

## DIFFERENT MEANINGS OF "CONSTITUTIONAL CHANGE" AND THE SENDERO LUMINOSO'S "REFORMIST" PRETENSION

<sup>4</sup>Oscar Sumar & <sup>5</sup>Jesus Adolfo Modesto Ortiz

### ABSTRACT

**Objective:** This paper aims to unravel how the term "constitutional reform" has been used in different ways within the Peruvian State and how this has been reflected in the reality of the country itself.

**Method:** The methodological approach was descriptive qualitative research, based on the methodology "process tracing" and "discourse analysis". The information shown was based on systematized data from journalistic information and public speeches given in recent years, which have been compiled in a repository.

**Results:** The results demonstrate the different variations that the term "constitutional reform" has taken and how it has been used to support the Constituent Assembly, an objective of the radical left in Peru for decades. At the same time, it has been possible to demonstrate the relationship between this notion and the idea of "reform", which is the starting point of the terrorist group Sendero Luminoso, being the case that at present, little by little, they are getting closer to achieving their original objective.

**Conclusions:** The central contribution of the paper demonstrates the similarity between the original idea of reform of the terrorist group Sendero Luminoso and the dominant discourse of constitutional reform in the violent protests after the Castillo coup d'état. This variation in the meaning of "constitutional reform" for the Peruvian population involved in this reform plan is proven.

**Keywords:** Change of Constitution. Constitutional Reform. Ideology. Rule of Law. Sendero Luminoso. Constituent Assembly.

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<sup>4</sup>Universidad Científica del Sur, (Peru). E-mail: [osumar@cientifica.edu.pe](mailto:osumar@cientifica.edu.pe) Orcid id: <https://orcid.org/0000-0001-7658-9606>

<sup>5</sup>Universidad Científica del Sur, (Peru). E-mail: [100096849@cientifica.edu.pe](mailto:100096849@cientifica.edu.pe) Orcid id: <https://orcid.org/0000-0003-3487-3398>



## DIFERENTES SIGNIFICADOS DE "CONSTITUIÇÃO" E A PRETENSÃO "REFORMISTA" DO SENDERO LUMINOSO

### RESUMO

**Objetivo:** Este documento pretende desvendar como o termo "reforma constitucional" tem sido utilizado de diferentes formas no seio do Estado peruano e como isto se tem reflectido na realidade do próprio país.

**Método:** A abordagem metodológica foi a investigação qualitativa descritiva, baseada no rastreio do processo e na análise do discurso. A informação apresentada baseou-se em dados sistematizados de informação jornalística e discursos públicos proferidos nos últimos anos, que foram compilados num repositório.

**Resultados:** Os resultados demonstram as diferentes variações que o termo "reforma constitucional" tem assumido e como tem sido utilizado para apoiar a Assembleia Constituinte, um objectivo da esquerda radical no Peru há décadas. Ao mesmo tempo, tem sido possível demonstrar a relação entre esta noção e a ideia de "reforma", que é o ponto de partida do grupo terrorista Sendero Luminoso (Sendero Sendero Luminoso), e o facto de, actualmente, pouco a pouco, se estarem a aproximar do seu objectivo original.

**Conclusões:** A contribuição central do documento demonstra a semelhança entre a ideia original de reforma do grupo terrorista Sendero Luminoso e o discurso dominante de reforma constitucional nos violentos protestos pós golpe de Estado do Castillo. Esta variação no significado de "reforma constitucional" para a população peruana envolvida neste plano de reforma é comprovada.

**Palavras-Chave:** Mudança de Constituição. Reforma Constitucional. Ideologia. Estado de Direito. Sendero Luminoso. Assembleia Constituinte.

### INTRODUCTION

When Abimael Guzman, the leader of the Sendero Luminoso terrorist group, was arrested in 1992, many thought that Peru had defeated terrorism. However, terrorism only changed its form. They went from bombing, kidnapping and murder to seeking to subvert order "from within", using the legal system. Within this "legal struggle", in addition to the release of imprisoned terrorists and direct political participation, Sendero had as a main objective the "change of constitution".

Thirty years later, Peru elected as president Castillo, a person linked to that "political" arm of Sendero (Movadef) and always had as one of his main banners the change of the constitution, through a constituent assembly. Castillo dedicated himself to destroying the country from within, until his resignation on December 7, 2022, which was nothing more than a war cry that raised the country, again under the slogan of a constituent assembly.



On their side, the so-called "opposition" has an ironclad and hyper-legalistic stance against a new constitution, which they call contrary to the rule of law by definition. They have spared no speeches, citizen movements, press and legal measures to make sure that an assembly, if it happens, will be bypassing many legal locks and barriers. Castillo and his entourage have taken advantage of this to victimize themselves and attack the opposition. On the other hand, many people in Peru want changes and agree with a new constitution or reform of the current one.

Therefore, we have many opposing positions and interests, where different actors are mentioning similar words, but without common bases for discussion. This impacts not only on the lack of clarity in the discussion before the public opinion, but also the lack of a clear and effective plan to confront the narco-terrorist movement promoted by one of the "reformist" currents, undoubtedly the most dangerous for Peruvian democracy.

In this paper, we will try to explain the different meanings of "changing the constitution", and then explain that the main threat is related to the meaning given by Sendero Luminoso, which is very different -disconnected- with the response of the Peruvian opposition, which rather feeds it.

## METHODOLOGY

This paper is based on the process tracing methodology used by Valle-Riestra (2021)<sup>1</sup>, in the sense that trying to follow a historical and argumentative thread between the beginnings of the "legal struggle" stage of Sendero Luminoso -which included the objective of a constitutional change- with the current events in the country, where there are violent protests that precisely have the constituent assembly as one of their main "banners".

To this methodology we add another one such as discourse analysis (Lupton, 1992)<sup>2</sup>, since we are facing a political slogan that is ubiquitous in Peru (new constitution), but we hypothesize that it is used in many different and contradictory meanings. We consider that unraveling the different meanings is central to the discussion and will allow us to guide both the best politicians and citizens, who often find themselves lost in the different meanings.

This work is based on journalistic information and speeches, which constitute public information, but which covers several years and has been systematized for analysis. The information is in a repository open to the public which can be accessed here: <https://docs.google.com/spreadsheets/d/1KfF9JyePHAel0jeBv0IHr1-xccOIllSuVP0l5S9xNSo/edit?usp=sharing>



## WHAT IS AN AUTHORITARIAN/COMMUNIST CONSTITUTION?

Lately, the idea has been introduced that there are "socialist constitutions", which are opposed to "Western" constitutions<sup>3</sup>. We consider this to be a mistake. Open-mindedness and a sort of "constitutional pluralism" cannot escape the fact that a constitution is a by-product of a liberal democracy. A tyrannical country in general or a communist one in particular cannot have a "constitution" in the real sense of the term<sup>6</sup>.

Thus, there are communist countries in the world that - nevertheless - have texts that they call "constitution" and other democratic and liberal countries that do not. At first sight, this may seem contradictory, but it is not. It is, in fact, a terminological problem. Countries like China, Cuba or Venezuela -in real terms- do not have a constitution; while countries like the United Kingdom, New Zealand or Israel do, despite not having a "codified" constitution.

This confusion is related to the concepts of "written constitution" and "living constitution", but we believe that there is a third term that could be coined as "fictitious constitution". Many times, attempts have been made to justify the fact that the Chinese Constitution is not respected in practice by resorting to the concept of a "living constitution". However, a "living constitution" presupposes the prior existence of a "written constitution", which is marginally modified and expanded by constitutional political practices. Living constitutions, then, depend on the existence of a constitution that actually has the quality of a constitution. There are two extremes where this is not the case: countries without a constitution.

Countries without a constitution can be of two types. On the one hand, countries with constitutional practices and customs so well established that they do not require a codified constitution. These countries, however, do have constitutional norms that are not subject to the will of any authority. For example, it would not occur to anyone to remove a state power or take away human rights through legislation from any Englishman. This situation is perfectly compatible with respect for the rule of law. It is not for nothing that the United Kingdom is quite high in the ranking of respect for the rule of law. Thus, in these countries it makes no sense to speak of "living constitution", since there is no counter position between "written constitution" and "living constitution", their whole constitution is "living".

On the other hand, we have countries that do not have the rule of law or are in the process of disappearing it, but have "constitutions". This political form represents the disregard for the

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<sup>6</sup> In the preface of this book is an excellent argument for why "rule of law" and "constitution" are indissoluble terms, which cannot be understood without each other:



juridical, expressed not in the subordination of power to the Constitution, but of the Constitution to power (Chofre-Sirvent, 2020 cited by Chaguaceda & Viera, 2021). In the Marcusean sense, the use of language as a modeler of a reality that is not only contradictory, but also denied by the word itself, is striking. A constitution in an authoritarian state is an insoluble contradiction and plays a controlling role<sup>7</sup>. In these countries, moreover, the pseudo-constitution can fulfill various roles, ranging from the formal/facade, to internal coordination, strategic or cultural functions. However, these are not really constitutions, as they are not a "superior rule" within their legal system. In other words, the rules are dictated by an authority, arbitrarily, which is precisely what distinguishes these regimes as authoritarian. As we can see, in this case it makes no sense to resort to the concept of a "living constitution" either, since there is no constitution to modify; there simply is no constitution.

Pseudo-constitutional texts have functions that explain why a country without rule of law would invest time in drafting a pseudo-constitutional text. Think - on the contrary - of a country that has a rule of law, including a formal/written constitution, but nevertheless embarks on the process of drafting a new constitution. In this case, the constituent process may have a different utility from the text itself. In the Peruvian case, not only the constituent assembly, but the constitutional reform narrative itself has the utility of helping to subvert the rule of law itself. However, it is difficult to perceive this and the discussion is trapped when different groups and actors use the concept of "constitutional reform" in different, even contradictory, senses. In the following section we will try to clarify this.

## **DIFFERENT MEANINGS OF CONSTITUTIONAL REFORM**

### ***Meaning 1: destruction of the rule of law (leftist radicals)***

In this case, when there is talk of "changing the constitution" it is usually coupled with a discourse of "refounding the state" and capturing "real power". Since these actors are guided by Marxist-Leninist ideology, it is evident that their interest is not reform in the formal sense (text of the constitution), but the capture of real power. This capture is achieved through the destruction of the rule of law: seizure of political, economic and law enforcement power.

The constitution (in the real sense of the term) is a by-product of the rule of law. Thus, destroying the rule of law and implementing a new constitution are contradictory goals. The

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<sup>7</sup> MARCUSE, Herbert, op. cit.



contradiction is resolved if one correctly interprets what the radical left really means by "changing the constitution". For the radical left it is a synonym for the destruction of the rule of law, where the constitution is replaced by a text, like an instruction manual for public administration, but which does not have the essential characteristics of a constitution: division of powers and recognition of the dignity of the person.

The radical left made clear its disinterest in a formal reform of the constitution when it never once used the "question of confidence" to call for it, except in its last month of government; and, even its signature gathering process to call for it through a referendum was very weak. Only as an act of "self-sacrifice"/call to violence, Castillo called for the constituent assembly. But precisely his call, more than -formally- establishing it, turned it into a sort of war cry to call for the subversion of the rule of law.

What is the use of talking about a constituent assembly if the objective is not to create a constitution in the real sense of the term? There are several, even if there are no plans to actually set up an assembly. For example, to distract the opposition while destroying the rule of law (the real objective). Also, it is an interesting flag for a group of the population that understands "change of constitution" in the third way (Meaning 3): change of the way of doing things.

### ***Meaning 2: modification of the text (opposition)***

For the opposition, "change of constitution" refers to the formal change of the text. For this reason, they dedicated their efforts to prevent the change of the text, regulating the referendum and the question of confidence. In addition, their explanations of the goodness of the text (in reference to the supposed consequences it has had) sought its preservation.

Of course, this fight for the preservation of the text not only wasted resources (where are the two million signatures collected?), but was also the best publicist of the reform campaign. Nobody talked more about the change of the constitution than the opposition itself, even with the slogan "no to the constituent assembly".

Moreover, it allowed left-wing radicals to create the narrative that the right in Peru did not want citizens to make decisions about their own destinies and that they wanted to perpetuate a model that oppressed them. The foolishness of talking about reforming the text undoubtedly gave this largely false narrative a real point on which to rest.





***Meaning 3: change in management and greater representativeness (dissatisfied and manipulated citizens)***

This meaning has also been encouraged by the radical left, precisely by passing off a management problem as a problem of the text of the Constitution or by associating problems with the idea of a constitution. In this case, the manipulative narrative becomes evident when things are proposed that are already in the text or that do not depend on the Constitution at all.

For example, the idea has been promoted that the constitution promotes monopolies to favor companies. A "good" constitution, it is said, would prohibit monopolies. This is false. No modern or democratic country prohibits monopolies, what they do is to regulate the "abuse of dominant position", as Peru also does. Only countries like Iran, Libya or Venezuela prohibit monopolies. The result of doing so would be catastrophic for an economy, for reasons that are not worth explaining in detail here. However, an anti-market and anti-constitution narrative has already been created, which has little or no real hold. If anything, Peru needs less regulation, so that there can be more competition, lower prices and "optimal" product quality.

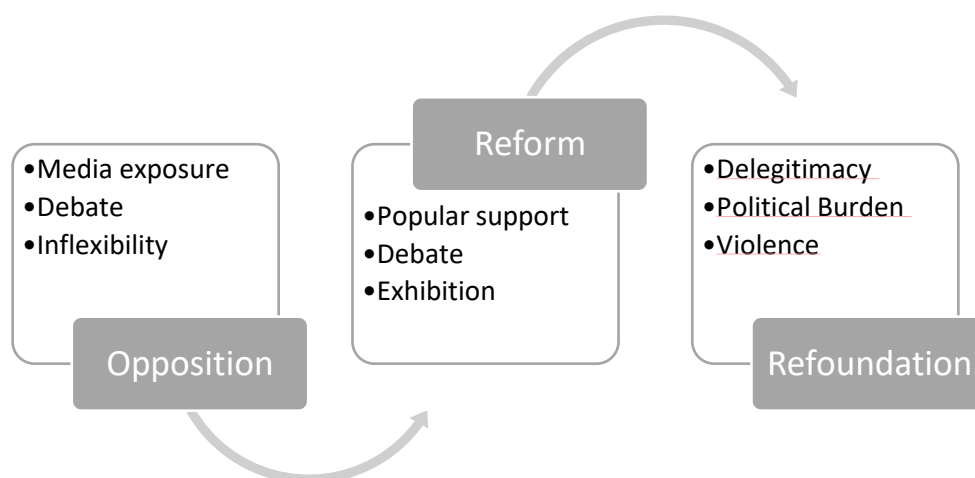
It is also said that there should be a right to health or education in the Constitution. Not only do these rights exist, but both are prioritized sectors, where the direct intervention of the state as provider is allowed. Most health and education in Peru are not provided by private companies, but by the state itself. However, due to management and corruption problems, it does not do so efficiently. What should education say to change this? Should it say that it not only prioritizes, but that it "super prioritizes"? Clearly there is an information problem, encouraged by people who have Meaning 1 in mind, but bouncing off a wall in front of those who have Meaning 3 in mind.

**Summary: different meanings of "changing the constitution".**

Meaning	Orientation	Narrative	Acciones	Proponente
Destroying the rule of law	Sustantive	"The text was born of a dictatorship", "the power belongs to the people", "the system does not work", "against big business and imperialism".	No efforts were made to amend the Constitution, but efforts were made to "lift up the people".	Radical Left
Improving state management	Mixed	"The constitution allows monopolies", "education and health are not rights, but services", "the participation of different cultures is not recognized".	The proposals are either unfeasible or are already included in the constitution.	Citizenship manipulated by the radical left
Change the text of the constitution	Formalist	"A constituent assembly would be a key to communism", "the 1993 Constitution led us to progress"	A series of measures were promoted, ranging from the collection of more than two million signatures to legal modifications to prevent the Constitution from being modified.	Opposition to the government (center-right and right-wing) and majority of citizens

It should be noted that, of the three positions, the most realistic and useful, undoubtedly, is the first one. Only the radical -Leninist- left is using "constitutional change" in the deepest and truest sense of the subject. The other approaches lower the level of reality, but especially the last one, which is merely formal. The mixed stance has elements of reality, but does not realize that it is part of a larger game, in which its rights and claims take a back seat. In the case of the formalist position, this not only does not attack the real problems -advancement of the radical left- but even helps it to achieve its goal, since it keeps the discussion on constitutional change alive and gives it a lot of publicity.

**Figure 1:** discussion on text change favors instability







Both part of the opposition and the population argue about the demerits and merits of the constitutional text, thus generating a climate of uncertainty and unpredictability. This discussion keeps the reformist agenda alive, but also detracts from the legitimacy of the text.

In the case of the opposition, they were undoubtedly the ones who spent the most hours talking about the change of constitution in the media and mobilizing public opinion. But not only that, they also contributed -unintentionally- with the radical left in two additional points. With this, both citizens who believe in the desirability of change and even the opponents, both collaborate with the cause of the radical left. On the one hand, they showed little flexibility towards the idea of change, which generates suspicions about their motivations among the citizenry. Do they want to keep their privileges? On the other hand, in a more subtle way, leaders of the opposition -with a desire to appear - invited characters of the radical left to debate, showing them all as valid interlocutors when, in some cases, they are even linked to narco-terrorism.

Thus, both groups, reform-seeking wits and opponents, ended up working in favor of the radical left, in their eagerness to maintain anxiety and uncertainty regarding the value of the constitution as the fundamental norm of the Peruvian state.

## **SENDERO LUMINOSO AND THE GOAL OF A NEW CONSTITUTION**

### ***Peru Libre and the narrative of a constituent assembly***

In his failed coup, Castillo declared the Congress dissolved and called for "a new Congress, with constituent assembly powers, to dictate a new constitution within 9 months". He also asked "civil society, self-defense fronts, *ronderos* and all groups of society" to support his decision. Of course, Castillo did not have the support of the police and armed forces - which is why he was arrested and dismissed within hours - but what few of us suspected at the time was that the final blow to subvert the rule of law was just beginning.

Even before assuming the presidency, in the electoral campaign and in his government plan, Castillo had highlighted the importance of a new constitution. As soon as he began his administration, in his message to the nation at the beginning of his term of office -on July 28, 2021- he also pointed out the importance of the constituent assembly:

"Everyone knows, because we have stated it many times, that one of our main political banners, now converted into a banner of the majority of the people, is the call for a constituent assembly that will provide our homeland with a new magna carta that will allow us to change



the face of our economic and social reality. We will insist on this proposal, but always within the framework of the law and with the legal instruments that the current constitution itself provides"<sup>8</sup>.

Later, as president, the issue of the constituent assembly continued, but at a relatively low intensity. Although the pro-government congressman Guillermo Bermejo initiated a campaign to collect signatures to call -what would be an illegal- referendum, this never materialized. Castillo, for his part, presented a bill to convene the assembly, but did not force Congress to approve it. Perhaps the most effective -and silent- work of the government took place in the "decentralized councils" that it held with its ministers, where issues such as constitutional reform were put on the agenda. Before Congress, precisely when presenting the reform bill, Aníbal Torres, former Prime Minister, pointed out:

"Then these decentralized councils of ministers are initiated. We arrive at any place and the first thing the people ask for is: close the Congress and constituent assembly, fulfill your promise (...). Faced with these requests from the population, which are councils where the people participate in the debate to give solutions to the problems that arise and also participate in decision making, we had to attend to this request of the constituent assembly".

The truth is that -beyond a citizen demand, the councils would be to promote it. Therefore, it is not surprising that -after Castillo's coup- when a group of thousands of extremely violent people "rose up", their main demand was precisely that a constituent assembly be established.

The origins of the idea of a constituent assembly as a way of destroying the rule of law

Undoubtedly, a reference that quickly comes to mind is the Castro-Chavista legacy. However, in Cuba or Venezuela, power was captured prior to the establishment of a constituent assembly. In the case of Venezuela the coup d'état was given simultaneously to the convocation of an assembly, but the assembly was not the cause or the real tool of the seizure of power. Castro and Chavez had military power. Both are inspired by the cases of Russia and China, where the constitution is a later text and unconnected with the seizure of power, not even temporarily. But Cuba has always had a special relationship with the idea of a constituent assembly, coining the phrase "the revolution is the source of law" (Chofre-Sirvent, 2017: 60)<sup>7</sup>.

The idea that a constituent assembly would serve as a way to seize power is inspired by the Castro-Chavista movement but has only been used in its most perfect form in Chile (2019) and Peru at present. In both countries, Chile and Peru, the Castro-Chavist influence is strong. The scheme is the same, they seek to "set fire" to the country, generate chaos, destroy

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<sup>6</sup> In the same speech, seconds later, he stated that the constitution would be modified to convene a constituent assembly, a procedure not foreseen in the current Peruvian constitution.



institutions, both in legal and physical terms (discrediting police officers, infiltrating the institution and burning police stations, for example). It is not surprising, then, that the constituent assembly has an initial inspiration in the legalistic fetishism of the Chavista Castro movement.

It was precisely Castro, as the great sponsor of terrorism in the region, who, in 1984, advised the Sendero Luminoso to lay down its arms and seek the "democratic" path to power. Since its semi "military" defeat in 1992 with the capture of its leader, the terrorist movement strongly welcomed the idea of participating in the political life of the country. In addition to the legal defense of imprisoned terrorists, the terrorist group had the establishment of a constituent assembly as one of its main plans, at least since 2000. Movadef, which is the current name of Sendero Luminoso, has a plan with eight main goals. The first of these is to change the constitution. Even Abimael Guzman's lawyer said publicly in 2011 that the terrorist leader wanted a constitutional change.

Of course, they were not the only ones seeking change. Many citizens opposed to the Fujimori government, whose government became a dictatorship, also wanted a reform; as well as constitutionalists; and, well known politicians, all agreed on the convenience of a reform. But they (at least most of them) wanted a reform in the sense of textual changes and the symbolic act of changing the title of the document, not in the sense of "re-founding" (destroying) the rule (of law). That is what makes the idea of the terrorist group special in relation to the facts we see today.

There is an initial point where both "interests" converge for the first time in an important historical moment. In 2000, after Fujimori's dismissal and the dissolution of the Congress with a Fujimorist majority, a leftist politician, Valentín Paniagua, assumed the presidency and commissioned his Minister of Justice, Diego García-Sayán, to form a commission of experts to determine how to change the Constitution<sup>8</sup>. For the "transitional government" and the commission, the 1993 Constitution had a "spurious origin", despite having been approved by a constituent assembly and then ratified by referendum. Let's say that this animosity against the Constitution could be understood in the context: Fujimori was considered a dictator, who had just been dismissed and the Constitution, despite not having been made by him, was to a great extent a consequence of his influence in Peruvian politics. What is most striking, however, are the actors. One of the members of the commission, for example, was Ernesto de la Jara. De la Jara is the son of Jose Maria de la Jara, who was defense minister during the Belaunde Terry government in the 1980s and one of the main culprits (by his negligent inaction) for the advance of Sendero in the first place. But not only that, De la Jara is the founder of the Instituto de



Defensa Legal, an association that not only defends the rights of terrorists and accuses members of law enforcement, but even includes among its ranks at least one person convicted of terrorism. Garcia-Sayán himself, first as a minister under Paniagua and Toledo and then as a magistrate of the Inter-American Court, has been repeatedly singled out in public opinion as someone who consciously favored the interests of the Sendero Luminoso. It is also striking the conclusion they reached, favoring the establishment of a constituent assembly over the modification of the Constitution using the regular channels established in its text, which they precisely denied its normative value. Thus, the connection between this supposedly technical and objective commission and the objective of the Sendero Luminoso is evident.

***What is the point of connection between the protests, the political slogan of Castillo, Cerron and the rest of the radical left, and the objective of the Sendero Luminoso/Castro-Chavista?***

From the beginning of his administration, Castillo's connection to both Sendero and Castro-Chavismo has been evident. Just to begin with, Castillo ran for president backed by a syndicate that is made up of members of Sendero. Then, the party that took him to the presidency is led by Cerron, the son of a former professor who was -according to Cerron himself- killed by the army, for -allegedly- being part of Sendero in the eighties. His first premier was Guido Bellido, who months before taking office publicly declared on television "what is wrong with Sendero Luminoso?". Castillo not only appointed members of Sendero Luminoso to key positions -such as the director of intelligence-, but he did not hesitate to receive members of the terrorist group in his office -on multiple occasions-. Months before assuming the presidency, he was also seen in the area where there is more drug trafficking in Peru (the Vraem) with a congressman prosecuted for terrorism, where the legalization of coca was proposed. All this in a meeting with a Mexican flag in the back. This same congressman, Bermejo, was in charge of collecting signatures for the call for a constituent assembly. Still, many deny even to this day the link, and see these facts as irrelevant, exaggerated or speculative.

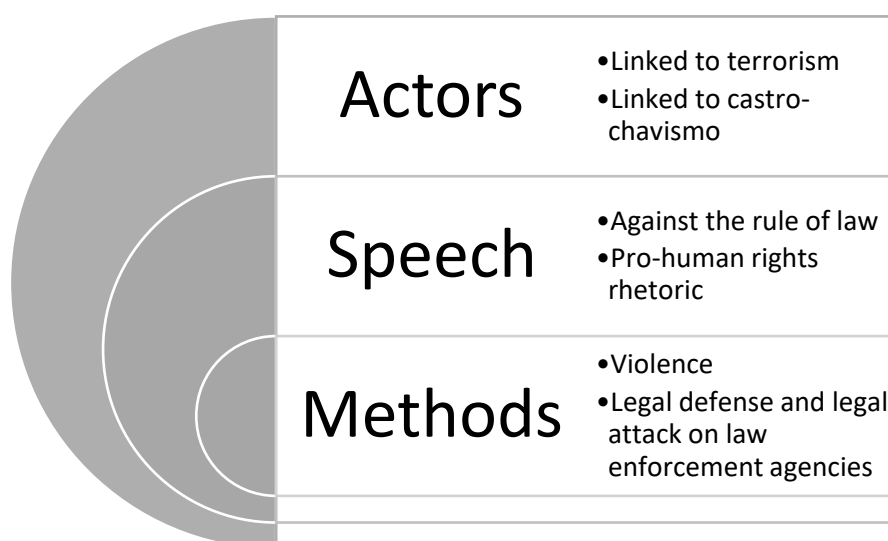
Then, we have the protests themselves. It is evident, as independent media such as The Economist have reported, that the protests are not spontaneous, but encouraged by the same people who were (or are, because Dina Boluarte is part of Perú Libre as well) and supported/financed by illegal mining and drug trafficking, activities linked to terrorism. On the other hand, many of the acts carried out in the protests are qualified as terrorist acts: burning a policeman alive, setting fire to police stations and other public and private buildings, attempting to take over airports in a synchronized manner, among others.



Sendero Luminoso's exploitation of the protests is not new. On this occasion, the connection is deeper, given that the protests arise precisely as a consequence of the arrest of a former president linked to narcoterrorism, but this strategy of Sendero Luminoso is not new. As early as 1990, a report published by RAND gives an account of it. According to this study, the minimum objective of the metropolitan committee under circumstances of social unrest would be to make a bad situation worse. If the Sendero urban apparatus is not strong enough to form and control a definitive popular uprising, it will almost certainly be in a position to further catalyze a spontaneous popular reaction and employ that reaction for its own purposes. Its objective would be to ensure that once events are occurring, they continue to escalate until the central government has to go or is removed, regardless of whether Sendero is in a position to "pick up the pieces" (MacCormick, 1990)<sup>9</sup>. Of course, their ultimate goal is to take total power, but they are in no hurry. They are even willing to take two steps back, to take one step forward, as demonstrated by Castillo's quasi-resignation.

This connection between the Sendero Luminoso plan and the form and substance of the current discourse are not coincidental. The Sendero Luminoso molds the request for a constituent assembly that does not seek specific changes in the text, but is based on anti-capitalist and anti-Fujimorist rhetoric (which in Peru represents the conservative right); also the violent (anti-democratic) form of the request; and its selective use of a guaranteeing and pro-human rights discourse, which has been the trademark of the Sendero Luminoso since it changed its name to Movadef, which stands for *Movimiento por la Amnistía y Derechos Fundamentales* (Movement for Amnesty and Fundamental Rights).

**Graph 2:** points of connection between the current pro-assembly movement and Sendero





As we see, then, although the idea of constitutional reform does not start or end with the Sendero Luminoso, we have to take into account that this special form of constitutional reform is linked to characters, forms and substance that are directly taken from the Sendero Luminoso's flow. This time, Sendero seeks to achieve all this with the support of local allies -spontaneous or mercenary- from the press, academia, politics, among other various illegal spheres and economies; as well as international allies, basically the Castro-Chavista movement. It is Sendero Luminoso seeking to achieve through subversion of the democratic order what it did not achieve through arms in the eighties.

## CONCLUSION

After analyzing the processes and discourses from the origins of the Sendero Luminoso's "legal struggle" to the current protests towards the end of 2022 and the beginning of 2023, several interesting findings emerge. First, there is a line of continuity between Sendero's "original" idea of reform and the dominant discourse of constitutional reform in the violent post-coup protests of Castillo.

On the other hand, Sendero's idea of "constitutional change" is synonymous with the destruction of the rule of law, so formalisms -including the very establishment of a constituent assembly- are secondary. The opposition -in this sense- is opposing formalities that have no direct relation with the plans of Sendero, which -rather- is advancing in its objectives of infiltrating institutions, obtaining resources and violently destroying public and private property.

The opposition must understand what Sendero's real objective is in order to better articulate its narrative. In the current situation, their position - which points to the constituent assembly as contrary to the rule of law by definition - appears unrealistic and inflexible, even though - at bottom - their visceral rejection of "constitutional change" is justified.

This preliminary work also demonstrates that being able to know the background of the discussion on the change of constitution in Peru, demands an academic effort, not even being informed about the political events or even about the theory of constitutional law is enough. This is a challenge for Peruvian society, since only by having a true perspective on the facts will it be able to decide correctly as a society and avoid being manipulated by interests contrary to those of the country.





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