

By the Nation, For the Nation: Government Support for Film in Peruvian
Legislation during the Authoritarian Regimes of Juan Velasco Alvarado (1968-
1975) and Alberto Fujimori (1990-2000)

by

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Bachelor's Thesis
Hofstra University

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Spring 2021

List of Abbreviations

ADISP

Acculturation, Democracy, Ideology,
Secularism and Patriotism

APRA

*Alianza Popular Revolucionaria
Americana* (American Revolutionary
Popular Alliance)

CONACINE

Consejo Nacional de la Cinematografía
(National Film Council)

COPROCI

Comisión de Promoción del Cine
(Commission for the Promotion of Film)

DAFO

*Dirección del Audiovisual, la
Fonografía y los Nuevos Medios*
(Direction of the Audiovisual,
Phonograph and the New Media)

OCI

Oficina Central de Información (Central
Office of Information)

SNI

Sistema Nacional de Información
(National System of Information)

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Peru has had several undemocratic, authoritarian regimes up to its very recent history. These governments applied mechanisms to control mass media communications in order to have a tight grip on power. These practices violated democratic ideals such as freedom of speech and of the press. Thus, it is highly surprising that the last two undemocratic leaders of the country, Juan Velasco Alvarado in the 70s (left-wing) and Alberto Fujimori in the 90s (right-wing), applied these freedom-restricting measures while simultaneously promoting the most comprehensive legislation towards the creation of national film in the private sector. This support for the domestic film industry and its creators goes against the methods usually employed by regimes of this nature, since the people benefitted were not directly linked to the government, and the productions were not state-owned. Therefore, controlling the narratives they released was significantly harder. It is even more surprising to consider that similar support was not promoted by the democratic governments that preceded and succeeded them (until very recently). This paper studies the ways in which the content of these pieces of legislation was employed by these regimes to push their specific agendas, using the private sector to achieve their goals rather than using the state apparatus. Both case studies are analyzed through the lens of Theodore Lowi's policy-making and agenda-setting theories, and Stein Rokkan's nation-building theory in order to understand the reasoning as well as the ways these regimes used film policies to promote their political agendas within their specific historical contexts. Moreover, the film law from the current democratic regime is also examined as it surprisingly draws ideas from both of these authoritarian regimes.

Velasco Alvarado and Fujimori both wanted to transform the country - albeit in dramatically different ways - and this goal informed their film policy approaches. In general terms, the laws issued in both regimes explicitly acknowledged the importance of film in building the country's cultural identity. They also pointed out films' contributions to the economy. However, the specific forms of government support varied along ideological lines. In the case of the left, under Velasco, there was an explicit objective to prioritize narratives that reflected the national reality. This aimed to create a more nuanced ideal of what it meant to be Peruvian that included historically marginalized groups, such as non-Spanish speaking indigenous communities and the working class. During the Fujimori years, in a strong effort to overturn as much legislation from the Velasco years as possible, a new film law was issued, which started an open contest to determine which projects would get financial aid from the government. This fell in line with the nation that he wanted to build, guided by competition, neoliberalism and free market capitalism. Additionally, the faulty enforcement of the Fujimori policy, with less money being given to the corresponding departments than what was established by law, is an indicator of the bigger picture: overturning the Velasco law was more significant to the regime than the actual application of a new one.

Nation-building, however, was not the only goal these regimes had. For Velasco, the film measures implemented were also a component of his larger economic and communication agendas. This included protectionist policies like making exhibitors show a certain percentage of national films as part of their monthly roster. Tying these measures with the heavy oversight that film went through as part of the larger communications program led to an environment in which the narratives the regime approved thrived, and all others, though not censored, were condemned to minimal reach. In contrast, Fujimori's other use of film policy focused on improving his image as a democrat. After suspicious

electoral processes and multiple (at the time alleged, now confirmed) human rights violations, the international community was highly doubtful of his commitment to democracy. Measures like an objective competition to aid the most qualified film proposals aimed to steer him away from the dictatorial image he was starting to transmit. Thus, the intent of the policy was more focused on the perception of openness than on actual results, evidenced by the amount of money invested toward supporting the industry as opposed to what was stated in the legislation.

An assessment of the film law currently in place (now that Peru has been a democracy for over 20 uninterrupted years) shows that certain aspects from the legislations of the Velasco and Fujimori regimes were applied. On one hand, the impartiality of the state in overseeing the content produced is reflected in the open contest for film funding, legacy of the Fujimori era. On the other, special programs aimed towards aiding films in certain indigenous languages or from certain regions are reminiscent of the efforts of the Velasco years to include underrepresented communities in the national narrative. As such, different aspects of authoritarian legislation were rescued to create a new policy in which film becomes a fully democratizing force.

Brief Overview of the Film Laws to be Studied

Film as a cultural tool has and is still used as a way of unifying a country and, consequently, solidifying democratic governance. However, similar approaches to government support of film creation have and are still taken by non-democratic regimes:

“Although they can and often do control the distribution of cultural goods through censorship and repression, most states would normally prefer to control by indirect constraints and consensus. Thus, the existence, even in periods of repressive authoritarian rule, of governmental boards, agencies, commissions and institutes designed to support different sectors of cultural production.” (Johnson 1996, 134)

In the case of Peru, the left-wing military government of Velasco Alvarado released the *Ley de Fomento de la Industria Cinematográfica N° 19327* (from now on referred to as Law 19327). Law 19327 became the film law applied by subsequent regimes until the right-wing Fujimori government came to power, which issued the *Ley de la Cinematografía Peruana N°26370* (from now on referred to as Law 26370) in its replacement.

In regards to Law 19327, the main policy it introduced appeared in Article 14 with the figure of *screen quotas*, starting a program of mandatory distribution and exhibition of local films that all projects that met certain basic requisites could rely on. As part of this program, exhibitors were mandated to show a certain amount of nationally made films as part of their monthly roster. Any nationally produced film that wanted to be part of this program had to be evaluated by the *Comisión para la Promoción del Cine* (Commission for the Promotion of Film - COPROCI), which would “examine its merits” (Bedoya 2016, 164) to see whether it qualified for help from the state. While this measure benefitted film creators by giving them additional exposure, movie exhibitors were not pleased with it as it forced them to show a certain number of films that they normally would not show given the reduced audiences that they draw. In that sense, this measure interfered with the regular behavior of the film market in order to give a chance to more domestic content to get exposure. Besides this program, some financial aid to local production companies was also outlined.

Law 26370, on the other hand, was much more business-friendly - meaning no more imposition to business owners. Instead, Chapter IV of this law marked the creation of a competition overseen by an independent organism, the *Consejo Nacional de Cinematografía* (National Film Council - CONACINE), created in Chapter II of the law) through which projects in their pre-production phase could apply for government grants.

Screenplays (for both feature-length and short productions) were to be submitted to technical committees composed of professionals in the industry without links to the regime itself. They would evaluate them and decide which projects showed the highest potential to be selected to receive aid.

Setting up this contest with an impartial jury had as an objective to assure a certain level of objectivity in the results. This draws another distinction between Law 19327 and Law 26370: while the former prioritized aid to content that helped to build the “true national identity” (as per Chapter I, Article I of the law), the latter mentioned the importance of film for the strengthening of the country’s culture, but did not explicitly state any preference toward a specific narrative. This distinction, however, stems from an important point in common between both laws: they both recognized the importance of film as a tool that shaped national identity. This recognition is particularly important when considering that none of the democratic regimes that preceded Velasco’s, those in between these two regimes and those that succeeded Fujimori’s (until 2019) issued any law similar in nature. In that sense, the highlights of these two pieces of legislation evidence key contrasting points that result from the ideological differences between both regimes. However, the aspects that they have in common indicate a similarity that transcends ideological lines and that lies in their authoritarian nature. As such, in order to further examine these policies, a theoretical background on the policy-making and agenda-setting processes is useful to establish the aspects where regime ideology comes into play, and those where regime type matters more.

Policy-making theory: Policy precedes Politics

Political scientist Theodore Lowi establishes that “the most significant political fact about government is that government coerces. Different ways of coercing provide a set of parameters, a context, within which politics takes place” (1972, 299). In that sense, it

is the specific characteristics of the policies issued by a certain leader which will ultimately determine what their political affiliations are. Analyzing these characteristics, Lowi (1972) identifies four different policy types: (1) distributive, (2) regulatory, (3) constituent and (4) redistributive (1972, 300). These classifications “derive logically [from] the types of coercion available to governments” (299). This can be either immediate or remote - depending on whether abiding by a certain policy will have a direct impact on an individual or not. The other point of comparison is whether the policy affects individual behavior or the “environment of conduct” (Lowi 1972, 299). With this in mind, policies that affect individual conduct and have remote coercion (meaning no immediate sanctions or none at all) fall under the distributive label. These include policies that involve the government providing a good or service. An effect on individual conduct but with immediate coercion results in a regulatory policy - one that states what can or cannot be done, and outlines the sanctions for those who do what is prohibited or do not enact what is imposed. Constituent policies involve an effect on the environment of conduct with remote coercion, and include measures like the creation of new departments or agencies - which will themselves issue measures that more directly affect people, but that in and of themselves do not have that impact in everyday life. Finally, redistributive policies affect the environment of conduct, but with immediate effects to those not abiding by it. As such, these involve measures like a tax on the wealthy, which involve generalized costs and benefits but for which sanctions are more clearly outlined if someone is not to contribute (Lowi 1972, 299-300). The type of coercion selected by a specific regime - and, in consequence, the type of policies prioritized - are what will ultimately determine the ideological affiliations of a specific figure or party. For instance, redistributive policies, which include financial instruments like progressive income taxes and high social security expenditure (Lowi 1972, 300) are usually applied much more by

the left than by the right. In the case of film laws, given their effects on individual behavior rather than on an environment of conduct, they all fall under the labels of either distributive or regulatory policies. In the case of Velasco, there is a mixture of both but with a predominance for regulatory measures - the screen quotas imposed to movie theater exhibitors being the most evident example of this. The competition set up through the Fujimori law, on the other hand, falls under the distributive type, as it involves resources from the government being distributed to private individuals to advance their artistic endeavors.

Additionally, each one of these policy types will lead to a specific response from the general public, which ultimately generates “different kinds of *policy arenas* that exhibit particular features of conflict or consensus. They are crucially shaped by the costs and benefits identified by those involved” (Heinelt 2007, 109). It is important to note that the word applied by Heinelt is “identified”. This notes a subjective perception of the policies. As such, the likelihood to which lack of consensus or even conflict might arise as a result of its implementation will depend on this feeling from the people rather than on objective parameters. After all, considering that the effect of policy outcomes cannot be factually assessed until years after they are enacted, “it is not the actual outcomes, but the expectations as to what the outcomes can be that shape the issues and determine their politics” (Lowi, as cited in Heinelt 2007, 109). The reaction to these expectations will vary depending on how much do the actors involved (whether it is society as a whole or a specific community that the law is targeted towards) think they will be positively or negatively affected by the measure. This perception will determine elements that are key to the successful application of the policy like the levels to which the actors involved will ultimately abide by it. For instance, if a new tax is implemented but the majority of the demographic targeted by it perceives it as a burden on themselves and considers that it

will not have a major impact in the society around them, there will be greater levels of tax evasion. This will directly affect the amount of money collected - which will ultimately become the objective determinant of whether the policy was successful or not. The ongoing cycle generated by this emphasizes the importance of building consensus with all individuals impacted by the policy to be issued as opposed to imposing it. In that sense, “policy networks and negotiated modes of coordination between public and private actors are not only (analytically) regarded as a pervasive pattern underlying contemporary policy-making, but also (normatively) perceived as an effective mode of governance that reflects conditions of modern societies” (Jann and Weingrich 2007, 53). Focusing on constant public-private communications allows for more compliance as a result of a better understanding of what the policy implies and what it aims to achieve in the long term - ultimately leading to better results.

Scholars on film legislation draw from Lowi’s general policy classifications to further distinguish between different types of policies in this field. In this aspect, film historian Jorge Schnitman classifies film policies that governments in Latin America have applied into three different groups. The first group of measures are restrictive policies, which are “designed to give the local industry some breathing room by impeding a complete takeover of the local market by foreign concerns” (Johnson 1996, 135). These policies, which would be considered regulatory under Lowi’s general policy classification, were taken as a way to stop the domination of American Hollywood films in the domestic markets. The lack of resources of the domestic industry made films produced locally very uncompetitive against American imports. This reality was true then and is still true today, with:

“a market that is highly dominated and concentrated by a production model that is extremely difficult to compete with for all countries, even those with good film outputs and a lot of

money. So, how do you build a national production? Many times, the answer has been with support from the states that allows for the balancing and equilibrium to an extent of a situation where you have such a strong, dominant position from an international actor” (Vandoorne Romero 2020).

With this domination in mind, if it was entirely up to a free market, exhibitors would barely show national productions as they did not (and, to this day, do not) attract nearly as many viewers due to their reduced production value and budgets when in comparison to Hollywood outputs. This is the classification that the principal measure implemented by Velasco - the mandatory exhibition of domestic films as part of the monthly roster of all exhibitors - fits into. This policy was meant to give the qualifying films an advantage over imported (mainly American) ones. As such, there was an interference with the regular behavior of the market to allow for these films to reach more people and remain available on movie screens for longer periods of time.

The second type of policies are known as supportive policies, which “include direct state support of the industry through bank loans, prizes...” (Johnson 1996, 135). Instead of limiting the competition, their main objective is to provide aid to allow for local production to meet international standards – and, thus, become competitive not just in the domestic market but also abroad. Under Lowi’s policy classification, this second category would be considered distributive policies, which have a much larger level of consensus than their regulatory counterparts. All of Fujimori’s policies fit into this second category, as the contest for funding that he started was meant to encourage domestic creation without intervening with how the market usually works. Other measures, like the exhibition program installed, were not imposed on the exhibitors, but instead consisted of a negotiation between the state and the private entrepreneur to reach an agreement. A third category, comprehensive policies, includes elements from both aforementioned types, restrictive and supportive. While Velasco’s main policy fits into the restrictive

category, his general set of policies can qualify as comprehensive, since it also includes some tax exemptions and financial support to filmmakers via the *Banca Nacional de Fomento* (National Bank of Development).

Regardless of the specific type of policies or the ways they are implemented, all policies must ultimately be understood as instruments to push the specific vision of the country that a leader or political party has - its agenda. An agenda is defined as “the list of subjects or problems to which governmental officials, and people outside the government closely associated with those officials, are paying some serious attention at any given time” (Kingdon, as cited in Jann and Wegrich 2007, 45). It is important to note that, as James E. Anderson (2014) points out when examining the agenda-building and agenda-setting processes, “of the thousands of thousands of demands made upon the government, only a small number will receive serious consideration. (...) The demands that policy makers choose to or feel compelled to act on, or at least appear to be acting on, constitute the policy agenda” (90). In that sense, each regime identifies the policies that could help them achieve their goals and places them on the agenda. As such, the act of including a potential new law on the agenda is in and of itself an indicator of a leader recognizing its importance. The Velasco and Fujimori regimes advocated for and created film legislation in Peru, while democratic governments (prior to 2019) failed to do so. This indicates that these authoritarian leaders saw film as a tool to advance their objectives in a way that their democratic counterparts did not. As such, whether or not film policy was issued in this context depended more on regime type than regime ideology. However, this second type (ideological leanings) greatly affected the specific kind of policy applied. Thus, the authoritarian-democratic dichotomy prevails over the left-right division when it comes to recognizing film’s importance towards attaining each administration’s broader agenda. It is important to consider that agenda-setting is the first

of five steps commonly identified in the policy-making process that goes from the ideation of a policy to its widespread application or termination - the other four being policy formulation, decision making, implementation and evaluation (Jann and Wegrich 2007, 43). While there are specific characteristics in each stage that will ultimately help define the position in the ideological spectrum of the administration issuing these laws, it is the agenda-setting phase that outlines the path to follow.

The agenda that guides the different policies issued by the regime can either be explicit or hidden. Usually, there is a mixture of both in each piece of legislation. In the case of the two pieces of film legislation studied, Article I is dedicated in both cases to providing the reasoning behind their issuance. This outlines the explicit objective that they are looking to contribute towards, which is the same in both cases: the potential of film to create and strengthen the cultural identity of the country as a whole. In the case of Law 19327, Article I states that its ultimate goal is “the obtention of a true national image and the diffusion of our values”. Similarly, Law 26370 describes film as “a cultural phenomenon, an art and a language of the utmost importance and efficiency towards the affirmation of the country’s cultural identity”. As such, both laws outline the potential for film to help in a process known as nation-building.

Nation-building theory and the position of film within it

The roots of nation-building theory go back to the 1800s with thinkers like John Stuart Mill and his position on cultural assimilation. In *Considerations on Representative Government*, Mill introduces the idea of one nationality “to be merged and absorbed in another” (as cited in Kolsto 2000, 19). Others, like Lord Acton, advocated for cultural diversity within states. Even though their works on the matter are plagued with ideas of “superior” and “inferior” nations – with Mill stating that the former should absorb the latter, and Acton hoping for those that he considered superior to lead the way towards

“civilization” – revisiting some of these statements is still useful. As such, Lord Acton speaks on the benefits of having multiple nations coexisting within the same sovereignty by stating that it “provides against the servility which flourishes under the shadow of a single authority, by balancing interests, multiplying associations, and giving the subject the restraint and support of a combined opinion” (as cited in Kolsto 2000, 20). This statement highlights the importance of coexistence within nations and the detriments of a homogenization process in a country¹. It also brings out the first challenge of nation-building initiatives: the most effective ones are not those that simply impose the dominant worldview and way of life on everyone else, but instead those that manage to construct the idea of a common identity that can coexist with each individual’s particular identities.

The construction of this national sense of self is a complicated effort because, “for each process of centralization, there is a corresponding effort of boundary accentuation, of attempting to preserve peripheral distinctiveness” (Flora, Kuhnle and Urwin 1999, 117). When theorizing on nation-building, political scientist Stein Rokkan distinguishes between the center, which holds power in a country, and the peripheries, which tend to be geographically distant from the center and that, in spite of any existing differences, are still under its control (Flora, Kuhnle, and Urwin 1999, 113). As such, any process that aims to integrate peripheral identities to the central identity will receive backlash if it is perceived as a threat or imposition – reason why it must originate organically. In that regard, Walker Connor, in his 1974 article *Nation Building or Nation Destroying?* states that:

“neither common language, common religion, nor any other shared cultural reservoir within a group qualified as a sign of nationhood. Any such attempt to objectivize the nation

¹ In spite of his advocacy for diversity in society, Lord Acton still held backwards thoughts on the inferiority of certain cultures and identities and the superiority of others. Ultimately, he hoped that diversity and coexistence would allow “inferior races... be raised by learning from intellectually superior nationalities” (Kolsto 20).

was to mistake the cultural manifestations of a nation for its essence” (as cited in Kolsto 2000, 18).

With this in mind, a nation-building process implies the creation of a new identity that includes all different national manifestations within a territory rather than the imposition of any specific identity manifestation to all communities. This makes the task at hand harder, since it is a national *essence* that must be constructed, and this essence is intangible. After all, synthesizing the ideas of Benedict Anderson, “the nation is a product of imagination in the sense that the members of the community don’t know each other personally and can only imagine themselves to be in communion with each other” (Kolsto 2000, 18). By constructing a novel national narrative based on core values, the collective imaginary concept of a nation-state can come into existence and, eventually, start to reproduce organically.

One of the keys to create this sense of commonality across nations within the same state borders is to generate a sense of belonging among people with different identities in a country. Rokkan defines the three key characteristics of peripheries (in relation to the center) to be distance, difference and dependence: “together, the three characteristics of a periphery can interact to generate uncertainty, ambivalence and division within its population. These people are part of a system yet are marginal to it” (Flora, Kuhnle, and Urwin 1999, 115). This perception of marginalization is what a nation-building process – which “covers not only conscious strategies initiated by state leaders but also unplanned societal change” (Kolsto 2000, 16) – must successfully address. To do so, Rokkan proposed a model composed of four pillars: force, law, economy and culture. On this final aspect, he states that “there must be some degree of acceptance of some common culture, whether expressed in linguistic terms, in religious terms, or both” (Flora, Kuhnle, and Urwin 1999, 124). Regardless of the number of impositions that a particular government

at the “center” might apply, this acceptance is only genuine and effective if it comes into existence organically.

From all areas where a government has power (the extent of which will depend on how democratic the regime is), it is the fields of mass media communications and the arts that have the ability of shaping the population’s subconscious. Film is particularly effective, as it can be considered both a mass media tool and an artistic manifestation. Speaking on this dual nature, a UNESCO-published report on the role of film in development authored by filmmaker Peter Hopkinson states that “film, as a medium of entertainment, is now more than a century old. (...) [Developing countries] have turned increasingly to film as a means of supplementing or replacing traditional communication forms” (1971, 11). Thus, upon recognizing this entertainment/communication duality and the effectiveness that it entails when it comes to sending a message across, different regimes are able to use film as a tool for different objectives. When this objective is the unification of the country, it can be stated that “the motion picture can capture forever the dance and drama of a people’s very origins – and preserve them for future generations in spite of their changed environment” (Hopkinson 1971, 11). This understanding of the feature film speaks to its effectiveness as a way of upholding and strengthening the identity of a community. However, when the community in question is the entire population of a heterogeneous state, this common identity most likely does not exist yet. Thus, this identification must be built by creating a narrative that enhances certain aspects of the state that everybody can agree with and feel proud of. With this in mind, “by representing a nation’s history, its interior and exterior (e.g. landscapes, buildings), and its people (e.g. physiognomy, behavior, habits) and their worldviews, film can contribute to citizens’ perception of their own nation and identity” (Van Gorp 2011, 244). The development of this common perception of oneself and of the other allows for unity

between the center and the peripheries, as well as across peripheries, which in turn lead to more peaceful relationships. This makes governance easier, as internal conflicts between regions are avoided.

It is thus evident that coexistence between the center and the peripheries must be at the forefront of any attempt at constructing a common national narrative. For that purpose, a process that philosopher Maduabuchi Dukor proposes for Nigeria could be generalized to other settings where multiple races, ethnicities or identities coexist. This system is called Acculturation, Democracy, Ideology, Secularism and Patriotism (ADISP) (Dukor 2015, 172). It is in the areas of acculturation and ideology that film can play a part on the nation-constructing efforts. Acculturation “is defined as a process of intercultural borrowings marked by continuous transmission of traits and elements among diverse peoples, resulting in a new and blended pattern. It is a synthesis of diversities into unity” (Dukor 2015, 172-173). The first point to highlight is that, unlike what Mill or Lord Acton theorized, the objective here is not assimilation, but rather an exchange that results in a national identity that finds commonalities across all particular identifications and that, therefore, all citizens can get behind. Film can help strengthen this factor through the exposure of different subgroups within a country to the specific cultures and realities of other groups – and the acknowledgement from all parties involved that they share a national territory.

This works both ways. Unlike assimilation efforts, which would involve – using Rokkan’s terminology – the center using film to spread their cultural manifestations to the peripheries, this model proposes it should work the other way around as well. This presents a particular challenge as the center tends to be the country’s main economic force, which allows for more film productions. Government policies to enhance the creation of content in the peripheries is, thus, needed. This direct participation from the

communities that tend to be marginalized from the system allows for the building of smoother government-governed relationships. On this matter,

“communities where citizens are more involved in cultural and other civic organizations have higher levels of *social capital*, which results in more effective levels of governance. This is because of the social networks and the norms of reciprocity and trustworthiness that develop when people are involved in cultural activities” (Putnam, as cited in Yu 2010).

Considering that there tends to be a concentration of resources and necessary technical knowledge in the center, the filmmaking process in the peripheries in and of itself allows for enriching interactions and collaboration between people with differing identities but who inhabit the same country. These exchanges also add to the acculturation process as they happen in a setting where all participants involved share a common goal.

The other factor of this system where film can be helpful is ideology, which “mirrors a people’s thinking attitude and ideals in relation to the universe. It is the spirit of a nation” (Dukor 2015, 173). Walker Connor points to a sense of common ancestry as the center of nationhood (as cited in Kolsto 2000, 18). However, rather than the actual genetic connection to a specific society of the past (factor which would always exclude a portion of the population), it is certain core values which said past society held that should be at the center of this national ideology. With this, it is no longer a matter of whether a person belongs to a group or not. Instead, if they identify with these values, then they have a space in this new nation. Especially in countries that were once former colonies and where indigenous communities with non-Western worldviews that date back to pre-colonial times still abound, a major divide has arisen through the years. With the aforementioned principle of acculturation in mind, film can tell stories that, at their core, draw from both sides and merge them to create a new way of seeing the world that is uniquely national. Ultimately, a successful nation-building ideology will be able to go

over *physical* common ancestry and build an *imaginary* one based on the values of those originally from the territories the country is in, but which ultimately apply for all who consider themselves part of the state – from the person whose ancestral roots can be dated by centuries to the land they inhabit to the first-generation immigrant.

One final pillar of the Dukor system, patriotism, tends to be what film is most used for when used as a government tool for nation-building and/or strengthening. For instance, in early 2000s post-Soviet Russia, under the administration of newly-elected President Vladimir Putin, a number of initiatives – from funding to thematic film festivals – were put into place to promote the creation and distribution of films about the Second World War. As communications studies expert Jasmijn Van Gorp points out, “Russian national pride is epitomized above all else by the Second World War, referred to in Russian as the Great Patriotic War (...). The victory over Nazi Germany, although strictly speaking a Soviet one, makes [it] a war never to be forgotten” (2011, 247). The purpose of the promotion of these films, then, was the enhancement of patriotic sentiment over an event from which the country emerged glorious. However, Dukor’s analysis of patriotism suggests that such an approach may not be particularly effective. He states that “if patriotism is love of, and devotion to, one’s country or fatherland, then it is a state of mind, and this state of mind must be subject to socioeconomic conditions, conceptually and existentially created by the state or government” (2015, 174). Regardless of the amount and the quality of the films that governments may promote as a way to exalt a country’s past, these manifestations of national glory will not serve much if citizens feel left behind by a state that does not attend their needs. For that reason, it is films that focus on the present state of the country that must be prioritized. As such, those projects that acknowledge the country’s current circumstances and manage to create a sense of national pride in spite of them will have a more lasting effect than those that focus on the past.

The theory examined above is helpful to outline the way in which film can be incorporated into general nation building efforts. However, the circumstances in which these guidelines are applied will determine the specific measures to be applied - and also their degree of success. Having established the way in which film can be used as a tool to shape the way citizens of a country perceive themselves as part of a nation, it is important to now specify the components of the *ideal* nation that each of the Peruvian authoritarian regimes that pushed film legislation were trying to construct.

The Desired Nation: Juan Velasco Alvarado (1968-1975)

Juan Velasco Alvarado's Revolutionary Government of the Armed Forces was a regime that aimed to generate the systemic transformation of the country that democratically elected leaders had previously promised to deliver but had been unable to. In 1963, when Velasco was an official of the Armed Forces, Fernando Belaúnde Terry was elected President of Peru, running on a progressive platform along with his party, *Acción Popular*. As part of his program, he started applying certain measures to satisfy electoral promises like, for instance, issuing a first law of agrarian reform (which did not get rid of latifundia²). However, "by 1967, inflation and devaluation as the result of budgetary problems meant a loss of support for *Acción Popular*" (Johnson 1972, 297). Additionally, a major problem arose during negotiations to deal with the *La Brea y Pariñas* issue. *La Brea y Pariñas* was an industrial complex in Talara, Piura, which dealt with the extraction and processing of petroleum, activities that had been in hands of the International Petroleum Company (IPC) – of American ownership – since the 1920s through a very unpopular agreement. One of the Belaúnde electoral promises was to

² A latifundium is defined as a "great landed estate with primitive agriculture and labor often in a state of partial servitude" (Merriam-Webster). In countries where agriculture was one of the main economic activities, this system of land possession meant that a few families owned millions of hectares of land, allowing them to control the economy, while leaving thousands of rural workers in precarious conditions.

renegotiate it. The resulting resolution, the 1968 Talara Act, stated that the oilfields (and with it, extraction) would go back to the state's entity (*Empresa Petrolera Fiscal* – EPF), while IPC would stay in control of the Talara refinery and the distribution system. This turned into a crisis however, after the director of EPF revealed that a page from the contract to be signed with the megacorporation establishing sale prices, page eleven, was missing. Although the content of the page was unknown, it was enough for those opposing the government's handling of the situation - including Velasco³ - to accuse the Belaúnde administration of giving away Peru's sovereignty over its resources through unspoken agreements. It is amidst these circumstances that, on October 3rd, 1968, General Velasco staged a coup and became Peru's de facto leader⁴.

Without the democratic institutions that tend to reflect the plurality of opinions among citizens, the self-appointed Revolutionary Government started applying a series of measures that fell in line with their rhetoric of drastic change to start working towards building the nation they considered best. These policies were guided by the *Plan Inca*, a guiding document that outlined the current conditions, objectives and actions for different fields. While this document was released to the public in 1974, it was written prior to the 1968 coup, meaning that it was the guiding pillar of the Revolution from the start. In this document, as well as in various other statements, Velasco continuously stated that the regime that he had imposed was neither a right-wing nor a left-wing government, but a unique, purely national alternative to those. In Chapter A, which outlined the objectives of the regime, it is stated that “this revolution will be nationalist, independent, and

³ This position is reflected in a speech given hours after his expropriation of the entire complex, in which he stated that the La Brea y Pariñas case as “a chapter of reproach and shame, as it represents an insult to the dignity, honor and sovereignty of the nation” (Velasco Alvarado 1968).

⁴ While these were the motives cited by Velasco and the Armed Forces that backed his coup, there was also a political undertone beneath the surface— the divisions within *Acción Popular* made it very likely for the opposition party, *APRA*, to win the upcoming elections. At this point, *APRA* and the military were historical opponents. (Johnson 1972, 297).

humanist. It will not obey schemes or dogmas. It will only respond to Peruvian reality” (Plan Inca 1974).

Despite not self-aligning with any specific ideology, the measures taken by the regime can be easily identified as leftist policies. Economically, the nation that Velasco aimed to build was one in which the government was heavily involved in the economy. According to Velasco’s rhetoric, this was meant to ensure national sovereignty over the country’s resources. As such, the first measure taken by the regime, in direct response to the Page Eleven scandal, was the annulment of the Talara Act, occupation of the *La Brea y Pariñas* industrial complex and expropriation of IPC’s goods, all this in pursuit of the objective outlined in Chapter B, Section 1 of the Plan, dedicated exclusively to petroleum, for the state to be fully and exclusively in charge of all phases of oil activity. When this expropriation took place, a few days after his rise to power, Velasco gave a speech stating that “this act [the expropriation] marks the beginning of a phase of revindication of our sovereignty and dignity” (1968). This goal of regaining popular sovereignty over the country’s output – that was meant to be for all and not just the elites – tied in with the social goal of empowering the working-class majority and putting them at the center of a society that had historically marginalized them. The clearest example of a measure meant to achieve this socio-economic aspiration is the Law of Agrarian Reform issued by the regime. Given their dissatisfaction with Belaúnde’s agrarian reform law, they issued one that was much more drastic, dismantling big estates by expropriating land from the *latifundistas* and redistributing it to agrarian workers. This reform also “fomented the creation of cooperatives that benefitted a fourth of the agrarian population. With expropriation, land was adjudicated to campesino enterprises, like the Agrarian Cooperatives of Production [*Cooperativas Agrarias de Producción*] and the Agricultural Societies of Social Interest [*Sociedades Agrícolas de Interés Social*]” (Nercesian 2017,

22-23). On a speech delivered on the day the law was issued, Velasco announced that “from this day, the Peruvian campesino will truly be a free citizen in a nation that recognizes his right to the fruit of the land he works, and in which there is justice in a society in which he will never again be a diminished man, to be exploited by another man” (1969). This statement clearly reflects the nation that, through these redistributive economic policies, the regime aimed to construct.

Not all measures or goals, however, had an economic undertone in mind: other policies were implemented with a purely social outcome in mind. In Article 2 of the Revolutionary Statute – the first law issued by the de facto regime on the day of the coup – one of the objectives outlined is “to promote union, concord, and integration among Peruvians, strengthening national conscience” (Ley 17063). Measures like making Quechua (Peru’s main and most widespread indigenous language) one of the country’s official languages along with Spanish had this purpose of unifying without uniformizing, taking diversity among communities (in this case, regarding language) into account in the construction of this national conscience. It is in these lines that film policy becomes an important measure implemented by the regime, as a way to push the creation of narratives that reflect the different realities of the country, with their specific struggles, cultural manifestations, among other distinctions, as a way to reshape what defined being Peruvian in a way that could include everyone. This process of transformation went on until August 29th, 1975, when Velasco’s Prime Minister, Francisco Morales Bermúdez, staged a coup and took him out of power. This would mark the beginning of the second phase of the Revolutionary Government, which would end five years later, when democratic elections were once again held.

The Desired Nation: Alberto Fujimori (1990-2000)

Ten years after the end of the Revolutionary Government of the Armed Forces, the 1990 election cycle began. Alberto Fujimori, an engineer, emerged as an outsider in a process where the two candidates that were considered to be the ones most likely to win (Mario Vargas Llosa, candidate for FREDEMO, and Luis Alva Castro, from APRA⁵) had major popularity issues. In the case of Vargas Llosa, his proposed policies “did not hide that the defended modernity would have its costs and, among the marginalized and excluded would be important sectors of the middle and working class. The improvement of life conditions of these groups could only result in the long-term, when the irreversible proposed change starts to show results” (Grompone 1990, 183). On the other hand, Alva Castro’s main issue was the performance of his party as the governing party between 1985 and 1990, with Alan García as President. At this time, the country went into its most dramatic economic crisis, with hyperinflation because of populist economic policies. As a result, neither candidate had strong voter support. It is in this context that Fujimori and his party, *Cambio 90*, rose quickly and unexpectedly. In a span of two weeks, Fujimori went from barely surpassing 1% to contending for the first place with Vargas Llosa (Grompone 1990, 177). This sudden rise was enough for him to snatch the second place in the first round of elections from Alva Castro, sending him to a runoff with Vargas Llosa. In this second phase, Fujimori’s centrist appeal, as opposed to the author’s unapologetic right-wing stances, managed to capture the votes from the left and from APRA sympathizers (historically a center-left party), giving him enough support to win the election with 62.32% of the votes.

⁵ The left, which was represented by two parties in this election cycle, never got to be a truly significant contender.

Once in office, however, Fujimori decided to enact his true vision of what the country should be like. Economically, this meant a shift from his centrist proposals to the implementation of drastic neoliberal policies – like those that Vargas Llosa was championing during the election cycle – meant to fix the hyperinflation generated by the previous regime. This led to a package of austerity measures, popularly known as the “Fuji-shock”. In a New York Times article from days after the announcement of these measures, the policies and its effects are adequately summarized:

“To close a gaping Government deficit left by Alan Garcia, the departing President, the new Government has lifted subsidies, removed many price controls and allowed the inti to float against the dollar. The result has been traumatic in a nation where the minimum monthly wage is \$15. Overnight, prices of bread and milk tripled. The cost of noodles and newspapers quadrupled. And the price of cooking gas increased 25-fold. The aim is for inflation to stabilize after the initial shock.” (Brooke 1990, 15)

The economic crisis that the García regime had left the country in, while a big challenge to deal with, was also seen by the Fujimori regime as an opportunity for bigger economic reforms that transcended the efforts to deflate the economy. As such, “the government tried to end once and for all the business models established in the late sixties and early seventies by General Juan Velasco. In the mind of business leaders, the pendulum had to be sent as far as possible in the other direction, especially in regard to labor relations and state property” (Iguíñiz 2000, 20). As such, a staple of the Fujimori regime during his ten years in power would be the undoing of some of the main reforms of the Velasco years in favor of liberalism and reduced government intervention.

From a social standpoint, Fujimori rose to power in tumultuous times for the country, with two terrorist organizations – the Shining Path and *Movimiento Revolucionario Túpac Amaru* (MRTA) – perpetrating attacks against civilians in an attempt to take control of the country. As such, the priority of the Fujimori administration

was to restore law and order at any cost. Thus, a nation safe from the terrorist threat was the nation envisioned by him. It is under this excuse, however, that the regime started engaging in undemocratic practices. The first one of such practices was the shutdown of Congress on April 5, 1992, enacting a self-coup. During his first years in power, Fujimori constantly clashed with Congress⁶ on the agendas that he planned to enact regarding security and neoliberal economics. As the 1979 Constitution gave Congress several ways of restricting Presidential power, a legislative majority - which he did not have - was needed if significant reforms were to be pushed through (McNulty 2006, 213). It is in this context that he dissolved Congress and the judiciary, assuming both powers. Article 2 of Law 25418, which officialized this move, states several goals, including the modification of the Constitution, “guaranteeing the application of drastic sanctions to terrorists” and “promoting the development of a market economy within a legal framework which gives security and promotes efficiency and competitiveness of economic agents.”

Similarly, still under the justification of defeating the terrorist threat and building a safe nation, the Fujimori administration led a series of intelligence operations aimed at getting the heads of these organizations. These operations, however, did not distinguish between civilians and insurgents. The two most notable cases were the *Barrios Altos* (1991) and the *La Cantuta* (1992) massacres. These were two different instances in which a government-led paramilitary group – the *Grupo Colina* – infiltrated a civilian space (in the case of Barrios Altos, a house party, and in the case of La Cantuta, a public university). Wrongfully thinking that the people in these spaces were terrorists, this group indiscriminately shot at or kidnapped several civilians. These events showcase the use of state violence to maintain a sense of law and order at the expense of innocent lives.

⁶ The composition of Congress was determined by the outcomes of the first round of elections, in which Fujimori’s party ended up second.

Furthermore, the concept of “Death is part of War” was a key pillar of Fujimori’s ideological apparatus: these deaths, while tragic, were portrayed as an unavoidable side effect of counterterrorism efforts (Almeida Goshi 2017, 50-51). As such, the country that Fujimori wanted to build was one in which some lives were expendable for the sake of order⁷.

Arguing how detrimental to the country it would be to not continue with the economic and security agendas that he had started implementing in his first regime, Fujimori further put on display his authoritarian nature by attempting multiple reelections. The first one, in 1995, happened after a Constitutional Assembly (with ample majority of members of his party, after multiple other parties decided not to participate in it as a way to not give it legitimacy) drafted a new constitution which – unlike the previous one – allowed for a single presidential reelection. He won his reelection bid and, in 2000, he would try to stay in power for yet another term. This was done after Congress passed Law 26657 – Law of Authentic Interpretation. This law established that “the election of Fujimori in 1990 was done under the rule of the Constitution of 1979, reason why it should not be counted toward the consideration of the reelection permitted by the Constitution of 1993.” (Inter-American Commission on Human Rights 2000). With this logic, his election in 1995 would count as his first election, allowing him to be reelected in 2000. When the Constitutional Tribunal ruled against this law and against Fujimori’s new reelection bid, he removed the three judges that signed this resolution (Inter-American Commission on Human Rights 2000). Thus, he ran once again and once again was declared winner, but this time allegations of fraudulence were too strong. Nationwide

⁷ Other human rights violations during the Fujimori administration were linked to his neoliberal agenda. The most prominent case is the Law of Family Planification. This law was meant to reduce the number of children poor women had, as a way to alleviate the economic burden this entails. However, it led to thousands of forced sterilizations of indigenous women.

demonstrations against his regime were conducted in what was denominated the *Marcha de los 4 Suyos*⁸. The massive outpouring of people in direct rejection of the Fujimori regime made him flee the country while he was on an official trip as President, on November 13th, 2000. On the 19th, he sent his resignation via fax from Japan.

Nation Building as a Pillar of Peruvian Film Policy

In writing, both Velasco's Law 19327 and Fujimori's Law 26370 had as their main objective the increase and improvement of the cultural output of the country as a way of solidifying national identity. As such, they both acknowledged that film "may be regarded as part of a state's ideological apparatus, in the sense that they contribute to the process of naturalizing certain values, beliefs and representations of the nation into a *common sense*" (Van Gorp 2011, 244). Their approaches toward this acknowledgement, however, differed. Fujimori's is more general, stating in Article I of Law 26370 that "film [is] a cultural phenomenon, an art and a language of major importance and efficiency toward the affirmation of the cultural identity of the country." Velasco, on the other hand, went a step further. Not only did he recognize this importance, but it became central to the policy. Chapter I, Article I of Law 19327, states that the promotion of artistic expressions comes "with preference for [those that address] issues central to the Peruvian problematic, towards attaining the true national image and the diffusion of its values." The phrasing in Velasco's law makes it evident that a certain narrative – one that the government considered as reflective of the reality of the country as a whole – would be prioritized when selecting which projects would be supported. This also falls in line with the aforementioned objective stated in Article 2 of the Revolutionary Statute of unifying the country and building a national conscience. Consequently, by aiding films "that tie in

⁸ The 4 suyos were the political divisions of the Inca empire, the main empire of South America prior to the arrival of the Spaniards.

with the governing principles, the state can (try to) control the creation of a common sense and maintain hegemony” (Van Gorp 2011, 245).

On the other hand, even though efforts to build a national identity by the Fujimori administration were mentioned when outlining the objectives of the law that the regime passed, this was not a priority to this government as it was not such an important part of the nation that Fujimori wanted to build. Instead, as part of its right-wing agenda for the country, he aimed to build a nation based on the values of neoliberalism and freedom of enterprise. The regulatory policies implemented by Velasco in the film industry as well as in multiple other areas did not fit into the vision of the country Fujimori was trying to build. For that reason, he overruled Law 19327 and implemented what Theodore Lowi would classify as purely distributive policies, marking the birth of Law 26370, which was the film law in place in Peru until 2019. Using Schnitmann’s typology which is more specific to film legislation, while Velasco considered a few policies aimed at funding projects, reason for which his overall approach to film legislation could be deemed as mostly restrictive but somewhat comprehensive, Fujimori did not enact any policy that would affect the free market. For instance, in contrast to the mandatory exhibition program enacted by Law 19327, Chapter V of Law 26370 states that if a Peruvian film qualifies as being “of cultural interest” (qualification which, as per Article 17, is determined by a Working Commission⁹), it could become part of the state’s distribution and exhibition program. If a film is part of this program and there are problems with exhibitors, articles 45-47 outline the protocols for negotiations between CONACINE, on behalf of the team behind the film, and exhibitors. Thus, the Fujimori regime was focused on making all aid toward the national film industry – from the conception of a film to its

⁹ *Comisión de Trabajo*

exhibition – business-friendly and based on conciliation with private investors instead of imposition.

Even though it was two authoritarian regimes that made the biggest advancements in film policies in modern-day Peru until quite recently, it is worth mentioning that contemporary democratic regimes share the common pursuit of building the national identity through film – but the way they approach said construction differs. Nowadays, the government division overseeing film – known as the *Dirección del Audiovisual, la Fonografía y los Nuevos Medios* (DAFO) – has been under the Ministry of Culture since its creation in 2010. As such, their objectives are aligned with the general strategic objectives of the Ministry as a whole. In the 2017-2021 *Plan Estratégico Sectorial Multianual* (Multiannual Strategic Sectoral Plan - PESEM), three main strategic objectives were outlined: one of them is to “consolidate culture as a pillar of development and national identity” (Ministerio de Cultura 2017). As such, film policies – including a new film law issued in 2019, Executive Decree 022-2019, which replaced previous legislation from the Fujimori era¹⁰ – are part of the efforts toward this construction of a common Peruvian identity.

This is not, however, achieved by giving specific preferences to certain themes over others when giving the necessary government support. Instead, DAFO director Pierre Vandoorne Romero explains that there are additional programs that encourage different elements of the national identity to be present in film – both in its content and its production process: “there are affirmative action programs linked with levelling up the possibility of access to people who speak different languages, or to cater to the cultural consumption needs of diverse sectors of the population” (2020). To provide an example,

¹⁰ It is to be noted that a 2012 law, Law 29919, modified some articles of Law 26370, but it was not until the 2019 Executive Decree that the law was fully replaced by a new one.

Article 8 of the Executive Decree outlines that “between 30 and 40 percent of all resources established in Article 9 [which outlines economic stimulus] are reserved exclusively for submissions and projects from different regions of the country excluding Lima Metropolitana [capital city] and Callao” (Decreto de Urgencia N°022-2019). The specific type of fiction is not regulated – instead, the main focus are aspects like the place of origin of the project or its language as a way “to ensure the cultural rights of our fellow citizens who speak these languages as their mother tongue” (Vandoorne Romero 2020) and, in general, contribute towards decentralization efforts. This way, the government can continue working toward the construction of a national identity that is inclusive of all communities within the country regardless of languages, ethnic descent, among many other potential distinctions, but without telling filmmakers what to create or what societal issues to highlight, if any. This also ensures a plurality of narratives.

As important as nation-building efforts can be toward the objectives of a specific regime, it must be considered that “cultural policies are never simply a question of “defending” a national identity or “supporting” certain forms of cultural production” (Johnson 1996, 134). As such, film laws – regardless of whether they are in a democracy or in an authoritarian regime – must be understood as part of a greater agenda that a particular leader or administration has not only for the country, but for the government itself. In that sense, ideology and regime type will influence the type of support that each government gives to domestic filmmaking, and will also affect the implementation of the policy depending on what each leader aimed to achieve. As such, the ulterior motives behind the passing and the execution of the law should also be analyzed.

The Politics behind it: Film legislation and the non-explicit motives of the Velasco Alvarado and Fujimori regimes

In line with what is expected from an authoritarian left-wing regime, Velasco Alvarado primarily pushed regulatory policies in different realms, including film in the form of the screen quotas implemented. However, the regulatory aspect of it impacted movie exhibitors, not creators. In theory, all projects - regardless of ideological stance - had an equal chance of participating in this program. While there was a prioritization for narratives that built national identity, there was no explicit specifications in the law on what building national identity looked like. However, in practice, “COPROCI accepted all short films they laid their eyes on, as long as they held the revolutionary thinking of the regime and was demanding only with those films that held contents that were critical of it” (Fernández Trujillo 2003, 57). To put it into perspective, from the eleven short films approved for mandatory exhibition in 1973, five highlighted achievements of the revolutionary government and the other six touched historical, biographic, or touristic subjects (Núñez Gorriti 2015, 9). While the first group of films helped to enhance the image of the revolutionary government itself, the second also contributed to the nation-building efforts of the regime¹¹.

The mandatory exhibition program was part of a bigger set of protectionist measures, which also included some that could be considered supportive policies, including taxation benefits. For instance, Chapter II, Article 12 of Law 19327 outlined financing facilities to film production companies. However, aid predominantly came from policies within the first category to make the domestic market consume more locally

¹¹ All three subjects of short films fit in Van Gorp’s description of nation-building films: “by representing a nation’s history, its interiors and exteriors (e.g. landscapes, buildings), and its people (e.g. physiognomy, behavior, habits) and their worldviews, film can contribute to citizens’ perception of their own nation and identity.” (2011, 244)

produced films. Thus, Velasco's general approach to film could be deemed as comprehensive (since there is a mix of supportive and restrictive policies), but with a certain preference for restrictions – being particularly demanding with those films that did not really fit the revolutionary agenda¹². This way, even if not directly censoring narratives, the regime still managed to have major control over what reached a significant number of citizens and what did not.

The film legislation applied by Velasco also went hand in hand with the general economic vision of the regime, which aimed to apply protectionist measures to achieve import-substitution industrialization goals, objectives which, at the time, were supported by the Economic Commission for Latin America and the Caribbean - ECLAC. As such, film promotion “had to reflect itself on an increase in national production able to replace, in the medium term, a percentage of foreign films, particularly North American, that were exhibited in the country's movie screens” (Bedoya 2016, 164). It is important to note that, even though there was some support for feature length motion pictures from the start, achieving these import-substitution goals required generating revenue at a relatively fast speed that would allow for reinvestment in bigger, more ambitious productions. For that reason, the government focused its efforts on the creation and exhibition of short films, which were cheaper to make and thus faster to generate a profit. However, “the economic crisis of the seventies raised considerably the costs of production of feature length motion pictures, making it impossible for the capitalization generated by the mandatory exhibition of short films to allow the financing of bigger projects” (Bedoya 2016, 168). This was also partially generated by the low quality of most short films participating in

¹² Not qualifying for the screen quota program did not mean the film was prohibited from being exhibited, but it would have to compete side-by-side with imported films for fewer screens (since some of them were taken by those films that did qualify). National films that were not part of this program were unable to compete on these grounds with international imports and were thus doomed to failure.

the program, which deterred audiences from purchasing tickets to attend the screenings. Nevertheless, the law did have a significant effect on the number of films being created in the country and the people hired in the field. In the 20 years the law was in place (1972-1992), 1245 films obtained the Certificate of Mandatory Exhibition and Distribution, a number never before seen in the level of film production output, with 246 new directors stemming out of it, as well as hundreds of professionals in other fields within the industry (Núñez Gorriti 2015, 5).

This legislation also fits in with the way Velasco's regime aimed to be perceived. As he put it in a 1969 speech after issuing the Law for Agrarian Reform, "conducting the transformation of this country provides the historical justification for an Armed Forces government." The Revolutionary Government acknowledged its undemocratic nature. As such, they did not hesitate on implementing the measures they considered necessary for the country, regardless of whether there was a large level of consensus or not. In that sense, the building of a national identity based on their agenda was one of the regime's objectives, which led to a film law that prioritized considerable amounts of exhibition time for the content deemed appropriate at the expense of private interests of exhibitors as business owners. This, however, generated a first significant issue with this policy – the willingness of exhibitors to collaborate with the goals of the regime. This law was perceived as an unwanted imposition, so "exhibitors premiered the Peruvian film to avoid non-compliance with the law and the consequent sanctions, but it turned into an uncomfortable presence in the programming and was taken down after the mandatory week" (Bedoya 2016, 168). The restrictive nature of the law made exhibitors meet the bare minimum standards to be compliant and nothing more. In that sense, this policy allowed for the films (both short and feature length) to get more exposure than they probably would have otherwise. However, the fact that they could be easily taken down

in a week if they were not considered to be profitable by the exhibitors made the mandatory exhibition regime insufficient on making films successfully reach an important number of people or generate enough profit to make the national industry grow. Additionally, the issue of audience retention – whether people actually paid attention to what was on screen, pivotal to ultimately send the message that will start building the desired idea of a nation – persisted.

Film, however, should be understood not only as a storytelling technique with cultural value. Instead, one must also acknowledge that “states believe there must be a national cinema (...) because it is a mass media communications tool that has an impact in large numbers of the population” (Vandoorne Romero 2020). Velasco was no different, and even though Law 19327 addresses film as a cultural output and a way of generating jobs, other laws – specifically those outlining the entities in charge of regulating film content being produced – indicate that the regime saw filmmaking as a tool to spread the information and the vision of the country that they considered appropriate. The clearest evidence of this can be found in Law 20550, which creates the *Sistema Nacional de Información* (National System of Information – SNI). This system had among its objectives to “make sure that the content spread by the mediums of collective communication are at the service of the culture, education and entertainment of the Peruvian person, to stimulate the development of their creative and critical capacity” (Article 2, Sub-section b). In that sense, the regime aligned all mass media tools that they considered necessary toward this goal and included them in a unitary program that would control them all, putting them under the *Oficina Central de Información* (Central Office of Information - OCI), head organism of the system. Film was included, along with radio, television, newspapers and advertising, as part of the communication tools that were to be controlled by this office. As such, Article 29 determined that the *Junta de*

Supervigilancia de Películas (Film Oversight Junta) would fall under the direct control of the head of the OCI. This junta's main role, as outlined in Article I of Law 20574, dedicated exclusively to outlining its roles, was to "classify film pieces and authorize their exhibition in all the country". As such, this junta acted as a first filter, censoring those pieces - domestic or foreign - that were unacceptable for the regime. After this, the second filter - for locally made films only - was the qualification for the distribution and exhibition program. Only after successfully passing both filters could a Peruvian film be benefitted by the legislation and get major exposure.

It is important to point out that Velasco had included communications in Section 14 of the *Plan Inca*. Although there are no explicit mentions of film in this document, the objective for this field is to "develop, under control of the state, a communications system that ensures the socio-economic development of the country, contributes to integration, and guarantees national defense." Additionally, Action 3 outlines "integrating public telecommunication services into a single national system, efficient, safe and economic, of exclusive property of the state and which reaches all the national territory." The SNI would be the system which aimed to achieve this goal. The fact that film creation and supervision fall under this umbrella organization, thus, shows the importance of the medium for the regime from a communication point of view.

Fujimori, on the other hand, issued film legislation that, using Schmitman's classification, would be considered as exclusively supportive (or, using Lowi's, exclusively distributive), given that it involves directing government funds towards the fostering of private endeavors (in this case, private filmmaking) without really interfering with the free market through restrictions. This falls in line with the democratic image that the regime wanted to give to the international community. Even though Fujimori was originally the winner in free and fair elections, his reputation abroad was severely

damaged after the 1992 self-coup, after which Fujimori started being perceived outside of the country as an authoritarian leader. It is important to note that this perception, although shared by a certain group of the population, was not of major concern to domestic citizens (after all, they ended up electing him for a second term in 1995). Foreign newspapers, however, started citing the shutdown of Congress as a suspension or suppression of democracy (New York Times, El País as cited in Redacción RPP 2019) and even a civil dictatorship (La Época as cited in Redacción RPP 2019). Fujimori, however, insisted that the coup was a necessary measure for governability and that, other than that, he held democratic values in the highest regard. To this, however, other major events, like the Barrios Altos and La Cantuta massacres, kept adding to the administration's image of a non-democratic regime by bringing up major concerns of human rights violations. This all tainted his reputation, which was concerning to him not because of "academic concerns, but because [democracy] was assumed as a key condition to face the potential diplomatic isolation and threats of economic sanctions from the international community as a result of the self-coup" (González González 2006, 121-122). Upon seeing his achievements in the economic field endangered by the way he handled different events, building a democratic facade became a key interest. As such, his shift from the mostly regulatory policies he inherited from the Velasco years to fully distributive ones can be interpreted as part of a greater attempt at rebuilding foreign trust on his commitment to democracy.

Law 26370, as the law issued to replace Law 19327, fits right into this larger plan to make Fujimori's government seem democratic and gain legitimacy. On the one hand, from a social standpoint, the alterations made to the law seem to be a democratic way of determining what narratives receive support, as this is determined through relatively objective parameters and by a jury that is not fully composed by government officials.

This means that, at least on paper, differing voices would all have the same chance. Additionally, Law 26370 eliminates the distinction made in Chapter I, Article I from Law 19327 stating the type of narratives that would be prioritized. This elimination of preference, in theory, ensures the democratic practice of “neutrality of the state” in products that apply to receive government aid. This neutrality implies that “there are principles like freedom of speech, which are fundamental and constitutional rights (...) and, when it comes to people’s creations, they must be free and with no state pressure or interference. In that sense, there is no conditioning of the subject matter [of a production]” (Vandoorne Romero 2020). With this in mind, the law of the Fujimori regime can be framed as a more democratic one – which ultimately helps his image. On the other hand, from an economic point of view, changing a policy that imposed restrictions and regulations to businesses for one that appeals to negotiation, allowing them to have a much more powerful say on what films to show depending on what the market demands, can also be considered a fairly democratic practice. This last point, however, misses one important factor, which is the fact that:

“Rationales for state cultural policies are often cast in terms of the notion that culture as an integral part of development and that as the ultimate guarantor of a nation’s cultural unity and identity, the state has a legitimate responsibility to protect society’s cultural memory and heritage, to defend its cultural values, to stimulate cultural production, and to ensure that culture is not defined exclusively by market criteria.” (Johnson 1996, 134)

As mentioned before, market criteria would overwhelmingly support North American imports over local productions. Thus, the whole logic behind these policies – at least in writing, as stated in Article I of Law 26370 – would be missed if the cultural output is unable to reach audiences on a widespread scale.

As these intentions are never stated in the law, drawing parallels to similar regimes in other countries or regions is helpful to start understanding how film support can help a

regime improve their international image. It is important to note that Fujimori's film law was issued in 1995 shortly after his first re-election attempt, which he won amidst controversies of voter fraud¹³ (and which he was only able to participate in as a result of constitutional changes that followed the self-coup) – so the democratic legitimacy of the government was, at this point, already debatable. An effective example of another Latin American authoritarian regime from which parallels to the Fujimori regime can be drawn is the Onganía dictatorship (1966-1970) in Argentina. An extremely repressive right-wing regime, it organized the Mar del Plata International Film Festival. Among other interesting details about this event, it allowed Eastern European films, then either part of or under the sphere of influence of the communist Soviet Union, to compete, even as the government banned any potentially Marxist content domestically. Scholars state that this was done “as a medium to promote international relations with European and other American countries, as well as improve the concept of the dictatorship abroad” (Ramírez Llorens 2019, 142). Similarly, in Franco's Spain, the period between 1962 and 1969, known as the period of *apertura* or cultural opening, was characterized by significant changes in the government support received for the national film industry. As such:

“he [José María García Escudero, General Director of Cinema during the *apertura* years] considerably expanded the government subvention system, not only increasing the amount of the grants but also changing the basis of selection from political issues of “National Interest” to aesthetic concerns of “Special Interest”. (...) [measures that] proved to be an effective vehicle for liberalizing Spain's image abroad, especially through innovative, award-winning works.” (Kinder 1993, 4)

As mentioned earlier, one of Fujimori's main goals was to work toward making economic neoliberalism stronger in Peru. Part of the efforts to solidify that image of a country that follows free market principles was getting rid of policies like the film laws implemented

¹³ Although it raised suspicions at the time, it was ultimately determined by independent analysts that the elections were not rigged and he had in fact won a majority of the vote.

by Velasco Alvarado that explicitly prioritized certain narratives and imposed direct restrictions on certain businesses. Instead, government aid that is more competition-based and which does not obstruct private ventures help towards that liberalization of the country's image. As these more laissez-faire policies are many times perceived as fairer than the other alternatives, this was potentially aimed to help build back up the democratic perception of the regime abroad.

Additionally, studying the way Law 26370 was implemented also helps to further reveal its true intent. This is because in practice, the law supported the industry much less than what it was supposed to. For instance, in July 1996, "the President conferred only 500 thousand soles (of the two million dollars assigned)¹⁴ for CONACINE to conduct its activities. It still called for entries to the contest in spite of the economic resources being insufficient" (Bedoya 2016, 217). This shows the lack of importance that the Fujimori regime actually gave to this law. Instead, what was a more pressing part of the agenda was the direct opposition of everything that Velasco stood for. As such, it was the act of overturning the previous film law that was more important than creating a new effective one.

It is important to note that the very existence of Law 26370 was a result of the initiative not of the government itself, but of the organized industry members that required some sort of legislation to help them create: "it was the sector itself, the guilds, the associations, the filmmaker collectives who impulsed, stood for and acted as advocacy groups pushing for better normatives" (Vandoorne Romero 2020). If laws are to be understood as Lowi describes them when stating that "the making of a real law (as

¹⁴ For reference, in July 1996, one US dollar was worth 2.45 Peruvian soles (SUNAT). This means that approximately 204 082 dollars were actually given to CONACINE from the original 2 million budget, or 10.2%.

contrasted with a policy-without-law) is an act of setting a public morality upon some action or status hitherto considered private” (1972, 308), a right-wing leader that is very cautious of not interfering with private endeavors and the market would not usually issue a law for a non-public industry like film. As such, it was thanks to work from industry members who demanded some sort of support after the elimination of Law 19327 that the passing of a new law was achieved. In that same vein, as the members of the commissions that designated the winners of the contest were private individuals that were part of the filmmaking community (as established in Articles 16 and 17 of the law), they still tried to make the contest work even when the government gave CONACINE less money than what was budgeted. The very limited implementation of the law indicates a lack of commitment from the regime to actually contribute to the advancement of the industry - so it was ultimately thanks to the work from the industry members themselves that some progress was achieved during these years.

Concluding Remarks

Regime type and regime ideology are the two defining factors in the existence and the traits of the film legislation issued in the second half of the 20th century in Peru. In the case of regime type, the distinction between authoritarianism and democracy defined whether film legislation came into existence in the first place. While the Velasco regime in the 70s and the Fujimori regime in the 90s passed laws that created comprehensive government support toward filmmaking, the democratic administrations that preceded and succeeded them - up until very recently - did not give this activity similar importance. This indicates that authoritarian leaders saw in films, even in ones not directly created by the government, a tool to further push their specific agendas. Similarly, the justification given by both governments - so the way in which the law fits their explicit agenda - is

similar as they both point out the building and solidification of a national identity as their main objective.

This is, however, where the similarities that originated as a result of the shared regime type of both administrations end. A deeper analysis on both the explicit and hidden agendas of both leaders, as well as the policy implementation tools used by each, highlight a deep divide between them, which falls in line with their ideological differences. When it comes to the aforementioned explicit objective of building a nation, there is a major distinction in the nations that each of them wanted to build. In the case of Velasco, he aimed to create a new national narrative that included historically marginalized communities in order to redefine what it meant to be Peruvian. Putting it in terms used by Stein Rokkan, Velasco's nation-building approach involved the inclusion of the languages and cultural elements of the peripheries into a larger concept. This was a way to eliminate the center-periphery division from a societal perspective. Fujimori, on the other hand, aimed to neoliberalism and free market capitalism to be what defined the values of the country. For this purpose, more than the issuing of a new film legislation, it was the undoing of the Velasco one that mattered the most in his agenda. This reversal and the passing of a law that was much more business friendly helped him toward this larger goal.

Regime ideology also clearly defined the way the laws were implemented. Using Theodore Lowi's policy classification, Velasco's measures can be identified as regulatory policies, with the application of, most importantly, a quota of national films that all film exhibitors had to show each week mandatorily. While this helped get more exposure to the content created, it went against the private interests of movie theatre owners. On the other hand, the creation in the Fujimori years of a competition that defined which project

would receive funding, without any imposition to the business class, falls in line with the respect to the free market that he promoted.

When it comes to their hidden agendas, however, the film legislation issued by both governments was defined not by ideology and not exactly by regime type, but by the image of regime type that each leader wanted to transmit. As such, Velasco - who was open about his authoritarian nature and embraced it as a “necessary evil” - included the institutions created in Law 19327 under the supervision of a bigger entity that aimed to control all mass media communications. As such, having the Film Oversight Junta be under the supervision of the National System of Information transmitted the undemocratic image that Velasco embraced. On the other hand, Fujimori’s film law, with measures like the competition for funding, can be considered to be fairer and, thus, more democratic. This is the image he aimed to transmit to the international community to try and maintain a democratic reputation amidst his shutting down of Congress and multiple allegations of human rights violations.

Having analyzed this law through multiple theoretical and historical lenses, it is interesting to compare them to the legislation currently in place, now that the country is under a democratic regime. It was not until 2019 that Fujimori’s law was replaced. This new law draws from measures implemented by both regimes in an effort to achieve a significant impact while simultaneously preserving democratic values. As such, while projects are still part of a competition led by an independent jury which determines who receives funding, there are also affirmative action measures aimed at promoting different languages, regions and cultural manifestations in film as a way to give them more exposure and bring them together as part of a larger national narrative. Regardless of regime type or ideology, both authoritarian leaders were ultimately able to introduce the country to the concept of government support for the private film industry. They created

measures that, although originally applied in undemocratic settings, created a framework for a democratic policy which draws from both laws and which has helped support and promote a burgeoning film industry in Peru.

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