creation of a WATO (World Anti-Trafficking Organization) as a watchdog to the WTO (World Trade Organization) to make visible the complicity of transnational industries in the exploitation of trafficked workers. Following Pope Francis’s directives, we recommended that repatriation and return of trafficked persons should never be mandatory. Rather, the country of designation should bear the burden for the resettlement of victims of human trafficking, opening a “pathway to a passport.”

The Conversion of the Militant Anthropologist

The highlight of our meetings was the special pontifical academy papal audience. On approaching the Holy Father, the man I had written about in a critical piece soon after he was elected, I blanched and wanted to hide. But my old Catholic self came to the rescue, and I thought, well I, too, can ask forgiveness. I tried to bend down and kiss the pope’s ring, only to discover that he had no papal ring to kiss. So I awkwardly kissed his bare hand, as a gentleman from Vienna might have done upon being introduced to a woman he did not know. I was terrified that I would be pulled off the line, as I had been on the day of my First Communion because my veil was on wrong, with the elastic strap awkwardly under my chin rather than tucked under my hair. But not one of the papal bodyguards in tuxedos stepped up to intercede and take my gift package of books from my hands. I was given a set of prayerful rosary beads, but not until after I had a moment to ask Pope Francis to please remember the women, the ones unable to bear so many children and so many losses. I pointed to the chapters on drought and thirst in my books and articles, on the madness of hunger among rural workers in the cane, and the weight of the world on the shoulders of poor women and their angel babies.

Francis the Good had done so much good already, surely he might consider the women, the women who need him as much as he needs them to make his conversion complete. Throughout our short stay at the Vatican, Pope Francis responded immediately to the tragedy of the capsized boat of African refugees that sunk off Italian shores. He accepted the resignation of a bishop in Missouri who had protected a clerical sexual predator. He initiated the beatification of Dom Helder Câmara, the “little red archbishop” of Recife who had sheltered me when I got in trouble with the 5th Army of Brazil in 1965 and who welcomed me (and my family) back to Brazil in 1982, during the Brazilian democratic opening (the abertura), when he reminded me that my duty as an anthropologist was to listen, observe, and to write about the institutions of invisible violence of hunger and drought in the badlands of the interior of Pernambuco.

The next morning, I was picked up by the same Vatican chauffeur, but it wasn’t the crazy ride to the airport that worried me now. When my flight stopped in Chicago to clear customs, I read the headlines about the arrests the day before of nine people on the island of Sardinia who the Italian police had connected to a Qaeda-linked terrorist cell that had been planning to strike the Vatican and Saint Peter’s as part of a “big jihad in Italy.” May God protect him...

Pope Francis enters the Domus Sanctae Marthae.

Nancy Scheper-Hughes meets Pope Francis, April 2015.
there are many versions of Catholicism, each with diverse histories and religious traditions. Catholics received the new pope differently in Brazil than in Argentina. Three and a half million Brazilians gathered on Copacabana Beach to watch Francis drive by in his Popemobile. The crowds were euphoric. The pope was seen as agradable, personable, intimate, unpredictable, and most of all, amigable. Did you see how he responded to the crowds? How he accepted a gourd of chá mate (yerba mate) and slurped it up? The pope is a man in love with life. Brazilians from the shantytowns thought that they could teach the new pope about their social needs and realities. He was seen as flexible and teachable. In Argentina, there were also ecstatic celebrations in the streets with cars honking their horns and people shouting “un papa argentino!” Some of his former Jesuit colleagues refused to celebrate the new pope as one of their own, but the initial standoff was fleeting.

The Final Conversion of Pope Francis

As a political spiritual leader, Francis has negotiated a delicate balance between the Vatican and the United States. He has welcomed Jews, Muslims, Hindus, Marxists, and atheists to the table in the task of peacemaking and world repair. He has begun to make peace with former theological enemies. He initiated a rapprochement with 85-year-old Father Gustavo Gutiérrez of Lima, Peru, the father of liberation theology, and he lifted the ban on the beatification of Oscar Romero, the first step to sainthood, describing Romero as “a man of God.” Just recently, he initiated the path to sainthood for the beloved Dom Helder Câmara of Recife. These acts augur well for the global Catholic community and for the family of man.

However, to date there is still a disturbing and glaring absence at the center of his new papacy — the family of women. While Pope Francis has reached out to gay couples who love and support each other, and while he has invited divorced and even remarried Catholics to the crowds? How he accepted a gourd of chá mate (yerba mate) and slurped it up? The pope is a man in love with life. Brazilians from the shantytowns thought that they could teach the new pope about their social needs and realities. He was seen as flexible and teachable. In Argentina, there were also ecstatic celebrations in the streets with cars honking their horns and people shouting “un papa argentino!” Some of his former Jesuit colleagues refused to celebrate the new pope as one of their own, but the initial standoff was fleeting.

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Photo: Jesus Santos/Agencia PF
thoughts about Pope Francis and the theology of women, posted (originally in Portuguese) on August 28, 2013, she said: “I’d like to reinforce the idea that we are the Church, too …. The reality of faith is inscribed in every person, then it is sustained in the community of people of faith who are able to bring justice, mercy, compassion, and mutual aid to the maintenance of life for each other. … Seeking collective responsibility in great and small acts is the primary challenge for all of us.”

Can Pope Francis heal the irrational schism between feminist theologians and the Vatican? If so, it could lead to a long-overdue détente between the Roman Catholic Church and its sister churches, Episcopal, Anglican and others, which share the same rituals and sacraments but allow women to share in the priesthood and in the breaking of the bread, and allow married people to become priests.

And The Women He Needs

In taking the name of Saint Francis, Jorge Mario might recall the close relationship between Saint Francis and Saint Clare, who shared an intimate intellectual and spiritual relationship in co-founding the mendicant and the cloistered Franciscan orders. Francis’s strong, equitable relationship with Clare as his spiritual companheira was necessary to the founding of Franciscan theology in praxis, a dynamic theology, rooted in voluntary poverty, that embraced all creatures, humans and animals. Francis often referred to himself and to his barefoot friars as “mothers” rather than as men. We would like Pope Francis to follow the steps of his patron saint and to think of himself as “la mamma” as well as “il papa.”

We have followed Jorge Bergoglio/Pope Francis as he has been remaking himself as a powerful and charismatic religious leader who has one important challenge with respect to the public roles and private needs of women worldwide. There is a solution, one with a long and distinguished pedigree, the ancient tradition of the intellectual, theological and administrative companionship of women to church leaders, beginning with the close female friends and disciples of Jesus, including the three Marys — Jesus’ mother, Mary the mother of James, and Mary Magdalene, the best friend of Jesus who was incorrectly identified as a prostitute rather than the generous and influential woman of means that she was. Saint Francis of Assisi consulted throughout his public life with Clare, the founder of the Franciscan Order of Poor Clares. Like his namesake, Pope Francis also needs the wisdom of strong women to help him navigate the other half of the world, the still-invisible 50 percent, the part of the world that — despite his concern for the smallest and least of us and for the “wounds on the bodies” of the trafficked victims, especially women and children — still perplexes him and without whom he cannot succeed in his invocation of the Catholic Church as a new social movement in Latin America and in the world.

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Portions of this article are drawn from a piece which will appear in Global Latin America, Matthew Gutman and Jeffrey Lesser, eds., University of California Press (forthcoming).

St. Francis preaches to the birds, Leicester Cathedral, England. (Photo by Father Lawrence Lew, O.P.)

St. Clare, St. Frideswide’s Church, Oxford. (Photo by Father Lawrence Lew, O.P.)
No Past Without a Present

By Katherine Chiou

In recent years, practitioners of archaeology — the study of not only material culture, but more importantly, people in the past — have begun to accept that the discipline is based on and generally reflects the values of Western cultures. In the Americas, in particular, prior to European colonization communities were able to act as stewards over their own cultural resources and history — examining, remembering, teaching, learning, and protecting their own heritage. Following colonization, wealthy elites began to exercise their curiosity over the materials beneath their feet in the “New World,” engaging in a practice known as antiquarianism that later evolved into what we recognize today as modern archaeology. As cultural and historical stewards, archaeologists are now attempting to de-colonize the practice by pursuing ethically and socially just ways of conducting research and encouraging collaboration with indigenous peoples when the very notion of an indigenous identity is so multifaceted and complex, particularly in places that experienced cultural, spiritual and physical genocide stemming from colonization?

According to Alejandra Korstanje, an archaeologist and professor at the Universidad Nacional de Tucumán, people in Argentina argue for the lack of true continuity, thus “disconnecting contemporary indigenous communities from the past.” Korstanje made this point in a talk entitled “There Is No Past Without Present: Hopeful Practices in Northwestern Argentina’s Communitarian Museums and Projects.”

In attempting to construct community-based approaches for collaboration between archaeologists and indigenous peoples in Argentina, Korstanje found herself struggling with multiple tensions that exist surrounding ethnic identity claims. She argues that these tensions result from Argentina’s complex history and continuing struggle with the residual effects of colonization and must be viewed within a historical context. The Spanish invasion of the Americas resulted in the extermination of indigenous peoples in northwestern Argentina who resisted conquest and domination of their territories. In one particular circumstance, at the site of Quilmes in the Calchaquí Valley, the Spanish responded by forcing the relocation of those who participated in organized resistance. As a whole, indigenous peoples in northwestern Argentina experienced the loss of their communal rights, languages, lands, and sense of self, forced to identify as criollo (Creole) or mestizo (a person of mixed race).

It wasn’t until 1994 that Argentina amended its national constitution and officially recognized the pre-existence of aboriginal peoples, allowing for the reclamation of their rights to land and culture. As a result of this reform, communities that were previously invisible or presumed extinguished re-emerged throughout the country. These efforts to reclaim an indigenous past, however, have prompted questions of “authenticity” amidst a process of what Korstanje calls “culture-making.”

Some have termed this phenomenon a “re-invention of tradition,” arguing that indigenous peoples were assimilated into a homogenized peasantry or urban working class, casting shadows of doubt on the legitimacy of these claims. According to Korstanje, these types of narratives have allowed governments to justify the domination and marginalization of indigenous peoples.

In her talk, Korstanje noted that her task is further complicated by the fact that she cannot escape from discriminatory discourses surrounding “whiteness.” As an academic and city dweller, she is immediately affiliated with “whiteness” and the privilege that comes with it, while those with whom she works in the field are generally characterized as indigenous or campesinos (peasants), though she notes that they prefer to be called such politically incorrect terms as indios (Indians) and originarios (original peoples).

Korstanje’s first major effort to utilize a community-based approach in archaeology began in 2002, when the Comunidad India de Quilmes (CIQ) and the Instituto de Arqueología y Museo (IAM) came together to sign a formal legal agreement to collaborate. Taking on a “dialogical approach to heritage management,” Korstanje and fellow researchers decided to forgo accepted models of best practice and build principles through open communication from the ground up. By engaging with the local community, she hoped to address issues such as uncontrolled visits and looting of local archaeological sites, depletion and illegal mining of protected natural resources, pollution by mining and other companies, lack of resources to enforce the law, and the role of identity as a source of tension. The task, however, was not easy.

Problems and tensions arose immediately. Early on, locals were leery of archaeologists “intervening” in their territories and showed reticence towards working on archaeological sites, touching archaeological remains, and providing information. Furthermore, Korstanje found this collaborative work to be more difficult when all funding options are based on academic logic. Undeterred, Korstanje continued with her approach and took the lessons she learned and applied them to her next project.

In 2007, the community of Barranca Larga decided to build a museum — the Museo Rural Comunitario Barranca Larga, El Bolsón, Argentina.
If Mexico City’s sewer reflects its conscience, then citizens of the mega-metropolis have little ground for pride. The award-winning documentary “H2Omx” uses powerful imagery to tell the story of Mexico City’s fraught water system. Green pipes snaking through the nation’s capital and delivering water to millions of people but failing to reach those living in impoverished localities. Post-apocalyptic scenes of trash clogging major river systems and toxic foam from chemical detergents floating through the air like snow, silently poisoning entire communities. Thousands of acres of land irrigated with aguas negras — black waters flowing from Mexico City’s sewers — destined to crops for human consumption. “H2Omx” depicts natural resource destruction on a scale so large that it threatens not only the livelihoods of millions of people, but also the identity of the city itself.

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Built over a lake, Mexico City “should not even be there,” we are told. When the Spanish arrived to what was then Tenschoitlán, they found a vibrant city built on an island in a large lake, which was linked to the mainland through four causeways. The Spanish decided to continue developing the capital of their new colony in the same location, ultimately by draining the lake but without taking precautions to manage the water as the Aztecs had done for nearly two centuries. Slowly, canals were turned into streets, and rivers became part of the city’s sewer system.

City on a Lake, Running Dry

By Ignacio Camacho and Femke Oldham

“The sewer is the conscience of the city.”
—Victor Hugo, “Les Miserables”

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Building a city atop a lakebed may seem like a recipe for disaster, and it is. Especially when that city exploits its underground water reservoirs. In this regard, centuries of over-pumping have led to the sinking of the downtown area — which sits 10 meters lower than when it was built. This sinking, in conjunction with the geography of the city (which does not have natural exits for water inlets), significantly increases susceptibility to flooding.
Despite billions of dollars invested in infrastructure, the city floods every year, taking a major toll on economic activity, damaging property, and causing substantial public health problems. Despite frequent downpours, only 8 percent of annual rainfall recharges underground reservoirs, leading scientists to predict that this dangerous imbalance will likely leave the city dry in only eight to ten years.

In response to scarcity, a large proportion of the water consumed in Mexico City is imported from other states though the massive Cutzamala System. The water in the system flows through seven dams and hundreds of miles of pipes, tunnels, and open canals, providing short-term relief to Mexico City’s underground reservoirs but leaving communities outside the city without water. Imports, moreover, are not nearly enough to cover demand, and 40 percent of the water imported from outside the city is lost through leaky pipes. “H2Omx” makes it painfully clear through individual stories that thousands of families in Mexico City’s marginal communities still have no access to water. People from these communities are forced to walk long distances to find enough of this vital resource to satisfy their most basic needs. Nonetheless, the movie pushes viewers to see these forgotten populations as areas of opportunity.

For example, a project called Isla Urbana has developed a simple technology to gather rainwater from rooftops, which can provide enough water to satisfy the needs of small communities for months.

A final point raised by the film is the discharge of contaminated water. “H2Omx” explains that only 7 percent of sewage water is treated, while the rest leaves the metropolis full of dangerous contaminants. Farmers in the Mexican state of Hidalgo then use this water to grow grains and vegetables that are sent back to Mexico City to fill the plates of urban diners in what farmers call a form of “just revenge.”

After the screening of “H2Omx,” UC Berkeley professors Ivonne del Valle and Isha Ray discussed their impressions of the film. Isha Ray, also Co-Director of the Berkeley Water Center, mentioned that the central issue of the movie is inequality, because not all citizens experience the impacts of a failing water system. Whereas millions of Mexicans have access to clean water in their homes every day, millions more have barely enough to drink, let alone to wash and cook. Others live alongside a massive canal carrying aguas negras and experience negative health impacts because of it.

Ray also noted the profound connection between food and water. It is common in metropolitan areas for sewage water to be sent to farms and used to irrigate produce that is then trucked back into the city to feed its citizens. However, the people who are really suffering from this arrangement are not the unsuspecting diners in the city, but rather the farmers who work in fields where levels of heavy metals are off the charts. These agricultural workers are experiencing cancer and infectious diseases at higher and deadlier rates than the people in the city who are becoming temporarily ill from eating contaminated produce.

Ivonne del Valle, who specializes in Colonial Mexico, explained that Mexico City’s water troubles date back to Hernán Cortés, who decided he wanted to build a city on a lake, despite the best efforts of his men to warn him against it. She also mentioned that the first war between the Spaniards and the indigenous groups of the Valley of Mexico was over water. She compared historical battles over resources to the war that rages on today between humans and nature.

Professor del Valle also emphasized her disagreement with the law currently under discussion in the Mexican Congress, the “Nueva Ley General de Aguas” (New General Water Law), which essentially privatizes water in the country. The main problem with this law is that it would encourage industrial waste and fracking practices, which are not properly regulated. Del Valle also mentioned that the student group “Agua Para Todos” (“Water for Everyone”) is fighting against the new law.

The event was not all doom and gloom, however. A final point made during the question and answer session raised potential solutions to Mexico’s water woes. Isha Ray explained that despite difficulties with financing, decentralized solutions such as water treatment plants and rainwater harvesting projects do work to improve health and well-being of communities in Mexico and other parts of the world. However, Ray warned that to adequately address challenges as great as those faced by Mexico City, radical policy change is needed.

Through its stunning and occasionally heart-breaking visuals and lively narrative flow, “H2Omx” acts as a powerful catalyst for change in Mexico City’s water system and beyond.

Isha Ray is Associate Professor with the Energy and Resources Group and Co-Director of the Berkeley Water Center at UC Berkeley. Ivonne del Valle is Associate Professor at UC Berkeley’s Department of Spanish & Portuguese. They spoke for CLAS on April 9, 2015, following a showing of the documentary “H2Omx,” winner of the 2014 Margaret Mead Filmmaker Award.

Femke Oldham and Ignacio Camacho both hold Master of Public Policy degrees from the Goldman School of Public Policy at UC Berkeley.
Lessons From Bangladesh

By Seth Leibson

On April 24, 2013, the Rana Plaza garment factory collapsed, killing 1,138 workers and injuring 2,500 more. While not the first disaster in the history of Bangladesh’s garment industry, the Rana Plaza death toll drew international attention and provoked outrage about the unsafe conditions in apparel manufacturing a century after the Triangle Shirtwaist Factory fire. Under pressure, nearly 200 international brands signed the Bangladesh Accord for Fire and Building Safety to ensure workers and their allies in the Americas.

The Bangladesh Accord for Fire and Building Safety

The Accord, which covers about half of Bangladesh’s four million garment workers, is intended to empower workers to protect themselves. Garment workers and their organizations were involved in negotiating the agreement from the beginning; the signatories include two international union federations and their Bangladeshi affiliates. The Accord also provides for worker participation in health and safety committees and walkthrough factory inspections. Most strikingly, employees in Accord factories can refuse to work in unsafe conditions without retaliation. Like other provisions of the Accord, this right is subject to binding arbitration carried out by the courts in the brands’ home countries, which are mostly European.

In addition to these “bottom-up” worker empowerment measures, Brown emphasized the Accord’s “top-down” support from brands, which are legally bound to fund a rigorous and independent inspection regime unprecedented in the industry. If the inspectors find structural deficiencies or fire hazards in the factory, the brands are responsible for ensuring that factory owners make repairs — doubly so because the results of inspections are posted online. If the factory owner cannot afford repairs, the brands themselves must pay. Yet perhaps the most important provision requires that brands continue to source from a factory for two years after an inspection takes place. In order to safeguard its image against another disaster, the brand must ensure that repairs take place, not simply shift its business to a less notorious but perhaps equally dangerous supplier.

This combination of worker empowerment and binding regulation of the labels resulted in 80,000 safety issues identified in 2014, more than 500 repair plans approved, and 11,000 industrial hazards corrected. Fourteen factories are “on notice” for repeated infractions. These statistics, and Brown’s impressions from field work in Bangladesh, suggest that the nascent Accord is already making a difference and perhaps saving lives. The free participation of workers in workplace health and safety is more uneven, but at least a few workers have used the Accord to challenge unjust retaliation.

Limitations of the Accord

Despite these encouraging developments, Brown acknowledged the Accord’s limitations, some of which might be particularly salient in the Americas. First, the Accord deals only with workplace hazards related to building collapse and fire. It does not address other threats to the health and wellbeing of garment workers across the world, such as exposure to chemicals, repetitive motion, long hours, and dangerous machinery. While factories in densely populated Bangladesh are often housed in poorly constructed multistory buildings, Central American factories are typically low-slung, one or two massive stories. In this region, structural collapse is not so great a concern.

The Accord also does not address the root of garment workers’ exploitation in inequitable global supply chains. Indeed, Brown suggested that the brands that entered the Accord were willing to do so to keep sourcing from low-cost Bangladeshi suppliers. The Canadian magazine McLean’s found that a typical worker in the international apparel industry receives less than 1 percent of the retail cost of what they produce, and even the factory’s margin is only 5 percent of retail. The brand and retailer keep the majority of the revenue.

Finally, the Accord’s signatory brands are mostly European. The largest North American apparel companies, such as Walmart and the Gap, preferred to form their own — less rigorous — health and safety regime in Bangladesh. Brown suggested that European companies’ greater openness to labor unions might account for this divergence. In Bangladesh, where 60 percent of garment exports go to the EU, the defection of North American companies damages, but does not entirely undermine, the Accord’s effectiveness. In Central America, where the United States is the primary export market, no reform could be effective without the large American brands.

Human bones remain two years after the Rana Plaza building collapse in Dhaka, Bangladesh.
Lessons From Bangladesh

In December 2005, for the first time in its history, the majority-indigenous country Bolivia elected an indigenous candidate as president. Evo Morales and his left-wing Movimiento al Socialismo — Instrumento Político por la Soberanía de los Pueblos (Movement Toward Socialism — Political Instrument for the Sovereignty of the Peoples, MAS) garnered a decisive 53.7 percent of the presidential vote and a similar legislative vote share. This electoral success of the party, which had been founded only a decade earlier, constituted a watershed for the continent’s poorest country. For years, Bolivia had been plagued by various crises and tremendous economic and political instability and had seen five other presidents during the five years leading up to this election.

Since the MAS assumed office in January 2006, the country has made advances in the representation of traditionally marginalized groups, has experienced stable economic growth and decreases in poverty, and has largely stabilized politically. At the same time, many domestic participants and international observers of the country’s “proceso de cambio” — as the political transformation process led by the MAS is often called — have critically noted the concentration of power in the executive, the hegemonic position of the MAS within the political system, and the economy’s continued dependence on extractive industries. Linda Farthing, a long-time observer of Bolivia, discussed these developments in a talk at UC Berkeley.

A Way Forward in the Americas?

What then can Central American sweatshop workers learn from the Accord? Most garment workers around the world face low wages, long hours, dangerous working conditions, and anti-union repression. They often also work in states captured by the industry. The New York Times reported in 2013 that 10 percent of the Bangladeshi parliament consisted of garment factory owners. The largest Central American garment exporter is Honduras, where a 2009 coup overthrew the populist Manuel Zelaya and ushered in a wave of violent repression. The Accord’s early successes show that rigorous private regulation, enforced by workers protected from retaliation and by the labels, can change conditions on the ground. This position is controversial, as it seems to give up on the state and privatize its regulatory functions, but for Brown, it is necessary under the circumstances.

Garment workers in the Americas can strive, not for the exact duplication of the Accord, but for brands to commit to its successful elements: accurate and publicly transparent inspections, mandatory repairs, and worker participation protected by binding arbitration. Anti-sweatshop organizers in the United States can pressure brands to share the results of safety inspections that many of them already claim to conduct. They can also call on labels to insist that suppliers form the labor/management health and safety committees required by (largely unenforced) law in many countries. These reforms would lead to increased disclosure and awareness of health and safety problems among both workers and consumers, increasing political will to remedy dangerous conditions on the shop floor.

In November 2014, the Clean Clothes Campaign, an international anti-sweatshop organization based in the Netherlands, held its regular five-year strategy conference. At this event in Hong Kong, a significant delegation of garment workers from Central America participated in the discussions for the first time. A century after the Triangle Shirtwaist Factory fire, garment workers around the world are sharing strategies and solidarity. That is surely the most promising sign of all.

Garrett D. Brown worked as a compliance officer in the Office of the California Division of Occupational Safety and Health (Cal/OSHA) for more than 20 years. He spoke for CLAS on March 31, 2015.

Seth Leibson is a graduate student in the Department of Sociology at UC Berkeley.
into the political system in new ways. As Farthing explained, much of the protests and organizing efforts against the neoliberal reforms of the 1990s, which led to the increased prominence of the various social organizations at the base of the MAS, “can be understood as a response of people who never had a seat at their country’s decision-making table.” Founded as a political instrument to represent these movements in the electoral arena, the MAS has often spoken for those who were previously unheard and has nominated and appointed for political office those who were not part of the country’s old elite.

In this context, the country’s new plurinational constitution plays a crucial role. Going back to the popular protests during the early 2000s, wide segments of the population had demanded a constituent assembly to draft a new constitution to reflect Bolivia’s diverse character. In August 2006, a popularly elected constituent assembly began its work and, in January 2009, a clear majority of Bolivians approved the new constitution through a referendum. While the process of drafting the new constitution had some divisive effects, Farthing also pointed out that “never before had indigenous women sat beside white men in suits to debate the country’s future and its framing document.”

The advances are particularly evident when it comes to the representation of women. The MAS has appointed and has nominated and appointed for political office those who were not part of the old political elite. According to the Inter-Parliamentary Union, the economy remains largely based on extractive industries. As Farthing argued, “Bolivia’s underlying economic structure has not changed. The country still relies on extraction with virtually no value added, financed by foreign capital.” She explained “the bind that the MAS is in” quite succinctly: “expanding extraction is the only option the government sees to pull the country out of centuries of poverty.” Besides the resulting dependence on international commodity markets, as well as price fluctuations and environmental impact, this failure to diversify the economy causes further problems for the country’s future economic development because the extractive industries do not absorb very much labor and have led only to limited backward linkages.

Farthing concluded that the MAS “has developed a patchwork program constrained in practice by continued dependence on income from extraction.” Bolivia under the MAS government has seen “significant cultural and symbolic changes and has definitely improved the overall living standards, but it certainly has not been able to usher in the profound transformation of the economic and political structures that so many Bolivians struggled for.”

Linda Farthing is co-author of three books and numerous articles on Bolivia. She spoke for CLAS on April 30, 2015.

Mathias Poertner is a Ph.D. candidate in the Charles and Louise Travers Department of Political Science at UC Berkeley.

The advances are particularly evident when it comes to the representation of women. The MAS has appointed a large number of women to political office, and quota rules in the new constitution and electoral laws have ensured that currently 52 percent of the members of the Bolivian parliament — the Plurinational Legislative Assembly — are women. According to the Inter-Parliamentary Union, this makes Bolivia the country with the second-highest share of women in its lower house worldwide.

Notwithstanding these advances in representation, the MAS has exhibited tendencies to coopt the social movements and organizations at its base and has spurred conflicts and divisions within the coalition of social organizations. The country has also experienced social achievements over the last decade. As Farthing emphasized, the MAS government has attained “impressive accomplishments” in poverty reduction through conditional cash-transfer programs, investments in rural infrastructure, and increases in the minimum wage. Furthermore, she said, “Bolivia’s middle class has soared by a million people, 10 percent of the population, and [that] economic growth is greater than it has been in decades.” At the same time, however, “in the cities, the urban poor have not seen the jobs, factories, and income that they fought for and watched as a new class of successful traders has become wealthy as the majority still struggle to survive.”

In spite of the progress in representation and social spending, many domestic activists — both from the left and the right — and international observers of the country’s development over the last nine years also have critically noted the extensive concentration of power in the executive, the hegemonic position of the MAS within the political party system, and the economy’s continued dependence on extractivism. While in Bolivia’s recent history an extensive concentration of power in the executive has hardly been unique to the MAS government and might be considered a “holdover from the past,” as Farthing contended, it still raises concerns from a liberal democratic perspective. These normative concerns might be further heightened by the hegemonic position of the MAS within the party system. Since the collapse of the traditional party system in the early 2000s, parties other than the MAS have struggled to gather stable electoral support from one election to the next and consolidate their party organizations.

Last, while much of the rents from the country’s vast hydrocarbon resource wealth are now being used to finance social spending and invest in infrastructure projects, the economy remains largely based on extractive industries. As Farthing argued, “Bolivia’s underlying economic structure has not changed. The country still relies on extraction with virtually no value added, financed by foreign capital.” She explained “the bind that the MAS is in” quite succinctly: “expanding extraction is the only option the government sees to pull the country out of centuries of poverty.” Besides the resulting dependence on international commodity markets, as well as price fluctuations and environmental impact, this failure to diversify the economy causes further problems for the country’s future economic development because the extractive industries do not absorb very much labor and have led only to limited backward linkages.

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Mathias Poertner is a Ph.D. candidate in the Charles and Louise Travers Department of Political Science at UC Berkeley.
“And give me silence, give me water, hope. Give me the struggle, the iron, the volcanoes.”
— Pablo Neruda, Canto Xii From the Heights of Macchu Picchu

Calbuco Volcano’s eruption from Puerto Montt, Chile, April 22, 2015.
(Photo by M.E. Aguila.)
“The air, like a river, bore currents of butterflies through the streets, above the houses, between the trees and people as they made their way south.”