



Crime and (No) Punishment: Business Corporations and Dictatorships

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This volume studies the relationship between big business and the Latin American dictatorial regimes during the Cold War. Between the 1950s and 1970s, many civilian governments in Latin America fell in quick succession and were replaced by military regimes often supported by the US government. These regimes were considered a bulwark against the advance of communism, which was viewed as a credible threat both by Latin American elites and by the United States, particularly after the triumph of

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the Cuban Revolution and its subsequent popularity among significant segments of the Latin American working and middle classes. Contemporary studies viewed big business (both foreign multinationals and domestic firms) as the natural allies of the right-wing military regimes: segments of the military, which were concerned about “foreign infiltration” from international communism through labor activism, were able to find common ground with managers frustrated by union-led disruptions of their business operations and frightened by the growth of anti-business and obstructionist political organizations, not to mention violent ones (as well as the obvious potentially negative effect on their bottom line).¹ During that period, many analysts and casual observers found clear and unequivocal evidence of such business-military collusion in events such as the 1954 overthrow of Guatemala’s President Jacobo Arbenz following his conflict with the United Fruit Company, or the 1973 coup against Chile’s President Salvador Allende following clashes with foreign firms like the International Telegraph and Telephone Company (ITT) and the Chilean elite.² Further evidence of this collusion was also located in the subsequent adoption by the military regimes of Chile in the 1970s and Argentina in the 1980s of open-market policies that overwhelmingly benefited big business and foreign investors.

Despite the perceived importance of the role of the Latin American Cold War dictatorships in creating a business-friendly environment during the 1980s and 1990s, no single volume provides readers with a view of the relationship between big business and the authoritarian regimes on a continental scale. Country-focused studies published by some of this collection’s authors have made important contributions. This volume seeks to enrich this debate by bringing together case studies on Argentina, Brazil, Chile, Colombia, Peru, and Central America, plus chapters on particular industries, including infrastructure, defense, finance, and automobile manufacturing. The chapters of this volume go beyond the traditional view, which focuses on US corporations and the global agenda of the United States. To date, the literature has honed in overwhelmingly on

¹Peter Evans, *Dependent Development: The Alliance of Multinational, State, and Local Capital in Brazil* (Princeton University Press: Princeton, 1979); Guillermo O’Donnell, *El Estado Burocrático Autoritario: 1966–1973* (Buenos Aires: Belgrano, 1982).

²Stephen Schlesinger and Stephen Kinzer, *Bitter Fruit: The Story of the American Coup in Guatemala* (Cambridge: Harvard University Press, 2005); Lubna Qureshi, *Nixon, Kissinger, and Allende: U.S. Involvement in the 1973 Coup in Chile* (New York: Rowman & Littlefield, 2009).

firms originating in the United States. In addition to examining US foreign investment and foreign policy in the region, the volume makes an unprecedented contribution by considering firms from Germany, France, Italy, and Canada, with a particular emphasis on the relationship between German foreign policy and the cooperation of German firms with the military dictatorships. In addition to analyzing the operations of multinational corporations, the volume also studies the role of the banking sector in financing authoritarian regimes and the local elites' accommodation of the military governments.

Big Businesses and Dictatorships in Latin America engages in dialogues with recent studies on these types of relationships in other parts of the world. Some recent studies, for example, have shown the complexity and variety of relationships between big business and the Nazi regime. After decades of attempting to silence, deny, and muffle this history, most large German corporations began to open their archives in the 1990s in response to high pressure from a critical public and often from international clients threatening to boycott these firms. Many, but not all, major German corporations have commissioned independent historians to analyze their history during the Nazi dictatorship, yielding an impressive array of high-quality scholarship that illuminates important and often disturbing aspects of this history.³ None of this has happened in Latin America, where the general attitude of companies is still silence, denial, and closed archives. However, scholars now benefit from the large quantity of evidence and sources, some of which were generated during legal actions against firms involved in repression carried out during the dictatorships. The time that has elapsed since the fall of the Latin American military regimes, the freedom Latin American scholars have managed to achieve since then, and the opening and discovery of new archival sources provide optimal conditions for revisiting, through a variety of lenses, the complex ties between Latin

³ Gerald D. Feldman, *Allianz and the German Insurance Business, 1933–1945* (Cambridge: Cambridge Univ. Press, 2001); Harold James, *The Deutsche Bank and the Nazi Economic War against the Jews: The Expropriation of Jewish-Owned Property* (Cambridge: Cambridge Univ. Press, 2001); Peter Hayes, *From Cooperation to Complicity: Degussa in the Third Reich* (Cambridge: Cambridge Univ. Press, 2006). See also the chapters in Harold James and Jakob Tanner, eds., *Enterprise in the Period of Fascism in Europe* (Aldershot: Routledge, 2002); Francis R Nicosia and Jonathan Huener, eds., *Business and Industry in Nazi Germany* (New York: Berghahn, 2004); and Hartmut Berghoff, Jürgen Kocka, and Dieter Ziegler, eds., *Business in the Age of Extremes: Essays in Modern German and Austrian Economic History* (Cambridge: Cambridge University Press, 2013).

American military governments and different types of businesses ranging from large domestic firms, family firms, foreign multinationals, and state-owned enterprises.

This project began with a workshop at the University of Göttingen in September 2016 about “Corporations and Authoritarian Regimes in Latin America,” where preliminary versions of some of the chapters were presented. It became clear at that academic event that the topic was as relevant as it was complex, with highly contentious dimensions and aspects. Therefore, this book is a product of a conscious attempt to make progress in this field by bringing together contributions from specialists in economic history, business history, labor history, and human rights and Transitional Justice, which are often completely separate realms or in disagreement with one another. To welcome contributions from different theoretical perspectives, scholarly traditions, and research trajectories developed in various geographical and institutional frameworks was a considerable challenge that took time and energy. We hope this collective effort, which is necessarily diverse and multifaceted, will help foster knowledge and debate about issues of relevance not only to global and regional history but also to current economic and social relations.

This volume dialogues with several scholarly communities. First, we reflect on the debates generated by studies on the relationship between the Nazi regime in Germany and the corporate sector and connect them to an important area of the world that was dominated by right-wing dictators (many of them more or less openly inspired by European fascism) in the 1970s and 1980s. Although history never exactly repeats itself and comparisons across different times and continents should be treated with great caution, there are some stunning parallels between the experience of Germany and Latin America as far as the relationship between the business community and right-wing dictatorships is concerned. In all cases, the dictatorships emerged in unstable democracies that were particularly unpopular with the corporate world.

In Germany, most businessmen perceived the Weimar Republic (1918–1933) as the poisoned fruit of World War I. The military defeat and the Treaty of Versailles were generally seen as unfair and humiliating, burdening the republic with a painful legacy. The establishment of the Weimar Republic generated features that were diametrically opposed to business interests. These included an unprecedented rise of the labor movement and the temporary participation of the Social Democrats in government. German business was forced, for the first time in history, to

accept labor unions as legitimate representatives of their workers. In 1920, the principle of codetermination was introduced. All companies with more than 20 employees had to set up elected works councils whose task was to advocate for employees' interests vis-à-vis the management. Workers in Germany gained such rights for the first time; never before had there been so many strikes and lockouts. A second business-undermining feature of the Weimar Republic was that, in stark contrast to the German Empire of 1870–1918, it was characterized by economic instability and social unrest. The experience of hyperinflation, recurrent political turmoil, the emergence of an expansive welfare state, and higher levels of corporate and personal taxation added to the business class's disenchantment with democracy, which, in general, was a new historical experience for all Germans that seemed frail by itself. Thus, it comes as no surprise that for the middle classes, in general, and most members of the business community, in particular, the authoritarian monarchy of the German Empire looked like a land of milk and honey in retrospect.⁴

As a result, there was little loyalty to the republic but rather a great deal of disapproval and hostility toward it. However, this negative attitude did not translate into support for the NSDAP (National Socialist German Workers' Party, commonly referred to in English as the Nazi Party), which remained a chaotic splinter party on the lunatic fringe for a long time. Even after it had increased the number of seats it held in parliament from 12 (1928) to 107 (1930), the party disturbed most businessmen with its anti-capitalist manifesto. After all, it was a "National Socialist Party." Most businessmen wanted an authoritarian alternative to the republic that would put labor back on a short leash and ensure law and order as they understood it. The view that big business backed Hitler⁵ has proved to be

⁴Eric D. Weitz, *Weimar Germany: Promise and Tragedy* (Princeton: Princeton Univ. Press, 2007) 129–168; Richard J. Evans, *The Coming of the Third Reich* (London: Penguin, 2003), 78–138.

⁵This view has been popular in the left political spectrum. It had become canonized at the 7th World Congress of the Communist Third International in 1935, when Georgi Dimitrov called fascism "the open, terrorist dictatorship of the most reactionary, most chauvinistic, and most imperialist elements of finance capital." Georgi Dimitrov, "The Fascist Offensive and the Tasks of the Communist International," Main Report delivered at the Seventh World Congress of the Communist International—"The class character of fascism"; collected in *VII Congress of the Communist International: Abridged Stenographic Report of Proceedings* (Moscow: Foreign Languages Publishing House, 1939). This thesis proved to be very influential until the 1980s. For Hitler, finance capital was "Jewish" and had to be destroyed. So the majority capitalists had no cause to support him. Ian Kershaw, *The Nazi Dictatorship:*

erroneous. Rather, in addition to the general crisis of the economy and the state, the support of large landowners and parts of the military was decisive. They were under the illusion they could instrumentalize Hitler to make up for lost ground, that is, to secure government subsidies for crisis-ridden agriculture and to restore the army, which had been drastically downsized by the Treaty of Versailles, to its former size and glory. The business community was primarily responsible for having weakened the republic, not for having given direct support to Hitler prior to 1933, although there was a minority of businesspeople who backed Hitler early on and saw Germany's savior in him.⁶

After Hitler became chancellor and acquired dictatorial powers, the business community eagerly looked for ways to come to terms with the new rulers and take advantage of the dictatorship. They joined the NSDAP in large numbers, and some prominent businessmen took up top positions in the new state. Kurt Schmitt from Allianz Insurance became the Reich Minister of Economics in 1933 but was already released from his duties in 1934. His successor became the internationally renowned banker Hjalmar Schacht, who also served the regime as the president of the central bank until 1938, when he was dropped like a hot potato because he insisted on a reasonably sound financial policy, which the regime regarded as dispensable since it intended for the subjugated countries to foot the bill.⁷

Overall, tactically motivated, opportunistic cooperation between regime and the entrepreneurial class prevailed. There was a convergence

Problems and Perspectives of Interpretation, 4th ed. (London: Arnold, 2000). The classic view of East German communists was that the NSDAP had been controlled by big business. See Eberhard Czichon, *Wer verhalf Hitler zur Macht? Zum Anteil der Deutschen Industrie an der Zerstörung der Weimarer Republik* (Cologne: Pahl-Rugenstein, 1967). For a recent summary of the debates and further literature, see Jörg Osterloh, "Die Monopole und ihre Herren. Marxistische Interpretationen," in *Unternehmen im Nationalsozialismus. Zur Historisierung einer Forschungskonjunktur*, edited by Norbert Frei and Tim Schanetzky, 36–47 (Göttingen: Wallstein, 2010).

⁶ Henry Ashby Turner, "Big Business and the Rise of Hitler," *American Historical Review* 75, no. 1 (1969): 56–70; idem, *German Big Business and the Rise of Hitler* (Oxford: Oxford Univ. Press, 1987); Reinhard Vogelsang, *Der Freundeskreis Himmler* (Göttingen: Muster-Schmidt Verlag, 1972). For a biographical case study, see Hartmut Berghoff and Cornelia Rauh, *The Respectable Career of Fritz K: The Making and Remaking of a Provincial Nazi Leader* (Oxford: Berghahn Books, 2015).

⁷ Adam J. Tooze, *The Wages of Destruction: The Making and Breaking of the Nazi Economy* (London: Penguin, 2006), 99–134 and 285–325; and Richard J. Evans, *The Third Reich in Power 1933–1939* (London: Penguin, 2005) 351–377.

but no identity of interests. Businessmen who were directly involved in the rearmament drive were closer to the regime and benefited more from it than those in the consumer-goods industry. For the most part, they frowned upon severing international connections and implementing capital controls or import quotas. The rearmament boom, however, gave many companies lucrative orders. Full employment and rising profits were highly welcomed. Nevertheless, they saw corporations bow to the primacy of politics and sometimes helplessly watched as state-owned or party-affiliated companies took precedence even over the most powerful private businesses. The most famous cases are Volkswagen and the steel and weapons conglomerate Reichswerke Hermann Göring. Volkswagen was founded with capital that had been stolen from the trade unions because private industry refused to build a car that Hitler wanted them to sell below production costs.⁸ The state-owned Reichswerke used taxpayers' money to hasten the exploitation of poor domestic iron ore, which private companies did not want to touch because this raw material was too expensive to process and sell at a profit. There was almost an open confrontation between the steel barons of the Ruhr and the government, but the regime needed both private corporations run by traditional elites preoccupied with profits and state-owned enterprises run by political fanatics without any regard for commercial considerations.⁹ Volkswagen and Reichswerke were notorious for their exploitation of forced laborers.¹⁰

Parts of the private corporate sector also became highly complicit with the regime when it came to "Aryanization," that is, the robbery of Jewish property, or the exploitation of occupied territories, but in these instances, too, the party typically had greater leverage than individual companies when conflicts arose. Complete agreement with Hitler's ideological goals was rare but not absent. Overall, the cooperation of the old elites with the NSDAP never became a happy alliance.

⁸ Hans Mommsen and Manfred Grieger, *Das Volkswagenwerk und seine Arbeiter im Dritten Reich* (Düsseldorf: Econ, 1996).

⁹ Gerhard Thomas Mollin, *Montankonzerne und "Drittes Reich": Der Gegensatz zwischen Monopolindustrie und Befehlswirtschaft in der deutschen Rüstung und Expansion 1936–1944* (Göttingen: Vandenhoeck & Ruprecht, 1988); and Richard J. Overy, *War and Economy in the Third Reich* (Oxford: Oxford Univ. Press, 1995), 93–174.

¹⁰ Manfred Grieger, "Extermination and Work under the Nazi System of Forced Labor," in *Forced Labor: The Germans, the Forced Laborers, and the War*, edited by Volkhard Knigge, Rikola-Gunnar Lüttgenau, and Jens-Christian Wagner (Weimar: Stiftung Gedenkstätten Buchenwald und Mittelbau-Dora, 2010), 208–220.

Another important difference between the Nazi dictatorship and Latin American ones in the 1970s and 1980s was the role of the military. The *Reichswehr*, the German armed forces, set great hopes on Hitler and welcomed the stripping away of the restrictions of the Treaty of Versailles but never managed to get into the driver's seat. The regime initially left the military forces under the illusion that they could have a say in strategic political issues, but by 1938 Hitler made it clear that the army was to be a subordinate institution. Several conservative generals were either murdered or fired.¹¹ National Socialists did not want to serve anyone—not the military or the business class. Above all, they pursued their own ideological, racial, and kleptocratic agenda regardless of the consequences.

To add another divergence, it must be stressed that Hitler's seizure of power was an internal German affair, in which neither foreign secret services nor foreign governments or companies played any role. In contrast to Latin America, the United States was not actively involved in the overthrow of the republic. The United States had direct interests in the repayment of Germany's outstanding debts, and it was obvious that any Nazi-led government would refuse to honor these obligations. And the United States wanted to preserve free trade, which the Nazis promised to abandon. Thus, Washington had no reason to support a regime change in Germany.

Foreign capital also played no role in Hitler's seizure of power, in contrast to the Latin American dictatorships. As a rule, foreign companies in Germany were disadvantaged and intimidated, above all by capital controls and threats of confiscation. However, like German companies, they did develop structures of complicity in the interest of profits and the defense of property. Between 1933 and 1939, several hundred US companies made significant portions of their sales in Germany, some of them even until 1941. Around 1935, 26 of the largest American corporations had close business relations with the German dictatorship.¹² Although this was not illegal in the United States, in view of Hitler's treatment of Jews and political opponents and his blatant violations of international law, it was highly distressing and therefore kept a secret.

¹¹ Rolf-Dieter Müller, *Hitler's Wehrmacht, 1935–1945* (Lexington: University Press of Kentucky, 2016); and Evans, *Power*, 642–645.

¹² Research Services of the German Parliament, *Report on the Alleged Cooperation of US-Corporation with the NS-Regime* (WD 1 – 134/07) (Berlin, 2007) (in German), 3.

There were prominent cases of companies that would later also cooperate with Latin American dictators. The largest car manufacturer in Germany was General Motors through its Opel subsidiary. Opel built the hardy three-ton truck “Blitz,” which became the mainstay of the German army. Opel almost doubled its staff in Germany in the 1930s and increased its sales to the Nazi state, which became its most important customer. Opel and GM managers had close contacts with leading Nazi functionaries. James D. Mooney, the president of GM overseas operations and a supporter of the isolationist and racist anti-New-Deal American Liberty League, met with Hitler several times, even after the invasion of Poland, and was treated as the Führer’s special guest. In 1938 Mooney was awarded the Grand Cross of the German Eagle Order, the highest party order for foreigners, for his service to the “Third Reich.” The first recipient of this new medal had been Mussolini in 1937. Twenty-two American citizens received the award between 1937 and 1940, among them also Thomas Watson, the chief executive of IBM, and Henry Ford. GM obscured Opel’s American ownership and control as the rank-and-file Nazis “condemned anything foreign-owned or foreign-made.”¹³ Prominent German figures and Nazi functionaries were appointed to Opel’s board. During the war, Opel also produced essential components for warplanes with the help of forced laborers. At the same time, Opel’s American personnel were replaced by Germans handpicked by and loyal to GM.

Ford had opened a factory in Cologne in 1931 but never reached the same importance in Germany as GM did. Still, Ford became an important supplier for the army, providing it with about one-third of its trucks. In 1939, when Hitler’s preparations for war were escalating and more than obvious, Ford did not shy away from importing essential truck components from Dearborn to Cologne to meet the rising demands of the German army. Allied forces in the war made the bewildering discovery that they were driving the same brands of trucks as their enemy. Henry Ford, an outspoken anti-Semite, who was admired by Hitler, received the

¹³Edwin Black, “Hitler’s Carmaker: The Inside Story of How General Motors Helped Mobilize the Third Reich,” *Global Research*, Oct. 1 (2018). This article is one-sided in many ways. A more thorough but partly apologetic account is Henry Ashby Turner, *General Motors and the Nazis: The Struggle for Control of Opel, Europe’s Biggest Carmaker* (New Haven: Yale Univ. Press, 2005).

Eagle Order in 1938 on the occasion of his 75th birthday. The certificate was personally signed by Hitler.¹⁴

During the war, more and more forced laborers were dispatched to the Cologne factory. They accounted for about half of the staff in 1943. Toward the end of the war, Ford requested concentration camp inmates from the SS to keep production going. In 1944 the first inmates from the Buchenwald camp arrived in Cologne. Opel also used forced labor but refused to employ concentration camp inmates. In other words, there was a choice. After the war the parent companies in the United States claimed not to have made any profits from the German war economy and to have lost control of their subsidiaries between late 1941 and 1945, when the United States was at war with Germany. Ford had reduced its share in the German subsidiary to 52 percent in 1941 but kept the majority ever after. In May 1942, the Nazi regime put Ford Werke in “trusteeship” but did not nationalize it. It remained American property.¹⁵

Human rights violations were endemic at Ford, just as they were in large parts of German industry during the war. In the Ford factory worker-inmates toiled for twelve hours a day. They were given 200 grams of bread and coffee for breakfast, no lunch, and a dinner of spinach and three potatoes or soup made of turnip leaves. In late summer 1944, about eight million workers—that is, roughly a quarter of the workforce in Germany—were foreigners; the majority of these were forced laborers, who were compelled to work in Germany mostly under pitiful conditions.¹⁶ In some cases companies set up production facilities close to concentration camps. Representatives of these companies were often directly involved in the

¹⁴Stephan Link, “Rethinking the Ford-Nazi Connection,” *Bulletin of the German Historical Institute* 49, no. 2 (2011): 135–50.

¹⁵Ken Silverstein, “Ford and the Führer,” *The Nation*, January 6 (2000); and Simon Reich, *The Fruits of Fascism: Postwar Prosperity in Historical Perspective* (Ithaca: Cornell Univ. Press, 1990), 107–145.

¹⁶Ulrich Herbert, *Hitler’s Foreign Workers: Enforced Foreign Labor in Germany under the Third Reich* (Cambridge: Cambridge Univ. Press, 2006); Mark Mazower, *Hitler’s Empire: How the Nazis Ruled Europe* (New York: Penguin Press, 2010), 294–318; Mark Spoerer, “Forced Labour in Nazi-Occupied Europe, 1939–1945,” in *Economies under Occupation: The Hegemony of Nazi Germany and Imperial Japan in World War II*, edited by Marcel Boldford and Tetsuji Okazaki, 73–85 (London: Routledge, 2015); idem, *Zwangsarbeit unter dem Hakenkreuz. Ausländische Zivilarbeiter, Kriegsgefangene und Häftlinge im Deutschen Reich und im besetzten Europa 1939–1945* (Stuttgart: DVA, 2001).

selection of workers; people deemed fit to work were thus allowed to live for the time being, while everyone else was sent to certain death.¹⁷

After the war, the majority of the implicated businessmen were not punished, or only relatively mildly.¹⁸ Quite a few Nazi criminals fled to Latin America via the so-called ratlines where they found safe havens. In the Federal Republic, the economic elites experienced lenience as they were needed for the reconstruction and the integration of the Federal Republic into the Western camp against the backdrop of the emerging Cold War. A broad discussion of the role of the elites and National Socialism only began with the student movement in 1968. It peaked in the 1980s and 1990s when numerous large companies decided to open their archives to investigate their role in the dictatorship. This was often triggered by pressure from the public and international customers, some of whom threatened to boycott these firms. Another key factor was the fact that the generation change had now progressed so far that the companies could easily distance themselves from those responsible at the time. No one who had been complicit was in office anymore, and even the next generation that had been trained and supported by former perpetrators and collaborators found themselves retired. In most cases, discovering the dark period of the dictatorship no longer had immediate personal consequences. Most forced laborers received significant compensation from the companies only in the 1990s and 2000s, after decades of refusal. Class action suits in the United States and public opinion made them change their minds.

This historical review has touched on the key issues also crucial to the Latin American dictatorships, which hold this volume together. How did entrepreneurs stand in relation to democratic governments? Were they involved in regime changes, directly or indirectly? What was the role of foreign powers and capital? To what extent and why did businessmen form alliances with dictators? Were there shared interests or antagonisms? Did

¹⁷Hermann Kaienburg, ed., *Konzentrationslager und Deutsche Wirtschaft 1939–1945* (Opladen: Leske & Budrich, 1996).

¹⁸Norbert Frei, *Adenauer's Germany and the Nazi Past: The Politics of Amnesty and Integration* (New York: Columbia Univ. Press, 2002): Hartmut Berghoff, "Zwischen Verdrängung und Aufarbeitung. Die bundesdeutsche Gesellschaft und ihre nationalsozialistische Vergangenheit in den Fünfziger Jahren," *Geschichte in Wissenschaft und Unterricht* 49, no. 2 (1998): 96–114. A more general account with examples from other countries is Manfred Berg and Bernd Schäfer, eds, *Historical Justice in International Perspective: How Societies Are Trying to Right the Wrongs of the Past* (Cambridge: Cambridge Univ. Press, 2009).

businessmen serve in dictatorial governments? Were their expectations fulfilled? Can we observe personal ties? To what extent did industrial relations change? What happened to labor unions? Did human rights violations occur and were companies directly or indirectly involved? Did the dictatorship allow for extra profits? How, after the return to democracy, did the Latin American countries deal with the former representatives of the dictatorships, the economic elites and their companies, as well as the victims?

These questions lead us to explore how the studies in this volume contribute to our understanding of Latin American history. Scholars interested in the business, economic, and political history of the continent have long focused on the relationship between big capital and political elites. When Marxist and neo-Marxist scholarship came to dominate Latin American studies between the 1960s and 1980s, this interest was the norm.¹⁹ Scholars informed by this intellectual tradition paid more attention to the role of foreign capital than their colleagues studying Western powers, which made sense because, between the 1870s and 1950s, the main actors capable of investing large sums in the region were foreign corporations. Roughly (and at the risk of oversimplifying a large body of scholarship), these authors maintained that Latin American nations were inserted into the global division of labor as providers of raw materials to the industrial Western powers starting in the late nineteenth century. This insertion, they maintained, was not just the spontaneous result of market forces driving each country to specialize in their comparative advantages but rather an imposed specialization by industrial nations in need of cheap inputs. The result of this specialization, their argument continued, was gradually increasing dependence on international markets, unfavorable terms of trade by which Latin America sold cheap raw materials in exchange for ever more expensive industrial goods, and, in general, the perpetuation of poverty and archaic institutions. This status quo survived, they posited, because a local *comprador* elite benefited from this configuration. In order to keep this system working despite the impoverishment of the local population, this elite needed to establish non-democratic repressive institutions. As a result, these scholars claimed that dictatorships were an inevitable by-product of the role Latin America played in the global

¹⁹For a detailed account of how neo-Marxist interpretations became the norm in Latin American studies in the United States and Latin America, see Robert Packenham, *The Dependency Movement: Scholarship and Politics in Development Studies* (Cambridge: Harvard University Press, 1992).

economy. Consequently, foreign and domestic corporations were actors that supported and benefited from repressive regimes.²⁰

The neo-Marxist and Marxist scholars also found the process of industrialization, which took place in several Latin American countries between the 1930s and 1970s, consistent with their interpretation. Import substitution industrialization, they maintained, did not break the dependency status of the continent but simply changed it and in some ways reinforced it. Their rationale was as follows: when trying to industrialize their nations, Latin American leaders could not count on domestic firms to possess the technological capabilities or capital for a serious industrialization process, so the governments invited foreign manufacturing multinationals. These multinationals, these scholars posited, made the domestic economies dependent on the Western world because they kept control over patents and technology.²¹ Undergoing the process of industrialization, these countries developed what the influential work by Peter Evans called the “Triple Alliance” against organized labor between foreign multinationals, domestic large businesses, and the state. For Evans, certain transitional processes that heavy industrialization required were bound to provoke the opposition of labor unions due to potential layoffs. In order to overcome this obstacle, foreign and domestic capital allied itself with authoritarian regimes.²² Guillermo O’Donnell followed a similar logic to explain the rise of the Argentine authoritarian regimes and their alliance with big capital.²³

The fact that there was a generally accepted consensus in academia and among the general public on the close relationship between authoritarian regimes and big business in Latin America during the 1960s–1980s period

²⁰ The list of studies that follow this approach is too long to summarize in a single footnote. Good general reviews include Susanne Bodenheimer, “Dependency and Imperialism: The Roots of Latin American Underdevelopment,” *Politics and Society* 1, no. 3 (1971): 327–357; Theotonio Dos Santos, “The Structure of Development,” *American Economic Review* 60, no. 2 (1970): 231–236; Fernando H. Cardoso and Enzo Faletto, *Dependency and Development in Latin America* (Berkeley: University of California Press, 1979); Tulio Halperin-Donghi, “‘Dependency Theory’ and Latin American Historiography,” *Latin American Research Review* 17, no. 1 (1982): 115–130.

²¹ Good representative examples of this approach are Theotonio Dos Santos, *Imperialismo y Dependencia* (Mexico City: Era, 1978); Gary Gereffi and Peter Evans, “Transnational Corporations, Dependent Development, and State Policy in the Semiperiphery: A Comparison of Brazil and Mexico,” *Latin American Research Review* 16, no. 3 (1981): 31–64; Evans, *Dependent Development*.

²² Evans, *Dependent Development*.

²³ O’Donnell, *El estado*.

did not mean there were no dissenting voices. Focusing on British investments in the late nineteenth and early twentieth centuries, D. C. M. Platt maintained that foreign investors were too weak to influence domestic politics in the region and that most of Latin America was too poor for it to be worth investors' effort to build alliances with those dictators.²⁴ Rory Miller added that the British government did very little to help British corporations on a continent irrelevant to its imperial agenda.²⁵ Even for paradigmatic cases such as General Juan Vicente Gómez's regime in Venezuela, Brian McBeth found a more nuanced relationship between this dictator and foreign American and British investors than the general consensus would imply.²⁶ While traditional interpretations cast Gómez as a sell-out who was just an instrument of the oil multinationals, McBeth showed how he managed to make them compete against each other in a way that allowed Venezuela to maximize income from oil exports.²⁷ Paul Garner found similar results in the case of Mexico's authoritarian regime under Porfirio Díaz, which was traditionally portrayed as a staunch ally of foreign interests. In Garner's study, the British oilman Weetman Pearson was regarded as Díaz's partner in development rather than a puppeteer. Additionally, Garner described Díaz as a shrewd negotiator with foreign investors,²⁸ as was the case with Gómez.

²⁴D. C. M. Platt, *Business Imperialism, 1840–1930: An Inquiry Based on British Experience in Latin America* (Oxford: Clarendon, 1977).

²⁵Rory Miller, *Britain in Latin America in the Nineteenth and Twentieth Centuries* (New York: Routledge, 1993).

²⁶Brian McBeth, *La política petrolera venezolana: una perspectiva histórica* (Caracas: Universidad Metropolitana, 2015); idem, *Dictatorship and Politics: Intrigue, Betrayal, and Survival in Venezuela, 1908–1935* (South Bend: University of Notre Dame Press, 2008); idem, *Juan Vicente Gómez and the Oil Companies in Venezuela, 1908–1935* (Cambridge: Cambridge University Press, 2002).

²⁷Examples of the traditional studies showing Gómez as a puppet of foreign capital include Rómulo Betancourt, *Venezuela: Oil and Politics* (Boston: Houghton Mifflin, 1978); and Gastón Parra Luzardo, *El desafío del cartel petrolero* (Maracaibo: Universidad de Zulia, 1981); Franklin Tugwell, *The Politics of Oil in Venezuela* (Stanford: Stanford University Press, 1975).

²⁸Paul Garner, *British Lions and Mexican Eagles: Business, Politics, and Empire in the Career of Weetman Pearson in Mexico, 1889–1919* (Stanford: Stanford University Press, 2011). More detailed and influential criticisms of the neo-Marxist approach include Stephen Haber, "Introduction: Economic Growth and Latin American Economic Historiography," in *How Latin America Fell Behind: Essays on the Economic Histories of Brazil and Mexico, 1800–1914*, ed. Stephen Haber, 1–33 (Stanford: Stanford University Press, 1997); D. C. M. Platt, "Dependency in the Nineteenth Century in Latin America: A Historian

A convergence of several events led to a decrease in the scholarly interest on the relationship between authoritarianism and large corporations. First, the debt crisis of the 1980s opened the door to mass privatizations and foreign capital. Although the process started in some countries with authoritarian regimes (as in the paradigmatic case of Chile), it was deepened by elected officials. Second, the crisis also led to the gradual fall of the different Latin American authoritarian regimes. Unmanageable foreign debt and hyperinflation weakened military regimes, which were also slowly losing the support of the United States. Latin America became the showcase of the “third wave” of democratization (as Samuel Huntington put it), which came together with a wave of economic liberalization and a reorientation of the economic structure toward exports of commodities due to what by then seemed like endless Chinese demand.²⁹ Third, the changes in the economic and political landscape were accompanied by changes in academic disciplines. In the early 1990s, after years in which Marxist and neo-Marxist approaches dominated, Latin American studies in the United States shifted bit by bit toward subaltern studies that sidelined economic issues.³⁰ As part of the same process, economic history gradually disappeared from both economics and history departments in the United States, while interest in Latin American institutions continued, albeit with more limited funding and reach. Moreover, those that continued studying Latin American economic history adopted a neo-institutional approach that challenged the previous Marxist paradigm with sophisticated quantitative methods.³¹

The new economic history that emerged in the 1990s analyzed authoritarian regimes around their role in creating certain institutional environments that constrained (or permitted) development. Historians in this field targeted previous approaches that regarded foreign corporations and big capital as tools of imperialism in charge of exploiting the region and

Objects,” *Latin American Research Review* 15, no. 1 (1980): 113–130; Stephen Haber, “The Political Economy of Industrialization,” in *The Cambridge Economic History of Latin America*, ed. Victor Bulmer-Thomas, John Coatsworth, and Roberto Cortés-Conde 537–584 (Cambridge: Cambridge University Press, 2006); Pakenham, *The Dependency Movement*.

²⁹ Samuel Huntington, *The Third Wave: Democratization in the Late Twentieth Century* (Norman: University of Oklahoma Press, 1991).

³⁰ Ramón Grosfoguel, “The Epistemic Decolonial Turn: Beyond Political-Economy Paradigms,” *Cultural Studies* 2, nos. 2–3 (2007): 211–223.

³¹ See, for example, Haber, *How Latin America*.

perpetuating poverty and undemocratic regimes, positing instead that some of those regimes created a system of property rights that kept capital from acting as a development force in those countries. Crony capitalism, inconsistency in the protection of property rights, or bad regulatory systems were what eventually impeded big capital and foreign firms from helping to lead those countries to prosperity, these scholars maintained.³²

This volume aims to reopen discussions about the relationship between big capital and authoritarian regimes in Latin America by bringing in approaches from academic traditions largely absent in previous debates. One particular area of recent but rapid growth has been Latin American business history. A pioneering business historical study on the relationship of foreign banks and Latin American dictatorships is the one by Carlo Edoardo Altamura, who finds how once those countries started being ruled by dictatorships the relationship with the international banks intensified.³³ This field benefited from the dialogue it had with the previous scholarly works produced in Latin America with the methods and questions of business historians in the United States and Europe.³⁴ By taking corporate strategy into consideration when analyzing how firms related to governments, business historians provide new interpretations that go

³² Good examples of this approach are Stephen Haber, Armando Razo, and Noel Maurer, *The Politics of Property Rights: Political Instability, Credible Commitments, and Economic Growth in Mexico, 1876–1929* (Cambridge: Cambridge University Press, 2003); Stephen Haber, ed., *Crony Capitalism and Economic Growth in Latin America: Theory and Evidence* (Stanford: Stanford University Press, 2002); William R. Summerhill, *Inglorious Revolution: Political Institutions, Sovereign Debt, and Financial Underdevelopment in Imperial Brazil* (New Haven: Yale University Press, 2015); Jeffrey Bortz and Stephen Haber, eds., *The Mexican Economy, 1870–1930: Essays on the Economic History of Institutions, Revolution, and Growth* (Stanford: Stanford University Press, 2002); Noel Maurer, *The Power and the Money: The Mexican Financial System, 1876–1932* (Stanford: Stanford University Press, 2002); Yovanna Pineda, *Industrial Development in a Frontier Economy: The Industrialization of Argentina, 1890–1930* (Stanford: Stanford University Press, 2009).

³³ Carlo Edoardo Altamura, “Global Banks and Latin American Dictators,” *Business History Review* (2020): 1–32. <https://doi.org/10.1017/S0007680519001260>

³⁴ An effort to build a bridge between historians and management scholars studying corporate strategy can be found in Marcelo Bucheli and R. Daniel Wadhvani, eds., *Organizations in Time: History, Theory, Methods* (Oxford: Oxford University Press, 2014). An essay in that volume proposes a lens for developing business historical studies that take issues of political economy into consideration (see Marcelo Bucheli and Jin Uk Kim, “The State as a Historical Construct in Organization Studies,” in *Organizations in Time: History, Theory, Methods*, ed. Marcelo Bucheli and R. Daniel Wadhvani 241–262 (Oxford: Oxford University Press, 2014)).

beyond, complement, or can potentially challenge the neo-Marxist or new economic history ones.³⁵ Chapters in this volume that contribute to existing debates and challenge extant views on the relationship between authoritarian regimes and big capital include those by Juan Bogliaccini, Juan Geymonat, and Martín Opertti, who show how Uruguay's corporate elite developed strategies to avoid economic liberalization, as had been the case in Pinochet's Chile, using a novel network analysis. Frederik Schulze's chapter, too, explores the limits the Brazilian government had in managing repressive policies in state-owned enterprises. Also, far from analyzing this period in isolation, many of the chapters offer new insight about the long-lasting impact of the relationship some firms had with the Cold War dictatorships. Victoria Basualdo, Joel Stillerman, and Pedro Campos show how this history is key to explaining the success of some present-day firms in Argentina, Chile, and Brazil. For the case of Argentina, Basualdo considers the steel industry an example of the increasing economic concentration and industrial restructuring that persisted and deepened during the democratic period, while the state oil company Yacimientos Petrolíferos Fiscales (YPF) demonstrates the expansion of "peripheral privatization" benefiting a few construction companies that dominated this economic activity for decades. For the case of Chile, Stillerman finds that the close

³⁵The production of scholarly publications on Latin American business history increased significantly after the 1990s. A few examples of these that are relevant to the understanding of the relationship between big capital and government include Norma S. Lanciotti, "Foreign Investments in Electric Utilities: A Comparative Analysis of Belgian and American Companies in Argentina, 1890–1960," *Business History Review* 82, no. 3 (2008): 503–528; Norma S. Lanciotti, "From a Guaranteeing State to an Entrepreneurial State: The Relationship Between Argentina's State and Urban Utility Companies, 1880–1955," in *The Impact of Globalization on Argentina and Chile: Business Enterprises and Entrepreneurship*, ed. Geoffrey Jones and Andrea Lluch (Cheltenham: Edward Elgar, 2015); Norma S. Lanciotti and Andrea Lluch, *Las empresas extranjeras en la Argentina: Del siglo XIX al siglo XXI* (Buenos Aires: Imago Mundi, 2018); Marcelo Bucheli, *Bananas and Business: The United Fruit Company in Colombia, 1899–2000* (New York: New York University Press, 2005); Marcelo Bucheli, "Multinational Corporations, Totalitarian Regimes, and Economic Nationalism: United Fruit Company in Central America, 1899–1975," *Business History* 50, no. 4 (2008): 433–454; Marcelo Bucheli, "Multinational Corporations, Business Groups, and Economic Nationalism: Standard Oil (New Jersey), Royal Dutch-Shell, and Energy Politics in Chile, 1913–2005," *Enterprise and Society* 11, no. 2 (2010): 350–399; Marcelo Bucheli and Erica Salvaj, "Reputation and Political Legitimacy: ITT in Chile, 1927–1972," *Business History Review* 87, no. 4 (2013): 729–756; Marcelo Bucheli and Erica Salvaj, "Political Connections, the Liability of Foreignness, and Legitimacy: A Business Historical Analysis of Multinationals' Strategies in Chile," *Global Strategy Journal* 8, no. 3 (2018): 399–420.

relationship between the copper industry and Augusto Pinochet's dictatorship to repress labor unionism sowed the seeds for one of Chile's largest business groups. Similarly, Campos finds how some of the construction firms the Brazilian military regime needed for its ambitious infrastructure projects eventually became the largest multinational corporations. Carlos Huneeus and Tomás Undurraga also make it clear that, at a larger level, some of the largest business groups in Chile today owe their power to their close relationship to Pinochet. The case of the military government of Juan Velasco Alvarado in Peru (the only left-leaning one in this volume) presents rather different characteristics. Utilizing network analysis, Martín Monsalve and Abel Puerta disclose how the private sector accommodated the perceived hostility of the military government by reshaping the networks they already had with each other and building new ones with government officials. The military government seemed hostile because it promoted a nationalist popular reform that included progressive income distribution policies. In the long-term, these new and reshaped networks opened the door to the creation of some of Peru's most important business groups. Finally, Juan Pablo Bohoslavsky reminds us that in order to stay in power, the dictators required capital to finance the basic operations of the state as well as some of their ambitious plans. In his chapter, he shows the crucial role international financial institutions played in keeping the right-wing dictatorships in power.

Access to new archival sources also permits us to open new windows to our understanding of the relationship between Latin American authoritarian regimes and big capital. For instance, in their chapters Meta Stephan and Christopher Kopper bring German capital into the equation by showing how German investors actively participated in repression efforts in Argentina and Brazil. In her chapter, Stephan uses the case of German investors in Argentina to develop a typology of the relationships between big business and authoritarian regimes. Kopper, on the other hand, uncovers the benefits Volkswagen gained from the coming of the Brazilian dictatorship and the indifference the West German government had for what it perceived as the country's internal affairs. This chapter also highlights how Volkswagen—under political pressure and union power in Germany—eventually changed its attitude. This case is under the spotlight internationally due to the settlement agreement signed in September 2020 by the company with the Federal Attorney's Office in São Paulo, the Public Prosecutor's Office of São Paulo State and the Labor Attorney in São Bernardo do Campo, in compensation over its collaboration with Brazil's dictatorship. Similarly, Eduardo and Victoria Basualdo analyze Ford during the 1976–1983 dictatorship in Argentina, an extreme case both in

terms of the company's involvement in human rights violations and in terms of the extraordinary economic benefits it derived from this. Tijerina explores how Canadian investors benefited from the repressive policies of the short dictatorship of General Gustavo Rojas Pinilla in Colombia. Canada has traditionally been perceived as a "neutral" country in Latin America, so unearthing its role in the Cold War in Latin America fills in an important gap in our understanding of the region's authoritarianism.³⁶ Marcelo Bucheli, in analyzing the evolving relationship between foreign investors and authoritarian regimes in Central America, argues that the main determinants of this alliance were foreign investors' ability to provide the dictators with resources to ensure their political survival and the steady income from exports guaranteeing some economic stability. These factors changed in significant ways in the 1960s and 1970s.

In sum, these articles go beyond analyzing the close cooperation or alliances between big capital and authoritarian governments, offering provocative findings with new nuances and complexities. Many of them also build bridges between the fields of economic, business, and labor history, which are frequently studied separately, despite the significance their potential dialogue and connections could have. Both the national overviews and case studies emphasize how crucial it is to analyze the role of labor struggle and trade union organizations to account for the

³⁶Canadian corporations also operated in Latin America as subsidiaries of American capital, which often confused politicians or scholars, prompting them to analyze them as US firms. Such is the case of Imperial Oil Limited, which was partially owned by the American multinational Standard Oil Company of New Jersey and operated in South America through its subsidiary International Petroleum Corporation (Marcelo Bucheli, "Canadian Multinational Corporations and Economic Nationalism: The Case of Imperial Oil Limited in Alberta (Canada) and Colombia, 1899–1938," *Entreprises et Histoire*, no. 54 (2009): 67–85; Marcelo Bucheli and Gonzalo Romero Sommer, "Multinational Corporations, Property Rights, and Legitimization Strategies: US Investors in the Argentine and Peruvian Oil Industries," *Australian Economic History Review* 54, no. 2 (2014): 146–164; Marcelo Bucheli, "National Oil Companies and Political Coalitions: Venezuela and Colombia, 1910–76," in *The Political Economy of Resource Regulation: An International and Comparative History, 1850–2015*, ed. Andreas Sanders, Pal Sandvik, and Espen Storli, 96–117 (Vancouver: University of British Columbia Press, 2019)). Historical studies on Canadian investments in Latin America are still scant, although there are notable classics such as Duncan McDowall, *The Light: Brazilian Traction, Light, and Power Company Limited, 1899–1945* (Toronto: University of Toronto Press, 1988); and Christopher Armstrong and W. V. Nelles, *Southern Exposure: Canadian Promoters in Latin America and the Caribbean, 1896–1930* (Toronto: University of Toronto Press, 1988). The image of Canadian capital in Latin America as more "neutral" than US capital has been challenged in Todd Gordon and Jeffery Webber, *Blood of Extraction: Canadian Imperialism in Latin America* (Black Point: Fernwood, 2016); and Todd Gordon, *Imperialist Canada* (Winnipeg: Arbeiter Ring, 2010).

convergence of business sectors and the armed forces, as previous valuable contributions had underlined.³⁷ In this sense, this book builds on previous scholarship that has stressed the importance of avoiding purely political explanations of the Cold War dictatorships in Latin America, to foster instead a more complex understanding of their connections with economic, social, and labor-related dimensions of this history.³⁸

Following this path, recent scholarship in Latin America has specifically focused on business “complicity” or “responsibility” in human rights violations during the dictatorships. During the last decade, in the context of academic networks throughout the region becoming consolidated and having links to the processes of memory, truth, and justice, a number of books, research reports, articles, and chapters analyzed the role of economic actors in the Cold War dictatorships in Argentina, Brazil, Chile, and Uruguay, while other contributions investigated the part business played in other processes of repression, such as those that took place in Colombia.³⁹

³⁷ Manuel Barrera and Gonzalo Fallabella (eds.), *Sindicatos bajo regímenes militares. Argentina, Brasil, Chile* (Santiago de Chile: CES-Naciones Unidas, 1990); Paul W. Drake, *Labor Movements and Dictatorships: The Southern Cone in Comparative Perspective* (Baltimore: Johns Hopkins University Press, 1996); Gerardo Munck, *Authoritarianism and Democratization: Soldiers and Workers in Argentina, 1976–1983* (University Park: Pennsylvania State University Press, 1998); and Peter Winn (ed.), *Victims of the Chilean Miracle: Workers and Neoliberalism in the Pinochet Era, 1973–2002* (Durham: Duke University Press, 2004), among many others.

³⁸ See, for example, Tanya Harmer, “The Cold War in Latin America” in Kalinovsky, Artemy and Daigle, Craig, eds., *The Routledge Handbook of the Cold War* (Abingdon, UK: Routledge, 2014); Victoria Basualdo, “The Argentine Dictatorship and Labor (1976–1983): A Historiographical Essay,” *International Labor and Working Class History Journal* 93 (Spring 2018): 8–26; Paulo Fontes, Larissa R. Corrêa, “Labor and Dictatorship in Brazil: A Historiographical Review,” *International Labor and Working Class History Journal* 93 (Spring 2018): 27–51; Ángela Vergara, “Writing about Workers, Reflecting on Dictatorship and Neoliberalism: Chilean Labor History and the Pinochet Dictatorship,” *International Labor and Working Class History Journal* 93 (Spring 2018): 52–73; Paulo Fontes, Alejandra Esteves, Jean Sales, Larissa Rosa Corrêa, *Mundos do Trabalho e Ditaduras no Cone Sul (1964–1990)* (Rio de Janeiro, Brasil: Multifoco, 2018).

³⁹ Horacio Verbitsky and Juan Pablo Bohoslavsky, eds., *The Economic Accomplices of the Argentine Dictatorship: Outstanding Debts* (Cambridge: Cambridge University Press, 2015); AEyT FLACSO, CELS, PVJ and SDH, coord., *Responsabilidad empresarial en delitos de lesa humanidad: Represión de trabajadores durante el terrorismo de estado* (Buenos Aires: Infojus-Ministerio de Justicia, 2015); Juan Pablo Bohoslavsky, ed., *El negocio del terrorismo de estado: Los cómplices económicos de la dictadura uruguaya* (Buenos Aires: Debate, 2016); Nelson Sánchez, Leigh Payne, Gabriel Pereira, Laura Bernal, Daniel Marín, and Miguel Barboza, *Cuentas claras: el papel de la comisión de la verdad en la develación de la responsabilidad de*

The case of Argentina emerges as the most extreme according to the evidence presented in these books, which refer to over 25 cases of large companies actively participating in repression by providing logistical support, funding, vehicles, and key information, while business officials were found to be implicated in kidnappings and even torture; in five of the analyzed cases there were clandestine detention facilities within the factories. Even so, the more scattered and fragmentary evidence on other countries reveals that labor repression was a major feature the dictatorships had in common, and that connections between economic actors and the military forces, while different in each of the cases, were strong.

This line of research is closely related to the evolution of the field of studies on Transitional Justice (TJ), which focuses on responses to mass atrocities and systematic abuses that have devastated societies and left a legacy of fragile political and legal institutions. Such abuses often severely damage the confidence citizens may have had in their state to guarantee their rights and safety.⁴⁰ While TJ studies have traditionally focused mainly on the role of the state, scholars now increasingly explore the economic dimensions.⁴¹ This is because, as many of the processes studied show, repression tends in many cases to be a response to demands for greater social justice, or to disaffected groups that feel excluded, with little left to lose. Therefore, patterns of economic inequality and exclusion, and disputes regarding economic, social, and cultural rights, lie behind many conflicts. This is also closely linked to the fact that, once a government has embarked on massive and/or systematic rights violations, it is often armed, financed, informed, or otherwise supported by powerful economic actors.⁴² For scholars to take these aspects into account, they must pay

empresas en el conflicto armado colombiano (Bogotá: De Justicia, 2018); Karinna Fernández, Juan Pablo Bohoslavsky and Sebastián Smart, eds., *Complicidad económica con la dictadura chilena. Un país desigual a la fuerza* (Santiago de Chile: LOM, 2019).

⁴⁰ Clara Sandoval, Leonardo Filippini, and Roberto Vidal, “Linking Transitional Justice and Corporate Accountability” in *Corporate Accountability in the Context of Transitional Justice*, ed. Sabine Michalowski (New York: Routledge, 2013).

⁴¹ Leigh A. Payne, Gabriel Pereira, and Laura Bernal-Bermúdez, eds., *Transitional Justice and Corporate Accountability from Below. Deploying Archimedes’ Lever* (Cambridge: Cambridge University Press, 2020).

⁴² Naomi Roht-Arriaza, “Why Was the Economic Dimension Missing for So Long in Transitional Justice? An Exploratory Essay,” in *The Economic Accomplices of the Argentine Dictatorship: Outstanding Debt*, ed. Horacio Verbitsky and Juan Pablo Bohoslavsky, 19–28 (Cambridge: Cambridge University Press, 2015). See also Wolfgang Kaleck, “International Criminal Law and Transnational Businesses: Cases from Argentina and Colombia,” in

greater attention to the role of economic actors who were complicit in the violence, or even bore greater responsibility for it. Including corporate complicity in TJ thus implies that we recognize businesses were involved in the systematic and widespread human rights violations carried out by states and quasi-states under dictatorships and during severe civil conflicts.

Recent studies show that mechanisms traditionally associated with TJ—trials and truth commissions—have been used around the world to address corporate complicity, while new kinds of civil trials have been added to the tool kit as a kind of “alternative accountability” instrument. However, it is important not to exaggerate the claims about how far TJ has gone in including corporate complicity globally. A preliminary study of TJ and corporate complicity in 116 countries that transitioned from civil conflict or authoritarian rule since 1970 reveals that only seventeen have addressed corporate complicity.⁴³ These seventeen countries represent all of the regions of the world, suggesting that these innovations may be spreading. Moreover, it is interesting to note that non-judicial mechanisms, particularly truth commissions, have been used in several countries, while judicial mechanisms have also expanded. The use of trials as a TJ mechanism has tended to involve criminal prosecutions. In the case of corporate complicity, however, civil trials have outnumbered criminal trials, and the use of this nontraditional TJ mechanism is observed in both transnational and domestic litigation. The most common use has been in foreign civil trials against businesses. Of these, nearly all (thirty-three of thirty-nine cases) were advanced under the Alien Tort Statute (ATS), which allows foreign citizens to seek justice in US courts for violations committed outside the United States. This is currently under pressure for reform in many states seeking to limit it. Indeed, more than half of all criminal and civil trials studied in this database (54 percent) are involved the ATS.⁴⁴

Corporate Accountability in the Context of Transitional Justice, ed. Sabine Michalowski (New York: Routledge, 2013); and Leigh A. Payne and Gabriel Pereira, “Corporate Complicity in International Human Rights Violations,” *Annual Review of Law and Social Science* 12 (October 2016): 63–84.

⁴³Leigh A. Payne and Gabriel Pereira, “Accountability for Corporate Complicity in Human Rights Violations: Argentina’s Transitional Justice Innovation?” in *The Economic Accomplices of the Argentine Dictatorship: Outstanding Debts*, ed. Horacio Verbitsky and Juan Pablo Bohoslavsky, 29–45 (Cambridge: Cambridge University Press, 2015).

⁴⁴Payne and Pereira, “Accountability for Corporate Complicity,” 32–33. The first case brought under the ATS for human rights abuses was *Filartiga v. Peña-Irala*. In 1976, the father of a young man who had been tortured and killed in Paraguay while in police custody witnessed one of his son’s torturers walking the streets of Manhattan. The father called the

The Latin American region has played a most relevant role, particularly in the judicial cases heard in domestic courts, which comprised 36 percent of the total. Argentina, particularly in addressing the human rights violations perpetrated during the 1976–1983 dictatorship, has been the leader in this; the case of Ford, analyzed in chapter 8, is one example. According to these studies, Argentina has gone farther than any other country in its innovations concerning Transitional Justice. Thus, it should not be surprising that Argentina’s TJ tool kit includes corporate complicity, particularly considering the extreme cases academics and legal practitioners have documented. In Payne and Pereira’s preliminary investigation of corporate complicity cases around the world, 64 percent of all criminal cases and nearly a third of all criminal and civil cases (31 percent) are from Argentina, where the law is being used creatively to hold businesses accountable for their complicity in human rights abuses during the dictatorial period.⁴⁵

These developments in Transitional Justice are, in turn, also connected to the growing international discussion regarding business and human rights violations. In the context of increasing globalization and economic concentration, and the expansion of outsourcing to countries with limited labor rights and unionization, companies have wielded increasing power over economic, social, and political events within national territories and globally. There have been many responses aiming to adapt to this burgeoning influence, including the adoption of codes of business conduct (some of which were already in place in the Cold War context), numerous business and human rights guidelines issued by the United Nations (UN), reports by non-governmental organizations, an expanding body of academic research, and a series of court actions at the national level.⁴⁶ A rather

INS, who arrested the former Paraguayan officer for overstaying his visitor’s visa. The father and sister then brought an ATS case against the officer, and in 1980, a US federal court in New York upheld their claims, opening the door for future claims under the Alien Tort Statute. Beginning in the mid-1990s, a new class of ATS suits emerged that aimed to hold multinational corporations accountable for complicity in human rights abuses. Although certain sectors of the business community criticized this use of the ATS, attempts to repeal the statute have not succeeded. As of 2009, two corporate accountability cases—*Doe v. Unocal* and *Wiwa v. Shell*—have resulted in settlements with reparations to the survivors and their communities playing an important role. To date, however, no contested corporate ATS case has resulted in a jury verdict in favor of the plaintiffs.

⁴⁵ Payne and Pereira, “Accountability for Corporate Complicity,” 35–36.

⁴⁶ See, for example, United Nations, Declaration on the Establishment of a New International Economic Order, G.A. Res. 3201, UN GAOR, sixth special session, Supp. (No. 1), at 527/8, UN Doc. A/9559 (1974); E.S.C. Res. 1913, UN ESCOR, 57th session,

significant step in this direction was the 2008 publication of a report by the International Commission of Jurists, which contained the conclusions of a panel composed of eight expert jurists on Corporate Complicity in International Crimes.⁴⁷ This report, published in three volumes, highlights the responsibility companies bear in providing support for gross human rights violations by enabling, facilitating, or exacerbating the commission of such crimes. With a long-term historical perspective, it recalls the role of the senior company officials convicted of actively helping the Nazi regime to commit some of the worst crimes imaginable, juxtaposing them with more recent reports of business participation in gross human rights abuses across the world. The panel members state that, according to reports based on a wide range of sources, companies knowingly assisted governments, armed rebel groups, or para-military groups to commit gross human rights abuses. Oil and mining companies that seek concessions and security were accused of giving money, weapons, vehicles, and air support that government military forces or rebel groups used to attack, kill, and make civilians “disappear.” Private air service operators were reportedly an essential part of government programs of extraordinary and illegal renditions of terrorist suspects across frontiers. Private security companies were accused of colluding with government security agencies to inflict torture in detention centers they jointly operated. Companies reportedly gave information that enabled governments to detain and torture trade unionists or other perceived political opponents. Companies allegedly sold both tailor-made computer equipment so that governments could track and discriminate against minorities and earth-moving equipment used to demolish houses in violation of international law. Others were accused of propping up rebel groups that committed gross human rights abuses by buying conflict diamonds, while some allegedly encouraged child labor and sweatshop conditions by demanding that suppliers deliver goods at ever cheaper prices. In this way, the report’s careful work of conceptualization and legal analysis draws on historical processes and

Supp. (No. 1), UN Doc. 5570/Add 1 (1975). For an extensive list of cases in Latin America, Canada, and the United States, see Christopher Hutto and Anjela Jenkins, “Report on Corporate Complicity Litigation in the Americas: Leading Doctrines, Relevant Cases, and Analysis of Trends,” in *Human Rights Clinic* (Austin: University of Texas, 2010).

⁴⁷International Commission of Jurists, *Corporate Complicity and Legal Accountability: Report of the International Commission of Jurists Expert Legal Panel on Corporate Complicity in International Crimes*, Vols. 1, 2, and 3 (Geneva: ICJ, 2008).

case studies to produce a useful typology for classifying, describing, and prosecuting the different kinds of business involvement.

Turning now to the present collection, we recognize that it has its limitations, but we view these as research opportunities. First, we focus on the Cold War period, but it is clear that there were several authoritarian regimes for the pre-World War II era that are worth studying. Second, some regimes that held regular elections can barely be classified as “democracies”; this was the case in Mexico under the seventy-year uninterrupted rule of the Partido Revolucionario Institucional (PRI), or what Peruvian novelist Mario Vargas Llosa called “the perfect dictatorship.”⁴⁸ That the Paraguayan dictatorship of Alfredo Stroessner is not included is clearly a great gap in this volume, as is the long regime of Rafael Leonidas Trujillo in the Dominican Republic, the Duvalier dynasty in Haiti, the Marcos Pérez Jiménez dictatorship in Venezuela, and the several short-lived military regimes in Bolivia. Third, in using the phrase “big capital,” we refer only to “legal” capital. However, we cannot deny the enormous and increasing level of political influence of illegal cocaine export groups in the whole continent, particularly after the 1990s. Not only have these groups seen their power grow, but they have also undermined democratic institutions. All these processes and cases clearly deserve attention, and we hope future contributions will expand our knowledge.

Since the beginning of this journey in Göttingen, we have accumulated a number of debts of gratitude. We want to thank Uwe Spiekermann and Jan Logemann for their comments. This volume also benefited from discussions with and comments expressed during the 2016 conference by Antoine Acker, Edward Brudney, Janaina Ferreira dos Santos, Christine Hatzky, Christian Helm, Claudia Müller-Hoff, and Eyal Weinberg. Our special thanks go to Manfred Grieger, who was Volkswagen’s chief historian until 2016 when he was ousted by Volkswagen shortly after the conference in November 2016.⁴⁹ We are grateful for his enthusiasm in

⁴⁸ “Vargas Llosa: México es la dictadura perfecta,” *El País*, September 1 (1990). Online edition: URL: https://elpais.com/diario/1990/09/01/cultura/652140001_850215.html (accessed February 26, 2020).

⁴⁹ Manfred Grieger had built up Volkswagen’s corporate archives and pioneered an exemplary and much-lauded style of corporate history. On the end of his tenure at Volkswagen, see Alison Smale and Jack Ewing, “Volkswagen Parts Ways With the Historian Who Chronicled Its Nazi Past,” *New York Times*, Nov. 2, 2016. His departure from Volkswagen was accompanied by a signature list signed in protest by a large number of historians. For their names, see <https://www.hsozkult.de/text/id/texte-3936> (accessed March 9, 2020).

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