

# CHAPTER 1

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## THE TRIAL OF FRANCISCO BILBAO AND ITS ROLE IN THE FOUNDATION OF LATIN AMERICAN JOURNALISM

ON THE AFTERNOON OF June 17, 1844, hundreds gathered in an angry crowd outside the courthouses in Santiago de Chile. Hissing, whistling, booing, and cursing were somewhat typical on such occasions, but the unruliness and high-voltage excitement surrounding the ending of a spectacular trial against an obscure student named Francisco Bilbao were unprecedented in the short history of this young republic.

A little-known journalist and philosophy student, Bilbao had been taken to court and ultimately fined for the publication of an antireligious piece, “Sociabilidad chilena.” The trial was one of the most talked about events in the subcontinent in those days. Bilbao’s supporters, the liberal Pipiolos, offered a strong public defense of the writer. His detractors, the conservative Pelucones, attacked the journalist in every public forum available at the time and brought him before a conservative court, which did its best to censor the piece and pillory Bilbao as an example of incivility.

It all began in the early days of June. After six uneventful months on the Chilean political scene during the first part of 1844, an explosive debate escalated almost to a civil upheaval in the otherwise calm and isolated capital city. On June 1 *El Crepúsculo*, a liberal and up-and-coming independent monthly, released the second number of its second volume, and it featured “Sociabilidad chilena.” The article was a thirty-four-page Saint-Simonian–Rousseauian tirade against Spain’s religious monarchy, along with its morals,

uses, and the ideas it had infused into Chilean society during colonial times. In his essay Bilbao (1897, 11, 17) claimed, among other things, that Spain represented Latin America's past: "Spain is the Middle Ages," he wrote, and the future of Latin America belonged to France, where a "new era is blossoming."

The essay irritated a group of Catholic government officials, who prosecuted the young journalist for blasphemy, immorality, and sedition. But the disproportionate reaction of the conservatives exasperated Santiago's liberal sectors in turn; they confronted the government of Pres. Manuel Bulnes with a vigorous response and the full force of an emerging liberal press. By galvanizing their demands for openness and democracy, as well as freedom of speech, religion, and thought, the trial helped push the liberal sectors to become not only a government watchdog but also an agent of cultural change in Chile and the subcontinent.

The discussion around the trial and its consequences had a direct impact on how journalism developed in the Americas over the next fifty years. The episode was the first stress test of a new set of laws destined to protect and assure freedom of expression in postcolonial Latin America. In triggering these laws, the trial signaled the emergence of an unprecedented audience—a nascent postcolonial readership in need of its own voice, whose very existence would lead to the invention of a new literary genre.

### THE INSTRUMENT OF ENLIGHTENMENT

Until the independence wars, the Spanish Crown had exercised tight control over the printing presses on the subcontinent, and it had for the most part banished local newspapers. The press was controlled directly by the Church or the Crown, and until the end of the seventeenth century, only Mexico City and Lima had any active printing businesses (Anderson 1983, 61; Kanellos 2005, 688). However, with the revolutionary uprisings, local patriots started to circumvent these controls until the newly established republican governments finally abrogated the Spanish regulations.<sup>1</sup> By 1812 many Latin American countries had well-established newspapers. But due to *caudillismo* (a system of regional strongmen, or *caudillos*, who had access to arms and horses on account of their own personal wealth and charisma) and a complicated transition to republicanism, many of these young nations were waylaid on their road to a free press until the late nineteenth century.<sup>2</sup>

Chile's printing business had a late start but a precocious maturity compared to other Latin American countries. Mateo Arnaldo Havel, a Swedish refugee who had been involved in the assassination of Gustav III and later became a naturalized Chilean citizen, imported from New York the first

printing press to operate in Chile. In April 1811, at the beginning of the independence war, the equipment arrived in the port of Valparaíso aboard the frigate *Gallervais*, together with three American master printers—Samuel B. Johnston, Guillermo H. Burbidge, and Simon Garrison—and a tall pile of republican newspapers (Alberdi 1846, 14).

“In our hands is the great and precious instrument of universal enlightenment—the printing press,” read a letter addressed to Havel from the Congress (Alberdi 1846, 14). And right they were to hail its arrival, since the machine would soon become the cornerstone of the *Imprenta del Supremo Gobierno* (the Printing Office of the Supreme Government) in Santiago and a key weapon in the war with Spain.

On Thursday, February 13, 1812, *La Aurora*, the first Chilean periodical, saw the light of day.<sup>3</sup> Beneath the banner was the announcement that the publication was a *periódico ministerial*, an official organ of the new Chilean government. Directed by Camilo Henríquez, a republican priest who had been commissioned by the first government junta and would receive a salary of 600 pesos, *La Aurora* disseminated the new republican ideas with passion and ardent lyricism. “The printing press is in our hands. . . . The voice of reason and truth will be heard among us after the sad and insufferable silence of three centuries,” the priest wrote in one of his first articles for the publication (qtd. in Lipp 1975, 6–7). And yet, the newspaper’s epigraph read, “Viva la Unión, la Patria y el Rei” (Long live the union, the motherland, and the king).<sup>4</sup> The references to the motherland and the king foretold the conflicts of interest the Chilean press was about to experience in its first attempts at freedom.

Unlike most of its neighbors, Chile had a relatively smooth transition to republicanism. Its progressive press legislation, a sustained growth in commerce, and the rapid development of the financial and mining sectors in the 1800s turned the young Andean republic into the most fertile ground in Latin America for the establishment of a thriving printing business. By the mid-1840s, only thirty years after the *Gallervais* docked in Valparaíso, Chile had developed the strongest and most vibrant free press system in Latin America (Jaksić 1994, 55).

By 1843, laws affecting the press included provisions to enforce the free circulation of newspapers and to guarantee intellectual property, thus expanding on the original press legislation of 1828. In 1833, the Congress incorporated norms to crack down on censorship, adding a progressive twist to an already liberal body of law. The 1843 press legislation in Chile also included a privacy clause that put newspapers at the same level of inviolability as private correspondence (Alberdi 1846, 21–22).

Although such regulations should have made the environment conducive to a free press, Chile's postcolonial reality would reveal itself to be far more complicated, especially when the liberal periodicals started to confront the remnants of a Catholic-Hispanic colonial culture. This antagonism was one of the main elements that in June 1844 prompted the curious trial against an obscure twenty-one-year-old student, Francisco Bilbao.<sup>5</sup>

### THE TEACHING STATE

At the time of Bilbao's trial, Santiago counted a few more than sixty thousand souls. Chile, whose first autonomous government had been formed in 1810, stretched some three thousand miles, from the aridity of the Atacama Desert in the north to the freezing Strait of Magellan at the southernmost tip of the American land mass. Most of the population, however, was concentrated in a modest fertile patch some four hundred miles long and fifty miles wide in the central valley, encased by the unconquerable Andes to the east and a barren, inhospitable lower coastal strip facing the Pacific Ocean to the west. It was a small piece of land soon to become the cradle of the free press in Latin America.<sup>6</sup>

The development of Chile's journalism had been unique. In the few years after the war of independence, the nation had steadily moved toward a vigorous, liberal publishing industry. A constant influx of literate exiles and writers from neighboring countries, most of them under severe dictatorships, pollinated Santiago's newsrooms with liberal ideas imported from England and France. These ideas soon started to spread across the Chilean borders to the rest of Latin America. In that context of a sustained and vibrant liberal expansion, the trial against Francisco Bilbao would dramatically polarize the opposition against conservatives in Chile, while testing the limits, strengths, and weaknesses of the young republic's press legislation.

In those days, social divisions in Chile's central valley were fairly uncomplicated. As David Bushnell and Neill Macaulay (1994, 108–10) point out, "The dominant group was a creole landed aristocracy, whose great estates took in perhaps eighty percent of the good land, for a rate of land concentration matched in few other parts of Latin America." The rural lower classes, mainly mestizo, occupied a dependent position, working either as service tenants (*inquilinos*, as Chileans called them) or as a "floating landless population whose members served as day laborers in harvest or other times of peak labor [...] in return for little more than a temporary abundance of food and drink and associated fiesta type entertainment."

Chile's population, including the Araucanian groups that still ruled in

the far south, reached about two million in the 1840s. The two main cities were the administrative capital, Santiago, and the more cosmopolitan port of Valparaíso. They had flourished, thanks to the easy transportation and communication provided by the thriving trans-Pacific commercial corridor, and had rapidly become key social and economic poles, where the most established and prosperous mining and tobacco businesses in the region were concentrated.

It was not until April 25, 1844, almost twenty years after the end of the devastating revolutionary war, that the Spanish ruling family finally recognized the former colony as an independent state and the tension between Chile and Queen Isabella started to subside. While conservative circles, led by President Bulnes, were still open to the cultural and moral direction set by the monarchy in Europe and the papacy in Rome, a postwar, anti-Spanish sentiment spread among the Chilean middle classes and liberal intellectuals.

A hero of the decisive Battle of Yungay in 1839 and the son of an army officer, Bulnes was a strong advocate of the press as an instrument for educating an elite cohort. During his tenure between September 1841 and September 1851, a flurry of newspapers came into existence. They were partially supported by their own sales, but the national budget and the new press legislation played a role as well. The government's decision to underwrite newspaper subscriptions was emblematic of the importance it placed on periodicals as a means of economic and social development.<sup>7</sup> The consolidation of the press was in more than one way a by-product of policies Chileans referred to as the *estado docente*, or the "teaching state." Fiercely advocated by conservative pedagogues such as Juan Egaña, Mariano Egaña, and the Venezuelan humanist Andrés Bello—the first rector of the Universidad de Chile—for the enlightenment mainly of the upper classes, this exclusivist application of education and the press was met with vehement opposition by liberal pedagogues such as the Argentine writer, journalist, and politician Domingo Sarmiento, as well as Bilbao himself, who believed that the state had the obligation to promote and support the education of the masses in order for Latin America to leave behind the colonial mentality and fully enter modernity.

### **A KINK IN THE (PRINTING) MACHINE**

Manuel Bulnes understood the importance of a vibrant press. Following a decree of 1825, his administration guaranteed a government subscription of two hundred issues for every newspaper published in the country. The law had been easily put into effect in the mid-1820s, as there were no more than twenty or thirty newspapers in circulation in Chile at the time. But with the

unprecedented expansion of the periodical press in the 1840s, the norms started to be applied discretionarily, favoring only publications that, “due to their enlightened principles[,] contained useful ideas” and “deserved to be communicated to the people” (Alberdi 1846, 57–58).<sup>8</sup>

In the 1840s the press was at the heart of a heated discussion between liberals and conservatives about Latin American traditions and the development of a postcolonial identity. To North American observers such as Lt. James Melville Gilliss, who had already seen the emergence of the penny press in the United States, the political nature of the Chilean press—which, in fact, set an early editorial direction for the Latin American press at large—was not only noticeable but also worth mentioning. Leader of the US Naval Astronomical Expedition to the Southern Hemisphere between the 1840s and the 1850s, Gilliss wrote in his travelogue that “the taste for the reading of current events is not very general; and one may perhaps justly infer that there is a like indifference to more serious literature” (qtd. in Jaksic 1994, 41). Even in exile, the overwhelming reason for Latin Americans to bear the costs of printing and distribution of their newspapers and books was to influence politics in their homelands (Kanellos 2005, 687–92).<sup>9</sup>

The periodical *El Crepúsculo* was certainly representative of this political direction in the Chilean press. In 1844 it counted little more than 200 subscribers, a small following compared to those of more established ones but large enough to make it self-sustaining, given that 450 readers was the benchmark for many Chilean weeklies at that time (Lastarria 1885, 200–201; Prieto 1994, 259–71). Like most publications in Chile, the periodical enjoyed some level of government support, in the form of subscriptions destined for public institutions, libraries, and colleges.

*El Crepúsculo* had started as the brainchild of a group of Chilean liberal intellectuals, the Sociedad Literaria, formed in Santiago in 1842 in the context of a traditional rivalry between Chilean and Argentine intellectuals. The Sociedad Literaria was, primarily, a response to the arrival in Chile of a vigorous Argentine liberal intelligentsia fleeing the clout of Buenos Aires’s dictator, Juan Manuel de Rosas.

“[Our] distinguished youth, which not too long ago was reduced to the small circle of the creatures of the dominant oligarchy and their offspring [. . .] received a substantial boost [. . .] from an enlightened and boisterous Argentine immigration,” wrote José Victoriano Lastarria, a prominent Chilean intellectual, in his memoir. Lastarria was also a member of the Bulnes administration at the time, as well as one of the founders of the Sociedad Literaria and *El Crepúsculo*. “In that exchange of honest and cordial relations,” he wrote, “the notable enlightenment and erudition of the sons of el Plata [the

Argentines] was always a highlight, and inspired not a few pangs of jealousy, while making the narrowness of our literary knowledge all too apparent. [. . .] That jealousy spurred the author of this memory to encourage his colleagues and disciples [. . .] to form a literary society” (Lastarria 1885, 85).<sup>10</sup>

Intent on regaining the lead in the battle for public opinion, the Sociedad Literaria launched *El Crepúsculo*.<sup>11</sup> Expectations ran high for the new monthly, especially among the liberal elites. But after a year of existence the publication had not garnered the attention of the broader reading publics of Santiago. And had it not been for Bilbao’s piece and the reaction of a few overzealous Catholics, *El Crepúsculo* would have easily remained under the government’s radar.

In fact, “Sociabilidad chilena” went largely unnoticed until Bilbao was unexpectedly indicted by a government official. It was only then that the acerbic anti-Catholic, anti-Spanish piece began to gain notoriety around town, crystallizing a new power struggle among the Chilean elites.<sup>12</sup>

Almost twenty-two years after the Francisco Bilbao trial, Manuel Bilbao (1866, 24–26) described how Chilean society in Santiago had reacted to his brother’s article: “Those who have found themselves in the middle of a volcanic cataclysm; those who have witnessed the sudden collapse of a population; those who have felt a lightning bolt striking at their feet, only those could have an idea of the effect that ‘Sociabilidad chilena’ produced in Chile’s capital.”<sup>13</sup>

The reactions to the article took Lastarria, one of the top editors at *El Crepúsculo*, by surprise. He believed the government had exaggerated the potential influence that the essay would have on Chilean society (Lastarria 1885, 282–83). In the eyes of some of Bilbao’s contemporaries, the ideas in “Sociabilidad chilena” were not particularly fresh or remotely revolutionary. And to most urban readers, the piece was of little concern.

Even before publication, the essay’s originality had been questioned by the editors of *El Crepúsculo*. Some of the notions that Bilbao was introducing as his own were clichéd, Lastarria claimed in his memoir. The piece was anchored in an eighteenth-century ideological mind-set, which could easily be shown “in the criticism to which [. . .] Bilbao subjected our Catholic and feudal past, our revolution, the governments that understood or opposed it, the Pelucón [conservative] party that reacted against the revolution and aimed at re-establishing and strengthening our Spanish and colonial past.” For Lastarria, Bilbao’s article did not even present “with enough clarity the criticism that had been cast in various forms against Catholicism throughout the past century” (Lastarria 1885, 282–83). Some of this was also mentioned by Bilbao himself years later, when he conceded that “‘Sociabilidad

chilena' [was] an extrapolation of 18th century ideas regurgitated by a young soul" (qtd. in Lastarria 1885, 281).

What Lastarria and other intellectuals missed in their reading of Bilbao's piece was the broader range of his critique: not merely a takedown of the old regime, the essay was a direct indictment of the current one, whose mentality had been inherited from its colonial predecessors almost wholesale by the Chilean conservatives. In perceiving Bilbao's ideas as outdated, Lastarria mistook the young journalist's discussion of the Spanish monarchy and his praise of French republicanism as a revisionist attack on an old caste system when the text was in fact an attempt to question Chile's contemporary class system and social structure. Bilbao proposed that the monarchic mentality was being perpetuated in Chile at the core of the new ruling parties and that it was vibrant among both conservative and liberal elites. In order to fully rid Chile of Spanish oppression, Bilbao thought it necessary for Chilean society to oust not just the monarchy but the monarchic mentality reproduced through both religion and land ownership. He proposed instead a radical shift on a class level, suggesting that Chile move in the direction of public education and the democratization of knowledge and resources equivalent to the ones put in place in modern France:

Catholicism is a symbolic religion and its practices create a hierarchy and therefore a class that controls science, an authoritarian religion that believes in the infallible authority of the church. [. . .] The men who led the thought revolution, finding themselves unable to organize a belief system logically connected to political freedom, reverted to religion as the politics of the people. Thus, we see in many nations constitutional despotism and the promotion of ancient beliefs. [. . .] See the enemy camp, look at the rich and privileged men favored by the establishment; see those lawyers of the Spanish code interested in the perpetuation of the old laws; watch as the clergymen meet in the dark of night to protect this cause. [. . .] Finally, see that multitude of old men and Spaniards who flood the camp, and tell me if you do not see the pulse of ancient Spain come back to life. (Bilbao 1844, 60, 73–74, 80–81; my translation)

Bilbao was aware, on some level, of the undercurrent that Walter Mignolo (2007, 33), citing Aníbal Quijano, calls "coloniality": a logical structure of colonial rule, or the manufactured mentality that secured the colonial powers' influence over the Americas' economy and politics. This is why he aimed his writing with such lethal, perhaps intuitive, precision at the very institutions that had made journalism possible in Chile. His perspective is especially extraordinary considering how fully immersed in modernity Bilbao was and how difficult it must have been for him to reconcile the con-



traditions of being a modern journalist (arguably, journalism is among the most powerful ideological arms of colonialism) while advocating against the grain of coloniality. He was tentative at including African Americans and indigenous Americans in the collective he called “the people,” yet Bilbao was writing from a mentality of inclusivity that was so beyond the comprehension of Lastarria (who was a liberal but could only read “Sociabilidad chilena” through the lens of the creole elites) as to be completely missed by him and the editors at *El Crepúsculo*.

In this sense, and contrary to Lastarria’s arguments, the government was perhaps justified in the intensity of its reaction to the piece. It had read the deeper implications of Bilbao’s attack and understood its dangerously far-reaching potential.

Just two days after the article was published, ultra-Catholic government prosecutor Máximo Mujica indicted Bilbao, accusing him of blasphemy, immorality, and sedition in the third degree, the three highest possible violations of the Chilean press code (Alberdi 1846, 34–38). Sedition in the third degree was punishable with up to four years of exile or imprisonment. A sentence of sedition in the first or second degree was easily commuted for a fine of 200 or 400 pesos, respectively, the equivalent of one-sixth or one-third of the yearly salary of a highly skilled press worker such as a typist, editor, or star writer.<sup>14</sup> The charges of sedition, however, were dropped as soon as the trial began.

The severity of the accusations took Bilbao’s circle by surprise. At first most of his colleagues offered him support. Even Lastarria, who was at the time attached to the Ministry of the Interior, and intellectuals like Francisco P. de Matta, who edited *El Crepúsculo* with Lastarria, voiced their opposition to Bilbao’s indictment in several editorials.

But soon Matta, who was also publisher of *El Siglo*, started to distance himself from Bilbao in an attempt to protect his own interests. In the weeks that followed, Matta described “Sociabilidad chilena” as an individual expression of the young man’s ideas and not views necessarily shared by his colleagues at *El Crepúsculo*. Later on he even wrote that the article was “the expression of intellectual anarchy in our society” (Lastarria 1885, 285).

Bilbao still had some friends in the government. Ramón Luis Irarrázaval, who was by then the interior minister and would become interim vice president of the republic in October 1844, made unsuccessful efforts to have the prosecutor withdraw the charges. This failure led Lastarria, a key mediator between Bilbao and the political power structure, to hand in his resignation at the ministry in protest over the whole affair.

A student at the time, Bilbao was enrolled in the Instituto Nacional, the

oldest and most prestigious high school in Chile. Founded in 1813, the Instituto Nacional was one of the instruments devised by the new government to create an opportunity for elite education in Chile and to produce, as the newspaper *El Monitor Araucano* reported, “opinion, public spirit [and] the men to build the state” (qtd. in Yeager 1991, 73).<sup>15</sup> But when conservatives led by Mariano Egaña, dean of the law school at the Universidad de Chile, primary author of the Chilean constitution of 1833, and editor of the conservative weekly *La Abeja Chilena* (the Chilean bee), noticed Irarrázaval’s attempt to downplay the implications of the “Sociabilidad chilena” affair, they started crying for blood.

The case became an ideological crusade for Egaña, and, as a result of his pressure, Bilbao was expelled from the Instituto Nacional. The young journalist never had fit the mold of the postcolonial ruling elites. Following his expulsion, a strong grassroots movement and crowds of conservatives organized to repudiate Chile’s most liberal institutions—its newspapers—and poured through the streets to protest against Bilbao and his supporters.

Backed by the conservative press, the Catholic factions in power, and large parts of the public, prosecutor Mujica demanded the complete destruction of the issue of *El Crepúsculo* containing Bilbao’s article in an overwrought demonstration of defiance and political bravado. There were no provisions for such action in the Chilean press legislation, so Mujica was forced to appeal to the Supreme Court. And based on an obscure Spanish law of 1609, the court finally authorized the burning of the newspaper by an executioner in a public ceremony—an unprecedented and unusually spectacular display of the political backwardness of Chilean conservative power.<sup>16</sup> Criticized for his eighteenth-century ideas, Bilbao was being punished under the dictates of a seventeenth-century law.

The decision caused consternation among most liberals who stirred up the debate, making it clear that it was not just Bilbao’s reputation that was at stake; the entire future of Chile’s freedom of the press was in jeopardy. However, the liberal reaction further escalated the conservative backlash.

Francisco’s brother, Manuel, remembered the agitation that ensued:

Churches opened their doors, and from the pulpits, and in the public plazas, and on the streets, propaganda was hurled against the “heretic, the atheist, the corrupt, the immoral, the one who burns in the depths of hell and against whom society needs to raise its arms of extermination as an offering to God.” It was the main topic of sermons. Fathers forbade their children to see Bilbao; thus he suffered abandonment by a good number of his friends. Liberals in politics thought their cause would be ruined if they opened their ranks to any-

one who was attacking dogmas: they denied him, they declared him a calamity. Conservatives were wise to excommunicate him from the mother country. [Public] spirit had reached such a fever pitch of derangement and dementia that people who passed in front of Bilbao's windows would make the sign of the cross, and move to the other side of the street. (M. Bilbao 1866, xxiv–xxvi)

Naturally, the accusation fueled a sudden interest in both Bilbao's piece and his trial, capturing the attention and imagination of the general public. This reaction in turn opened an avalanche of small fractures within the ruling party, forcing some of the most liberal members of the government to resign. It could even be argued that it was the fuss the government made about "Sociabilidad chilena" that drew the attention of a broad swath of the population and even audiences far beyond Chile. The piece had, in the vernacular of today, "gone viral"—the first instance of such mainstream reach in the history of Chile's press.

Defiant, while at the same time trying to capitalize on the sudden public interest in the article, *El Crepúsculo* produced a second edition of the issue in question after the first one quickly sold out. The piece was also published separately as a small pamphlet, which raised Bilbao's status to that of a new star in the firmament of Latin American public opinion.

The article catalyzed a latent political dispute floating in the undercurrents of postcolonial Chilean society. The intellectual ferment, of which the article was the clearest sign, had its origins in the social and economic changes led by an ascendant urban bourgeoisie that was reformist, liberal, and Francophilic. Imbued with British parliamentary ideals, the Pipiolos, who favored a federalist type of government, found themselves in direct opposition to the traditional Chilean, pro-Spanish, centralizing upper classes—the Pelucones, or bigwigs—directly associated with the decaying colonial ranks.

Bilbao, of course, was not alone in his attacks on the Church and what he perceived as the backward nature of Chile's colonial heritage. Lastarria and many others at *El Crepúsculo* and *El Siglo* had already voiced their criticism of the conservative elites and the Catholic Church, denouncing religion as an instrument of despotism rather than the basis of freedom, civilization, and a guarantee of the rights of men (Lipp 1975, 13). Many liberals became concerned about the censorship role that conservatives wanted to play amid the strong journalistic, literary, and ideological revolution that was taking place in Chile during those years. But it was Bilbao's piece, as well as his quixotic approach to the indictment and the controversy that ensued, that turned the young man into the main target for conservative anger and indignation. Bilbao—a liberal romantic interested in the works of Rousseau,

Hugues-Félicité-Robert de Lamennais, Edgar Quinet, and Jules Michelet, and, later in life, a fervent reader of Mikhail Bakunin and Karl Marx—was the perfect scapegoat in the eyes of the Pelucones and the Catholic Church.

### THE TRIAL

The trial was short and intense.<sup>17</sup> Bilbao, who was “a beautiful man of Spartan aspect and words,” undertook his own defense, and one by one he addressed the charges with eloquence and sometimes even a little arrogance (Quinet 1897, 2).<sup>18</sup>

Solomon Lipp has suggested that Bilbao’s profound knowledge of the Bible and his reading of works by the French philosophical and political writer Lamennais—in particular, *Le livre du peuple*—molded the young man’s oratorical style, shaping its declamatory, aphoristic, and argumentative liveliness. “Bilbao spoke like a man possessed,” Lipp writes (1975, 20). “He revealed startling flashes of imagery which compensated for the inconsistencies of content.” His vehemence is central to this short exchange between the judge, the prosecutor, and the young writer. The back-and-forth offers a clear example of how unapologetic, sarcastic, and tenacious his self-defense was:

DEFENDANT. Mr. Prosecutor, all you have done is condemn innovation. For look you at my crime.

Now, Mr. Prosecutor, who are you, to make yourself the echo of the society I have analyzed; you who oppose innovation, hiding behind Spanish laws. What crime are you committing?

JUDGE. Sir, you are not here to accuse the Prosecutor.

DEFENDANT. I do not accuse, Your Honor; I merely classify. Philosophy, too, has its code of laws, and that code is eternal. Philosophy has assigned to you the name “reactionary.” Well then, innovator—that is what I am; reactionary—that is what you are.

JUDGE. Come to order. Do not be insulting. [. . .]

DEFENDANT. I do not insult, Your Honor. Let the Prosecutor say what he is. Mr. Prosecutor, do you consider yourself insulted by virtue of my having told you the truth?

PROSECUTOR (smiling). You are just a ridiculous creature; you are not capable of insulting.

DEFENDANT. Ignorance always clothes its replies with the sarcasm of impotence. (Lipp 1975, 6–22)

## THE REACTION TO THE SENTENCE

On the afternoon of June 17, 1844, after sedition charges had been dropped, the tribunal sentenced Bilbao to six months in prison with the option of paying a fine of 1,200 pesos.<sup>19</sup> The sentence could have meant an immediate victory for the conservative Pelucones. But in fact, during the ten days of the judicial process, “Sociabilidad chilena” had spread like wildfire all over Chile and neighboring countries, turning Bilbao into a celebrity, a modern romantic martyr and hero, and the first victim of political censorship in postcolonial Chile. The trial had also put the young Chilean republic on the brink of an explosive liberal backlash, due to what was starting to be perceived by the Pipiolos as a recalcitrant, inflexible, and retrograde government. In Santiago and Valparaíso everyone had at least heard of “Sociabilidad chilena,” and opinions in favor of and against the Catholic Church, the conservative government, and its laws were the order of the day. Bilbao was the talk of the town, and the oratorical displays at the courthouses of Santiago mobilized large crowds of supporters for each side, who gathered in public to root either for the impetuous prosecutor Mujica or for the brave, heroic, and romantic Bilbao. Lastarria argues, though, that few people had clearly understood the young writer’s piece. But that did not prevent anybody from taking sides.

As if the situation had not backfired enough on the conservatives, right after the sentence was pronounced a group of Bilbao’s followers collected enough money to pay his fine, surrendered the amount to the government, and amid joyful celebration demanded that the prisoner be liberated and that the judges be handed over to the people (Lipp 1975, 18–19).

Feeling cornered by the liberals, the Bulnes administration soon introduced more restrictions in the press law, adding two notorious articles to the code of 1846: Article 5, which stated that “he who attacks or ridicules the official religion of the state, or any of its dogmas,” would be subject to a maximum penalty of four years in prison and a fine of 1,000 pesos, and Article 16, which prohibited the public raising of funds to pay for fines imposed as a result of the judicial process (Jaksić 1994, 39).

The disruptions and protest against the government, which escalated in subsequent years after a notable expansion of the liberal press, became another topic of concern for the administration. In 1845, a few months after Bilbao’s trial, the government sued Pedro Godoy’s *El Diario de Santiago* for libel but lost. And the celebrations of Godoy’s supporters turned into a series of violent clashes with the police. The fight lasted for a few hours until a heavy rain finally dispersed the crowds.

In practice, Bilbao's trial gave the Pelucón government a perfect excuse to pass new press legislation in 1846. The new law would afford the administration tighter control over public opinion and give it the power to limit expressions of dissent. While the 1833 constitution had banned prior censorship and had limited the government's power to determine who had "abused" freedom of expression, the new press law, a direct consequence of Bilbao's trial, allowed the administration to censor information considered insulting, immoral, or seditious, while increasing penalties for printers to include imprisonment and even exile.<sup>20</sup>

. . .

After the trial, young Bilbao, exhausted and disappointed in the Chilean political system, retired to Valparaíso, a city he considered more tolerable than the backward Santiago. Then, still unhappy in Chile, he undertook a long, self-imposed exile that led him to France, in the early stages of the 1848 revolution, and then to Prague, Munich, Vienna, and Rome.

In Paris, he studied philosophy at the Collège de France, where Lamennais, Michelet, and Quinet were his mentors. He finally returned to Chile in 1850 to found the Sociedad de la Igualdad (Society for Equality) with his friend and traveling companion, wealthy businessman Santiago Arcos.<sup>21</sup> Soon after his return, however, it was apparent that Chile would not welcome him back with open arms. His books and publications were systematically suppressed and attacked by the conservatives, and after finally being excommunicated from the Catholic Church, Bilbao fled, first to Peru and later to Buenos Aires, where he died in January 1865. He was only forty-two years old.

### THE LEGACY

The trial of "Sociabilidad chilena" became a watershed moment in the history of the press in Latin America. It polarized the opposition against the conservative government of Manuel Bulnes, opening the way for the liberal sector, which would expand its demands for democracy and freedom of speech, religion, thought, and the press. The trial also cleared space for a more active and vibrant journalism, which would become not only the government watchdog but also an agent of education and ideological dissemination in the new republics of the subcontinent.

In the years to come, the press in Chile would undergo an extraordinary expansion. Between 1828—the year when the first comprehensive press legislation was passed—and 1851, at least 152 newspapers that lasted more than one issue were published in the young republic, the largest number of them

during the 1840s, under the Bulnes administrations (Jaksić 1994, 35). These newspapers were conceived, produced, and nurtured not only by the local intelligentsia but also and most especially by a large group of literate immigrants arriving from different corners of the continent, eager to enjoy the freedom of expression and thought they lacked in their respective countries. Paradoxically, many of these immigrants had learned about Chilean freedom of expression from the Bilbao affair.

Years after Francisco's death, his brother Manuel published a letter that Rafael Bilbao, their father, had sent to the young student during those difficult months of 1844. An old-time democrat, member of Congress, and one of the most fervent advocates of religious and press freedom in Chile, Rafael Bilbao set the tone in his letter for what the liberal press movement would accomplish in the country in the years to come. "It matters not that you may be condemned," Bilbao wrote to his son. "You are not going to appear as a criminal, but as a man . . . who favors oppressed humanity. . . . If I could only sit by your side. . . . I repeat, calmness and courage. It is the first time that you perform a public act, one of great importance for your father. Head up, for you have not committed any crime" (qtd. in Lipp 1975, 17).

Bilbao's defense and the reaction to his trial were the first public acts in support of a liberal Latin American press, the first moves toward the affirmation of freedom of speech, and a firm step toward the consolidation of democracy and a free market society in the region. As public acts, they also had a tremendous impact on the direction, scope, and nature of the region's literature and journalism: they activated, in turn, an emerging postcolonial readership and, in so doing, opened up a public arena for the press. It is precisely this unexpected trial of an obscure journalist that galvanized an entirely new audience and fertilized the ground for the most innovative phase of Latin American literary journalism yet to come.