

¡Presentes! ¡Ahora y Siempre!  
Remembering the Disappeared in Democratic Argentina

by

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## Key Terms

- Raúl Alfonsín – President of Argentina (1983-1989), member of the UCR, first president after the dictatorship.
- Argentine League for the Rights of Man (*Liga Argentina por los Derechos del Hombre*) – also known as Argentine League for Human Rights (*Liga Argentina por los Derechos Humanos*) or the League (*la Liga*) for short – a human rights organization founded in 1937
- APDH – Permanent Human Rights Assembly or *Asemblea Permanente de Derechos Humanos* a human rights organization founded in 1975. Former President Raúl Alfonsín is the most famous co-founder.
- Association of the Mothers of the Plaza de Mayo (*Asociación de Madres de Plaza de Mayo*) – a human rights organization founded in 1977 by a group of mothers searching for their disappeared children. The group added “Association” to the front of its name when it split with Founding Line in 1986
- CELS – Center for Legal and Social Studies or *Centro de Estudios Legales y Sociales*, a human rights organization founded in 1979. Emilio Mignone is the most famous co-founder.
- CONADEP – National Commission on the Disappearance of People (*Comisión Nacional Sobre la Desaparición de Personas*), the truth commission created by President Raúl Alfonsín in 1983 to investigate the fate of the disappeared
- Disappeared – *Desaparecidos*, people kidnapped, and then typically tortured and killed by the dictatorship. This term is commonly used to distinguish the disappeared from those who were murdered, since the government never revealed the whereabouts of these people,
- The Ecumenical Human Rights Movement (*Movimiento Ecuménico por los Derechos Humanos*) – a human rights organization founded in 1976
- ESMA – Naval Mechanics’ School (*Escuela Mecánica de la Armada*), a naval school also used as a clandestine detention center during the last dictatorship
- Family Members of the Disappeared and Imprisoned for Political Reasons (*Familiares de Desaparecidos y Detenidos por Razones Políticas*) – sometimes called *Familiares*, a human rights organization founded in 1976 composed of family members of disappeared people

- FREPASO –Front for a Country in Solidarity or *Frente por un País Solidario*, a coalition founded in 1994, composed of the Great Front or *Frente Grande*, a group of dissenting Peronists as well as some socialist and other leftist parties. It allied with UCR to bring Fernando de la Rúa to the presidency in 1999 and then dissolved in late 2001
- Grandmothers of the Plaza de Mayo (*Abuelas de Plaza de Mayo*) – a human rights organization founded in 1977 by grandmothers searching for their disappeared grandchildren, particularly babies born in captivity
- HIJOS – Sons and Daughters for Identity and Justice Against Forgetting and Silence or *Hijos por la Identidad y la Justicia Contra el Olvido y el Silencio*, a human rights group founded in 1995, composed of children of disappeared people. The word HIJOS also means children (sons and daughters) in Spanish.
- Nestor Kirchner – President of Argentina (2003-2007), member of the PJ, husband of President Kristina Kirchner
- Kristina Kirchner – President of Argentina (2007-today), member of the PJ, succeeded her husband Nestor Kirchner
- Carlos Menem – President of Argentina (1989-1999), member of the PJ
- Mothers of the Plaza de Mayo Founding Line (*Las Madres de Plaza de Mayo Línea Fundadora*) – a human rights organization founded in 1977 by a group of mothers searching for their disappeared children. Founding Line broke with the original group in 1986
- Movementism – a term coined by James McGuire to describe the tendency to conduct politics through movements rather than political parties
- Neighborhoods for Memory and Justice (*Barrios por Memoria y Justicia*) – a coalition of neighborhood groups founded in 2004 to promote memory of the last dictatorship
- Open Memory (*Memoria Abierta*) – a coalition of human rights organizations founded in 1999 to promote memory of the last dictatorship
- PJ – *Partido Justicialista*, the Peronist party, founded in 1947 at the beginning of Juan Perón’s first term as president
- SERPAJ – Peace and Justice Service or *Servicio Paz y Justicia*, a human rights organization founded in 1974. Though the group has chapters throughout Latin America, the term as used here refers specifically to the Argentine branch.

- Space for Memory Institute – an organization created by the Buenos Aires legislature in 2002 to promote memory of the last dictatorship, particularly by overseeing former clandestine detention centers.
- Task Force 3.3.2 – a naval group in charge of the clandestine detention center at ESMA
- UCR – Radical Civic Union or *Unión Cívica Radical*, a center-left political party that was founded at the end of the 19<sup>th</sup> century and remains active as one of Argentina’s two main parties

## **Introduction: Historical Memory in Times of Transition**

### Recent Argentine History

In the early 1970s, Argentina descended into chaos. Left wing guerrillas and right wing paramilitaries began killing each other on the streets. Many believed that the return of Juan Domingo Perón, the long-exiled leader, was the only solution to Argentina's problems. Only Perón, many said, could unite these disparate camps under one social and political movement. In a country with little experience of non-violent disagreement, unity and harmony seemed to be the best hope for internal peace.

Perón returned to Argentina and assumed the presidency in 1973. He died of a heart attack at the age of 78 less than a year later, leaving the presidency to his wife, then Vice-President Isabela Perón, who had no previous political experience. Unable to handle the disorder, Isabela allowed the AAA (Argentine Anti-Communist Alliance), led by her close adviser, José López Rega, to murder members of guerrilla groups using brutal, extra-legal tactics. At the same time, the army fought the guerrillas in a traditional campaign in the northwest province of Tucumán, almost completely destroying their already small ranks.

In 1976, after two more years of disorder, the armed forces initiated a coup, the sixth since 1930. Though some citizens opposed the coup, many considered it the only way to stabilize the country. Prominent newspapers openly called on the military to save the country. Once in power, the junta leaders initiated what they called the Process of National Reorganization, which included social, political and economic components. Most notoriously, the regime carried out a policy of enforced

disappearances. It sent squads of officers to kidnap so-called subversives from their homes, schools, offices, or from the street. After this point, they were almost never heard from again. Police officers and other government officials told concerned relatives that the state had no knowledge of these people. It is now known – and there were rumors at the time – that “the disappeared” were taken to secret detention centers, where military and police officers tortured them brutally and then, almost always, killed them. Though the regime claimed to be fighting the guerrillas, the term subversive quickly expanded to include anyone suspected of leftist sympathies, as well as many people who were simply in the wrong place at the wrong time. Somewhere between 12,000 and 30,000 people were disappeared by the dictatorship, mostly in its first two years.<sup>1</sup> By the early 1980s, the dictatorship faced a failing economy, a disastrous war in the Falkland Islands, and the first wave of popular protest since 1976. Knowing the regime could no longer retain power, Reynaldo Bignone, then head of the junta, initiated the return to democracy in 1983.

### The Dilemmas of Transition

Argentina transitioned to democracy in the context of international trends promoting memory of past atrocities and justice for perpetrators. Though political transitions have occurred for as long as governments have existed, only since World War II has the “search for and invention of collective forms of response” become

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<sup>1</sup> The government, through the work of its truth commission by the sub-Secretary of Human Rights has processed approximately 12,000 cases of disappearance, acknowledging that more may exist. Human rights organizations commonly contend that the real number reaches 30,000.

central to the process.<sup>2</sup> Since the end of the Holocaust, it has become almost a truism to call for memory of past atrocities to avoid repeating the past, to honor the victims, and to consolidate democracy. During Argentina's transition, these calls for memory became ubiquitous, particularly from human rights groups. Similarly, the Nuremberg Trials changed international assumptions about the fate of perpetrators. Whereas previous Argentine dictators had continued their lives as elite members society after their regimes fell, the leaders of the 1976 junta faced demands from throughout the population to put them on trial, punish them for their wrongdoings, and end the 'culture of impunity.' The calls for memory and the calls for justice merged with the internationally dominant language of human rights, which was used to justify both the trials and commemorations, the latter as part of a right to truth. Today, the Mothers of the Plaza de Mayo, the most prominent human rights group in Argentina, summarizes these demands with their slogan: "Truth, Memory, Justice," now a rallying cry throughout Argentina.<sup>3</sup>

Yet the new democratic leaders had to apply these demands for memory and retroactive justice without compromising the fledgling democratic institutions they were building. Unlike post-war Germany, Argentina did not have a foreign power to impose conditions of transition; the Argentine military, though weakened, retained some power to direct the process. As a result, these demands for collective response were, inevitably, only partially fulfilled, despite the strong human rights credentials of

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<sup>2</sup> Martha Minow, *Between Vengeance and Forgiveness: Facing History after Genocide and Mass Violence*, (Boston: Beacon Press, 1998), 235.

<sup>3</sup> The group also uses the slogan "*¡Presentes; ¡Ahora y Siempre!*" or "Present! Now and Forever!", in reference to the disappeared. This slogan inspired the title of this thesis.

the first democratic president, Raúl Alfonsín.<sup>4</sup> These unfulfilled demands have remained central to Argentine politics since the fall of the last dictatorship.

### The Argument

In this thesis, I will consider one common transitional justice demand: calls for memory of past atrocities. Specifically, I will analyze the efforts to write particular versions of recent history implied by these demands for memory. This argument fights the common notion that such memorials help bolster democracy by avoiding repetition of the past. I will argue, on the contrary, that historical narratives of past atrocities can have many uses, some beneficial for democracy and others harmful to it. In Argentina, accounts of recent history have been used to support fascism, populism and anarchism, as well as liberal democracy. Those groups in Argentina who promote memory tend to waver between supporting and rejecting democracy, though they claim to support it unflinchingly. It requires a close analysis of the content of these historical narratives to see how they support non-democratic systems just below the surface. Though the efforts of human rights groups and others on the left to commemorate the dictatorship have, at times, been laudable, it is important to look past the international support for commemoration into the political context in which Argentine groups portray their own history.

This thesis accepts Dahl's classic definition of liberal democracy, which he calls polyarchy. In this conception, polyarchy consists of two factors: participation

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<sup>4</sup> Luis Roniger and Mario Sznajder, *The Legacy of Human Rights Violations in the Southern Cone: Argentina, Chile, and Uruguay*, Oxford Studies in Democratization (Oxford: Oxford University Press, 1999), 3.

and contestation.<sup>5</sup> Participation refers to fair and competitive elections; contestation refers to the preservation of civil and political rights, to the degree necessary for truly free elections. In summary, in Dahl's version of democracy, "all citizens are equally entitled to participate in collective decisions under the existing institutional framework... no one, including those who govern, is above the law and... certain freedoms must not be infringed."<sup>6</sup> I will also accept O'Donnell's update of Dahl's definition. O'Donnell focuses on new Latin American democracies that have all the qualities of polyarchy but still lack horizontal accountability, loosely defined as the ability of different state institutions to trust and police one another. He identifies two ways that horizontal accountability fails: states suffer from either (1) corruption, the use of public office for personal gain, or (2) encroachment, the lack of clear boundaries between different state institutions.<sup>7</sup> Argentina has experienced both of these problems, and, as O'Donnell implies, will not be fully democratic until it overcomes them. I will accept both Dahl and O'Donnell's definitions, asserting that democratization includes the development, preservation, and deepening of such institutions as free elections, a free press, freedom of speech, and freedom to assemble. Mature democracies also lack endemic corruption and have strong state institutions with a clearly defined separation of powers. This modest definition allows room for Argentines to appeal to such traditional demands as the end of poverty and inequality, and even long-held values of social inclusion, without considering the fulfillment of these demands central to democracy.

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<sup>5</sup> Robert A. Dahl, *Polyarchy: Participation and Opposition*, (New Haven: Yale University Press, 1972), 8.

<sup>6</sup> Guillermo O'Donnell, "Horizontal Accountability in New Democracies," *Journal of Democracy* 9, no.3 (1998): 112-126, <http://muse.jhu.edu/>, 114.

Those who analyze transitions to democracy often cite the need to balance too much memory, which can harden social divisions, with too little memory, which makes societies more likely to repeat their mistakes.<sup>8</sup> I will ignore the question of too much or too little, instead asking: what type of memory benefits democracy? Though other goals, like honoring victims and pursuing justice, have innate value, I will assume the importance of balancing these goals with democratization, the best bulwark against future human rights violations. Though other systems might theoretically offer similar protection for rights – namely the anarchism supported by sectors of the Argentine left – history shows that far left projects in Argentina have resulted in military coups and widespread violence (the latter far more likely today than the former). Only to the extent that these narratives promote democracy do they prevent future violations. When they promote systems that have bought violence in the past, they only pave the way for future human rights violations.

As soon as the dictatorship fell, the battle to write its history began. I will analyze the different sides of this debate over the “correct” version of history. This argument sidelines the common historical and sociological question of how groups of people can remember together. Instead, I will consider the political uses of history, analyzing four cases in which Argentine political actors have used particular versions of history to make demands in the present. Through these demands, in turn, the actors analyzed support or reject democracy. By looking at commemoration in three different time periods, I will consider the way political demands and their related

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<sup>7</sup> O’Donnell 121.

<sup>8</sup> See, for example: Jelin, Elizabeth, *State Repression and the Labors of Memory*, (Minneapolis: University of Minnesota Press, 2003), 36. and Minow 2.

historical narratives have changed among different groups in response to changes in the political sphere.

When writing about Argentina's predominant historical narratives and their implications for contemporary politics, it is impossible to avoid the question of trials. Many of the historical narratives on the left tacitly or explicitly support trials for human rights violators as essential to the development of democracy. Though I have attempted to consider only one aspect of transitional justice – memory and history – I will also consider how the trials fit into democratization as a means of analyzing the content and implications of various historical narratives. I will argue, in opposition to most people on the Argentine left, that trials are not necessary for democratization, though they may help fulfill other worthwhile goals. In fact, trials can harm democracy when wrongly executed.

By analyzing changes in the discussion of history over time, I will focus on the way the Argentine left, the source of the pro-memory movement, has responded to different events in the political sphere. Considering not only the narratives themselves, but also the events surrounding them, will help answer the question of how political groups can avoid using history to damage democracy. This strategy will also help demonstrate the way that different versions of history respond to contemporary politics, relying as much on the present as they do on earnest understandings of the past.

I will argue that the left initially supported democracy, using a historical narrative that promoted human rights and democratization as a unitary goal. However, when the military rebelled against the trials and conflicts arose between

criminal prosecution and democratization, sectors of the left forsook their democratic goals in single-minded pursuit of trials, using historical narratives to make their case. During Carlos Menem's rule (1989-1999), disillusionment with democracy skyrocketed, particularly in response to his pardons of military officials and the 2001 economic disaster that occurred immediately after he stepped down. As a result, historical narratives in support of anarchism became common among segments of the left.

Yet in 2003, when President Nestor Kirchner began implementing pro-memory policies, many on the left began to support the government again. Their allegiance to Kirchner, however, did not necessarily mean support for democracy as a whole. Instead, the historical narratives used by the establishment left – particularly prominent human rights groups – walked a fine line between supporting democracy and supporting movementism, a tendency to delegitimize opposition, focus on charismatic leadership and use non-democratic routes to gain power.<sup>9</sup> As these cases show, the specific content of the memory that the Argentine left promotes has changed several times since the fall of the dictatorship.

These changes in historical narrative have resulted from political changes, which altered the stakes and prompted political actors to change their tactics and goals. The narratives that undermine democracy err in their focus on the short-term goals of trials and commemoration; they should consider instead the long-term security of human rights, which only democracy has a chance of guaranteeing.

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<sup>9</sup> James McGuire, "Political Parties and Democracy in Argentina," in *Building Democratic Institutions: Party Systems in Latin America*, ed. Scott Mainwaring and Timothy R. Scully (Stanford: Stanford UP, 1995), 200-46, 200.

This argument makes the assumption that, in the attempt to build democratic institutions, beliefs and attitudes matter. Roniger and Sznajder argue, "...the more closely non-democratic values, attitudes, and behaviors compete with democratic values, the more likely it is that democracy will be shallow."<sup>10</sup> Indeed, as Roniger and Sznajder emphasize, Argentines have never had trouble formally establishing laws that support human rights and democracy; the challenge arises in translating these formal laws into action institutions that can support them. By undermining democratic institutions these historical narratives encourage people to continue ignoring laws or to support others in doing so. Pro-democracy narratives encourage Argentines to hold their government accountable for the precepts it has agreed to follow. In this way, those who use historical narratives to denigrate democracy have the opportunity to truly affect the institutions they discuss.

These failures of the left to support democracy have resulted from the lack of institutional development of political parties and NGOs. Most of the prominent Argentine human rights groups developed during the dictatorship and never developed a coherent understanding of what they would fight for under democracy. Indeed, in 1986, the Mothers of the Plaza de Mayo, the most famous of these groups, split over the question of whether to continue dissenting or whether to work within the system. As democracy developed, the human rights groups and related NGOs never lost sight of their original goals – trials and the commemoration of the disappeared – failing to put these in the context of the long-term democratization process.

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<sup>10</sup> Roniger and Sznajder 31.

In a converse dynamic, neither the PJ (*Partido Justicialista*, the Peronist Party), nor the UCR (Radical Civic Union or *Unión Cívica Radical*, a center left party) ever developed institutionalized goals. Instead, they fielded candidates with wide ideological differences united only by their desire for power. When the UCR gained control Alfonsín's rule, the Peronist party retreated, obstructing Alfonsín's measures without offering an opposing agenda. Under Menem and Kirchner's Peronist governments, the UCR almost completely dissolved. As a result, the parties never had the opportunity to work together in support of long-term institutionalization. Individual candidates, particularly from the Peronist Party, often focused on particular political goals and personal power rather than the use of democratic means to attain these ends. Though democratic institutions have grown stronger since Alfonsín's presidency – Kirchner can now call for trials of military officials without fearing a coup – this thesis will focus on the anti-democratic tendencies that remain. These leanings arise from underdevelopment of leftist ideas and institutions, anger over Menem's pardons and a perceived culture of impunity, and the conflict between short-term fulfillment of human rights goals and long-term democracy building.

### Chapter Outline

In Chapter One, I will analyze CONADEP (The National Commission on the Disappearance of Persons or *la Comisión Nacional sobre la Desaparición de Personas*), the truth commission established by President Raúl Alfonsín in 1983 to investigate the fate of the disappeared. The commission and *Never Again (Nunca*

*Más*), the report it released, represent the first major attempt to establish a history of the dictatorship, one that was also enmeshed in the politics of the time. I will argue that this report, which uses a language of universal human rights to support the return to democracy and the trials of military officials, exemplified a time of optimism and innocence in Argentine politics. The human rights groups, many of which had formed under the dictatorship, never developed a sophisticated conception of their goals under democracy. Though the military would later rebel, the conflict between trials and democratic institutionalization had not yet arisen. At this point, the human rights groups failed to recognize the potential conflict between democracy and trials, and their historical narratives reflect this error.

Alfonsín, in contrast, recognized the dangers the army presented to fledgling institutions and called for moderate application of justice and a focus on institutional development, using a particular historical narrative to do so. I will criticize the naiveté of the human rights groups as damaging democracy by failing to account for the difficulties of the transition process and the real danger posed by the military. On the other hand, I will support Alfonsín's attempts to balance the demands of the army and the human rights groups. He navigated delicate political circumstances to bolster democracy without ignoring the demands of the human rights movement.

CONADEP helped Alfonsín strike this middle ground.

In Chapter Two, I will examine two pro-memory groups that formed between 1990 and 2004, largely in reaction to the policies of President Carlos Menem, who succeeded Alfonsín. Though Alfonsín had limited trials, he still allowed the juntas leaders to remain in jail. Menem, in contrast, pardoned all the military officials in jail

for human rights violations, as well as all those charged with leading the military rebellions of the 1980s. These decisions, as well as Menem's strong stand against commemoration of the disappeared, led many human rights activists and others on the left to become disillusioned with democracy and to reject the political class as a whole. This disillusionment only grew with Menem's erosion of civil rights, the 2001 economic crash that occurred soon after his term ended, and the collapse of the progressive opposition FREPASO (Front for a Country in Solidarity or *Frente por un País Solidario*) coalition.

The groups analyzed in this chapter use historical narratives of the dictatorship to promote an anarchistic agenda, including support for direct democracy, neighborhood councils, and the development of protest strategies outside the traditional Peronist patronage channels. The first group is a coalition of organizations that turned the Athletic Club, a former detention center, into a monument. This group offers a strong criticism of the Argentine government without promoting violence or seeking to overturn the system. Through this agenda it successfully bolsters democracy. The second group, Neighborhoods for Memory and Justice (*Barrios por Memoria y Justicia*), emphasizes solidarity with the disappeared, characterizing them as martyred freedom fighters and placing their far left anarchistic political agenda as continuing the same fight. I will criticize this group for its rejection of democracy.

In Chapter Three, I will investigate ESMA (Navy Mechanics' School), another former detention center, also used as a school for young officers. This site became a Memory Museum during the presidency of Nestor Kirchner, who took up

the cause of the pro-memory left when he assumed the presidency in 2003. His rule created a divide between those on the left who accepted government help and those who still attempted to maintain their anarchistic perspective. This chapter considers the establishment left, exemplified by the groups who participated in the creation of the Memory Museum, including Kirchner. Whereas the opposition left uses historical narratives to support anarchism, the establishment left uses them to support movementism, an anti-democratic tendency to support movements over parties. I will argue that the groups that supported Kirchner, as well as Kirchner himself, walked a fine line, at times using their historical narratives to support democracy and at other times using them to delegitimize the opposition.

Although the sites and groups considered in Chapters Two and Three are located in Buenos Aires, their actions represent national trends. The Buenos Aires metropolitan area contains approximately 25% of the Argentine population<sup>11</sup>, and researchers generally assume that trends in Buenos Aires mirror those throughout the highly urbanized country. Moreover, the pro-memory groups active in Buenos Aires today work closely with groups throughout the country, sharing methods and resources.<sup>12</sup>

Through the three chapters listed above, this thesis offers a critique of the Argentine left that favors democratization as the most important goal in transition, though accepting the value of other concerns. It also provides an exploration of the

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<sup>11</sup> INDEC (Instituto Nacional de Estadístico y Censos de la República Argentina). “Provincia de Buenos Aires según localidad. Población censada en 1991 y población por sexo en 2001.” Census, 2001, <[http://www.indec.gov.ar/webcenso/provincias\\_2/indiceprov.xls](http://www.indec.gov.ar/webcenso/provincias_2/indiceprov.xls)>.

<sup>12</sup> For example, Open Memory (*Memoria Abierta*), a coalition of human rights groups focused on memory regularly invites similar-minded groups from Rosario and Córdoba, the

political nature of history telling and of the changes in political discourse over the course of Argentine history. Secondly, it demonstrates the strategies social movements use to remain relevant through political changes and the way they use history to frame their demands.

### This Argument in the Literature

This argument demonstrates the strong connections between the transitional justice and historical memory literatures, while challenging common assumptions within both of them. Historians have come to consider memory, “the central organizing concept of historical study...”<sup>13</sup> and sociologists have begun to focus on the notion of a collective memory<sup>14</sup>, but few such studies of memory concentrate on the inherently political nature of history-telling.<sup>15</sup> This thesis will demonstrate that almost all efforts to establish a public historical narrative are political. Even the efforts led by non-governmental groups, typically considered the subjects of

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second and third biggest cities in the country, to share stories and strategies at its regular conferences.

<sup>13</sup> Jay Winter, "The Memory Boom in Contemporary Historical Studies," *Raritan* 21 (2001): 52-66., 52.

<sup>14</sup> See, most influentially, Maurice Halbwachs, *On Collective Memory*, (Chicago: University of Chicago Press, 1992) and Pierre Nora, *Realms of Memory: the Construction of the French Past*, (New York: Columbia UP, 1998). Additionally, see, for example, John R. Gillis, *Commemorations: the Politics of National Identity*, (Princeton: Princeton UP, 1994); Jay Winter and Emmanuel Sivan, *War and Remembrance in the Twentieth Century*, (Cambridge: Cambridge UP, 1999); and Bruno Groppo and Patricia Flier, *La Imposibilidad Del Olvido. Recorridos De La Memoria En Argentina, Chile Y Uruguay*, (La Plata: Al Margen, 2001).

<sup>15</sup> Exceptions to this trend include Edward Said, “Invention, Memory, and Place,” *Critical Inquiry* 26, vol. 2 (2000): 175-192, <http://www.jstor.org/>; Elizabeth Jelin, "The Politics of Memory: The Human Rights Movement and the Construction of Democracy in Argentina," *Latin American Perspectives* 21, no. 2 (1994): 38-58, 54; and Silvia R. Tandeciarz, "Citizens of Memory: Refiguring the Past in Post-Dictatorship Argentina," *Publications of the Modern Language Association of America* 122, no. 1 (2007): 151-169, <http://www.isiknowledge.com/>.

collective memory rather than its drivers, result from and interact with political events and circumstances.

My argument contributes to studies of transitional justice by considering change in one country over time, rather than change across countries. Transitional justice scholars tend to produce case studies of different countries in comparative volumes that, in theory, help currently transitioning countries determine the best options for them.<sup>16</sup> My single-country study brings into focus the way that political changes and the accompanying changes in historical narratives constrict and mold the range of demands for transitional justice options and affect which options are viable.<sup>17</sup> In considering transitional justice options, domestic politics matter, perhaps more than any other factor. Within domestic politics, historical narratives can play an important role, both influencing political goals and developing from changing political circumstances. The content of these historical narratives is key, particularly in a time of institution building, when faith in democracy is as important as its particular mechanisms.

Moreover, I will challenge the conventional assumptions about the benefits of remembering past atrocities, demonstrating how particular historical renderings of

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<sup>16</sup> See, for example: Priscilla Hayner, *Unspeakable Truths*, (New York: Routledge, 2001); Neil J Kritz, ed., *Transitional Justice: How Emerging Democracies Reckon with Past Regimes*. 3 vols. (Washington D.C.: United States Institute of Peace Press, 1995); Robert I. Rotberg and Dennis Thompson, eds., *Truth v. Justice*, (Princeton and Oxford: Princeton University Press, 2000); Alexandra Barahona de Brito, Carmen González-Enríquez, and Paloma Aguilar, eds., *The Politics of Memory: Transitional Justice in Democratizing Societies*, Oxford Studies in Democratization, (Oxford: Oxford University Press, 2000); Tristan Anne Borer, ed., *Telling the Truths*, (Notre Dame: University of Notre Dame Press, 2006).

<sup>17</sup> Other who use this strategy include the writers in the Oxford Studies in Democratization Series, edited by Laurence Whitehead and some books in the Memories of the Repression Collection (*Colección Memorias de la Represión*) series, edited by Elizabeth Jelin.

these atrocities can do more damage than good for democracies. Though some have noted the risks of ‘too much memory,’ few offer sustained criticisms of damaging historical narratives, as I will do below. Particularly within Argentina, where these criticisms have become taboo, few offer critiques of the ruling left. Exceptionally, Palermo criticizes public memory in contemporary Argentina, and I will draw on many of his ideas.<sup>18</sup> However, this short work, despite its strong theoretical backbone, offers almost no concrete evidence, and so my thesis will in large part supplement Palermo’s work. Jelin, an authority on historical memory in the Southern Cone, also criticize the pro-memory left at various points in her work. However, she intersperses these criticisms with strong, mostly uncritical praise of the left’s position, making it difficult to see the context or ramifications of these points.<sup>19</sup>

Barahona de Brito, Aguilar, and González-Enríquez argue

...there is no clear link between transitional truth and justice and democratization. The relationship depends on whether policies are in themselves democratic and are carried out according to due process, or whether they constitute mere instruments for the accumulation of power and revenge.<sup>20</sup>

This thesis offers further evidence for the argument that there is no necessary causal link between memory and democracy, going a step further by critiquing uses of memory in Argentina and considering changes since the ascent of Kirchner to the presidency.

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<sup>18</sup> Vicente Palermo, "Entre la Memoria y el Olvido: Represión, Guerra y Democracia en Argentina," *Journal of Iberian and Latin American Studies* 10, no. 2 (2004): 16-37.

<sup>19</sup> See for example, Jelin, "The Politics of Memory...", 54.

<sup>20</sup> Barahona De Brito, Alexandra, Paloma Aguilar, and Carmen González-Enríquez, Introduction to *The Politics of Memory: Transitional Justice in Democratizing Societies*, (Oxford: Oxford UP, 2000), 34.

## Lessons for Other Countries in Transition

A close consideration of the Argentine case ironically yields lessons for other countries. Specifically, this study of Argentina demonstrates the perils and pitfalls of the wrong kind of memory and the close relationship between political disputes and these different interpretations of the recent past.

Moreover, other countries can learn that memory on its own will not bring democracy and might weaken it. Memory can contribute to democratization if it helps ensure the “constitution of effective citizenship through the elimination of authoritarian legacies... [and the] undertaking [of] fundamental, forward-looking institutional reform to promote present and future accountability.”<sup>21</sup> In sum, the nature of pro-memory policies and historical narratives matters far more than their mere presence during a transition. It is most important that predominant political actors carefully rework their agendas in the context of democracy, considering how their short-term goals align with the long-term demands of institutionalization.

At the same time, however, governments can learn from the Argentine experience that they do not have the power to direct the trajectory of memory. At each point since the fall of the dictatorship, the Argentine political leadership has sought to impose a particular understanding of history, only to be met with dissenting versions, which promote opposing political goals in the present. The best that governments in transition can hope for is to carve out enough power for themselves to build institutions. Though they will inevitably use historical narratives to rally their

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<sup>21</sup> Alexandra Barahona De Brito, "Truth, Justice, Memory, and Democratization in the Southern Cone" in *The Politics of Memory: Transitional Justice in Democratizing Societies*, eds. Barahona de Brito, Carmen González Enríquez, and Paloma Aguilar (Oxford: Oxford UP, 2001), 119-61., 151.

people around these new institutions, imposing these narratives from above and suppressing dissenting interpretations will erode democracy more than bolstering it.

In general, the Argentine case illustrates the political nature of popular historical understandings. Not only do political actors attempt to establish their interpretations of history as dominant; these interpretations themselves also influence current politics. Though governments cannot control which versions of history prevail, these understandings will influence the institution-building process transitioning governments undergo.

Secondarily, the Argentine case shows that institution building is a slow and messy process. Progress will not move in a straight line, and democracy will encounter setbacks from the very same people who attempt to build it. In a similar way, memory does not move linearly, its potency diminishing as the event in question recedes farther into the past. On the contrary, political groups use nearly forgotten occurrences as justification for current policies, breathing new life into pro-memory movements. Today, young Argentine leftists born after the dictatorship find solidarity with those murdered by the past regime.

Finally, through the Argentine experience, other countries can learn the dangers of nostalgia and political naiveté. Human rights and other political groups in Argentina were not prepared for the transition to democracy and had trouble tailoring their goals to a new context. Though these difficulties are inevitable, other groups may foresee these dangers and partially offset them. Through a closer look at three key forms of public memory in recent Argentine history, I will elucidate the variable

nature of memory and its relation to political circumstances, criticizing historical narratives when they erode democracy.

## Chapter One: CONADEP and *Never Again*

### Introduction

Five days after assuming the presidency, Alfonsín issued Decree 187, creating CONADEP, charged with “clarify[ing] the facts relating to” the disappearances.<sup>1</sup> The commission was composed of prominent intellectuals who had remained committed to human rights throughout the dictatorship but were not directly involved in politics. The group elected Ernest Sábato, a fiction writer and essayist, as its leader.<sup>2</sup> Though Alfonsín’s decree was brief, it charged the commission with several distinct purposes, some explicit and some implicit. Most obviously, the task of the commission was to investigate what had happened to the disappeared after they vanished from society. Though rumors had circulated, and a few survivors had told stories, many had no idea what had happened to the disappeared, who had kidnapped them, or whether they had committed any crimes. Alfonsín also directly connected CONADEP to future trials. He ordered the commission “to receive denunciations... and remit them immediately to the justice system if they are related to the alleged commission of a crime.”<sup>3</sup> Importantly, however, Alfonsín did not consider obeying orders illegal and so envisioned CONADEP helping to prosecute only the junta’s leaders. Aside from fulfilling these explicit goals, Decree 187 also initiated an effort to produce a new official account of events during the dictatorship, to replace the propagandistic story fed to the Argentine population for seven years.

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<sup>1</sup> Raúl Alfonsín, Decreto 187 (1983), *Definitivamente... Nunca Más: La Otra Cara del Informe de la CONADEP*, (Buenos Aires: Fores, 1985), 121-23., 122.

<sup>2</sup> The members of the commission were Ricardo Colombres, René Favaloro, Hilario Fernández Long, Carlos T. Gattinoni, Gregorio Klimovsky, Marshall Meyere, Jaime F. de Nevaes, Eduardo Rabossi, Magdalena Ruiz Guinaza, and Ernest Sábato (Ibid., 123).

Today, truth commissions are considered one option in a standard menu of transitional justice policies. But when Alfonsín commissioned CONADEP, they were a new concept.<sup>4</sup> Alfonsín himself admitted that he and his advisers had “invented” their strategies and would have benefited from a model to follow.<sup>5</sup> To understand how they could have conceived of this idea, it is essential to consider the political context of Argentina’s transition to democracy, specifically the competing demands of the human rights groups and the military. Several human rights groups had grown prominent during the dictatorship, having gained moral authority as the only groups that had consistently opposed the junta. These groups gained political power after the dictatorship fell and demanded recognition of the dictatorship’s crimes and prosecution of all military officers guilty of human rights violations. They presented these demands during a wave of popular support for democracy and human rights. After years of dictatorship and sham democracy, and after seven years of brutal repression, large sectors of the Argentine people were ready to repudiate dictatorship.<sup>6</sup>

The armed forces made demands that directly contradicted those of the human rights groups. Before leaving office, the military had passed a law granting itself

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<sup>3</sup> Ibid.,121. He also specified that CONADEP should report any attempts to hide or destroy evidence (Ibid., 122).

<sup>4</sup> Priscilla Hayner, "Fifteen Truth Commissions--1974-1994: A Comparative Study," *Human Rights Quarterly* 16, no. 4 (1994): 597-655, <http://www.jstor.org/>. The first two truth commissions were in Uganda in 1974 and Bolivia in 1982. Argentina’s was the third.

<sup>5</sup> Neil J. Kritz, “The Dilemmas of Transitional Justice,” Introduction to *Transitional Justice: How Emerging Democracies Reckon with Past Regimes*, Ed. Kritz, 3 vols. (Washington DC: United States Institute of Peace Press, 1995), xxi-xxxii., xxx.

<sup>6</sup> Eric Hershberg and Felipe Aguero, "Las Fuerzas Armadas Y Las Memorias De La Represión En El Cono Sur" in *Memorias Militares Sobre La Represión En El Cono Sur: Visiones En Disputa En Dictadura Y Democracia*, comps. Hershberg and Aguero, Colección Memorias de la Represión, (Madrid: Siglo XXI De España Editores, 2005), 1-35., 29.

amnesty for its crimes.<sup>7</sup> Though the democratic government overturned this law, many military officers, particularly junior officers, continued to protest. Eventually a group calling themselves the Painted Faces (*carapintadas* named for the camouflage paint they put on their faces), a group that formed to protest the prosecution of junior officers, staged a series of rebellions. In addition to these material demands, the military sought continued recognition of its version of recent history, which glorified the armed forces as saviors of the nation in the face of civil war and subversion.

Alfonsín had to strike a balance between these two powerful groups, and CONADEP comprised a central part of this strategy.<sup>8</sup> On the one hand, CONADEP officially recognized the crimes of the dictatorship, and thus partially fulfilled the demands of the human rights groups. On the other hand, Alfonsín acknowledged these human rights violations in a forum separate from trials that therefore threatened the military less. In this way, CONADEP partially satisfied the demands of both groups. Each of these political actors used a narrative of the recent past to support its particular demands in the present.

This chapter will first establish the political position of each actor. Then it will argue that CONADEP balanced the most pressing demands of the time through both its actions and through the historical narrative it told in *Never Again*, its final report.

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<sup>7</sup> Amnesty Law ("Law of National Pacification") (1983), *Transitional Justice: How Emerging Democracies Reckon with Past Regimes*, Ed. Neil J. Kritz, Vol. 3. (Washington DC: United States Institute of Peace, 1996), 477-79., 477.

<sup>8</sup> Roniger and Sznajder also analyze Alfonsín's balancing act, but they do not focus on CONADEP as a central part of this effort.

## The Human Rights Movement

The most prominent human rights groups in Argentina, both today during transition, are composed of family members of the disappeared who became politically active in the wake of personal tragedy. When democracy came, these groups were unprepared to reformulate their goals for a new context, and their post-dictatorship agenda did not account for the challenges of democratization. Rather than weighing the long-term demands of institutionalization against the short-term goals of trials, these groups focused single-mindedly on their short-term goals.

When CONADEP was written, the human rights groups had not yet recognized the conflict between trials and democratization. Their demands did not account for the real risk of military rebellion. Rather, at the beginning of the transition, these groups considered the goals of democracy and human rights one and the same, each needed to protect and promote the other. The historical narrative they used was not historical at all, but rather told a story of the universal, ahistorical, individual human rights and the permanent return of democracy to Argentina after years of dictatorship.

Michelle D. Bonner distinguishes between two types of Argentine human rights groups: the Affected, which include family members of the disappeared, and the Solidarity groups that support the Affected behind the scenes.<sup>9</sup> Four out of the five Affected organizations formed during the dictatorship, and four of the five

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<sup>9</sup> Michelle D Bonner, "Defining Rights in Democratization: The Argentine Government and Human Rights Organizations, 1983-2003," *Latin American Politics and Society* 47, no. 4 (2005): 55-76. <http://www.jstor.org/>, 58.

Solidarity groups formed either during the dictatorship or immediately before it.<sup>10</sup> The Solidarity and Affected groups all worked closely with one another from their earliest days and continue to do so today.<sup>11</sup> Most of the members of the Affected groups were not involved in politics beforehand, and their decision to fight the dictatorship at a dangerous time arose largely from personal experiences, rather than complex political beliefs. Carmen Lapaco, an early member of the Mothers of the Plaza de Mayo explained, “we didn’t know what we were doing. We were so stricken with grief that we didn’t understand we were confronting a dictatorship. We just wanted our kids back.”<sup>12</sup> This personal connection led the Affected groups to take a more adversarial stand than the Solidarity groups, using protests, newspaper ads and other highly public displays to fight the dictatorship.<sup>13</sup> The Solidarity groups, in contrast, tended to fight the dictatorship through the courts, their own publications

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<sup>10</sup> The Affected groups are Mothers of the Plaza de Mayo Founding Line (*Las Madres de Plaza de Mayo Línea Fundadora*, 1977/1986), Association of the Mothers of the Plaza de Mayo (*Asociación de Madres de Plaza de Mayo*, 1977/1986), Grandmothers of the Plaza de Mayo (*Abuelas de Plaza de Mayo*, 1977), Families of the Disappeared and Imprisoned for Political Reasons (*Familiares de Detenidos-Desaparecidos por Razones Políticas*, 1976), and HIJOS (Sons and Daughters for Identity and Justice Against Forgetting and Silence or *Hijos por la Identidad y la Justicia Contra el Olvido y el Silencio*, 1995). The Mothers appear twice because the original group split in 1986. The Solidarity Groups are the Argentine League for the Rights of Man (*Liga Argentina por los Derechos Humanos*, 1937), the Permanent Human Rights Assembly (*Asemblea Permanente por los Derechos Humanos*, 1974), SERPAJ (Peace and Justice Service or *Servicio Paz y Justicia*, 1975), the Ecumenical Human Rights Movement (*Movimiento Ecuménico de los Derechos Humanos*, 1976), and CELS (the Center for Legal and Social Studies or *Centro de Estudios Legales y Sociales*, 1979).

<sup>11</sup> For example, Families of the Disappeared and Imprisoned for Political Reasons originally met in the office of the Argentine League for the Rights of Man. The founder of CELS, Emilio Mignone, was married to Chela Mignone, an early member of the Mothers of the Plaza de Mayo. Such connections abound in the history of the Argentine human rights movement.

<sup>12</sup> Carmen Lapaco (co-founder Mothers of the Plaza de Mayo Founding Line and CELS), in discussion with the author, September 2008.

<sup>13</sup> Jelin, "The Politics of Memory..." 45.

and through documentation of the dictatorship's crimes.<sup>14</sup> The Solidarity groups have diversified their goals since the fall of the dictatorship, but the Affected groups remain the most visible and politically influential. As a result, their focus on past human rights violations rather than current ones has remained the prominent focus of the human rights movement since the fall of the dictatorship.

The development of the Mothers of the Plaza de Mayo, the most famous human rights group, exemplifies the organic manner in which these groups developed. The Mothers formed in 1977 as an informal network of women who had encountered each other at police stations while searching for their disappeared children.<sup>15</sup> At first, they met on street corners and in churches to exchange information, until Azucena Villaflor, their informal leader, suggested they march at the Plaza de Mayo, which faces the seat of the Argentine presidency.<sup>16</sup> At the time, the group included only fourteen women. From there, the group developed a series of rituals that still distinguish them today. They marched in a circle around the Plaza de Mayo every Thursday, continuously walking to fight the charge of loitering leveled at them by the police. They also wore white bandanas to identify themselves, at a time when they still had to operate in semi-secrecy.<sup>17</sup> Soon after, three founding members,

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<sup>14</sup> These behind-the-scenes roles did not make the human rights groups safe. Nine members of CELS were put in jails for over a week in 1981. Perez Esquivel, the head of SERPAJ, was jailed for fourteen months beginning in 1977. The offices of the other groups were routinely raided and members often threatened. Still, these groups were perhaps safer than Mothers, three of whom were disappeared themselves.

<sup>15</sup> Marysa Navarro, "The Personal Is Political: Las Madres De Plaza De Mayo," in *Power and Popular Protests: Latin American Social Movements*, 2nd ed., Ed. Susan Eckstein, (Berkeley: University of California, 2001), 241-58., 249.

<sup>16</sup> *Ibid.*, 250.

<sup>17</sup> Lapaco 2008.

including Villaflor, were disappeared.<sup>18</sup> Nonetheless, the remaining women continued fighting, and their numbers reached the thousands at their peak in the late seventies.<sup>19</sup>



The Mothers of the Plaza de Mayo, performing their weekly march around the plaza.  
Source (both photos): History Under Siege: Battles Over the Past, Part 2: Argentina, *Australian Broadcasting Corporation*, <http://www.abc.net.au/rn/hindsight/galleries/2008/2205996.htm> (Accessed March 2009).

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<sup>18</sup> Ibid.

<sup>19</sup> Marguerite G. Bouvard, *Revolutionizing Motherhood: The Mothers of the Plaza de Mayo*, Wilmington: Scholarly Resources Inc., 1994.

Along with the other Affected groups, the Mothers gradually began to use the language of human rights over the course of the dictatorship, transforming their fight from a search for their own loved ones into a statement of political dissent.<sup>20</sup> From the beginning, this language of human rights accompanied demands for a return to democracy. In 1979, the Mothers of the Plaza de Mayo for the first time released a statement of its purpose, which included the declarations, “We are against violence and against all types of private or state terrorism... We long for a democratic system for Argentina, respectful of the fundamental rights of human beings.”<sup>21</sup> In this rendering, democracy was inextricably linked to the promotion of human rights. Moreover, at this early date, the Mothers and other human rights groups rejected “terrorism of all types,” including from the left. In only a few years, they would begin referring to the disappeared as militants or innocent idealists, glorifying their political ideology and at times implicitly justifying violence. At this point, however, the human rights groups saw no conflict between non-violence, democracy, and human rights, and their ideology reflected the congruence of all these ideas.

Others human rights groups made the same link between democracy and the protection of rights. For example, in a press release in 1979, when the dictatorship still appeared strong, *Familiares* linked their fight to stop forced disappearance to the effort to “build Argentina” anew, though at this early point they did not speak

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<sup>20</sup> Though the Solidarity groups also arose largely in reaction the atrocities of the 1970s, they used the language of human rights from the very beginning, also strongly supporting a return to democracy.

<sup>21</sup> Las Madres de Plaza de Mayo Línea Fundadora, "Declaración de Principios, Año 1979," Las Madres de Plaza de Mayo Línea Fundadora, <madresfundadoras.org.ar>, (Accessed April 2009).

specifically of democracy.<sup>22</sup> In the same year, the group characterized its fight as one that incorporated “the immense mass of all the social classes” and fought for “the freedom of the people and the reach of the rule of law.”<sup>23</sup> In this way, the group fought the notion that it was simply a leftist or worker group – a characterization it would adopt with pride a decade later – and placed itself within a popular fight for democracy and universal values. Similarly, in 1980, the Permanent Human Rights Assembly listed its own main characteristics as “its pluralist character, its humanist and democratic ideology, its repudiation of terrorism of all marks, and its incorruptible defense of the fundamental human rights of the person and of the community.”<sup>24</sup> CELS made explicit the connection it saw between human rights and democracy through its critique of the government: “This sum of circumstances that affects, not even the force of the rule of law, but rather the existence of minimum standards of security, constitutes the gravest obstacle to the recuperation of forms of coexistence compatible with institutional norms.”<sup>25</sup> The major human rights groups all characterized their fight as part of a universal struggle for both democracy and human rights. Though these groups did allude to later themes, such as the “culture of impunity” and the sacrifice the disappeared made for the future of the country, they focused far more on human rights.

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<sup>22</sup> *En El Día De Las Americas - 14 De Abril De 1979 -*, Familiares De Desaparecidos Y Detenidos Por Razones Políticas, (Buenos Aires: 1979).

<sup>23</sup> *Nuestra Realidad Y Los Derechos Humanos*, Familiares De Desaparecidos Y Detenidos Por Razones Políticas, (Buenos Aires 1979).

<sup>24</sup> *Declaración Del Consejo Presidencia De La APDH 7 De Agosto De 1980*. Asamblea Permanente Por Los Derechos Humanos, (Buenos Aires: 1980).

<sup>25</sup> *Situación De Los Derechos Humanos En Argentina*, Centro De Estudios Legales Y Sociales, Buenos Aires: 1980.

When the dictatorship fell, the human rights groups were unsure of what policies to promote next. Pursuing trials of military officers was a natural next step, one they have continued to pursue since the first days of democracy. In 1983, nearly all the Affected and Solidarity groups had existed for less than ten years. Because human rights was so new an idea in Argentina, these groups had not yet learned to apply it to a context different from the dictatorship. Moreover, they had not yet considered how to make these American and European precepts work in the context of weak institutions.<sup>26</sup> They assumed democracy would immediately wipe out all traces of authoritarianism and thus found the new system unsatisfactory when it allowed a series of military rebellions and compromises about trials.

In reaction, the human rights groups would eventually exchange their conception of ahistorical human rights for narratives that encouraged solidarity with the disappeared as martyred political dissenters. These narratives would also subtly undermine democracy. The human rights groups need not have focused single-mindedly on democratization. Rather, they could have pushed the fledgling Argentine democracy toward greater and greater acceptance of human rights. But their failure to adopt an agenda that accounted for democratization at all led to their later difficulties in completely accepting democracy.

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<sup>26</sup> Many, including Bonner, argue that the Mothers and other Affected groups adapted human rights to the Argentine context by appealing to conservative values, using a language of family and motherhood rather than one of human rights. Although these groups at times alluded to the sanctity of the family, they tended to focus far more on universal human rights.

## The Military and the Right

When the dictatorship fell, the right lost its monopoly on public discourse. Officers throughout the military ranks also began to fear trial, and the armed forces fragmented, with the intermediate officers “in latent rebellion against their superiors, who they suspected were disposed to sacrifice them.”<sup>27</sup> Given the decentralized nature of the repression, it would have been relatively easy for the junta leaders to portray the disappearances as the work of a few depraved officials, and scapegoat junior officers for a systematic plan. Despite these divisions, the right maintained a coherent historical narrative before the release of *Never Again*.

The military released a series of documents at the end of its rule to direct the transition process. By establishing the moral correctness of its actions through a particular version of history, the military hoped to avoid trials. Far more than any previous dictatorship, this one had reason to fear punishment; by 1983, the post-Nuremberg language of rights and accountability had reached Argentina. The military began its efforts with the “The Final Document about the War Against Subversion and Terrorism,” which outlined the main tenets of the conservative version of history. According to this account, the disappearances were part of a necessary war against “subversives” who tried to “subvert the moral and ethical values shared by the immense majority of Argentines” and who would eventually have destroyed the country.<sup>28</sup> Though the military admitted that “errors were

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<sup>27</sup> Palermo 133.

<sup>28</sup> Aldo Marchesi, "Vencedores Vencidos: Las Respuestas Militares Frente a Los Informes "Nunca Más" En El Cono Sur," in *Memorias Militares Sobre La Represión En El Cono Sur: Visiones En Disputa En Dictadura Y Democracia*, comps. Eric Hershberg and Felipe Aguero, Colección Memorias de la Represión, (Madrid: Siglo XXI De España Editores, 2005), 175-207., 181.

committed...that could have surpassed the limits of respect for fundamental human rights,” it asserted these errors were no greater than the ones that “occur in all military conflict.”<sup>29</sup> This argument was part of an organicist view of society, which implied that “protecting the collective well-being, in a context of internal struggle, justified the infringement of individual rights.”<sup>30</sup> Fulfilling the idea of society superseding individual needs, the army argued that, “in this almost apocalyptic mark” it had to use extreme methods to save than nation.<sup>31</sup> Indeed, according to this narrative, not only did the military save the nation; it also helped save all of Judeo-Christian civilization from the international Communist threat. As will be seen below, however, CONADEP changed the terms of this debate, forcing some sectors of the right toward the center while sending others to further extremes of conservatism.

This document also attempted to direct the nature of the transition more directly. It asserted that large sectors of the population had approved of the repression, either tacitly or explicitly, and that only God could judge the military for its actions, even if it had violated human rights.<sup>32</sup> In this way, it anticipated and tried to offset calls for punishment. The document also tried to answer once and for all the question of what happened to the disappeared. Those who had not been found would be considered dead for juridical and administrative purposes.<sup>33</sup> In this way, the military attempted to establish a historical narrative that justified its actions and returned them to the legal sphere. In this understanding, the military had acted

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<sup>29</sup> Ibid., 181.

<sup>30</sup> Roniger and Sznajder 7.

<sup>31</sup> Marchesi 181.

<sup>32</sup> Ibid., 181-182

<sup>33</sup> Ibid., 182.

heroically, with the support of society, and the guerrillas were to blame for any “excesses” that might have occurred.

Looking more closely, it is easy to find inconsistencies in this historical narrative. Some argued that the human rights violations were justified to save Argentina; others argued that they resulted from the excesses of a few depraved officers. Many argued both in the same breath. Furthermore, some alluded to the supposed subversive threat to justify the disappearances, whereas others referred to the deep-seated political divisions in Argentina, which, the argument goes, would not have disappeared until the groups supporting Peronist policies disappeared themselves. Nonetheless, these versions of history are basically compatible, and many in the army likely would have accepted all of them at the same time.

The military also released “The Law of National Pacification,” popularly known as Self-Amnesty, two weeks before the democratic elections. In this law, the military absolved itself of guilt for any crimes committed as part of “avoidance, prevention or termination of the terrorist or subversive activities... whatever may have been their nature or the legal tenet violated.”<sup>34</sup> Since the military considered all of the human rights violations part of the fight against terrorism, it thus justified almost all of its actions, further solidifying the interpretation of its rule as a legitimate war against terrorism during a national emergency. Interestingly, the document also pardoned all “crimes committed with terrorist or subversive motivation or objective” between 1973 and 1982, in large part because the military believed itself to have won the supposed war against subversion.<sup>35</sup> By pardoning both sides and naming the law

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<sup>34</sup> "Argentina: Amnesty Law ('Law of National Pacification')," 477.

<sup>35</sup> *Ibid.*, 477.

“national pacification,” the dictatorship further implied that the military had fought a war rather than engaged in a campaign of repression against its people. Through these documents, the military established a version of history to which most conservatives adhered, at least until the writing of *Never Again*. That book, however, would alter the established understanding of history in Argentina, creating a new official account of events.

### Public Opinion

Argentina has always been deeply politically divided; the transition to democracy is no exception. Nonetheless, it is possible to discern certain trends in public opinion at the time of transition. When the dictatorship took power, wide sectors of the population supported it, considering stability the most pressing goal. Political elites openly favored a coup, and Videla, the first junta leader, announced the date of the coup before it happened. During the dictatorship itself, government propaganda was pervasive. The press was largely too afraid to provide an alternate perspective.<sup>36</sup> As a result, most Argentines supported the illiberal, organic view of society throughout the dictatorship, privileging the interests of society and the nation over those of individuals.<sup>37</sup>

Yet as the dictatorship weakened, public political language gradually changed. The idea of human rights became tied to the building of democratic institutions, and the power of the human rights groups grew.<sup>38</sup> Sectors of the right remained powerful,

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<sup>36</sup> In a prominent counter-example, the Buenos Aires Herald regularly reported and decried disappearances and called for regime change.

<sup>37</sup> Roniger and Sznajder 41.

<sup>38</sup> *Ibid.*, 41.

but widespread, tacit support of dictatorship diminished greatly. The human rights violations had been so severe that, for the first time in Argentine history, the public expressed a general intolerance of human rights violations, using the language of individual rights and support for democracy.<sup>39</sup> Thus, though the human rights movement did not contribute directly to the fall of the dictatorship, it gave Argentines a new vocabulary through which to conceive of their society under democracy.<sup>40</sup> Specifically, they established the notion, widespread in the late 1980s, that democracy and human rights were inextricably bound. When reality brought more complex dilemmas, the human rights groups began to doubt democracy. However, this democratic consciousness continued to influence the rest of society, which cared less about the disappointments of incomplete justice.

#### Alfonsín's Attempts at Balance

Alfonsín rose to the presidency in 1983 on this wave of popular support for human rights and democracy. As one of the founders of the Permanent Human Rights Assembly he ran credibly as the human rights candidate, in implicit contrast to many in the political class who had been complicit in the dictatorship. Alfonsín denounced his opponent, Peronist Italo Luder, for his opposition to trials, which Alfonsín portrayed as a Peronist pact with the military.<sup>41</sup> Alfonsín's election marked the first time a Peronist had ever lost a fair election.

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<sup>39</sup> Aguero and Hershberg 29.

<sup>40</sup> Jelin, "The Politics of Memory...", 48.

<sup>41</sup> Carlos S. Nino, "The Duty to Punish Past Abuses of Human Rights Put into Context: The Case of Argentina," *Yale Law Journal* 100, no. 8 (1991): 2619-640. <http://www.jstor.org/>, 2622.

In guiding the transition process, Alfonsín's most important task was balancing the contradictory demands of the human rights groups and the army, the two most important groups with respect to human rights, democratization, and transitional justice. Whereas the left threatened Alfonsín's credibility, the right threatened the democratic regime he was attempting to build. Given these high constraints on his actions in a divided, weak democracy, CONADEP helped Alfonsín retain his integrity as a supporter of human rights. It helped establish a new version of Argentine history without prompting the army to destroy the system on which these rights rested.

To balance these needs, he attempted to “*at the same time* bring to public light the nature of state terrorism and limit the application of justice to those responsible.”<sup>42</sup> Alfonsín began his efforts to try the junta leaders by annulling the Self-Amnesty law with Decree 158. Following that, Alfonsín sent the National Pacification Law<sup>43</sup> to congress, which stipulated that the Supreme Council of the Armed Forces would try the officers first but that the civilian courts would take over after six months, in case of delay or negligence.<sup>44</sup> The law was also the first iteration of Alfonsín's Due Obedience policy, which stated that officers obeying an order would not be tried. The Senate passed the law, with the amendment that junior officers guilty of “atrocious and abhorrent acts” could still be tried, even if they had committed those acts while following an order.<sup>45</sup>

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<sup>42</sup> Palermo, “Entre la Memoria...”, 133.

<sup>43</sup> Alfonsín gave this law the same name as the military's earlier law.

<sup>44</sup> Scholars continue to debate whether this law followed democratic protocol or if it was nothing more than the result of political compromise on the part of Alfonsín.

<sup>45</sup> Nino 2626.

In April 1985, Judge Strassera of the civilian Federal Court of Appeals took over the case. The military judge had stated that the court lacked sufficient evidence to try the junta leaders. He had also argued that subversives and their relatives were biased witnesses and that the press, the public, and the Defense Ministry had treated the council disrespectfully.<sup>46</sup> In December of the same year, the court sentenced two leaders to life in prison, one to seventeen years, one to seven, and one to four and a half. It also acquitted four officers.<sup>47</sup> This sentencing, though considered light by many human rights groups, marked a monumental occasion in Argentine history. Never before had the leader of a dictatorship been tried for crimes, much less sentenced. This event, Alfonsín hoped, would end the “impunity of the powerful” in Argentina and mark the beginning of a new phase of politics.<sup>48</sup> Alfonsín also wanted the trials to end there, allowing Argentina to build democratic institutions without fear of military reprisal.

However, Judge Strassera further limited the scope of Due Obedience in his decision by recommending trials for other officers.<sup>49</sup> By August 1984, the human rights organizations had brought 2,000 cases to the court, and by the end of the year

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<sup>46</sup> Emilio F. Mignone, Cynthia L. Estlund, and Samuel Issacharoff, "Political Considerations Underlying Military Jurisdiction (excerpt from Dictatorship on Trial)," in *Transitional Justice: How Emerging Democracies Reckon with Past Regimes*, ed. Neil J. Kritz, Vol. 2: Country Studies, (Washington DC: United States Institute of Peace, 1995), 335-337., 339.

<sup>47</sup> Barahona De Brito 122. Specifically, the court sentenced General Videla and Admiral Massera life in prison, General Viola to seventeen years, Admiral Lambruschini to seven years, and Brigadier Agosti to four and a half years. It acquitted General Galtieri, Brigadiers Graffigna and Lami Dozo, and Admiral Anya.

<sup>48</sup> Raúl Alfonsín, “Post Script: A Retrospective by Former President Alfonsín,” in *Transitional Justice: How Emerging Democracies Reckon with Past Regimes*, Volume 2: Country Studies, ed. Neil J. Kritz, (Washington DC: United States Institute of Peace Press, 1995), 378-379., 378.

<sup>49</sup> Barahona de Brito 122.

CONADEP submitted 1,087 more.<sup>50</sup> At least 650 of these cases involved officers currently on active duty.<sup>51</sup> Though Alfonsín had ordered CONADEP to give evidence of crimes to the courts, he did not anticipate that the commission would consider Due Obedience illegitimate. This was perhaps naive on Alfonsín's part, but the human rights groups had not yet established their policy towards trials when he commissioned CONADEP. The human rights groups continued bringing new cases to the courts until, by December, there were about 6,000 cases in the courts involving about 600 officers.<sup>52</sup> Further damaging Alfonsín's plans, the Supreme Court upheld a decision ruling against the Due Obedience principle.<sup>53</sup>

Fearing that the cases would overload the justice system and prompt military rebellion, Alfonsín brought the Full Stop law to Congress, allowing 60 days for the presentation of further cases against military officers to the courts.<sup>54</sup> The law passed both chambers of congress with wide majorities.<sup>55</sup> It also prompted the first outpouring of opposition against Alfonsín. A few days before Full Stop passed, 60,000 people marched against it in Buenos Aires.<sup>56</sup> This measure, in the end, also failed to limit prosecutions to the degree that Alfonsín and his allies had hoped. The courts did not take their usual January holiday, and the human rights lawyers worked overtime, presenting a flood of cases to the courts before the February deadline.<sup>57</sup> On

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<sup>50</sup> Ibid., 122.

<sup>51</sup> Ibid., 122.

<sup>52</sup> Ibid., 122.

<sup>53</sup> Ibid., 122.

<sup>54</sup> Ibid., 123.

<sup>55</sup> In the Chamber of Deputies, Full Stop passed with 126 votes in favor, 16 against and 1 abstention; in the senate, it passed 25-10 (Ibid., 123).

<sup>56</sup> Ibid., 123.

<sup>57</sup> Ibid., 123.

March 16<sup>th</sup>, 1987, the first military rebellion occurred, led by the Painted Faces.<sup>58</sup>

Three months later, Congress passed the law of Due Obedience with Alfonsín's support, reconfirming that lower ranking officers were immune from prosecution, even in the case of atrocious acts.<sup>59</sup> Both this law and the Full Stop law that preceded it prompted widespread repudiation of Alfonsín from the left, while at the same time failing to quell the military rebellions that came afterwards.

Still, given the opposing goals of the military and the human rights groups, it is difficult to envision a policy that would have satisfied either group more without provoking the other group to block all government action. Though the military rebellions continued among the Painted Faces, the military put them down itself after the passage of the Due Obedience law, allowing Alfonsín to announce that he would not seek to limit trials further.<sup>60</sup> The human rights groups did not yet doubt democracy, instead taking advantage of like-minded elements in the judiciary to pursue trials, even after the Full Stop and Due Obedience laws. CONADEP further helped Alfonsín maintain the difficult balance between satisfying human rights groups and not angering the military.

To support his policies, Alfonsín employed a historical narrative of the restoration of "populist-republicanism."<sup>61</sup> This story allowed him to balance short-term demands with the long-term goal of democratization. Palermo argues that Alfonsín needed to give Argentines enough self-respect to become proud citizens of a national republic, a goal incompatible with blaming them for mass human right

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<sup>58</sup> Ibid., 123.

<sup>59</sup> Ibid.,123.

<sup>60</sup> Nino 2629.

<sup>61</sup> Palermo, "Entre la Memoria..." , 131.

violations. At the same time, however, he could not reject calls for memory and justice from well-respected, powerful groups. To strike this balance, Alfonsín demonized both the left and the right, accepting the military's major premise that the militant left initiated the violence of the seventies.<sup>62</sup> Despite accepting this premise, Alfonsín also denied that wide swaths of the population supported either the right or the left, instead exonerating and glorifying *the people*, thus allowing them to retain their national pride.<sup>63</sup> This story celebrated democratic institutions, but also retained elements of populism, emphasizing the end of oligarchy.<sup>64</sup> For example, Alfonsín consistently framed support for trials as ending the impunity of the powerful, not merely restoring the rule of law.<sup>65</sup> Through this narrative, Alfonsín attempted to limit the threat of the left-right conflict to the young democracy, without completely wiping away the dictatorship's crimes. CONADEP fit perfectly into this strategy, allowing Alfonsín to make human rights central to his historical narrative, while compromising with the army on the question of prosecution. During his rule, Alfonsín alternated between the narrative of human rights and democracy used by the

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<sup>62</sup> This stance would eventually become popularly referred to as the Theory of the Two Demons, a name used initially by human rights groups to criticize Alfonsín's stance and later Menem's. Under the Theory of Two Demons, supposedly accepted by both of these leaders, the terrorist left and the military right were equally at fault for past violence, with an innocent population caught in the middle. Though this theory allows that the military behaved more reprehensibly, it still blames the left as much as the right for the human rights violations committed under the dictatorship and throughout the 1970s. Though Alfonsín did attempt to exonerate the Argentine people, his story was subtler than the purveyors of the Two Demons Theory would admit. He focused far more on condemning the military than the guerrillas, though he did submit to the premise that the left had initiated the violence. However, Menem, taking Alfonsín's narrative farther, did try to equate the violent left and the violent right as equally guilty for what he essentially considered a feud among armed groups.

<sup>63</sup> Palermo, "Entre la Memoria...", 132.

<sup>64</sup> Ibid., 131.

<sup>65</sup> Raúl Alfonsín, "Post Script...", 378.

human rights groups and the narrative of populist-republicanism, which appealed to the wider population and justified the limited application of human rights.

The narrative of human rights also contributed in more central ways to the development of democracy. Teitel describes transitional justice as a force that helps build democratic society. Indeed, Alfonsín's depiction of human rights offered what Teitel calls a "performative narrative of liberalization.... a story that is liberalizing in the context of the state's historical legacies."<sup>66</sup> By adopting the human rights perspective, Alfonsín, as well as the human rights groups, helped push Argentina from corporatism and organicism to a greater focus on liberalism. He used human rights as the entryway into liberal individualism, encouraging Argentines accept other liberal democratic institutions after they had already embraced human rights, which the dictatorship's atrocities made them more disposed to do. In the early days of Argentine democracy, the language of human rights helped develop the future regime as much as to prosecute the past one.

Alfonsín also used human rights to demonstrate the importance of institutions. Unlike his successor, Carlos Menem, Alfonsín always used legal channels to promote his goals with regards to transitional justice. The Due Obedience and Full Stop laws, though presented by Alfonsín, were passed by Congress, with significant majorities in both cases. Though he could have resorted to decree, given the power vacuum he faced, Alfonsín almost always enacted his stated goal of building democratic institutions. Even when Congressmen significantly amended the laws that Alfonsín presented – notably, the Law of Pacification – Alfonsín did not resort to decrees. In

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<sup>66</sup> Ruti G. Teitel, *Transitional Justice*, (Oxford: Oxford UP, 2000), 92.

this way, his actions fit with the historical narrative he used to support them. At times, this narrative diverged from the pure pro-human rights stance presented in CONADEP. However, CONADEP allowed Alfonsín to take credit for this unqualified pro-human rights position without explicitly taking it himself, thus partially appeasing the military.

Most historians and political scientists, particularly within Argentina, argue that Alfonsín's balancing act was unsuccessful. However, given the high constraints on his behavior from the left and especially the right, Alfonsín's actions approached an optimal balance of the demands of the human rights groups and the army. At the end of Alfonsín's regime, few supported him and justice was incomplete at best. But few questioned whether democracy would persevere, and for the first time in Argentine history, the leaders of a military coup had been punished. By creating CONADEP, Alfonsín unleashed a force greater than he had anticipated. *Never Again* prompted broad public repudiation of the dictatorship and demands for prosecution. At the same time, however, Alfonsín managed to contain this public force better than most people admit. A few years after the trials, powerful political groups continued to push for more prosecution. Yet the majority of Argentines had shifted their focus to problems in the present. At the same time, partially as a result of *Never Again*, few doubt the ideal of human rights and almost no one justifies the crimes of the dictatorship in public. Alfonsín perceived the need for recognition of human rights violations through the creation of a new historical narrative and thus created CONADEP. Through his moderate agenda, Alfonsín obliterated the authoritarian version of history without compromising democracy.

## The Idea of Punishment

From a theoretical perspective, trial and punishment are not key part of the fulfillment of human rights. Thus the human rights groups' demands for trials and the historical narratives they used to make them did not necessarily bolster democracy. Though at this early date, the human rights groups propagated a narrative of universal human rights, their story would eventually evolve to focus on solidarity with the disappeared. In both versions, the groups claimed, democracy would never be complete without human rights, and human rights would never be complete without punishment. In reality, states can pursue a range of morally legitimate options during times of transition to address mass human rights violations. Viable arguments exist against punishing all human rights violations. Alfonsín's refusal to accept complete punishment stemmed not only from practical considerations but also from theoretical ones.

There are two broad versions of the argument against unlimited trials. The first, from a legal perspective, questions the justice of trying individuals for "societal-level atrocities."<sup>67</sup> Carlos Nino, Alfonsín's constitutional adviser, defended Alfonsín's attempts to limit trials by arguing against a retributive version of punishment. On the one hand, he argues, many different conceptions of punishment justify limited trials. However, only theories of retributive justice and mandatory retribution imply that "anybody has a right that someone else be punished for a past crime."<sup>68</sup> This latter understanding, adopted by the human rights groups, implies that the state violated

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<sup>67</sup> Minow 4.

<sup>68</sup> Nino 2621.

human rights twice: first by sanctioning torture and again by failing to punish all torturers. This understanding places punishment above other goals, “whatever the consequences of the policy.”<sup>69</sup> In contrast, Nino argues that punishment is part of “a collective goal” that stems from “the policy of protecting human rights for the future.”<sup>70</sup> When punishment would not protect these rights, it may justly be subordinated to other goals. In this way, Nino defends his and Alfonsín’s decision to limit punishment during the democratic transition not only as part of practical considerations but also as the result of well-considered legal decisions about the meaning and goals of punishment. Though counterarguments exist, Nino makes a formidable case.<sup>71</sup>

The second set of arguments also focuses on competing goals, this time specifically in the context of transition. In the attempt to guide society from authoritarianism to democracy, without ignoring past crimes, such goals as truth-telling, reconciliation, healing, and democracy building all compete for consideration. In this context, some argue in favor of “investigating the larger patterns of atrocity and complex lines of responsibility and complicity,” a task more suited to truth commissions than to trials.<sup>72</sup> At this delicate political and social time, it might make more sense for societies to access a broader picture of how atrocities could have occurred systematically. Courts, which attempt to allocate individual responsibility,

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<sup>69</sup> Ibid., 2620.

<sup>70</sup> Ibid., 2621.

<sup>71</sup> See Diane F. Orentlicher and Emilio Mignone (a founder of CELS), both of whom engage in lengthy debates with Nino through the Yale Law Review (Diane F. Orentlicher, “Settling Accounts: The Duty to Prosecute Human Rights Violations of a Prior Regime,” *Yale Law Journal* 100, no. 8 (1991): 2537-2615. <http://www.jstor.org/> and Emilio Mignone, Cynthia L. Estlund, and Samuel Issacharoff, “Dictatorship on Trial: Prosecution of Human Rights Violations in Argentina,” *Yale Journal of International Law* 10 (1985), 118-150.

are inadequate for this task. Moreover, many have pointed out that truth commissions are victim-centered, unlike trials, and thus offer a greater chance for healing.<sup>73</sup>

Through arguments of this type, many have argued in favor of other transitional justice tools as more important than punishment, or at least equally valid.

Even given the importance of weighing punishment against other priorities, legitimate arguments in favor of punishment do exist. Most importantly, trials could have helped increase horizontal accountability by subordinating the military to the civilians and by strengthening the judiciary against the executive and legislative branches. Indeed, the human rights groups have made similar arguments to push for trials. To the extent that these groups focused on bolstering democracy, or at least did not forsake it, their claims were sound. However, the human rights groups erred when they chose to ignore the damage trials would do to democracy in a system that had not fully developed horizontal accountability. Though this horizontal accountability was a desirable end goal, the human rights groups' did not acknowledge the difficulties of developing it. In this way, they failed to adequately prioritize goals, not realizing the damage military rebellions could do to human rights in the future.

Through two sets of arguments described above, many have argued against trials, asserting that they are either counter-productive, productive in limited form, or a worthwhile but less pressing goal during transition. Good faith arguments can be made in favor of many combinations of transitional justice options, but those who favor limiting trials do not directly violate human rights. Thus, the human rights

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<sup>72</sup> Minow 9.

<sup>73</sup> See e.g. *Ibid.*, 60.

groups' use of the punishment question to delegitimize future governments was not justified. Though they should have continued to fight for their demands, the government's failure to meet them completely did not make the regime illegitimate. After looking more closely at the results of the CONADEP, I will consider the question of truth in times of transition.

### CONADEP and *Never Again*

Having established the political dynamics and historical narratives that dominated transition-era Argentina, we may now turn to CONADEP itself to see what role it played. CONADEP allowed Alfonsín to balance the competing demands of human rights groups and the military. The commission and its report allowed him to take a strong stand against human rights violations through a new version of history without seeking retributive justice for those violations. Both the specific structure Alfonsín gave the commission and the historical narrative that it produced in its report facilitated this balancing act.

By creating an independent commission of human rights activists, rather than a parliamentary body, Alfonsín ensured that the report would take a strong stand against the dictatorship without having to take that stand himself. Had Alfonsín used congress, as many human rights groups demanded, he would have risked a tepid response from Peronists trying to hide their complicity with the dictatorship or to obstruct Alfonsín's policies. When the independent commission invited three members from each house of congress to participate, the Peronists refused, in an

attempt to undermine the commission's legitimacy.<sup>74</sup> The human rights groups favored a parliamentary commission for the strong message it would have sent, had the government completely repudiated the past regime. However, the Peronists' opposition to Alfonsín's policies made these demands difficult to fulfill.

By appointing human rights activists to the commission, Alfonsín ensured that the report would take a strong stand against the dictatorship. The human rights community was perhaps the only group in Argentina that had nothing to hide about its actions during the dictatorship, and so the members of CONADEP had no problem exposing the systematic nature of the dictatorship's human rights violations. At the same time, the human rights activists on CONADEP were not members of the Affected and Solidarity groups listed above. Rather, they were prominent intellectuals who had consistently supported the cause of human rights. In this way, the commission remained above the political fray. Through this choice of members, Alfonsín guaranteed that the commission would present a version of history supported by the human rights groups without having to explicitly take that stand himself, thus provoking less anger from the military. In this way, Alfonsín's decision to create an independent commission was politically motivated and sought to strike a balance between the demands of the military and those of the human rights groups.

Alfonsín also attempted to control the results of the commission's report by giving the group only 180 days to research the disappearances and write a report on them.<sup>75</sup> Although this might seem generous, the commission had seven years of repression to investigate, and it faced a disorganized, hostile system, and a great deal

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<sup>74</sup> Nino 2636.

<sup>75</sup> Alfonsín, Decreto 187, 122.

of public ignorance. No one had yet investigated the disappearances systematically, using government resources. By limiting the time frame for this work, Alfonsín purposely prevented the development of a historical debate beyond the disappearances themselves. Explicitly, Alfonsín attempted to avoid such a dispute, stating, “it is convenient that the Commission has defined temporal limits, to avoid [the risk] that the painful necessity of investigating these facts detracts...from the efforts that should be directed at the task of consolidating in the future a democratic coexistence.”<sup>76</sup> Through his charge, Alfonsín demonstrated that he wanted the commission to investigate a specific set of incidents and move forward, not embroil itself in a politically charged historical analysis. Instead, he wanted them to remain on what is theoretically a higher plane, investigating violations of human rights and the rule of law, without considering the historical roots of these breaches. In this goal, too, Alfonsín was successful. The commission chose not to include the terrorist activity preceding the dictatorship in its analysis. Instead, it only discussed the disappearances, the repressive apparatus that made them possible, and immediate recommendations for justice. This result fit with the general trend at this time toward the use of ahistorical human rights language to condemn and punish military officers, rather than historical justifications that pitted the different political factions against one another.

It is essential to analyze *Never Again*, the report CONADEP produced, to understand how it navigated the theoretical and practical issues that dominated political debate at the time. In line with the historical narrative favored by the human

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<sup>76</sup> Ibid., 122.

rights groups and, at times, by Alfonsín, *Never Again* emphasized the consistency of human rights and democracy, in regard to both past and future violations. The bulk of the report consists of graphic testimony, reprinted word for word, from people who had survived torture, as well as family members of the disappeared.<sup>77</sup> In his prologue, Sábato, elected president of the commission, discusses the main theoretical and ideological issues in question. He begins by briefly putting the report in historical context: “during the 1970s, Argentina was torn by terror from both the extreme right

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<sup>77</sup> Although the specific content of these sections does not bear heavily on my argument, it is worthwhile for the reader to consider some reprinted sections to understand the truly horrific nature of the armed forces’ actions and the strong reaction this report provoked among Argentines who were (sometimes willfully) ignorant of the human rights violations until reading the report. Consider, for example, the following passages (all passages are from CONADEP, *Nunca Más*, [New York: Farrar Straus Giroux, 1986]): “My mother was taken to the shop and, threatening her life, they beat her in a way that should not even be used on wild animals. In the shop we had a ventilator fan. They cut the cable, plugged it in and used it to give her electric shocks. So that it would have more effect, they poured mineral water over my mother, whom they had tied to a chair. While they were committing this savagery, another one of them was hitting her with a belt until her body was bleeding and her face disfigured. After some considerable time they decided to take us all with them, except for the six-month-old Viviana, who was left behind with Griselda, my thirteen-year-old sister” (18). “When people arrived at the offices they would be taken to pits which had been dug in the ground; they were buried there up to the neck, sometimes for four days or more, until they asked to be taken out, having decided to talk. They were kept without food or water, in the sun and rain. When they were dug out (they were buried naked) they would be infested with sores from insect and ant bites” (29). “Two people... took him to a smaller room where they stripped him and tied him to a bed known as the ‘grill’. They attached wires to his head and began to torture him with electric current. They applied the electric prod all over his body, with preference for the genital and pectoral areas, and on the head, mouth, gums, etc. He was tortured for about two hours, then they took him away to another room in the same building, where a group of people subjected him to a brutal beating. This continued for several hours, until he lost consciousness.... This form of torture was carried out every day for twenty days” (34). “One of the tortures consisted in stripping the prisoners, forcing them on to a flat surface with their arms and legs outstretched. They used two electric prods simultaneously, combining this torture with blows and also with the method they called the ‘dry *submarino*.’ The electric prod was applied to the vagina, mouth, and underneath the blindfold to the eyes. The interrogations were accompanied by continual threats against the prisoners’ relatives. On any whim they beat the prisoners with rubber truncheons. The guards amused themselves with all sorts of ‘games’, such as making them put one finger on the floor and spin round faster and faster (‘prospecting for oil’) and beating any prisoner who fell over, to make them dance in couples for ages and ages and then beat them brutally afterwards. Simulated firing

and the far left.”<sup>78</sup> Aware that the report would face criticism if it completely ignored the leftist violence that provoked the military’s harsh repression, Sábato concedes the point in the first sentence of the book. Nonetheless, he does not allow this admission to cloud his condemnation of the dictatorship: “the armed forces responded to the terrorists’ crimes with a terrorism far worse than the one they were combating.”<sup>79</sup> With this, Sábato abandons a more partisan discussion, moving on to condemn the actions of the military using a language of universal rights. Sábato references the French Revolution and the Universal Declaration of Human rights and then concludes:

Every civilized nation, including our own, has laid down in its constitution guarantees which can never be suspended, even in the most catastrophic state of emergency: the right of life; the right to security of person; the right to a trial; the right not to suffer either inhuman conditions of detention, denial of justice or summary execution.<sup>80</sup>

Though human rights groups often used the word “rights” in later years, few made so explicit the universal, fundamental nature of the rights they supported, instead focusing on the failures of the government to pursue punishment. Twenty years later, after a series of military rebellions, pardons and an unprecedented economic crisis, the political stakes had changed. But when Sábato wrote, the government appeared as committed to human rights as the activists themselves. To the human rights groups, it seemed politically feasible to try all those responsible without knocking Argentina from its course toward a constitutional democracy founded on respect for rights and the rule of law. After establishing the centrality of

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squads were also commonplace. Thrown on to the floor, the prisoners were often beaten, spat on or urinated over” (143). The report goes on like this for hundreds of pages.

<sup>78</sup> Ibid., 1.

<sup>79</sup> Ibid., 1.

human rights, Sábato condemns the dictatorship as having committed crimes against humanity.<sup>81</sup> Unlike future human rights activists who would tell a historical narrative that forced them to either glorify or ignore leftist crimes, Sábato, by focusing on rights, acknowledged leftist terrorism and then implied that it did not matter in a condemnation of the military's policies.

Later in the report, the commission includes a section on the destruction of the family brought about by the disappearances. With this chapter, the commission sought to appeal to traditional Argentine thought, alluding to the patriarchal, hierarchical view of society promoted by the dictatorship.<sup>82</sup> Thus, the report attacks the conservatives using their own arguments. Even if family values and hierarchy supersede human rights, the report implies, the dictatorship destroyed those values too. Though the commission attempted to appeal to all sectors of society in this chapter, it is only a brief interlude from its overall strategy of promoting human rights.

After combating criticisms of leftist bias, Sábato then attempts to debunk the next myth propagated by the right: that the dictatorship's violence resulted from excesses committed by a few depraved officers in an otherwise legitimate "war" against subversion. On the contrary, Sábato asserts, rights were violated "systematically, according to a similar pattern, with identical kidnappings and tortures taking place throughout the country."<sup>83</sup> Sábato asks, "how could all this have been committed by a few depraved individuals acting on their own initiative, when there

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<sup>80</sup> Ibid., 2.

<sup>81</sup> Ibid., 2.

<sup>82</sup> Ibid., 322.

<sup>83</sup> Ibid., 2.

was an authoritarian military regime, with all the powers and control of information that this implies?”<sup>84</sup> At several points in the report, the commission takes a step back from testimony to emphasize the systematic nature of the disappearances, a fact it considers indisputable and essential to establish to tell the truth.

Moving on to the next ideological issue, Sábato combats the notion that the repression was justified as part of a necessary war against powerful guerrilla groups. Instead, Sábato asserts, the repression quickly expanded from a fight against terrorism to “a demented generalized repression” wherein “anyone was at risk – from those who were proposing a social revolution, to aware adolescents who merely went out to the shanty towns to help the people living there.”<sup>85</sup> Far from being a justified war against a few depraved individuals, Sábato asserts:

All sectors fell into the net: trade union leaders fighting for better wages; youngsters in student unions; journalists who do not support the regime; psychologists and sociologists simply for belonging to suspicious professions; young pacifists, nuns and priests who had taken the teachings of Christ to shanty areas; the friends of these people, too, and the friends of friends, plus others whose names were given out of motives of personal vengeance, or by the kidnapped under torture. The vast majority of them were innocent not only of any acts of terrorism, but even of belonging to the fighting units of the guerrilla organizations.<sup>86</sup>

Indeed, Sábato argues, not only were a myriad of innocent people tortured for no reason, but nearly all of the actual guerrilla fighters died in battle or killed themselves rather than risk capture. In this last assertion, Sábato cannot have relied on the testimony his commission took, which did not investigate the fate of the guerrillas, and thus wanders into politics. However, most historians of Argentina support him in the assertion that the guerrilla units had been almost completely defeated by 1976, the

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<sup>84</sup> Ibid., 2.

<sup>85</sup> Ibid., 4.

year of the coup, and so his diversion into a more political history is uncontroversial.<sup>87</sup>

In this way, within the first four pages of *Never Again*, Sábato combats the main objections he expects others to make. The army, he asserts, systematically violated human rights in a generalized repressive system originally conceived to fight terrorists but which quickly expanded to include a myriad of innocent people, whose ideas the dictatorship considered dangerous or who were simply in the wrong place at the wrong time. The policy of forced disappearances, Sábato continues, was not justified by a civil war, which never really threatened Argentina, and in any case still would not have justified the usurpation of human rights. Moreover, disappearance and torture did not result from the depravity of a few officers, but rather was a policy enforced from above, even if this policy encouraged sadism among those enacting the orders.

In condemning the military's lack of cooperation with the commission, despite a government mandate to comply with any CONADEP requests, Sábato indirectly addresses an important issue the report largely avoids: reconciliation. He states, "[the military] accuse[s] us of hindering national reconciliation, of stirring up hatred and resentment, of not allowing the past to be forgotten."<sup>88</sup> This statement demonstrates that, from the beginning, reconciliation was a dirty word in Argentina, one that implied the obligation of survivors to accept the dictatorship's crimes. Rather than apologize for its errors, the right used reconciliation to demand

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<sup>86</sup> Ibid., 4.

<sup>87</sup> See, for example Marcos Novaro and Vincente Palermo, *La Dictadura Militar (1976-1983): Del Golpe De Estado a La Restauración Democrática*, (Buenos Aires: Paidós, 2003). Print., 75.

recognition of the “service” the army had performed the country. Only after reconciliation, the argument implies, would the now “reformed” population reconcile its different factions and move forward.

Sábato rejects this notion, arguing that the desire to hold the military responsible for its crimes did not arise from “any feeling of vindictiveness or vengeance,” but rather from a Christian desire for repentance as the prerequisite for true reconciliation.<sup>89</sup> Repudiating the army’s stance, Sábato implies that true reconciliation must be initiated by the guilty. Until the army acknowledged its crimes, the victims had no reason to “reconcile” with it. Nevertheless, the army obstructed all efforts at truth telling, resisting the commission’s many requests, despite Alfonsín’s order that all government groups comply with them.<sup>90</sup> More than twenty years later, neither side has made sufficient progress in reconciling itself with the other, allowing for diverging understandings of Argentine history that undermine democracy, a dynamic that will be explored in future chapters.

The human rights movement’s refusal to acquiesce to the military’s version of reconciliation is understandable and commendable. Indeed, “ ‘reconciliation is an illiberal aim’ if an entire society is expected to embrace one comprehensive moral approach.”<sup>91</sup> In the effort to build democracy, it makes more sense to focus on institution building than on establishing a unifying view of history and a harmonious society. Instead, in times of transition, governments and other political actors should

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<sup>88</sup> CONADEP 5.

<sup>89</sup> *Ibid.*, 5.

<sup>90</sup> *Ibid.*, 253.

<sup>91</sup> Robert I. Rotberg, "Truth Commissions and the Provision of Truth, Justice and Reconciliation," In *Truth V. Justice*, eds. Rotberg and Dennis Thompson. (Princeton and Oxford: Princeton UP, 2000), 3-22., 9.

focus on establishing institutions that mediate disagreements through non-violent channels. Moreover, the dispute between the left and the right demonstrates that reconciliation often amounts to a political dispute over *whose* version of reconciliation will prevail. Given this inevitability, Alfonsín was right to focus on building institutions to prevent the army from superseding civilian rule, even if his efforts were often thwarted by the military. CONADEP gave few recommendations about institution building, and this is a weakness of the report. However, given the limitations it faced, most notably the short time frame, the commission performed admirably.

It is important to note how radical the version of history presented in *Never Again* seemed at the time. It profoundly affected Argentines' understanding of the recent past. For seven years, the dictatorship had propagated a very different version of history through school curricula and censorship. The public had not yet heard a version of history that decried the dictatorship, absolved the "subversives" of guilt, and supported human rights over supposed social well-being. During the dictatorship, many Argentines had witnessed kidnappings in their neighborhoods. The phrase "*por algo será*", or "it must be for something," became a common justification when people saw their neighbors and acquaintances being forced into unmarked cars and taken away, never to be seen again. After reading *Never Again*, which quickly became a bestseller, and has been continually reprinted, Argentines could no longer deny what had occurred in their country. Rather than simply discerning what had happened to individual disappeared people, CONADEP told the story of institutionally directed kidnapping, torture and murder, emphasizing that the

repression was ordered from the highest ranks of the junta. In this way, CONADEP provided not only a set of stories, but also a new – more accurate – historical narrative, to replace the military’s propaganda. After its release, *Never Again* became the standard from which debates about the past began.

The commission only erred in their title of the report, *Never Again* and the subsequent recommendations it offers. The implication of the title, never stated, is that understanding their recent past will help Argentines avoid repeating it. Recognizing past atrocities might be a necessary condition of not repeating the past, but it is certainly not sufficient. CONADEP fails to recognize the importance of institution building. Like the rest of the human rights movement, the writers of *Never Again* focus on trials as the best way to repair past wrongs and bring Argentina into the future. *Never Again* makes mistakes similar to those of the human rights movement. To be fair, it makes recommendations aside from trials, asserting that laws should be passed “declar[ing] forced abduction a crime against humanity,” agreeing to international human rights treaties, adding “the defense and diffusion of human rights” to school curricula, and “repeal[ing] any repressive legislation still in force.”<sup>92</sup> These recommendations, though good, are buried beneath a full page of discussion of ways courts can facilitate prosecution; they are not the focus of the commission’s recommendations. Despite this oversight, the narrative in *Never Again* mediated the demands for trials by officially acknowledging past wrongs.

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<sup>92</sup> CONADEP 446.

## “Truth” in Times of Transition

A consideration of several transitional justice theories helps to uncover the role that the idea of truth plays in the search for justice during transitions. These theories together demonstrate why the establishment of a new historical narrative was so powerful in the Argentine transition. It provided official state recognition of past wrongs and recompensed victims for their suffering, thus purveying justice outside of trials. In this way, Alfonsín used CONADEP not only to balance competing political demands, but also to bolster the transitional justice process without complete trials.

I will begin this analysis by considering the schema Hayner offers in *Unspeakable Truths*. Hayner lists five possible aims of truth commissions: (1) to discover, clarify and formally acknowledge past abuses, (2) to respond to specific needs of victims, (3) to contribute to justice and accountability, (4) to outline institutional responsibility and recommend reforms, (5) to promote reconciliation and reduce conflict over the past.<sup>93</sup> Alfonsín, explicitly or implicitly, used CONADEP for reasons one through four, but not for five.

Reason one (discovering, clarifying and acknowledging past abuses) illuminates Alfonsín’s decisions particularly well. In Decree 187, Alfonsín assumes that the government should help establish the truth about recent events and even has an obligation to do so, without clarifying the source of this obligation. Why not leave such debates to historians? Hayner argues that a government’s investigation of past abuses “...reclaims a country’s history and opens it for public review”<sup>94</sup> and serves as

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<sup>93</sup> Hayner, *Unspeakable Truths*, 29.

<sup>94</sup> *Ibid.*, 25.

“...an official acknowledgment of long silenced facts.”<sup>95</sup> In Argentina, the re-opening of history allowed the government to distinguish itself from the past regime, offering a different interpretation of the past and thus a different attitude toward the victims of state terrorism. In this understanding, it is inherently valuable for the state, and not merely social actors, to acknowledge the victims and survivors of the dictatorship, even if it does not punish the crimes it acknowledges. In the case of the Argentine truth commission, where the government was directly responsible for the abuses, it made more sense for the political leaders to take the lead in acknowledging them, even if it took a new regime to do so.

By appointing a truth commission to establish this new version of history, rather than doing so in speeches and other public forums, governments lend credibility to their positions. The version of history presented by CONADEP, Alfonsín could credibly assert, was not the most politically convenient, but rather the truth, or at least closer to it than the dictatorship’s version. In this way, truth commissions can “...remove the possibility of plausible denial,” something CONADEP surely did, limiting the lies the far right could tell, at least in the mainstream media.<sup>96</sup>

It is important to acknowledge, however, the political dimension of these efforts, something Hayner largely fails to do. As described above, Alfonsín created the truth commission with specific stipulations that would support his political goals, limiting the charge and choosing the members to help him balance the demands of human rights groups and the military. Though Alfonsín accomplished this goal

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<sup>95</sup> Ibid., 26.

<sup>96</sup> Ibid., 25.

through legal and moral channels, a different leader with different goals might use a truth commission for more nefarious purposes.

Regarding the second purpose – responding to the needs of victims – Hayner emphasizes the psychological dimensions, arguing that truth commissions have mixed effects on the healing process for victims. In the Argentine case, it is difficult to determine the effects the commission had on survivors and victims. Though organizations of victims and survivors, indistinguishable from human rights groups, demanded a truth commission from Alfonsín, they typically talked about CONADEP from a political, rather than a personal perspective. Specifically, they argued in favor of truth as necessary to establish democracy and support human rights. CONADEP was more private than future commissions, taking all of its testimony in private, thus mitigating the personal, psychological effects of the commission's work and drawing the focus toward social and political considerations. Still, this dimension of Hayner's argument hints at the importance of the government acknowledging a new version of history. In Argentina, this recognition honored victims and survivors and counteracted the perception of them as dangerous subversives.

CONADEP fulfills Hayner's third purpose, contributing to justice and accountability in both obvious and surprising ways. Alfonsín told the members of CONADEP to submit the information they received to the courts as evidence, directly linking the commission to justice. However, as discussed above, this justice was supposed to be within the specific limits Alfonsín prescribed, and CONADEP disagreed with this definition of justice. The idea of truth also fulfills the precepts of justice in ways Hayner does not consider. Though the typical transitional justice

process seeks a balance between the supposedly competing goals of truth and justice, a few theorists have asserted that truth on its own is a form of justice. This possibility will be discussed further below.

CONADEP partially fulfilled Hayner's fourth purpose, outlining institutional responsibility and recommending reforms, though it was far more successful at the former than the latter. Given the charge to investigate the fate of the disappeared, the commission could have chosen to give an analysis at almost any level – social, political, historical – though the time limit reduced these options. Focusing mostly on discerning what happened to people after they disappeared, the commission pauses repeatedly to assert that the disappearances, torture, and murder did not occur on the initiative of individual officers, but rather were the part of an institution-wide policy on the part of the military. As many have asserted, truth commission can explore questions of guilt in a more nuanced fashion than trials, giving societies a fuller answer to the question of how such atrocities could have been committed.<sup>97</sup>

CONADEP partially accomplishes this goal, nullifying the excuse that a few sadistic officers had committed excesses. However, *Never Again* largely fails to provide recommendations for reform beyond trials. In this way, it encouraged the shortsighted goals of the human rights groups, failing to consider either the difficulties of prosecution or the importance of bolstering the democratic system in other ways. As a result, it mostly fails to contribute to a potentially important purpose of truth commissions – using their findings to promote future reform.

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<sup>97</sup> In the Argentine case, the trial of the junta leaders also contributed to the establishment of institutional guilt, since the prosecution focused on the systematic nature of the crimes to establish the guilt of the junta leaders, who, for the most part, did not personally kidnap, torture and murder people.

Finally, CONADEP rejects the fifth use of truth commissions Hayner considers – promoting reconciliation and reducing conflict over the past. Unlike in many other countries, the idea of reconciliation was taboo in Argentina from democracy’s first days. By the early 1990s, calls for reconciliation were common from the right, often as part of demands for recognition for the “heroism” of the army during the dictatorship. In these early days, the left could have claimed the word reconciliation for itself to mean something more complex, but it chose not to do so. In itself, Alfonsín and the commission’s decision to reject reconciliation as a purpose for the commission is not damaging for democracy. Though a simple change of heart would not have made Argentina’s centuries-old political divisions evaporate, a softening of stances was ultimately desirable. However, political actors simply did not have the chance to focus on such lofty goals during transition. Rather, their best hope was to focus on creating institutions that would mediate past disagreements through the democratic process rather than through violence. Only by working together, even as opponents, within one system, could the different sectors of Argentine politics come to moderate their ire toward one another. Though Alfonsín, with his focus on the democratic process, understood this necessity, the members of CONADEP did not. By focusing on trials, they missed an opportunity to help Argentines see the larger picture of transitional justice. Nonetheless, the failure of the commission to focus on reconciliation did not in itself weaken the transition process.

CONADEP also attempted to fulfill purposes that Hayner does not mention. Most obviously, by entitling its report *Never Again*, CONADEP implied that understanding past atrocities would help ensure that they did not happen again.

Hayner cites evidence that knowledge of the past prevents repetition, but acknowledges that it is inconclusive.<sup>98</sup> These arguments seem intuitively true, and indeed, knowledge of the past may be a necessary, if not sufficient condition to avoid repeating it. If this is true – and it is difficult to say for certain – CONADEP’s work contributed to the transition by spreading awareness of the past. However, CONADEP did too little to turn this knowledge into concrete recommendations of how to reform Argentine institutions to prevent repeating the past. Perhaps, some might argue, prosecuting military officers was necessary to subordinate the army to the civilian leaders, which was in turn necessary to build democracy.<sup>99</sup> Indeed, prosecuting the junta leaders did change public perceptions of who held power in Argentina. However, CONADEP does not consider the dangers the army still posed to the democratic system, and thus does not offer recommendations beyond prosecution, leaving few options in the case that army rebellion made complete prosecution impossible. As horizontal accountability grew, trials would become more viable, but CONADEP did not account for the difficulties of the transition process and offer flexible recommendations.

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<sup>98</sup> Hayner, *Unspeakable Truths*, 184.

<sup>99</sup> Prezeworski takes this argument a step farther in Adam Prezeworski, Introduction to *Juicios, Castigos, Y Memorias: Derechos Humanos En La Política Argentina*, eds. Acuña and others (Buenos Aires: Nueva Visión, 1995), 13-18. He argues that the trials also had a dissuasive effect, preventing future human rights violations, and made future prosecutions more viable by creating the bureaucratic capacity to prosecute mass violations (17). This takes the argument too far. It is difficult to imagine a government like the one that initiated the Process of National Reorganization altering its plans to save Western civilization out of fear that a future democratic government might depose it and try its leaders, even if their fear of punishment was somewhat less credible before any trials had occurred. The junta did fear punishment, as evidenced by its Self-Amnesty Law. Despite this fear, the leaders still carried out their plan.

Hayner also considers the question of a right to truth, a concept the Argentine human rights groups supported from the beginning.<sup>100</sup> This idea is particularly strong in the Argentine case for two reasons. First, discovering the fate of the disappeared directly counteracted the dictatorship's strategy of erasing particular sectors of society. Determining each victim's fate subverted this strategy and also mediated the emotional power of disappearance, helping relatives seek closure. Second, the dictatorship systematically kidnapped babies born in captivity to disappeared women and gave them to military families and others conservative elites. The right to truth, in Argentina, refers not only to the disappeared, but also to the right of children to know their true identity. Hayner concludes that, though a right to truth might exist, it does not necessarily correspond to an obligation on the part of governments to provide it, particularly in cases where citizens do not demand it, or when complete truth would seriously harm the country.<sup>101</sup> In the Argentine case, neither of these conditions held, and so Alfonsín acted justly by responding to demands for truth. If a right existed, it was certainly the government's responsibility to fulfill it.

These assertions of a right to truth hint at a more general purpose for truth commissions during transitions: truth as a form of justice. Though the transitional justice literature typically posits truth and justice as opposing poles that governments must balance, some theorists assert "historical justice" as a potential force to help navigate transitions.<sup>102</sup> Teitel argues that truth behaves like justice during a transition. Both help construct "collectively shared knowledge regarding the past," in other

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<sup>100</sup> Hayner, *Unspeakable Truths*, 31.

<sup>101</sup> It is difficult to conceive of rights, as commonly discussed in political theory, that do not correspond to obligations on someone's part to fulfill them. Nonetheless, Hayner's point that truth has inherent benefits, but not in all cases, is well taken.

words, a new official history.<sup>103</sup> Moreover, both trials and truth commissions give victims reparation; in the Argentine case, this meant showing that victims were not guilty of any crime.<sup>104</sup> In this way, truth commissions can fulfill some of the functions of trials at time of transition, and truth itself can right past wrongs.

However, as Teitel herself emphasizes, the truth produced by truth commissions is politicized:

...in the sense that the relevant truth is that public knowledge needed to advance the particular society's transformation. In this perhaps most urgent of the transitional responses, a new story line is speedily produced; a 'truth' is an overtly and explicitly political construction shaping the direction of transition."<sup>105</sup>

In this accurate conception of truth commissions, new versions of history are created by the state to develop a version of history compatible with the development of a liberal democracy. Alfonsín and the human rights activists behind CONADEP considered an understanding of human rights necessary to build democracy, and so they told a story of the reclamation of human rights by the Argentine people after the hold of a terrible dictatorship. Neither Alfonsín nor CONADEP considered the question of wider societal guilt, because such guilt would not have provided a good foundation on which to build democracy. More generally, Alfonsín chose a commission with the best chance of producing the results he wanted, a report that would not focus on difficult issues like the guilt of leftist guerrillas, but would instead establish human rights as the foundational principle of the new Argentine democracy.

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<sup>102</sup> Teitel 69.

<sup>103</sup> Ibid., 89.

<sup>104</sup> Ibid., 90.

<sup>105</sup> Ibid., 91.

Future truth commissions, notably the South African would feature open hearings, which allowed individuals to watch and piece together their own interpretations of the past.<sup>106</sup> Argentines, on the other hand, received something closer to an official history, one that inevitably faced accusations of bias. Yet the presence of bias does not put all biased arguments on the same plane. Rather, apologists for the dictatorship deserve the strongest condemnation, even if *Never Again* represents the truth imperfectly. CONADEP was right to distinguish between the violence of the left – deplorable, but with limited aims – from that of the right – systematic, sadistic, genocidal, and using all the tools of state repression. Though politicized histories are used to justify both groups’ actions, one set of histories is more objectionable than the other.

These benefits of truth commissions exist independently of trials, and thus offer a means of providing justice outside of traditional structures. During transition, history matters, so much so that it can constitute its own form of justice, while also fulfilling a variety of other roles. CONADEP gave Argentina a new version of history, a version that strengthened the narrative of human rights and democratization favored by both Alfonsín and the human rights groups. This narrative was used not only to balance short-term political demands against long-term democratization, but also to help build an entirely new system of government.

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<sup>106</sup> Rotberg 5.

## Reactions to *Never Again*

### *Human Rights Groups and the Wider Public*

The human rights groups generally supported CONADEP's work, even if they would have preferred a parliamentary commission to an independent one. Indeed, they directly contributed to *Never Again*, "provid[ing] manpower, technical resources and all the experience acquired under the very difficult conditions in which they worked during the de facto government."<sup>107</sup> During the dictatorship, these groups had developed substantial records of the repression, and CONADEP drew heavily from these.

However, this support came partially from the human rights groups' belief that CONADEP would contribute directly to trials. As a result, their support waned slightly when the Due Obedience law nullified many of the cases CONADEP supported. Indeed, *Never Again* invigorated public condemnation of the dictatorship, fueling demands for trials just before Alfonsín attempted to limit them.<sup>108</sup> In this way, rather than partially fulfilling justice, *Never Again* may have contributed to a feeling that justice would always be incomplete, especially once Full Stop and Due Obedience came into effect. However, these potential problems with *Never Again* came not from the report itself, which fulfilled many important functions, but rather from the human rights groups' lack of institutional development. These groups did not know what other goals to pursue when trials became more difficult.

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<sup>107</sup> CONADEP 429.

<sup>108</sup> Marchesi 178.

## *The Army and the Right*

CONADEP helped marginalize the army's historical narrative, prompting some groups on the right to moderate their message, while driving others to the extreme right, where they lost public sympathy.<sup>109</sup> Though these rightist groups clearly associated Alfonsín with *Never Again*, he shrewdly avoided giving the government direct credit for this version of history, making it harder, though by no means impossible, for rightist groups to support violence against the government and to use the new version of history to delegitimize it.

When the dictatorship fell, the military knew it was in trouble. Wary of the fate of other dictatorships in the post-Nuremberg world, the armed forces destroyed or hid all the evidence it could. They also obstructed CONADEP's project, refusing to comply with the commission's requests for information, despite Alfonsín's order that it do so.<sup>110</sup> The commission sent numerous requests to high-ranking military officials and received few replies, none of which it considered useful.<sup>111</sup> Today, it remains an open question whether army records of the repression exist. In fairness, Alfonsín told CONADEP to give any information it received to the courts for use in trials, greatly raising incentives to obstruct the commission. Though he envisioned

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<sup>109</sup> Interestingly, the Painted Faces, the sector of the army which rebelled against trials of junior officers, fell in the middle of this dynamic, at times asserting the right of the military to an institutional place in the government, and at other times simply fighting for one goal. However, the Painted Faces reacted not to CONADEP but rather to trials, and so their historical narrative will not be considered here. For a closer look at the Painted Faces, see: Carlos H Acuña and Catalina Smulovitz, "Militares en la Transición Argentina: del Gobierno a la Subordinación Constitucional," in *Juicios, Castigos Y Memorias*, eds. Acuña and others, Colección Investigación Social. (Buenos Aires: Nueva Visión, 1995), 21-99.

<sup>110</sup> In Decree 187, Alfonsín asserts the existence of an "obligation of all the functionaries of National Executive Power, of dependent and autarkic organizations to lend all type of collaboration" to the commission. (Alfonsín, Decreto 187, 122.)

<sup>111</sup> CONADEP 253.

this order as helping to prosecute junta leaders only, junior officers still had good reasons to fear that Alfonsín's limited justice would fail and to obstruct the commission. However, military officials and their allies also threatened members of CONADEP and human rights groups. Through these efforts, they attempted to destabilize the transition process and demonstrate that deviating from the military's vision for the country's future would bring violence.<sup>112</sup> Nonetheless, their attempts to block CONADEP represent an effort to counteract the new historical narrative.

Despite these behind-the-scenes efforts at obstruction, the military had already lost its public voice at the time of CONADEP's work, in the face of widespread public repudiation. Nonetheless, a host of new conservative organizations grew to defend this attack on the military's plans for glorious retirement after transition. These groups, which included "associations of family members of victims of 'subversion,' retired military officials, social organizations of military officials, etc," tended to promote a significantly more conservative message than even the military had during its rule.<sup>113</sup> Groups like Family Members and Friends of the Dead from Subversion aligned with conservative sectors of the church, holding masses that doubled as rightist protests.<sup>114</sup> The military government, in theory, had always favored a transition to democracy, when all subversive elements had been eliminated, but this was not the case with the new right. At one of these conservative masses, Julio Triviño, a Catholic priest, called democracy "pornographic and criminal."<sup>115</sup> Though the histories told by these ultra-conservative groups were inspired by the military's

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<sup>112</sup> Marchesi 179.

<sup>113</sup> Ibid., 177.

<sup>114</sup> Ibid., 179.

<sup>115</sup> Ibid., 180.

historical narrative, they also made that story more extreme in reaction against the new version of history presented in *Never Again*. Though the trials also contributed to this retreat to the far right, CONADEP, by offering a new understanding of the past, gave the far right a new version of history to compare to their own.

On the other hand, *Never Again* also led some sectors of the right to moderate their opinions. Though it would take ten years for substantial groups within the military to publicly adopt CONADEP's historical narrative, *Never Again* "limit[ed] the range of acceptable lies" the some conservative groups told about the dictatorship.<sup>116</sup> A rightist group called the Forum of Studies about the Administration of Justice released a book in 1985 entitled *Definitively Never Again: The Other Side of the CONADEP Report* to criticize CONADEP and present a competing version of Argentine history. The group, an NGO composed of lawyers promoting the rule of law, formed in 1976, the first year of the dictatorship, and its book justifies the junta's actions, presenting a standard conservative account that would be considered unacceptable in Argentina today. The book represents a version of rightist history moderated by the new historical narrative in presented in *Never Again*.

*Definitively Never Again* describes what its authors consider the slow destruction of legality in the decade preceding the dictatorship, wherein Amnesty Laws were passed forgiving members of guerrilla groups for their crimes.<sup>117</sup> Argentina, the group contends, was gripped by a crazed immorality, in which the

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<sup>116</sup> Michael Ignatieff, qtd. in Hayner, *Unspeakable Truths*, 25.

<sup>117</sup> Foro de Estudios Sobre La Administración de la Justicia, *Definitivamente... Nunca Más: La Otra Cara Del Informe De La CONADEP*, (Buenos Aires: Foro de Estudios Sobre La Administración de la Justicia, 1985)., 33.

political class ignored terrorism and average people condoned it.<sup>118</sup> In this context, the report argues, the military government was left “practically defenseless in what could be the legal solutions to the problem.”<sup>119</sup> The report portrays the military as the only rational actor, doing the best it could in difficult circumstances. Combating “subversion” through legal means, the book argues, never would have worked. In this understanding of Argentine history, the terrorists were “almost diabolical”<sup>120</sup>, whereas the dictatorship’s actions were “the normal and foreseeable result of the abandonment of legal forms.”<sup>121</sup> The military, the book implies, should not be held responsible for its actions. Rather, all of society is at fault for allowing Argentina to erode the rule of law.

This conservative understanding of history nonetheless shows an awareness of CONADEP’s findings. At no point does *Definitively Never Again* deny the systematic nature of the military’s violence, conceding the major point made in *Never Again*. It states repeatedly that the military should have tried other means before resorting to violence, even as it denies that these means would have worked. After CONADEP established a new version of history, contributing to widespread repudiation of the dictatorship, many of the most reactionary forces had to condemn the repression before justifying it. CONADEP’s insistence that the disappearances were systematic meant that even the most fervent apologists could not deny the nature of the dictatorship’s crimes, even if they refused to condemn them.

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<sup>118</sup> Ibid., 112.

<sup>119</sup> Ibid., 22.

<sup>120</sup> Ibid., 108

<sup>121</sup> Ibid., 110.

Despite the lingering power of the right during CONADEP's work, the critics did not manage to undermine the legitimacy of the report, either intellectually or popularly. The military would do a better job undermining democracy and human rights in its rebellions against the trials. But its failure to usurp the mainstream understanding of Argentine history demonstrates that, though the far right won some early battles, it did not win the war for narrative and political power. CONADEP contributed to the retreat of this conservative ideology, helping create a military culture where, twelve years later, the head of the army could condemn the human rights violations of the past and support democracy and human rights.

### Conclusion

Alfonsín entered office at a difficult time. He had to weigh the opposing demands of two powerful groups, balance short and long-term demands, and build a democratic system while acting as though it already existed. CONADEP helped him fulfill all of these goals through the establishment of a new historical narrative to contrast the one propagated by the dictatorship. The creation of a truth commission helped Alfonsín partially fulfill the demands of the human rights groups without excessively offending the military. Moreover, it purveyed justice when the courts could not be the only option.

Although Alfonsín was criticized for his actions, as moderates inevitably are, his decision to focus on long-term democratization has been validated. Today, Argentina is a stable democracy also pursuing punishment of human rights violators from the last regime. *Never Again* set Argentina down the right path, helping

Argentines learn to condemn human rights violations and the erosion of democracy that led to past breaches. Today, many sectors of the left remain bitter about Alfonsín's decisions regarding trials, but they fail to recognize the impact of CONADEP. This bitterness directly led to the historical narratives that undermined democracy during Menem and Kirchner's presidencies and today. However, Alfonsín is not responsible for these developments. Rather the leftist groups themselves, who failed to develop flexible goals to account for the difficulties of democratization, deserve blame for undermining democracy in the future.

The creation of CONADEP, the report it produced, and the reactions it elicited all demonstrate the centrality of historical narratives in Argentine politics. Moreover, the versions of history propagated by the main political actors at this time demonstrate the wide potential for memory of a past regime and its relationship to democracy. Though the left considered human rights and democracy completely interrelated, this belief would soon change. The military, on the other hand, used history to promote authoritarianism.<sup>122</sup> In this way, historical narratives of the dictatorship were political from the moment people began writing them.

The left's narratives would change substantially in response to new developments under Menem's government and the economic crisis that followed it. The strong, unquestioned connection between human rights and democracy on the left would all but dissolve as pro-memory groups began to work closely with a broader movement that opposed the political class as a whole, and, to varying degrees, favored anarchism. Though the content of the left's historical narratives would

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<sup>122</sup> Though their version of history also condemned the disappeared as dangerous subversives, and thus did not honor their memory in the way other pro-memory groups did.

change, these narratives would remain, as they were during the writing of *Never Again*, as much a result of contemporary politics as of historical inquiry.

## **Chapter Two: The Athletic Club and Neighborhoods for Memory and Justice**

### Introduction

Three months after assuming the presidency, Menem issued the first of two presidential decrees, which together pardoned all military officers, junta leaders, leftist guerrillas and participants in the military rebellions of the 1980s.<sup>1</sup> Menem supported this policy by promoting “reconciliation,” or and moving past the crimes of the dictatorship. In reaction, human rights groups changed the historical narratives they used to promote memory of the disappeared. In this chapter, I will consider two memorials that were developed during and soon after Menem’s government. The first, the Athletic Club, is a monument to the disappeared on the site of a former clandestine detention center of the same name. Neighborhoods for Memory and Justice created the second memorial, really a series of memorials, by replacing sidewalk tiles throughout Buenos Aires with colorful ceramic monuments to individual disappeared people. I will argue that the historical narrative of the first group bolsters democracy, whereas that of the latter group damages it.

These memorials grew from the repudiation of Menem’s attempts to silence commemoration of the dictatorship. This rejection developed within a larger context of disillusionment with the political class as a whole, in reaction against Menem’s neoliberalism and corruption and the 2001 economic crisis. The groups behind the Athletic Club adopted a historical narrative that criticized the government without rejecting democracy, by emphasizing the continued exclusion of the poor and oppressed. In fact, the monument deepens democracy, by helping develop a robust

civil society that critiques the government from within the system. Neighborhoods for Memory and Justice, in contrast, employs an anarchist ideology that rejects democracy, emphasizing solidarity with the disappeared as fellow political fighters. Movements in favor of a memorial at the Athletic Club gained strength when the progressive FREPASO (Front for a Country in Solidarity or *Frente por un País Solidario*) coalition was at the height of its power, and leftist groups felt they had a voice in government. After the collapse of FREPASO in 2000 and the economic crisis in 2001, disillusionment with democracy spiked. Neighborhoods for Memory and Justice exploited this change, developing as part of a broader anarchist movement.<sup>2</sup> The groups behind both monuments developed new historical narratives to commemorate the dictatorship that make recent history relevant to the contemporary political fight. Though the Kirchner presidencies have changed the stakes for these groups, they continue to espouse the historical narratives and political views that they developed during and immediately after Menem's presidency. For this reason, I will consider the monuments as they stand today and in their previous iterations as evidence of the development of political thought during and just after Menem's rule.

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<sup>1</sup> Barahona de Brito 137.

<sup>2</sup> Though Neighborhoods for Memory and Justice was not officially created until 2004, three years after the crisis and during the government of Nestor Kirchner, it still employs the same tactics, ideology and organizational structure as the 2001 anarchist movement. Though the larger movement has not survived, anarchist activists continue to use neighborhood councils to promote memory of the disappeared and other goals. I will elaborate on this trend below.

## Menem's Narrative of Reconciliation

The last military rebellion occurred only months before Menem became president. To prevent future unrest and – he thought – solve the problems of transition once and for all, Menem struck a bargain with the military: he would not prosecute them for past crimes and would give amnesty to all those who had been imprisoned, but he would cut their budget significantly, and he would not tolerate future infractions.<sup>3</sup> True to his word, when the military rebelled again in 1990, Menem ordered harsh repression.<sup>4</sup> He pursued these policies, in the face of widespread protest, as part of a push for reconciliation in Argentina. Menem strongly defended the amnesties, calling them “a mechanism to ensure social peace.”<sup>5</sup> In explaining his more general push for reconciliation, Menem stated, “Argentina will not be possible if we continue to open old wounds, if we continue fostering hatred, distrust among co-nationals, on the basis of the false grounds of discord.”<sup>6</sup> In this way, Menem urged Argentines to view themselves as one nation, with a past characterized not by repression, but by senseless violence that could be prevented only by moving past earlier disagreements.

To achieve this goal, he promoted an understanding of recent history wherein the violent left and right were merely two feuding clans within the wider Argentine family.<sup>7</sup> In this view, the military did not violate human rights, but rather acted within a long-standing conflict in which all sides shared equal guilt. To move forward, specifically toward economic progress through neoliberalism, Menem argued that

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<sup>3</sup> Ibid., 137.

<sup>4</sup> Ibid., 137.

<sup>5</sup> Roniger and Sznajder 111.

<sup>6</sup> Ibid., 195.

Argentines needed to forget about past violence. He promoted this perspective through both rhetoric and action. In 1995, for example, Menem called for, “the pacification of those sectors that *still* continue debating this problem.”<sup>8</sup> Aside from the pardons, he also attempted to demolish ESMA, the most infamous clandestine detention center, and even shared a public hug with Admiral Isaac Rojas, a strong advocate for military rule.<sup>9</sup> In Menem’s view, promoting memory of the disappeared would only embitter their relatives and isolate the military. Until calls for trials and memory ceased, Menem repeatedly asserted, Argentines would not have the chance to move past their social divisions. Menem envisioned himself as the center of this process of reconciliation. He hoped to accomplish what Perón could not, uniting the disparate factions of Argentine politics – if only by forcing them to forget the depth and extent of their differences – and bringing lasting prosperity to the country.

These top-down attempts to force forgiveness and reconciliation upon the relatives of the disappeared and the Argentine people have rightly prompted criticism. In attempting to stifle open debate about the past and justify human rights violations, Menem hindered the development of democracy. However, his pardons and reprehensible public demeanor also gave him far wider freedom to subordinate the military to civilian power than Alfonsín ever had. Though Alfonsín had begun cutting the military budget, Menem accelerated this process.<sup>10</sup> Moreover, in 1991, he replaced Martín Bonnet with Martín Balza as the head of the army.<sup>11</sup> Balza had put down the last Painted Faces uprising a year earlier, and he led the pro-democratic

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<sup>7</sup> Nino 2630.

<sup>8</sup> Qtd. in Palermo, “Entre la Memoria...”, 134.

<sup>9</sup> Ibid., 134.

<sup>10</sup> Roniger and Sznajder 77.

movement within the military. In 1994, after the death by beating of Omar Carrasco, a young conscript, Menem abolished the ninety-year-old mandatory military service law, greatly diminishing the place of the military in Argentine life.<sup>12</sup> In 1995, several officers confessed to their past crimes in highly public forums, now without fear of prosecution.<sup>13</sup> These policies show the paradoxical role Menem played with regard to memory, justice and democracy. Perhaps no president could have combined a narrative of human rights and democracy with strong policies to that effect, at a time when the military still retained so much strength. Alfonsín chose to pursue the middle ground in both respects, promoting partial memory and partial justice. Menem made a far less popular decision, sacrificing historical and legal justice to fully subordinate the military to civilian rule. At the same time, however, Menem was no champion of democracy; he ruled largely by decree, intimidated journalists, stacked the courts, obstructed justice, and sanctioned corruption.<sup>14</sup> The contrast between Alfonsín and Menem's policies demonstrates that memory of past atrocities does not straightforwardly enhance democracy. Rather, the two concepts have, at best, a very complicated relationship, and, at times, an inverse one.

In addition to his controversial anti-memory policies, Menem also initiated a neoliberal economic regime. To tackle the twin problems of hyperinflation and debt, Menem and finance minister Domingo Cavallo implemented the convertibility plan, which pegged the peso to the dollar. They also privatized state enterprises and social

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<sup>11</sup> Ibid., 77.

<sup>12</sup> Ibid., 77.

<sup>13</sup> These confessions and their effects will be detailed later in the chapter.

<sup>14</sup> Ibid., 78.

services, lowered trade barriers, and abolished price controls and regulatory bodies.<sup>15</sup> These policies produced an astonishing drop in inflation from 2314% in 1990 to 4% in 1994 and an apparent end to the problem of chronic hyperinflation.<sup>16</sup> This change led to economic growth that improved the standards of living for people at almost every income level, halving poverty between 1990 and 1994.<sup>17</sup> However, the privatization process and the deregulation of the labor market also caused large spikes in unemployment and income inequality.<sup>18</sup> These economic policies, popularly associated with conservatism and Western imperialism, would further contribute to common repudiation of Menem, who abandoned the traditional Peronist policies of his party without warning. The groups protesting Menem's memory policies and his economic policies would eventually work together, creating new historical narratives that at times undermined democracy and at other times supported it.

### Political Changes

The development and fall of the FREPASO-UCR coalition as well as the 2001 economic crisis prompted the development of new political strategies and demands. The groups behind the Athletic Club and Neighborhoods for Memory and Justice adopted these methods and goals and also worked closely with the particular groups that developed them. Menem's decision to abandon the classic Peronist agenda led to

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<sup>15</sup> Blustein, Paul, *And the Money Kept Rolling In (And Out)*, (New York: Public Affairs, 2005), 24.

<sup>16</sup> World Bank, "World Development Indicators Online," 2007, <http://www.worldbank.org> (Accessed May 2009).

<sup>17</sup> Blustein 26

<sup>18</sup> The Gini Indicator rose from 0.456 in 1991 to 0.502 in 1998, peaking at 0.528 in 2003. World Institute for Development Economics Research, "World Income Inequality Database,"

a reshuffling of political parties, as traditional Peronists sought a new base and members of the desolate Radical Party looked for more promising opportunities. In 1994, a group of dissenting Peronists known as the Great Front (*Frente Grande*) joined with other leftists to create the FREPASO, which eventually allied with the UCR to become a powerful political force.<sup>19</sup> The members of this alliance had a progressive viewpoint, rejecting violence but also poverty and the bid to ignore human rights violations:

[they] considered that the military experience of human-rights violations was linked to the attempt to preclude any change in the imbalanced socio-economic structure of society. These sectors, mainly composed of former leftist activists, felt that violence should indeed be beyond the pale, but they still rejected the thesis of a return to ‘previous normality’ and constitutional orderliness. For them, such a ‘normality’ had bred polarization and political violence in the 1960s and 1970s. Rejecting both the ‘theory of the two demons’ as well as violence as means of social change, the new left...raised demands of deep political change and reform through social agreement.”<sup>20</sup>

In implicit contrast to Menem’s neoliberalism, which adopted the Western, individualist view, FREPASO attempted to channel Argentina’s corporatist traditions through democratic channels, seeking inclusion and consensus but rejecting violence. The members of FREPASO did not forsake progressive goals, but they sought to achieve them through democratic means, eschewing Menem’s corruption and censorship. The popularity of the FREPASO-UCR alliance peaked in 1999, when Fernando de la Rúa won the presidency on that ticket. Soon afterward, however, the

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United Nations University, <[http://www.wider.unu.edu/research/Database/en\\_GB/database/](http://www.wider.unu.edu/research/Database/en_GB/database/)>, (Accessed Apr. 2009) and World Bank.

<sup>19</sup> Roniger and Sznajder 234.

<sup>20</sup> Ibid., 234.

alliance and dissolved, when its leader, Chacho Alvarez, resigned amid a series of corruption scandals.<sup>21</sup>

Less than a year later, Argentines faced the worst financial crisis in recent memory. Menem and Cavallo's policy of pegging of the peso to the dollar, and Cavallo's insistence on continuing along this path as de la Rúa's finance minister, led directly to the 2001 crisis.<sup>22</sup> When Cavallo imposed an almost complete freeze on bank withdrawals, turmoil grew until sixteen people died in violent protests and de la Rúa fled in a helicopter from the *Casa Rosada* (the Pink House, the seat of the presidency).<sup>23</sup> In the turmoil that ensued, Argentina had five different presidents in five days. GDP plunged, and inflation, inequality, poverty and unemployment soared. Soon, the majority of the population lived below the poverty line and one quarter of Argentines were unemployed.<sup>24</sup>

The growth of the FREPASO coalition was accompanied by the development of new demands and new forms of protest to achieve them. Peruzzotti argues that, at this time, Argentine citizens became more sophisticated than ever before. Many rejected the populist view that representation meant signing over the right to dissent (known as the authorization view). Instead, after the last dictatorship, citizens in Argentina began to seek accountability.<sup>25</sup> Watchdog journalists and NGOs outside the original human rights movement began to report on issues like corruption and human

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<sup>21</sup> Peruzzotti, Enrique, "Demanding Accountable Government: Citizens, Politicians, and the Perils of Representative Democracy in Argentina," in *Argentine Democracy: The Politics of Institutional Weakness*, eds. Steven Levitsky and Maria Victoria Murillo, (University Park, Pennsylvania: Pennsylvania State UP, 2005), 229-250., 241.

<sup>22</sup> Blustein 62.

<sup>23</sup> Ibid., 184-186.

<sup>24</sup> Ibid., 2.

<sup>25</sup> Peruzzotti 230.

rights, departing from the previous focus on material demands in politics.<sup>26</sup> On the one hand, Peruzzotti argues, this new sophistication helped Argentines accept the idea of representation, employing safeguards to maintain democratic institutions rather than trusting the representatives' characters alone.<sup>27</sup> At the same time, however, when "institutional mechanisms and political society" could not "adequately address public demands," this new accountability at times increased skepticism about representative institutions rather than abating it.<sup>28</sup>

When the FREPASO coalition and then the economy collapsed within the span of a year, disillusionment with government soared. The coalition that had stood for honesty and transparency appeared just as corrupt as the group from which it had dissented. Moreover, it seemed, both Peronists and Radicals could only bring economic ruin to the country. The organizations promoting transparency continued their work, but with more disillusionment, and new groups developed with a harder edge. When the FREPASO-UCR alliance dissolved along with the FREPASO party, the non-Peronist middle class had no source of representation. Slogans like "throw them all out"<sup>29</sup> became popular, and new form of protest arose in an attempt to undercut traditional corporatist mechanisms, which had been led by unions through clientelistic networks.<sup>30</sup> These new protests included *piquetes*, carried out by *piqueteros* who blocked roads, typically to call attention to their unemployment and economic isolation; *cacerolazos*, in which people banged pots and pans in the streets; *escraches*, where protestors visited the homes of officials; and several others. In each

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<sup>26</sup> Ibid., 232.

<sup>27</sup> Ibid., 233.

<sup>28</sup> Ibid., 240.

<sup>29</sup> Levitsky and Murillo 8.

case, the protesters sought to undercut established channels of contestation, drawing attention to their own plight outside the context of customary politics. In this way, their protests were partially directed “against the political class in general.”<sup>31</sup> Overall these innovations represented a move away from politics based on nationalism or class and toward a politics of “localized, territorially defined identities” with demands for rights and accountability in place of material demands.<sup>32</sup>

As Argentines continued to feel the effects of the 2001 economic crisis, these new forms of mobilization gradually became more organized. “As a natural outgrowth of neighbors meeting in streets,” popular neighborhood assemblies developed in Buenos Aires, as well as in Córdoba and Rosario, the second and third largest cities in Argentina, in early 2002.<sup>33</sup> These popular assemblies developed spontaneously, without support from organized political groups. In keeping with their “radical critique of political parties and representative institutions, the assemblies adopted a loose horizontal, participatory and deliberative type of structure to avoid the ‘dangers’ of delegation.”<sup>34</sup> In Buenos Aires, the assemblies eventually created two major cross-neighborhood meetings to share ideas and collaborate on projects. Over the course of 2002, however, participation in the assemblies plummeted, as people felt the cost of direct participation. By 2003, with the ascendancy of Kirchner, a soft leftist, to the presidency, only a nucleus of leftist party activists and neighborhood members remained involved in the assemblies.<sup>35</sup>

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<sup>30</sup> Peruzzotti 247.

<sup>31</sup> *Ibid.*, 247.

<sup>32</sup> Levitsky and Murillo 13.

<sup>33</sup> Peruzzotti 247.

<sup>34</sup> *Ibid.*, 247.

<sup>35</sup> *Ibid.*, 248.

Peruzzotti argues that both the mainstream movement for accountability and the anarchist movement are double-edged. It remains, he asserts, an open question if the political mobilization will fuel anti-institutional movements or be used to criticize current leaders without undermining the concept of representative democracy.<sup>36</sup> The groups behind the Athletic Club, as well as Neighborhoods for Memory and Justice, grew partially from these calls for accountability and the widespread rejection of the government. Together, they demonstrate both the positive and negative potential of the movement. These new forms of contestation would also merge with a reinvigorated pro-memory movement, leading political actors to employ new versions of history to make a wide variety of demands in the present.

### The Resurgence of Memory

In the early 1990s, opinion polls demonstrated little interest in the dictatorship on the part of young people.<sup>37</sup> Menem's effort to create a clean slate appeared to be working. But in 1995, Adolfo Scilingo, a former navy officer, confessed to drugging disappeared prisoners and throwing them out of aircraft into the Río de la Plata, as part of a systematic military policy. Until that point, no other officers had confessed to their crimes, and Scilingo's tell-all to journalist Horacio Verbitsky was printed and reprinted in lurid detail.<sup>38</sup> The younger generation, which could not remember life under the dictatorship, responded to these revelations as their parents had responded to *Never Again*, with a surge of interest in "doing something" about the atrocities of

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<sup>36</sup> Ibid., 249.

<sup>37</sup> Roniger and Sznajder 202.

<sup>38</sup> Manguel, A. "Memory and Forgetting." *Index on Censorship* 25.5 (1996): 123-31. <http://www.isiknowledge.com/.123>.

the dictatorship.<sup>39</sup> These demands breathed new life into the nearly defeated human rights movement. Menem reacted to these revelations by attempting to quiet them, portraying Scilingo as untrustworthy and a petty criminal, even jailing him for bad checks to prove the point.<sup>40</sup> Clearly, Menem understood the potential power of confessions from within the previously silent military ranks.

Scilingo's admission prompted even more powerful statements. Ex-gendarme Federico Talavera who worked at May Camp and Olympus, two notorious clandestine detention centers, spoke out about his crimes.<sup>41</sup> The same day, Luis Muñoz confessed that, while stationed at the Cavalry School, he had carried lists of disappeared individuals to a higher-level officer. Moreover, Muñoz said that he had not come forward before out of fear "that they would make me disappear."<sup>42</sup> In this way, he implied, Scilingo's confession helped erode the lingering threat of violence against those who challenged ultra-conservatives.<sup>43</sup> Scilingo and his family received death threats, but he refused to stop talking.<sup>44</sup> As a result, his confession helped usher in a new culture of openness within the military and between the military and the rest of society.

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<sup>39</sup> Roniger and Sznajder 115.

<sup>40</sup> Ibid., 115.

<sup>41</sup> Marguerite Feitlowitz, *A Lexicon of Terror: Argentina and the Legacies of Torture*, (New York: Oxford UP, 1998), 225.

<sup>42</sup> Ibid., 226.

<sup>43</sup> Muñoz's fears were quite reasonable. Jorge Julio Lopez, a survivor of disappearance during the dictatorship, was disappeared again in 2006 just before testifying against Miguel Etchecolatz, who ran a clandestine detention center during the dictatorship (trials had been reinstated at this point). Human rights groups continue to protest his disappearance and the lackadaisical effort of the Buenos Aires police, suspected of complicity, to find him and prosecute those responsible.

<sup>44</sup> Roniger and Sznajder 115.

Balza, then head of the army, strengthened Scilingo's position, making a groundbreaking speech in favor of democracy. By seeking "to begin a painful dialogue about the past, that was never sustained," Balza directly repudiated Menem's strategy, embracing Scilingo's confessions as an opportunity to begin to bridge the divide between civilians and the military.<sup>45</sup> Most ground-breakingly, Balza strongly criticized past military actions and emphasized a democratic ethos:

Without euphemism, I say clearly: He who violates the National Constitution commits a criminal offense. He who gives immoral orders commits a criminal offense. He who obeys immoral orders commits a criminal offense. He who uses unjust, immoral means to achieve an end he considers just commits a criminal offense.<sup>46</sup>

Though Balza did not call for punishment of past crimes, he established a new mindset for the Argentine army, in which Due Obedience was no longer an excuse for human rights violations. Balza concluded with the closest thing to an apology the military had ever given: "...I want to say to you all as Head of the Army that, assuring its historical continuity as an institution of the nation, I assume our part of the responsibility.... The army is not the only reserve of the People."<sup>47</sup> It should be noted that Balza still endorsed many conservative viewpoints, for example, emphasizing the responsibility of the left for provoking the military. Moreover, the heads of the navy and air force made far less conciliatory speeches in response to Balza's. Progress had occurred, but it was still slow.

Balza backed up his support for democracy with action. He changed the cadet curriculum, seeking to align it with the national public school syllabus. The ministry

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<sup>45</sup> Balza, Martín, Speech, Documento Del Jefe Del Ejército Teniente General Martín Balza, Argentina, Buenos Aires, 25 Apr. 1995, *Desaparecidos*, Proyecto Desaparecidos, <http://desaparecidos.org/arg/doc/arrepentimiento/balza.html>, (Accessed March 25, 2010).

<sup>46</sup> Ibid.

of education must now approve the army curriculum, and it includes units on human rights and military sociology.<sup>48</sup> Moreover, Balza implemented Menem's changes, transitioning the army from conscript-based to all-volunteer and integrating women into the force.<sup>49</sup> Balza did not eradicate ultra-conservative factions, but he substantially modernized the army, further pushing reactionary thought to the fringes.

Scilingo's confession and Balza's response reignited the pro-memory movement, creating a new wave of commemorations led by the younger generation. Though the dialogue was not always as friendly as Balza hoped, both his and Scilingo's words ensured that a new generation would feel connected to the atrocities of the past. On the twentieth anniversary of the coup in 1996, 50-100,000 participants marched in Buenos Aires, demonstrating the resurgence of the memory movement. *Never Again* soon became required reading in schools, and all Argentine students commemorated the disappeared.<sup>50</sup> The memory explosion permeated society as professions, schools, and artists all clamored to remember and pay homage to the disappeared from their ranks.<sup>51</sup> It is difficult to say whether Scilingo confessed because Menem's pardons ensured his freedom or because, as Palermo argues, Argentines simply could not forget the dictatorship.<sup>52</sup> Regardless, Menem's decision to appoint Balza, known for his honorable behavior, to this high position, clearly pushed the army further toward subordination to civilians. Though many in the armed forces did not accept Balza's

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<sup>47</sup> Ibid.

<sup>48</sup> Feitlowitz 233.

<sup>49</sup> Ibid., 234.

<sup>50</sup> Roniger and Sznajder 204; Feitlowitz 247.

<sup>51</sup> In Buenos Aires today, it is possible to find monuments to the disappeared from all professions and religions. Nearly every department at the public universities and many high schools pay homage to their disappeared students.

<sup>52</sup> Palermo, "Entre la Memoria," 135.

point of view, it still opened the door for political movements Menem had tried to block.

The well-established human rights movement took advantage of the opportunity to promote memory of the dictatorship in a newly receptive society. They continued their previous strategy of seeking justice through courts, focusing particularly on the fight to find children born in captivity and prosecute those guilty of kidnapping them. But they also combined with newly formed neighborhood protest groups and others seeking to mobilize outside the traditional channels. As a result, they began to promote memory as part of a wider agenda for social and political change.<sup>53</sup> Most importantly, a group of children of disappeared people, now in their early twenties, formed HIJOS. More than any other human rights group, HIJOS integrated itself into the political trends of the time, seeking new forms of protest. The group even invented *escraches*, wherein they marched to the homes of former repressors to demand trials, throwing red paint on their doors to represent the blood on their hands, and passing out leaflets with their photos, names and addresses. Soon, groups protesting a variety of issues would use the *escrache* method.

Scilingo and Balza prompted a resurgence of memory, while leftists developed creative new protest methods to repudiate the government. The human rights groups bridged both trends, collaborating with newer movements to keep memory of the dictatorship alive. In this process, the dominant historical narrative changed from one of universal human rights to one that emphasized solidarity with the disappeared and

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<sup>53</sup> Though the human rights groups developed more sophisticated ideologies and became more developed at this time, they continued to focus single-mindedly on punishment, and their agenda still did not account for the challenges of democratization. I will discuss this focus on punishment in Chapter Three.

a struggle between the oligarchy and the people or the right and the left, all in the context of an anarchistic rejection of democracy. Although a majority of the population eventually lost interest in commemoration again, human rights groups and their new allies used this important moment to keep the issue of memory prominent in public discourse.<sup>54</sup> Both the Athletic Club and Neighborhoods for Memory and Justice represent the fusion of the reinvigorated pro-memory movement with the new push for government accountability and anarchism (related, if contradictory movements). Whereas the narrative told at the Athletic Club represents a positive attempt to strengthen democracy through dissent, Neighborhoods for Memory and Justice rejects democratic institutions.

### The Athletic Club

During the dictatorship, the Athletic Club was a clandestine detention center used to jail, torture, rape and murder disappeared people. It was located in the basement of a federal police station, and it held 1,500 people between February and December of 1977.<sup>55</sup> The forces that ran the center, composed mostly of federal police under the direction of the army, worked throughout Greater Buenos Aires coordinating their work with ESMA and May Camp, two other clandestine detention centers.<sup>56</sup> The Athletic Club was considered less harsh than other clandestine detention centers, killing a smaller percentage of prisoners than, for example, ESMA. However, this

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<sup>54</sup> Roniger and Sznajder 238.

<sup>55</sup> "El Atlético," *Instituto Espacio para la Memoria*, <http://www.institutomemoria.org.ar/exccd/atletico.html>, (accessed January 20, 2010).

<sup>56</sup> *Ibid.*

leniency did not apply to Jews, who were treated with unparalleled cruelty from the fascistic repressors, who openly admired the Nazis.<sup>57</sup>

The junta razed the police station soon after it closed in 1977 to make room for one of two major highways it built. In 1985, a group of survivors made a formal request to excavate the site. The archaeological work began in 2002, after nearly a decade of activism.<sup>58</sup> In 2003, the government of the city of Buenos Aires declared its support for the recuperation, and in 2005 the city legislature declared the Athletic Club a historic site and permitted excavation for the purpose of restoring it and gaining evidence about what had occurred there.<sup>59</sup>

While the survivors pursued the preservation of the site in the legal realm, neighborhood groups sought to mark its significance without government help. Local social and political groups from the surrounding San Telmo neighborhood combined with a newly formed group of artists, named Totem Group.<sup>60</sup> Together, they created a permanent art exhibit on the site and held regular ceremonies there. In 1996, 500 people participated in a gathering to construct the first “totem” out of papier maché on a pole holding up the highway. The installation was firebombed that very night. A year later, the groups put up an engraved plaque as well as a reconstructed totem. That night, the totem was torn down and the words on the plaque covered with paint.<sup>61</sup> Finally, the artists recreated the totem using metal and the plaque using concrete. The totem stands today on the highway pole, composed of metal figures of

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<sup>57</sup> Memoria Abierta, *Memorias en la Ciudad*, (Buenos Aires: Eudeba, 2009)., 130.

<sup>58</sup> Ibid., 131.

<sup>59</sup> Ibid., 131.

<sup>60</sup> Instituto Espacio Para la Memoria, *Patrimonio Centros Clandestinos De Detención, Tortura, Y Exterminio Y Sitios De Memoria*, Cuadernos De La Memoria, Vol. 4, (Buenos Aires: Instituto Espacio Para La Memoria, 2008)., 33.

people climbing toward the highway. Totem Group also laid a silhouette on the ground next to the excavation site with small memorials to disappeared individuals and candles lying around it



The Athletic Center, as it stands today  
Source: Memoria Abierta 129.



The Totem today  
Source: Personal Photograph, August 21, 2009.

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<sup>61</sup> Tandeciarz 160.



The Disappeared Person  
Source: Personal Photograph, August 21, 2009.



More Artwork at the Athletic Club  
Source: Personal Photograph, August 21, 2009.

Groups of survivors and family members of the disappeared began to meet every week for a ceremony and to share information. In 2005, the Athletic Club began to receive support from Space for Memory Institute, an independent organization created by the Buenos Aires legislature to oversee former clandestine detention centers and transmit memory about the dictatorship.<sup>62</sup> Today, a fence encloses the site, making vandalism more difficult. Archeologists, funded by Space for Memory Institute, continue to excavate it. It is an out-of-the-way location that people may drive past on their way into or out of the city but would not likely see otherwise. Because the site is enclosed with a fence and requires a tour, only those who already know something about it have the opportunity to visit it. Visitors can now see the torture rooms, the elevator, the bathroom, and the small cells where the prisoners spent most of their time. Since the site now sits right below the highway, the noise above makes it an unpleasant place to spend time. Across the street from the excavation site, the groups involved built a small memorial park with benches and a large sign saying "Never Again." The park, also under the highway, is currently closed, because of falling metal from the onramp above that the city government has not yet repaired.

The groups involved in the restoration of the Athletic Club span the range of the social and political movements that developed in the 1990s. Totem Group promotes political protest outside of traditional methods and uses art to do so. This group also exemplifies the trend of artists becoming involved in the pro-memory movement. The San Telmo neighborhood groups arose out of the post-2001 anarchist movement.

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<sup>62</sup> "Camino al Museo - Historia de la ESMA," Memoria Abierta, [http://www.memoriaabierta.org.ar/camino\\_al\\_museo.php](http://www.memoriaabierta.org.ar/camino_al_museo.php), (Accessed December 16, 2009). I

The nucleus of activists that remains involved continues to work to improve the neighborhood and to promote memory of what occurred there during the dictatorship, two goals they consider inherently linked. The group of survivors, linked to the mainstream human rights movement, led the legal fight in the courts, but also worked closely with the day-to-day efforts of the other groups. HIJOS has also become involved in the administration of the site, demonstrating the trend toward using new methods in an old fight for recognition of the disappeared. Finally, after its creation in 2002, Space for Memory Institute became involved in commissioning and, more importantly, in funding the site. Many criticize the high visibility of this group at this and other former clandestine detention centers in Buenos Aires, which must display a large sign thanking the city government. However, the presence of the Space for Memory Institute does not distort the message as much as many imply. Indeed, Neighborhoods for Memory and Justice has received help from the same group and continues to espouse its anti-government viewpoint. The different groups fighting to preserve the Athletic Club have embraced each other's goals, applauding the government's decision to restore the site as well as efforts by neighborhood artists to beautify it.

The coalition of local and national activists of all leftist stripes brought a memorial that emphasizes solidarity with the disappeared as the oppressed, not as political fighters. Through this moderate historical narrative, the group promotes social restructuring through non-violence in a democratic system. Visitors to the site receive a brief tour from the archeologists in charge. They then bring visitors to their

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will discuss this organization further in Chapter 3.

office a block away for longer discussion and to see a small collection of items found at the site. These include most strikingly a hat with swastikas drawn on its inner lining, demonstrating the vicious anti-Semitism of the torturers.

The placement of the site under the highway, the nature of the art, and the unstructured format of the tour facilitate the critical narrative of Argentine history told at the site. Though the location was outside the control of the activists, it plays an important symbolic role in the overall presentation of the site. When it was built, the highway dislocated thousands of families, including the destruction of a group of *villas miseria*, or slums, on the outskirts of the city.<sup>63</sup> In many cases, the displaced families from the *villas* were simply moved outside the city and left to fend for themselves.<sup>64</sup> In the context of the site, the highway provides an example of the single-minded efforts of the country's leaders to seek development through capitalism, without caring about the effect of these projects on the poor. As Tandeciarz argues, "...the site of the Atlético [Athletic Club] exposes the price paid by the social body for... [development] simply by juxtaposing an emblem of "development"—the *autopista* [highway]—to the ruins and cadavers left in its wake."<sup>65</sup> The presence of the highway leads the visitor to condemn not only the violent repression of the dictatorship but also the more subtle economic repression.

Today, the highway continues to represent a dividing line between the relatively rich city center and the desperately poor outskirts. As one contemplates the site, it is difficult to ignore the symbolism of the space and the way it validates the leftist narrative of economic history. In this understanding of history, the dictatorship

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<sup>63</sup> Memoria Abierta 131.

<sup>64</sup> Ibid., 131.

sought economic progress and modernization at the expense of job security and basic subsistence for the most vulnerable in society.<sup>66</sup> Decades later, the story goes, Menem introduced similar policies and won. Although the guides do not mention the significance of the highway, anyone with a basic knowledge of the city – particularly the politically aware people who choose to visit the site - would understand the significance.

The highway, to many, embodies the attempts by the dictatorship to erase an entire group of people from existence – not only to torture and murder them, but also to make them literally disappear. With the symbol of economic progress overhead and the remains of the dead and the police building below, it seems that the disappeared were “erased” to make way for a narrow notion of development and economic growth. The site’s features attempt to counteract this plan, telling a story of the resurgence of the people, who refuse to allow their comrades to be erased and who refuse to bow to the “progress” of the oppressors. Quite literally, archeologists are digging up the past, finding new information to humanize the victims and prevent them from disappearing from the Argentine consciousness.

More metaphorically, the nature of the art helps tell a story of the organic protests of the people, outside the bounds of corporatist mechanisms and rightist repression. The words and paintings offer a narrative of the people reclaiming the site and not allowing this political genocide to occur. The highway beams, walls and fence are covered with paintings and short phrases like “never again” and “30,000 disappeared.” The site appears to have developed from the spontaneous urge of

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<sup>65</sup> Tandeciarz 161.

hundreds of people to express themselves; in reality, Totem Group planned and organized all of it. Today, the site resembles a giant work of urban art, implying that the voice of “the people” produces the most beautiful and truest representations of memory. Murals of suffering people are painted throughout the site, evoking an image of the disappeared as neither innocents nor political activists. Instead, the murals imply, the disappeared were human beings, whose torture and murder should induce outrage, regardless of the person’s political activities. Tandeciarz cites a poem by Juan Gelman written on a pole at the site: “Come down a little, regard what I am, this broken shoe, this anguish, this empty stomach, this city without bread for my teeth.”<sup>67</sup> With this addition to the art and many others like it, the artists and neighborhood groups draw a direct connection between the torture that occurred at the site and the need to pay attention to the poor – whether the poor of the 1970s or the poor of today.

Despite this emphasis on the connection between economic and violent oppression, the groups behind the Athletic Club did not reject government help and instead sought out legal protection for the site from the city. By implication, the current democratic government is not invalidated by the fact that it supports capitalism. Rather, when the government protects rights, its support should be welcomed; when it promotes policies that increase poverty, it should be strongly criticized, as it is on the site of the Athletic Club. Rather than rejecting all representative institutions in favor of the direct rule of the people, the Athletic Club offers a model whereby the people and the civil society groups they join can work

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<sup>66</sup> See, for example, Tandeciarz 162 or Barrios X Memoria y Justicia, *Baldosas X la Memoria*, (Buenos Aires: Instituto Espacio para la Memoria, 2008), 12.

with the government and also monitor it, criticizing it when it erodes human rights. In the story told through this site, the people drive Argentine history, but friendly governments can and should support their efforts.

The unstructured nature of the tour helps promote this tolerant, flexible version of history. The archaeologists do not hide their own opinions, but they promote discussion and mention only the physical features of the site and its history at the beginning of the tour. At the office, visitors to examine the items found at the site, receive pamphlets and books to take home, and discuss the project with the archaeologists. This structure allows the visitors to direct the tour to the topics they choose without having a single interpretation of history imposed on them.

Much of the writing and art on the site of the Athletic Club stands just at the line Peruzzotti identifies, ripe for use either to criticize the idea of representation or to criticize the ideas of particular leaders. For example, the Gelman poem demonstrates the continuity between the state's past repressive mechanisms and its continuing failure to help those in extreme poverty. Neighborhoods for Memory and Justice would use this argument to say that even representative democracy cannot end oppression. However, it can also be seen as a call for current politicians to pay attention to the poor and break from a historical focus on the elite in politics. The decision of the artists, neighborhood groups, and mainstream leftists to work together to restore the site hints at a faith in the possibility of representation explicitly shunned by Neighborhoods for Memory and Justice. This pragmatic openness to coalitions among leftist groups provides a good base for the development of institutionally

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<sup>67</sup> Tandeciarz 162.

regulated contestation mechanisms, moving beyond protest and violence alone. In the attempts to build democratic institutions – including faith in the concept of representation and a robust civil society – the Athletic Club does better than most other sites in Buenos Aires.

The coalition of anarchistic neighborhood groups, mainstream leftists, and human rights activists criticizes particular government actions without undermining representative institutions, decrying oppression in the past and in the present, regardless of the political affinities of the victims. The rhetoric used to remember the disappeared has changed significantly from its focus on human rights under Alfonsín to the emphasis on oppression under Menem. Still, the Athletic Club demonstrates the way that this new focus can offer a penetrating critique of the government without calling for an entirely new system. At the Athletic Club, the trends of innovative contestation and memory of the dictatorship merged, as groups across the leftist spectrum used a narrative of the past to make a plea for the people, especially the poor, in the present.

### Neighborhoods for Memory and Justice

Neighborhoods for Memory and Justice was formed in the spirit and direct organizational legacy of the post-crisis neighborhood assemblies. The group describes itself as “different neighborhood organizations militant for Memory and Justice.”<sup>68</sup> It meets once a month in the San Telmo cultural center, the site of the San Telmo Popular Assembly. The group, in keeping with its philosophical roots, is highly

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<sup>68</sup> Barrios X Memoria y Justicia 9.

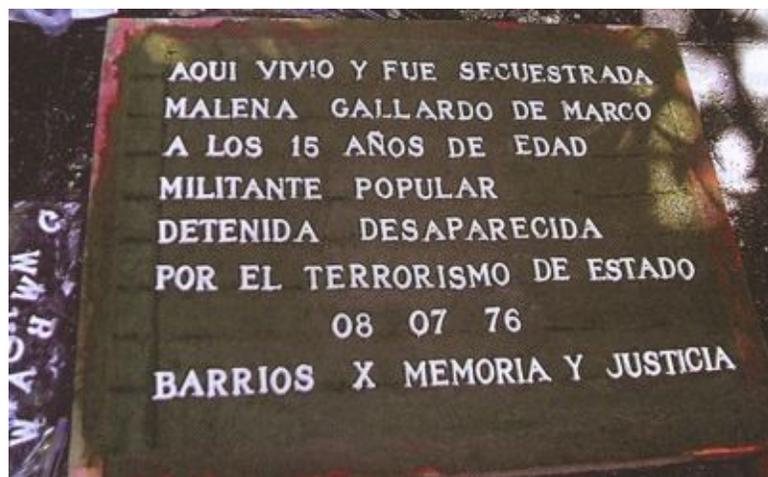
decentralized. Each participating neighborhood sends representatives to the monthly meeting, where the groups collaborate on larger projects (for example, publishing a book) and share ideas on issues like advertisement, resources, etc. Each neighborhood has complete authority over the type and extent of memorials in its zone; though most groups make sidewalk tiles, one neighborhood decided to hang plaques from trees. The meetings occur not to direct but to share ideas horizontally and to benefit from collaboration without delegating direction to any central authority. New neighborhoods can join whenever they want, and the group has grown since its inception.

The leader of the group, Osvaldo Lopez, was a member of the ERP (Revolutionary Army of the People) a Trotskyite and Maoist guerrilla group that operated in Argentina in the late sixties and early seventies. The group, though small, became infamous for several kidnappings of prominent politicians and policemen, and ERP members were among the first the dictatorship disappeared. Lopez was himself disappeared in the Olympus, a clandestine detention center in the Montserrat neighborhood of Buenos Aires, but he managed to escape. At the meeting of the group I attended, most of the members were reluctant to discuss the specifics of their pasts, but they talked proudly of their longstanding militancy and lamented children turning away from their parent's leftism. Lopez was clearly not the only former revolutionary in the group. As will be seen, the group directly connects its current political fight to the revolutionary struggles of the past, and this connection likely derives, in part, from the political activism the group's members have carried out since the sixties.

Through the tiles and its other communications, Neighborhoods for Memory and Justice employs a historical narrative that erodes democracy and emphasizes solidarity with the political commitment of the disappeared. The group follows the more dangerous of the two paths Peruzzotti outlines, criticizing the concept of representation rather than individual representatives. Through its version of history, the group implies that disputes between the revolutionary left and the repressive right remain the salient issue in Argentine politics and that gaining power over the right matters more than the means used to do so. In this rendering, the instrumental violence of the left is alternately glorified, justified and ignored. The historical narrative told both explicitly and implicitly by the group undermines democracy by encouraging Argentines to turn toward leftist anarchism in the present.

The group conveys its message principally through the tiles, which are spread throughout the city where a wide variety of people see them. The tiles vary slightly, but all are colorful and have the same inscription in the center, including the person's name, the date of his or her disappearance, and the significance of the tile's location (e.g. the person's school, home, etc.). Most notably, all the tiles include the phrase: "Popular Militant. Imprisoned Disappeared by State Terrorism" In this rendering of history, the disappeared were not innocent victims, as many mainstream human rights groups imply, but rather revolutionary activists who should be celebrated precisely for their political activities. To clarify, the term militant in Argentina (translated from the noun *militante* and the verb *militar*) does not necessarily imply violence. Rather, the term refers to political activity, violent or otherwise. This linguistic ambivalence allows many leftists – including the ones involved in Neighborhoods for Memory and

Justice – to glorify the left without directly addressing the question of its use of violence. By using the phrase “state terrorism” the group hints at a contrast it considers central to understanding Argentine history: the distinction between the righteous left and the repressive right. In this understanding, leftist terrorism simply does not exist, and all those who oppose the left at least implicitly support the terrorism of the right. Though it might seem a stretch to glean all of this analysis from only a few words, Neighborhoods for Memory and Justice uses loaded terms, to convey complex messages in small spaces.



Tiles made by the group

Source (both photographs): Barrios X Memoria y Justicia 301.

The tiles provide an introduction to a more complicated history that Neighborhoods for Memory and Justice promotes in its book. Fulfilling the celebration of militancy implied by the tiles, the group states, "...we desire to re-humanize [the disappeared], to return to them their identity as committed social fighters."<sup>69</sup> The group immediately identifies itself with the political fight of the disappeared, referring to them as "comrades" throughout the book and stating, "we proposed this activity [of creating the tiles] because as neighborhood militants we feel identified with their militancy."<sup>70</sup> Not only, the group implies, was the militancy of the disappeared the most important aspect of their lives to remember. This militancy is also directly connected to the political fights of today's neighborhood activists. The group rejects the mainstream approach of ignoring the political involvement of the disappeared: "they denied their social placement, their relevancy, their militancy, and their ideological identity. All part of the same repressive system constructed over the lie."<sup>71</sup> If one does not acknowledge and celebrate the militancy of the disappeared, the group implies, then one represses them. In two sentences, Neighborhoods for Memory and Justice lumps several disparate political actors into one group: the military-agricultural alliance, the human rights activists they murdered, and the mainstream leftists trying to memorialize the disappeared without compromising democracy. In this rendering of contemporary politics, Neighborhoods for Memory and Justice celebrates the disappeared as political activists and explicitly connects their own anarcho-leftist movement to the disappeared.

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<sup>69</sup> Ibid., 9.

<sup>70</sup> Ibid., 10.

<sup>71</sup> Ibid., 10.

After this introduction to the book, the group proceeds to give a summary of Argentine history, beginning with the premise that there exist “two elements: a militant project to improve the world and terrorism that annihilates.”<sup>72</sup> This premise and the history that follows it demonstrate several important facets of Neighborhoods for Memory and Justice’s ideology. First, this group, like many in Argentina, does not talk about the present without going far back into the past. The group begins with the establishment of Argentina and the creation of a genocidal and repressive army that, it argues, has acted in more or less the same way since its foundation.<sup>73</sup> Moreover, this coherent rendering of Argentine history feeds directly into the group’s agenda for the present. The two elements of history the book identifies – militants and those who repress them – continue to act. Therefore, the history implies, those who want to improve Argentina must either side with the militants or with their oppressors. By offering a binary understanding of Argentine politics, this group rejects the notion of a moderate leftism and says that leftist terrorism is impossible, because purity of ideals justifies violence. Terrorism, by definition, comes from those who oppose leftism. Reading this understanding into contemporary Argentine politics, the implications are clear: the Argentine political system has not fundamentally changed since democratization, and any methods are justified to bring about leftist rule.

The history told by Neighborhoods for Memory and Justice also has a strong economic focus, in keeping with the roots of the movement in the reaction against the 2001 crisis and the neoliberal project that preceded it. This crisis is a center point of

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<sup>72</sup> Ibid., 11.

<sup>73</sup> Ibid., 12.

the group's historical narrative, used to show that injustice can thrive even in a representative democracy. In the history the group provides, each successive coup was motivated not by the military's drive for power, but rather by "the economic project that [the military] embodied," directed by academics, politicians and agriculturalists.<sup>74</sup> The group directly links the neoliberal policies of the dictatorship to Menem's policies, arguing that a line of continuity exists through Argentine history. It compares social and economic statistics in 1974 with those from 2002, during the post-crisis low point, to argue that the neoliberal project has done steady damage to Argentine society. For example, it contrasts a 7% poverty rate in 1974 with a 56% poverty rate in 2002, failing to mention the much lower poverty rate at the beginning of Menem's rule.<sup>75</sup> Rather than criticizing neoliberalism, the group delegitimizes it, directly linking it to a century of repression. With this comparison, Neighborhoods for Memory and Justice fails to make any distinction between authoritarian and democratic governments. In this narrative, democracy did not alleviate repression, but instead "guaranteed the impunity of the repressors" through the links of democratic leaders to the economic establishment.<sup>76</sup> Neighborhoods for Memory and Justice does not seek to criticize any particular policy, but instead advocates overthrowing the current economic and political system by any means necessary. Without a completely new system, its historical narrative implies, the conflicts of the past will never wane.

However, it should also be acknowledged that this erosion of democracy was far more dangerous in 2001, when the anarchist movement first developed, than it is

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<sup>74</sup> Ibid.,15.

<sup>75</sup> Ibid., 16.

today. In the wake of the crisis, when more than half of Argentines lived below the poverty line and many more hovered just above it, the popular assemblies were indeed quite popular. However, the relative burdens of direct participation grew after Kirchner rose to the presidency and expressed many leftist views in mainstream politics. As a result, participation in the anarchist movement dropped drastically as people tired of devoting so much time to government.<sup>77</sup> Moreover, Neighborhoods for Memory and Justice justifies violence, but its members no longer carry it out. Nonetheless, the group performed and continues to perform a damaging function within the new left, telling activists that they will never fulfill their goals in a representative system. In this way, the group undermines rather than bolsters democracy and uses a narrative of recent history to pursue this goal.

### Conclusion

Although Neighborhoods for Memory and Justice and the Athletic Club developed from the same movement of creative contestation, they tell different stories of Argentine history with correspondingly different implications for democracy. On the one hand, the Athletic Club tells a story of the organic movement of the people to remember the disappeared and seek justice for the poor and oppressed throughout history, using peaceful, democratic means. On the other hand, Neighborhoods for Memory and Justice celebrates a militant – sometimes violent – generation of activists taken down by a repressive mechanism that, they argue, more or less still exists. In this narrative, Neighborhoods for Memory and Justice rejects the idea that

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<sup>76</sup> Ibid., 16.

<sup>77</sup> Peruzzotti 248.

democracy is different in any important way from dictatorship, tapping into preexisting skepticism about the viability of representative institutions.

The success of the Athletic Club at criticizing the government without undermining the regime hints at the potential success of an alliance of leftists seeking to work within the system. The collapse of FREPASO struck a blow to this possibility, encouraging skepticism and thus bolstering groups like Neighborhoods for Memory and Justice. However, the Athletic Club continues to operate today, promoting the same message of peaceful cooperation and inclusion; it now has the support of a leftist president. Nonetheless, the left still has trouble simultaneously celebrating the disappeared, seeking a progressive political agenda, and promoting democracy. It often sacrifices the last goal most easily. As the next chapter will show, the rise of Nestor Kirchner and then his wife Kristina to the presidency once again changed the stakes for leftist and pro-memory groups, leading them to use new historical narratives to promote an altered set of goals. Though the dissenting leftists discussed in this chapter continue to act as gadflies within the ruling coalition, pushing the Kirchners to pay greater attention to the poor and the disappeared, their point of view no longer dominates the left. The establishment left under the Kirchners, like the dissenting left analyzed in this chapter, continued to focus on the past as a means of pursuing contemporary goals. In this case, however, they reverted to movementism a staple of the Peronist party, implying that no other group could legitimately rule the Argentine people. Like earlier leftists, these groups walked a fine line between supporting democracy and eroding it. As these examples show, the dominant historical narratives have changed numerous times since the fall of the

dictatorship in response to political changes in the present, at times to the benefit of democracy and at other times to its detriment.

## Chapter Three: ESMA

### Introduction

When Kirchner won the presidency on the Peronist ticket in 2003, the stakes changed once again for pro-memory groups. After years as political agitators, the human rights groups suddenly found themselves working closely with the president. Unlike Alfonsín, Kirchner did not have to balance the demands of these groups with those of the army. As a result, he made trials and memory central to his agenda.

Both human rights activists and Kirchner insisted that, without remembering the past, Argentina would never have full democracy. Indeed, Kirchner's policies did strengthen democracy, once again making human rights central to politics and strengthening the courts and the democratic sectors within the army. The human rights groups, in pushing Kirchner toward this agenda, and in independently working to support trials and monuments, contributed even more directly to strengthening a culture of human rights. No longer worrying about military coups, Kirchner had the freedom to implement these policies with fewer moral dilemmas than Alfonsín and even Menem. However, both Kirchner and the human rights groups at times undermined the democracy they purported to promote, through their actions and the historical narratives used to support them. Specifically, they incorporated elements of movementism into their political decisions that harkened back to the Peronist era. In this way, their actions and the historical narratives behind them walked a fine line, at times supporting democracy and at other times eroding it.

McGuire defines movementism as a political system composed of movements rather than political parties. He argues that movements differ from parties in three

important ways. First, “parties tend to view opposition as permanent and legitimate, whereas movements seek a form of national unity in which political opposition withers away.” Second, “parties tend to see fair elections as the only appropriate road to power, whereas movements tend to try to achieve or retain power by the most expedient means at hand.” Third, “parties tend to portray their leaders as less important than their policy goals, whereas movements tend to exalt leadership and to give their leaders great programmatic and procedural flexibility.”<sup>1</sup> McGuire rightly argues that political parties have become more institutionalized in Argentina since Peron’s first presidency when movementism peaked. Nonetheless, the character of Kirchner’s presidency and the human rights groups’ support for it demonstrates that movementism has not died.

In this chapter, I will focus on the efforts of human rights groups and Kirchner to turn ESMA (the Naval Mechanics’ School or *Escuela Mecánica de la Armada*), the biggest former clandestine detention center, into a “museum for memory.”<sup>2</sup> During the dictatorship, junior naval officers attended school at ESMA, and they continued to do so until Kirchner ejected the navy to create the museum. Today, the national government, the Buenos Aires municipal government, and a council of human rights groups and survivors of the detention center jointly run ESMA. While fighting to preserve the site as a museum and in administering it, both Kirchner and the human rights group espoused a contradictory historical narrative. On the one hand, they celebrated the restoration of rights and dignity to the Argentine people. At the same time, however, they equated all opposition with the dictatorship, failing to account for

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<sup>1</sup> McGuire 200.

the difference between institutionally mediated contestation and violence. They also alternately justified and ignored leftist violence, celebrating the disappeared as idealists. In this way, Kirchner and the human rights groups demonstrated two of the three main components of movementism: a delegitimation of opposition, which McGuire calls a “hegemonic vocation” and an “eclectic view of appropriate routes to power,” through the justification of leftist violence.<sup>3</sup> Kirchner also sometimes appealed to the third element of movementism, portraying himself as a charismatic leader, outside the bounds of institutional control.

Both Kirchner and the human rights groups displayed double-edged tendencies with respect to ESMA and throughout Kirchner’s term. This transition from anarchism to movementism had several sources. First, human rights groups once again need a new historical narrative, this time to justify their alliance with the government rather than their rejection of it. This turn to movementism grew naturally from calls for punishment that the human rights groups commonly made during the late 1990s; Kirchner was happy to fulfill these claims. Most centrally, the human rights groups had trouble altering their demands for a democratic context. This difficulty contributed directly to movementism by encouraging the human rights groups to delegitimize opposition and justify leftist violence.

Kirchner’s movementism stemmed from his position as the leader of a party that had lost its focus. The divides within the PJ were greater than those between the PJ and other parties, and so Kirchner, with few ideological commitments, sometimes portrayed himself as directly connected to the people, not bound to any particular

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<sup>2</sup> “Convenio ESMA,” Memoria Abierta, [http://www.memoriaabierta.org.ar/camino\\_al\\_museo3\\_acto.php](http://www.memoriaabierta.org.ar/camino_al_museo3_acto.php), (Accessed October 2009).

policies. Moreover, Kirchner came to power in the wake of the financial crisis, which left both the UCR and the PJ in disarray. He filled the power vacuum by centralizing authority in the executive, a decision that contributed to all three facets of movementism.

### The Human Rights Movement, Fixed Memory, and Movementism

Over the course of Menem's rule, the human rights groups focused ever more closely on trials as their central goal, using memorials in part to achieve that end, and in part as an end in themselves. During this time, they developed what Palermo calls "fixed memory," a tendency to see the present through the lens of the past.<sup>4</sup> This trend encouraged movementism once the human rights groups allied with Kirchner. As argued in Chapter One, the human rights groups were unprepared to alter their demands when democracy returned to Argentina, and so gave trials disproportional weight. As time passed, these calls for "justice" drifted farther away from their focus on the rule of law and toward punishment for its own sake. For example, a coalition of human rights and other civil society groups, including most of the major human rights groups, released a pamphlet in the 1990s advertising a march to commemorate the coup. The first words on the pamphlet, in large, bold text, read "What is impunity? Impunity is the lack of punishment."<sup>5</sup> After Menem's pardons, the human

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<sup>3</sup> McGuire 222.

<sup>4</sup> Palermo, "Entre la Memoria...", 135.

<sup>5</sup> *Para Nosotros Anulación Es Sinónimo De La Verdad Y Justicia*. Abuelas De Plaza De Mayo, Asociación Ex Detenidos-desaparecidos, Familiares De Desaparecidos Y Detenidos Por Razones Políticas, Liga Argentina Por Los Derechos Del Hombre, Madres De Plaza De Mayo Línea Fundadora, Movimineto Ecuménico Por Los Derechos Humanos, Servicio Paz Y Justicia, Buenos Aires.

rights groups largely abandoned their focus on democratic process, not calling for fair trials, but rather for the punishment of the guilty.

This language of punishment was linked with a new historical narrative that connected past human rights violations directly to Menem's government, specifically to his neoliberal project. The same pamphlet asserts:

...the disappearances, tortures, assassinations, imprisonment and exile of thousands of popular militants was necessary to implant an economic model of hunger for millions and riches for a few.... Because the only way to guarantee this "model" is repression, for which the repressors from the dictatorship are necessary. They remain free in our institutions.<sup>6</sup>

Unless Argentina punishes past human rights violators, this narrative implies, current human rights violations will never end. By linking today's human rights violations with earlier ones, the human rights groups developed a new historical narrative of solidarity with the disappeared as "young idealists" and political fighters rather than apolitical subjects of rights.

In reality, Menem's neoliberal policies, though arguably damaging to the country, were not clear-cut human rights violations. They brought a spike in unemployment and indirectly caused the 2001 economic crisis, but by no means in the intentional way the above statement implies. Some even offer qualified praise of Menem's policies for their success in breaking the unions' hold on politics and ending chronic hyperinflation. Regardless of their economic and ethical quality, Menem's policies did not simply extend the dictatorship's mass murder, even if both regimes shared a free market bent. To be fair, the human rights groups rightly connected Menem's amnesties to the general corruption of the judiciary, which

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<sup>6</sup> Ibid.

upheld the amnesties that many considered unconstitutional. Nonetheless, the human rights groups took the connections between impunity for the junta and Menem's regime to an unrealistic extreme.

These tendencies to equate current politicians to the dictatorship came from fixed memory, a tendency the human rights groups and others on the left developed in the 1990s. Those with fixed memory "relate to each other and with the world through the sentiment originated in the offenses suffered [under the dictatorship] and the impossibility of forgetting them or forgiving them, transformed into irreducible demands that condition all links."<sup>7</sup> In short, those with fixed memory saw everything through the lens of the dictatorship, without allowing for the possibility of institutional change. The content of this fixed memory necessitated ignoring certain parts of history, particularly leftist violence.<sup>8</sup> The narratives used required the "mythical reconfiguration of the identity of the victims."<sup>9</sup> Whereas previously the disappeared were considered "young innocents," fixed memory motivated many to consider them "revolutionary heroes."<sup>10</sup> Though Palermo argues that these characterizations came one after the other, the human rights groups continued to use both throughout Menem and Kirchner's presidencies. Both myths require ignoring leftist violence, but the latter also requires its glorification.

For example, the Mothers of the Plaza de Mayo Founding Line adopted this view of the disappeared as social fighters in a flyer announcing the 16<sup>th</sup> March of Resistance to commemorate the coup. The flyer states, "We demand the principles of

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<sup>7</sup> Palermo, "Entre la Memoria...", 135.

<sup>8</sup> Ibid., 135.

<sup>9</sup> Ibid., 135.

<sup>10</sup> Ibid., 135.

the 30,000 imprisoned-disappeared, their objectives, their fight, their solidarity, their commitment to construct a just and free country, with social laws that protect all the people.”<sup>11</sup> In this understanding, all of the disappeared shared a commitment to leftist principles, despite solid evidence that many did not participate in politics. Moreover, this portrayal ignores the fact that many of the disappeared who were politically active supported violence to accomplish their goals. Violence obviously did not justify kidnapping, torture, and murder. However, the Mothers of the Plaza de Mayo, supposedly supporters of democracy, should have thought twice before giving unqualified praise to the leftist cause. Under Alfonsín’s leadership, the human rights groups tended to acknowledge that this violence was wrong and then assert that it did not justify the military’s human rights violations.<sup>12</sup> By the late 1990s, the human rights groups supported the left without hesitations.

Palermo considers this change a response to Menem’s attempts to stifle commemoration. I argue, however that this problem goes back farther, to the founding of the most prominent human rights groups during the dictatorship, in response to the disappearance of loved ones. The human rights groups never learned to adapt their message to a different context and continued to see violations through the lens of a particular time period. When the government did not support the human rights groups’ policies, these groups immediately assumed it was just like the dictatorship, where most activists had their first experience of opposition. By blocking fixed memory, Menem is clearly responsible for helping anarchistic groups

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<sup>11</sup> *En La Plaza Porque Como Ayer, Como Hoy Y Para Siempre Exigimos Verdad Y Justicia*, Madres De Plaza De Mayo Línea Fundadora, Buenos Aires: 2002.

<sup>12</sup> See, for example, Sábato’s introduction to *Never Again*.

gain strength. However, his actions were, at best, only one factor motivating fixed memory.

Moreover, whereas Palermo focuses on the social ramifications of this phenomenon, I focus on the political ones. Fixed memory damaged democracy by providing a new justification for the old phenomenon of movementism. This trend pushed the political system toward movementism in two ways. First, it justified leftist violence, thus appealing to a flexible view of acceptable routes to power. Second, it delegitimized the opposition, comparing any conservative political actors to the dictatorship. Adherents to fixed memory today implicitly argue that rulers are not legitimate unless they promote memory and trials, as well as standard leftist causes like government involvement in industry and the redistribution of wealth. By supporting Kirchner's concentration of power in the executive, the human rights groups, and Kirchner himself, implied that the methods of securing power did not matter, as long as the right person was in office.

By comparing Menem's democratically elected government to the dictatorship because he supported a somewhat conservative agenda, the human rights groups failed to consider the importance of process in a democratic system. Democracy cannot thrive unless citizens consider the results of legitimate procedures as themselves legitimate, though not perfectly just, within a certain range of outcomes. Without this agreement, people would only support democratic processes when they yielded the specific policy results they desired.<sup>13</sup> By dismissing the importance of process, the human rights groups contributed to the lack of faith in institutions from

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<sup>13</sup> Thanks to Jake Zuehl for valuable discussion on this point.

which Argentina suffers chronically. Though Menem eroded democracy through corruption and censorship, his rule still did not reach the level of brutality of the military dictatorship. The failure of the human rights groups (and later Kirchner) to acknowledge the distinctions between the two resulted, at least in part, from fixed memory, a vision of the present thoroughly colored by the past, in which any infraction links one to the dictatorship.

At the same time, however, these calls for memory and justice also bolstered democracy by encouraging a return to a focus on rights in politics. After Menem had subordinated the military to the civilian authorities, trying the junta leaders and even the junior officers no longer threatened democracy. In promoting trials, the human rights groups at times appealed to their original goals of strengthening both democracy and human rights in tandem. With the two goals no longer in tension, the pursuit of human rights had the potential to strengthen democracy.<sup>14</sup> Moreover, to the extent that trials have other benefits not related to democracy – for example, helping relatives of the victims heal –the human rights groups can now pursue them without threatening democracy. Finally, in encouraging the rule of law and accountability, the human rights groups helped address not only past abuses, but also current corruption in the judiciary and throughout government, particularly problematic under Menem. Only when they used a historical narrative that undermined democracy by appealing to movementist tendencies did these commendable goals become detrimental.

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<sup>14</sup> The trials are still underway, and their effects remain to be seen.

## Kirchner and the Left

When Kirchner came to power he sought an alliance with the human rights groups through both symbolic and policy action. In the first months of his presidency, he aggressively pursued the support of the human rights groups, inviting them to meet with him in the Casa Rosada and declaring March 24<sup>th</sup>, the anniversary of the last military coup, the National Day of Memory for Truth and Justice.<sup>15</sup> He routinely appeared in public photographs with these groups and strongly supported new memorials for the disappeared.

More concretely, during his first few months in office, Kirchner purged the upper ranks of the military, ridding it of any officers implicated in human rights violations during the dictatorship.<sup>16</sup> He also allowed for the extradition from Argentina of alleged human rights violators to other countries for trial, reversing Menem's earlier decree. Spain and Italy quickly took advantage of this new law, attempting to try several senior officers.<sup>17</sup> Most importantly, Kirchner purged the Supreme Court, which Menem had stacked with friendly judges who ensured that his amnesty decrees

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<sup>15</sup> Larry Rohter, "On Coup's Anniversary, Argentines Vow 'Never Again,'" *New York Times*, March 25, 2006,

[http://www.nytimes.com/2006/03/25/international/americas/25argentina.html?\\_r=1&adxnml=1&adxnmlx=1269890414-MCQujBOShNqr48CBG4x/PQ](http://www.nytimes.com/2006/03/25/international/americas/25argentina.html?_r=1&adxnml=1&adxnmlx=1269890414-MCQujBOShNqr48CBG4x/PQ) (accessed 25 Mar. 2010). He met with representatives of the Mothers of the Plaza de Mayo Founding Line, Grandmothers of the Plaza de Mayo, Family Members of the Disappeared and Imprisoned for Political Reasons, the Argentine League for the Rights of Man, the Ecumenical Human Rights Movement, the Permanent Human Rights Assembly, the Peace and Justice Service, and the Center for Legal and Social Studies, excluding Association of Mothers of the Plaza de Mayo and HIJOS, who refuse to work with all governments (Bonner 72).

<sup>16</sup> Nora Veiras, "La Casa Se Reserva El Derecho De Admisión," *Página 12*, May 25, 2003, <<http://www.pagina12.com.ar/diario/elpais/1-20577-2003-05-25.html>> (accessed March 25 2010).

<sup>17</sup> Larry Rohter, "LETTER FROM SOUTH AMERICA; Now the Dirtiest of Wars Won't Be Forgotten," *New York Times*, June 18, 2003 <<http://www.nytimes.com/2003/06/18/world/letter-from-south-america-now-the-dirtiest-of-wars-won-t-be-forgotten.html>> (accessed March 25, 2010).

would not be overturned.<sup>18</sup> Kirchner's Supreme Court appointees upheld the ruling by lower courts against the amnesty laws, and trials of junta leaders and some junior officers resumed. Through these actions, Kirchner sought the support of the human rights movement.

The mainstream human rights groups responded to Kirchner's overtures, significantly altering the alliances they had formed with the anarchistic groups in the 1990s. Though these original alliances did not dissolve, Kirchner divided the pro-memory movement between those willing to accept government help and those who continued to reject it. For example, the Mothers of the Plaza de Mayo Founding Line announced that its weekly marches were no longer in opposition to the government, whereas the Association of Mothers continues to march in resistance. Kirchner's presidency thus partially unraveled the broad alliances of the 1990s.<sup>19</sup> It would seem that this new willingness of some groups to work within democratic institutions bodes well for democracy. However, at times the alliance of the ruling left drew on movementist rather than democratic lines of thought.<sup>20</sup>

To support his alliance with the human rights movement, Kirchner used a historical narrative that wavered between support for movementism and support for

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<sup>18</sup> Larry Rohter, "Argentine Leader Calls for Impeachment of the Supreme Court," *New York Times*, June 6, 2003, <http://www.nytimes.com/2003/06/06/world/argentine-leader-calls-for-impeachment-of-the-supreme-court.html> (accessed March 25 2010).

<sup>19</sup> To be fair, the two branches of Mothers never worked closely, but the difference of opinion extends beyond these groups. For example, many of the signs at former clandestine detention centers thanking the government have been altered to claim the site for the people not the government.

<sup>20</sup> Anecdotally, this new ruling alliance has solidified the position of conservatism as taboo and inherently tied to the dictatorship in the common understanding. During my interviews in Buenos Aires, people espousing conservative viewpoints tended to lower their voices in public spaces, looking around nervously. Those on the left, on the other hand, tended to meet

human rights. On the one hand, Kirchner championed “the people” as the sole holder of power, implying that the best leaders communicate directly with the people, not bothering with the delays of institutions.<sup>21</sup> Responding to criticisms about his authoritarian style of interaction with aides and cabinet members, Kirchner once responded, “how can I be thinking of meetings required by protocol when I have to dedicate every minute to the people of Argentina?”<sup>22</sup> Through statements like this, Kirchner claimed that a special relationship existed between himself and the Argentine people, which critics, other politicians, and even democratic processes could only interrupt.

In Kirchner’s version of history, the people and the left were one and the same force. Those who disagreed with the priorities of the left were by default part of the agricultural-industrial-military alliance that had ruled Argentina through coups for the greater part of the 20<sup>th</sup> century. In this way, Kirchner suffered from the same fixed memory as the human rights groups, locating current Argentine politics within the left-right dichotomy that dominated the 1970s. When Kristina Kirchner came into

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with me at their very own public monuments, stating their views proudly while working to make them more public.

<sup>21</sup> To clarify, movementism, as previously stated, is leader-centric, delegitimizes opposition, and has an eclectic view of acceptable routes to power. Populism is leader-centric, nationalistic, and promotes the interests of “the people” while challenging elites. Thus, when Kirchner emphasized the power of the people, something he did often, he appealed to populism rather than movementism. These appeals to the people did not inherently damage democracy. Only when combined with the movementist tendency to delegitimize opposition and hold an eclectic view of permissible routes to power did this tendency to glorify the people damage democracy. Furthermore, the leader-centric character of both ideologies damaged democracy, combining with the eclectic view of acceptable routes to power to justify usurpation of democratic institutions. I do not consider nationalism, the third trait of populism, in this thesis. Thanks to James McGuire for clarifying this point.

<sup>22</sup> Qtd. in Larry Rohter, “Argentine Leader's Quirks Attract Criticism,” *New York Times*, December 27, 2004, [http://www.nytimes.com/2004/12/27/international/americas/27argent.html?\\_r=1](http://www.nytimes.com/2004/12/27/international/americas/27argent.html?_r=1) (accessed 25 Mar. 2010).

power after her husband, she entered into a tariff dispute with a group of powerful farmers; both she and Nestor portrayed them as “coup plotters.”<sup>23</sup> Through such statements, Kirchner not only blatantly delegitimized opposition but also did so by appealing to long-standing disputes between the left and the right that, in the past, had resulted in coups.

In addition to disparaging the right, Kirchner explicitly aligned himself with the militant left of the 1970s: “I belong to a generation that did not buckle under persecution or in the face of the disappearance of friends.... We have the strength of those who got into politics because we thought this country could change.”<sup>24</sup> With declarations like this, Kirchner implied not only that he had sided with the militant left, but also that his presidency would once again bring the demands of that group to the forefront. Moreover, Kirchner repeatedly made hostile remarks to the army, demonstrating an inability to distinguish between the past institution, and the new, more democratic one. At an Army Day ceremony, he said to a group of military officers, “as president of the nation, I have no fear. I’m not afraid of you.”<sup>25</sup> After accusing the entire military of having anti-democratic intentions, Kirchner left the ceremony without reviewing the troops that had been assembled for him, part of his duties for the day.

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<sup>23</sup> Qtd. in Alexei Barrionuevo, “Argentina Mourns an Honest Leader,” *New York Times*, April 4, 2009. <http://www.nytimes.com/2009/04/05/weekinreview/05BARRIONUEVO.html> (accessed March 25, 2010).

<sup>24</sup> Qtd. in Larry Rohter, “Man in the News -- Néstor Carlos Kirchner; Argentina's Backwoods Leader-to-Be,” *New York Times*, May 16, 2003, <http://www.nytimes.com/2003/05/16/world/man-in-the-news-nestor-carlos-kirchner-argentina-s-backwoods-leader-to-be.html> (Accessed March 25 2010).

<sup>25</sup> Qtd. in Larry Rohter, “Argentine Leader's Bid to Rein in Military Causes Clash,” *New York Times*, June 4, 2006, <http://www.nytimes.com/2006/06/04/world/americas/04argentina.html> (accessed March 25, 2010).

Kirchner implied that only he would again make the people, and by extension the leftist agenda, central to politics. In his inaugural address, he promised that his government would act as "the great repairer of social inequities."<sup>26</sup> In Kirchner's understanding, he was not merely another leader but the most important leader since the fall of the dictatorship. Only he, Kirchner repeatedly implied, could fulfill the demands of the people and set the country back on the track from which the dictatorship and Menem had pulled it.<sup>27</sup>

The affinities between this historical narrative and movementism are obvious. By portraying his presidency as the return of a near-defeated leftism, Kirchner delegitimized opposition, continually implying that a rightist conspiracy sought to overthrow democracy and cover up human rights violations by opposing his policies. By avoiding the question of the leftist use of violence, and instead emphasizing solidarity with their goals, Kirchner appealed to an eclectic view of acceptable routes to power, implicitly arguing that the success of the cause mattered more than the means of achieving it. For example, he stated, "I joined the political struggle believing in values and convictions that I don't intend to leave at the door of the presidential palace,"<sup>28</sup> assuring his supporters that he would continue pursuing the

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<sup>26</sup> "Country Report: Argentina (2004)." *Freedom House*. Web. 29 Mar. 2010.

<<http://www.freedomhouse.org/template.cfm?page=22&year=2004&country=2880>>.

<sup>27</sup> Interestingly, Kirchner had difficulty incorporating Alfonsín into this narrative, who, even Kirchner had to admit, had done the best he could to end impunity in difficult circumstances. In a speech about ESMA, Kirchner decried "the shame of having remained silent during 20 years of democracy," but then called Alfonsín that night to apologize for the implicit insult (Larry Rohter, "Debate Rises In Argentina On Museum Of Abuses," *New York Times*, April 19, 2004, <http://www.nytimes.com/2004/04/19/world/debate-rises-in-argentina-on-museum-of-abuses.html> [accessed March 25, 2010]).

<sup>28</sup> Qtd. in Larry Rohter, "Argentina's Chief Is Sworn In and Comes Out Fighting," *New York Times*, May 26, 2003, <http://www.nytimes.com/2003/05/26/world/argentina-s-chief-is-sworn-in-and-comes-out-fighting.html> (accessed March 25, 2010).

same causes as the leftist groups of the 1970s. Unlike Alfonsín, who had also turned to movementism at times, Kirchner backed up his historical narrative with actions, centralizing power in the executive. Specifically, he retained emergency decree powers granted to the executive during the 2001 crisis, filling the power vacuum that had been left by the collapse of the Peronist party and the economic collapse.<sup>29</sup>

Alfonsín, on the other hand, had carefully used democratic means, gaining the support of the legislature for major policies rather than relying on decrees. Kirchner employed both this movementist historical narrative and the leadership style to back it up in his dealings at ESMA. Though Kirchner was not as blatantly movementist as some of his predecessors, he nonetheless appealed to longstanding weaknesses in Argentine democracy, weakening them further in the process.

At the same time, however, Kirchner bolstered democracy in important ways. During his first few months in office, he attacked corruption and impunity throughout Argentine society, purging the military, the police and the courts of officers marred by complicity with the dictatorship and other scandals. Like the human rights groups, Kirchner was right to link Menem to the dictatorship in that his amnesties freed the junta leaders. The same legal system that made these amnesties possible also facilitated widespread corruption and selective justice. For example, Menem himself was recently charged with obstructing justice in the investigation of the bombing of the AMIA, a Jewish cultural center in 1994, which killed 85 people.<sup>30</sup> Kirchner's restructuring of the criminal justice system made such crimes rarer. Moreover,

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<sup>29</sup> Rohter, "Argentine Leader's Quirks..."

<sup>30</sup> Agence France-Press, "Argentina: Ex-President Is Charged With Obstructing Bombing Inquiry," *New York Times*, October 2, 2009,

authoritarian elements remained active in Argentina, particularly in the military, even under Kirchner's rule, and so speaking out against them often meant fighting for the preservation of democracy. For example, Kirchner discovered that the military had spied on him, and he reacted by firing many senior officers.<sup>31</sup> Through these policies, Kirchner bolstered democracy.

Though Kirchner was right to attempt to fight these problems in the Argentine justice system, he linked them too closely to the culture of impunity created by Menem's pardons, and in the process appealed to movementist tendencies. Through his historical narrative of the revival of leftism and his controlling style of rule, Kirchner walked a fine line, at times bolstering democracy, but at other times subtly eroding it with appeals to movementism. This ambivalence on the part of both Kirchner and the human rights groups was prominent in the transformation of ESMA into a museum.

### ESMA's Symbolic Power

ESMA was both the most infamous and the largest clandestine detention center of the 170 used during the dictatorship.<sup>32</sup> It is located in the far northern Buenos Aires neighborhood of Nuñez, an upper class area heavily populated by military families. Before the last coup, ESMA was a prominent naval school for junior officers. During the dictatorship, Task Force 3.3.2, a group of navy officers, also used the site to house, interrogate, torture, and murder disappeared prisoners, in a

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<http://query.nytimes.com/gst/fullpage.html?res=9B0DE6DB163DF931A35753C1A96F9C8B63&scp=1&sq=carlos+menem&st=nyt> [accessed March 29, 2010]).

<sup>31</sup> Rohter, "Argentine Leader's Bid..."

building known as the Officials' Club.<sup>33</sup> Approximately 5,000 people passed through ESMA during the dictatorship, most of whom died.<sup>34</sup>



The main building of ESMA's campus.  
Source: History Under Siege: Battles Over the Past.

The government also used ESMA to coordinate its larger program of disappearance, a fact that adds to its infamy. Task Force 3.3.2 allowed several other navy and air force groups to use the site, and large groups of prisoners passed through ESMA while in transit to other detention centers.<sup>35</sup> The site was also the base of operations for one of the military's most depraved policies: the systematic theft of newborn babies from pregnant prisoners. The site had special facilities for pregnant women, who were sent from other detention camps to give birth at ESMA.<sup>36</sup> These

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<sup>32</sup> "Mapa CCD," *Memoria Abierta*, <http://www.memoriaabierta.org.ar/ccd/index.htm> (Accessed December 16, 2009).

<sup>33</sup> "Escuela de Mecánica de la Armada ('ESMA')," *Instituto Espacio para la Memoria*, <http://www.institutomemoria.org.ar/exccd/esma.html> (accessed December 16, 2009).

<sup>34</sup> "Camino al Museo..."

<sup>35</sup> "Escuela de Mecánica de la Armada..."

<sup>36</sup> *Ibid.*

women received better treatment than the other prisoners until they gave birth, at which point the babies were typically given to military families or their friends.

The brazen and nonchalant use of torture at the site hints, to many, at a depravity penetrating deeply into Argentina's most prominent institutions. The Officers' Club, where the prisoners spent all their time, was also the students' dormitory. These young officers lived their daily lives only a few feet away from the room where prisoners sat upright twenty-four hours a day, their faces covered with black hoods, reeling from the torture they had just experienced or imagining what they would soon face. As they learned to lead the Argentine military, these young officers also worked shifts guarding the prisoners.

For these reasons, ESMA is the best-known former detention center and thus the most politically important. The early controversy over the site had two sources. On the one hand, the buildings helped corroborate stories from different survivors, when military officers refused to testify, thus providing important evidence in court cases.<sup>37</sup> Beyond that, however, successive governments tried to harness the site's symbolic power for political ends. In contemporary Argentina, the word ESMA is often used as shorthand for the government's entire policy of disappearance, torture and murder. Accordingly, nearly all-powerful political groups have attempted to control ESMA as the cornerstone of a larger policy regarding memory and justice.

Menem attempted to turn the site into a park that would promote reconciliation, acting as a "symbol of national union."<sup>38</sup> In 1998, he signed a declaration that would have moved the military school to Puerto Belgrano and

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<sup>37</sup> "Camino al Museo..."

<sup>38</sup> Qtd. in Ibid.

demolished all the buildings on the property. Soon after, however, a group of family members of the disappeared at ESMA brought a case before the federal court, asking for a suspension of the declaration. They won the case, and the Supreme Court reaffirmed this decision in 2001. Among other reasons, the federal court emphasized “the obligation of the Argentine state to protect the land [as] cultural patrimony and for having probatory value in judicial developments” and called the state “responsible for giving an answer about the destination of the disappeared to society and to the family members of the victims.”<sup>39</sup> Menem had pardoned the junta leaders eight years earlier, and his order to demolish ESMA also served to block attempts at prosecution. Those who opposed Menem’s plan favored prosecution and memory of past atrocities.

As the case moved through the courts, the Buenos Aires legislature, which had leased the land to the navy in the 1930s, tried to claim the site for itself, using a stipulation in the original charter. In the event that the school ceased to function, the charter stated, the land would be returned to the city of Buenos Aires.<sup>40</sup> The defense minister and the military rejected the idea and began to expand the school to block the plan.<sup>41</sup> In June 2000, the Buenos Aires legislature unanimously passed law 392/2000, reclaiming ESMA from the navy and making it a Memory Museum.<sup>42</sup> In 2002, it passed law 961, creating Space for Memory Institute, composed of representatives from the Buenos Aires government and human rights groups, to restore former

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<sup>39</sup> Ibid.

<sup>40</sup> Ibid.

<sup>41</sup> Ibid.

<sup>42</sup> Ibid.

clandestine detention centers and diffuse memory about the dictatorship.<sup>43</sup> This declaration specified that ESMA would be the final seat of the organization.

On March 24<sup>th</sup>, 2004, exactly 28 years after the last military coup, Kirchner got involved. He ordered the military to return ESMA to the city of Buenos Aires and signed an agreement with Aníbal Ibarra, then mayor, agreeing to work together to create, “a space for memory and for the promotion and defense of human rights.”<sup>44</sup> Though it took several years the military completely evacuated the site in 2007. Soon after, on October 3<sup>rd</sup>, 2007, the site was finally opened with a ceremony open to the public and presided over by Kirchner and Ibarra.<sup>45</sup> After that, a body composed of human rights groups, former ESMA prisoners, the national government (represented by the National Archive for Memory), and the city government (represented by Space for Memory Institute) was created to oversee the site.<sup>46</sup> Although the museum likely would have gone forward without Kirchner’s involvement, he made himself central to the process, promising to continue improving the site after the city government took control of it and presiding over the opening ceremony. Through these actions, Kirchner attempted to use this site for political gain, a policy that fit his historical narrative of the restoration of leftism.

While the Buenos Aires legislature and the national government fought to control ESMA, the human rights groups had begun their own campaign for a museum to commemorate the dictatorship’s crimes. After years of unsuccessful proposals, the human rights movement began collecting signatures in 2000 for a campaign to

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<sup>43</sup> Ibid.

<sup>44</sup> Text from agreement, qtd. in Ibid. See also "Escuela de Mecánica de la Armada..."

<sup>45</sup> Tandeciarz 164.

<sup>46</sup> "Escuela de Mecánica de la Armada..."

demand the conversion of ESMA into a museum.<sup>47</sup> The movement gained political traction, prompting the director of the American Holocaust museum to publicly support the idea when then-President Fernando de la Rúa visited.<sup>48</sup> This movement also influenced the decisions of Kirchner and Ibarra to support the museum. The agreement they made gives the human rights groups a central place in the design and administration of the museum.

### Kirchner and ESMA

In his decision to pursue a memory museum at ESMA, Kirchner walked the same line between democracy and movementism that characterized the rest of his presidency. Kirchner claimed the museum would strengthen democracy, but rather than allowing the legislative processes to work he issued a decree to create it. With this action, he attempted to strengthen his position as the only figure capable of fulfilling the human rights groups' demands. Moreover, Kirchner's claim to unique legitimacy made it unnecessary for him to follow the legislative process to the letter. In Kirchner's narrative, those who opposed the museum could only do so in support of the anti-democratic right. Kirchner attempted to break from Menem's "decreto-ocracy" (rule by decree), but his movementist style meant that he too would justify using decrees to accomplish policy objectives.

Kirchner's actions during the opening ceremony of ESMA further bring to light these movementist tendencies. Tandeciarz offers a close analysis of this ceremony; she praises Kirchner for restoring rights to Argentine political discourse and for

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<sup>47</sup> "Camino al Museo..."

<sup>48</sup> Ibid.

honoring the heroism of the generation that the dictatorship killed. However, these observations do not tell the whole story. In large part, Kirchner's actions at the ceremony also promoted the sort of fixed memory that encourages movementism. On the day of the controversial ceremony, forty thousand people came to ESMA to hear Kirchner speak.<sup>49</sup> Tandeciarz lauds Kirchner for "memorializ[ing] not only the victims of genocide but also the activism of the militant generation decimated in clandestine concentration camps like la ESMA."<sup>50</sup> In his speech, for example, Kirchner called the disappeared "the generation that believed and that continues to believe that this country can be changed."<sup>51</sup> With statements like this, Kirchner once again avoided the question of leftist violence, instead choosing to glorify the disappeared as a generation of activists. By making these assertions at the opening ceremony of ESMA, Kirchner attempted to make his the definitive interpretation of history, implying that it would be the one inscribed in the memory museum.<sup>52</sup>

At the same time, however, some of Kirchner's actions at the opening ceremony bolstered democracy. For example, before it began, Kirchner ordered the removal of the portraits of Generals Videla and Bignone from their place of honor in the Military High School.<sup>53</sup> Though this action clearly catered to Kirchner's leftist supporters, it also took a more fundamental stand against lingering authoritarianism in the army. Though the action was only symbolic, it denigrated the leaders of the junta and fought impunity without focusing single-mindedly on trials. The decision to remove the

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<sup>49</sup> Tandeciarz 163.

<sup>50</sup> Ibid., 163.

<sup>51</sup> Qtd. in Ibid., 163.

<sup>52</sup> Totem Group and other smaller, more anarchistic groups also attended the ceremony, writing and shouting their own messages in an attempt to subvert the mainstream leftist alliance and claim ESMA for the people, rather than the ruling elite (Tandeciarz 164).

photos did not delegitimize all opposition. Instead, it delegitimized a regime that, from a democratic perspective, was actually not legitimate.

To Tandeciarz, the latest surge of memory serves as a reminder of the importance of protecting human rights, despite global economic restructuring – in other words, neoliberalism. In this way, Tandeciarz partially accepts the premise that Menem and the dictatorship are closely linked. This uncritical praise of Kirchner's decision is too strong. His actions in the process leading up to the memory museum and at the opening ceremony had two-sided effects for democracy. When he tried to end impunity throughout society, Kirchner bolstered democracy. However, when he promoted fixed memory and movementism, Kirchner eroded democracy, appealing to the same tendencies that had damaged Argentine democracy throughout the twentieth century.

#### ESMA as Memory Museum

Through their control of the site itself, the human rights groups promote their version of recent history, promoting two conflicting narratives. Although the government funds the site, it still has not designated its own representatives to administer it. Therefore, the site's current incarnation can be considered almost entirely the result of the work and ideas of the main human rights groups.<sup>54</sup> On the one hand, they tell a story of human dignity and institutionalized rights counteracting senseless brutality. At the same time, however, undercurrents of movementism interrupt the story of apolitical human rights.

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<sup>53</sup> Tandeciarz 163.

Visitors to ESMA must attend a group tour, during which the guide describes what occurred in each room of the Officers' Club during the dictatorship. The guide and the placards in each area are careful not to overstate any claims and to base all they say on concrete evidence. The guide describes how the information they use was collected from the independent testimony of survivors, all of whom corroborated each other's stories. Despite military's refusal to testify, the guide implies, the evidence they use is objective and not one-sided.<sup>55</sup> When I visited, the young woman giving the tour did not talk about the torture in detail, as, she said, she did not want to inspire more fear. Instead, she explained, she hoped the tour would help the visitors think about the moments of resistance that helped people maintain their humanity among such barbarity. This narrative implicitly dismisses the conservative focus on security to justify human rights violations. Instead, it appeals to the ideals of human rights and individual dignity.

The tour does little to play into movementist tendencies, instead focusing purposefully on the original rights narrative of the human rights groups. The guide tells a lengthy story about a particular prisoner who was favored by the guards and treated better in exchange for carrying out particular tasks. Rather than simply saving his own life, he used the opportunity to take photos of the torture chambers and develop them in secret, providing some of the best evidence about ESMA in existence. Through stories like this, the guides attempt to remind visitors of the rights of all people and the grounding of these rights in dignity. This focus on resistance implicitly asks the visitor to continue resisting injustice, thus making the same

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<sup>54</sup> These groups include but are not limited to Mothers of the Plaza de Mayo Founding Line, HIJOS, and a group of survivors of the camp.

connection between past and present human rights violations as in the movementist narrative. However, rather than emphasizing specific links between past and present conflicts, the tour asks visitors to draw broad lessons from the prisoners at ESMA, encouraging the resistance of human rights violations necessary to maintain democracy.

Moreover, the tour leaves ample time for individual reflection. In the room where the prisoners lived, the tour guide describes their lives and then allows the visitors to walk through the room for nearly half an hour, reading the placards and reflecting independently. The tour ends in a room filled with newspaper clippings, books, and other information about the dictatorship, court cases, and memorials, leaving generous time for independent reading and discussion with the guide and other visitors. All of these characteristics of the tour combine to tell a narrative that relies on evidence, leaves room for interpretation and privileges human dignity and rights to security or even justice. The narrative attempts to remind the visitors of their duty to remember the victims of the dictatorship, to honor them as individuals, and to ensure that Argentina never again allows human rights violations.

At the same time, certain aspects of the narrative told at ESMA support movementism and thus damage democracy. The government and the human rights groups jointly decided to eject the navy from the entire premises, rather than trying to integrate human rights into the education of young officers.<sup>56</sup> This decision cannot be entirely blamed on the human rights groups, as it was largely the decision of Kirchner and the Buenos Aires city government. At the same time, though, the human rights

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<sup>55</sup> Tour of ESMA, Escuela Mecánica De La Armada, Buenos Aires, August, 26, 2009.

groups had an important say in the process, and the question of what to do with the military was controversial even among them.<sup>57</sup> The final decision demonstrates a fixed memory that feeds into movementism. Rather than leaving room for the possibility of change within the military, the human rights groups and the government decided that, to make the site center around human rights, it was necessary to expel the navy. Though the military had already been weakened as an institution, Kirchner and the human rights groups also attempted to diminish its prestige. They treated it as though it were the same military that had led the dictatorship, even though most of the officers who administered the torture were no longer on active duty. Admiral Jorge Godoy, the navy commander during Kirchner's presidency, called ESMA "a symbol of barbarity and irrationality." Though the navy and other armed forces retained authoritarian elements, the leadership signaled its willingness to work with the government and promote human rights. Kirchner and the human rights groups responded by ejecting the navy from ESMA.<sup>58</sup>

This rejection reverts to the same antagonistic mentality on which movementism thrives. In this understanding, the people and the military are opposed, and to promote the rights of the former necessitates destroying the latter. Although the military should clearly play a subordinate role to civilians, the democratic sectors within the military are legitimate. The government and the human rights groups view Argentine history as an irreconcilable, or at least unreconciled, struggle between the people and their oppressors. In doing so, they employ fixed memory, which

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<sup>56</sup> Maria Laura Guembe, "Challenges on the Road to Memory," *The Public Historian* 30, no. 1 (2008): 63-71., 66.

<sup>57</sup> Guembe 66.

<sup>58</sup> Rohter, "Debate Rises...".

contributes directly to movementism, a force that destabilized Argentine democracy throughout the 20<sup>th</sup> century.

The narrative at ESMA implies not the rebuilding of institutions but rather the destruction of particular institutions to make way for the legitimate rule of the people. The ghosts of the military linger at the site. All the buildings are empty, but the human rights groups only use two for the tour. Eventually, officers of these groups, cultural centers and other “centers of interpretation,” art and learning will fill the rest. Until then, the empty buildings remain a tangible reminder of the decision of the ruling left to portray itself as the only legitimate representative of the people. Overall, the human rights groups involved in ESMA employ the same conflicting narratives that Kirchner does, though with a more critical eye on the Kirchner government. They promote movementist tendencies and thus erode democracy, while at the same time promoting a culture of rights that bolsters democracy.

### Conclusion

The Memory Museum at ESMA, both during Kirchner’s government and today, grew from the efforts of the establishment left to promote a particular version of Argentine history. At times, this narrative diverges from its focus on human rights and democracy, appealing to the movementist tendencies. By answering demands from the anarchistic left, Kirchner forced sectors of it to transform their historical narrative from one that rejected institutions to one that supported the government. This dynamic shows that narratives of the past represent a key factor promoting contemporary political agendas. The left in Argentina today must decide whether to

work with the government or to continue opposing the system, and they use different historical narratives to do so. Memory of past atrocities, in this case, as in others, does not straightforwardly bolster democracy. Instead, the content of the narratives matters. Movementist stories erode democracy whereas rights-based stories bolster it.

## **Conclusion: Endless Memory**

On April 2<sup>nd</sup>, 2010, a group of Austrian Muslims entered a Roman Catholic cathedral in Córdoba, Spain and attempted to pray. After a brief tussle with police, two members of the group were arrested. The group wanted to protest the conversion of the building from a mosque to a cathedral by offering Muslim prayers, banned inside the church. The building had not been a mosque since 1236.

In Argentina, as in the rest of the world, memories of past violence have become an integral part of current political disputes. Though remembering the past may aid the effort not to repeat it, it is not nearly enough. In the case of Argentina, the patterns that helped bring about the atrocities of the last dictatorship re-emerged in the memorials that purported to deepen democracy. Pro-memory groups have turned away from democracy both as opposition forces and when allying with the ruling party, demonstrating the difficulty many Argentines continue to have with the idea of peaceful contestation. Democracy has grown stronger since the end of the dictatorship, lasting even through the 2001 crisis, but full institutionalization has not yet occurred. Taken together, the memorials and other communications considered in this thesis tell a story of the fall from grace of human rights and liberal democracy. When these new systems did not fulfill the demands of leftist groups, they often considered other ideologies.

Of the examples considered, the Athletic Club did the best job of simultaneously promoting memory and democracy. Though the writers of CONADEP supported democracy, neither they nor the human rights groups with which they worked fully understood the compromises that the transition process

would necessitate. The concept of liberal democracy has always faced competition in Argentina from authoritarianism, corporatism, movementism, populism, and, at times, anarchism. It is not surprising that the human rights groups, even given their early dedication to democracy, were tempted by ingrained tendencies that pulled them in other directions, particularly when democracy did not satisfy their central demands. The Athletic Club succeeds by appealing to ideologies on the Argentine left outside of liberalism, envisioning the country as a cohesive group, with resources that should be shared. Moreover, it channels these demands through democratic institutions, eschewing violence and supporting incremental change, without compromising demands to ameliorate oppression and extreme poverty.

The Athletic Club resulted from a broad leftist alliance that developed in the 1990s and has since grown weaker. Yet the original groups continue to administer the site, refusing to fall to antagonism between the establishment and the dissenting left. The continuity of this alliance hints at possibilities for promoting memory that also bolster democracy, or at least do not damage it. The Athletic Club succeeded because it incorporated a variety of groups, all of whom sought compromise through an ideology viable in the wider Argentine public. Rather than seeking a complete solution to Argentina's problems, as the human rights movement did in the late 1980s, the groups behind the Athletic Club incorporated the contradictions and complications of democratic rule into their demands. Such a nuanced political vision could perhaps only have come after democratic consolidation, when faith in democracy had grown. However, the ability of the Athletic Club to balance the conflicting demands of democratic transition, memory of past atrocities, and

contemporary poverty and inequality serves as a model for Argentine and international political actors.

This thesis largely ignored the international context in which Argentina acted. As mentioned in the introduction, the ideas of transitional justice, human rights, and even democratization are relatively new. They only became dominant outside of Europe and America after World War II. The dominant political actors and their demands likely would have been quite different in Argentina after the dictatorship without these international trends. It remains to be seen precisely how different countries and groups within them connect to share these ideas and give them international currency. Though international social and political movements have been widely studied,<sup>1</sup> few have considered the mechanisms that connect transitional justice specifically across countries.

Analia Fernandez Dos Santos was disappeared during the dictatorship and survived multiple rapes and a simulated firing squad. Her father had been a member of the Communist Party and was jailed repeatedly throughout her childhood. The government incorrectly suspected her involvement. After her own and her father's experiences, Dos Santos, has forbidden her children from becoming involved in politics. She knows Argentina is more peaceful now, but she still considers it a "deeply fascistic" country and worries that violence will resume.<sup>2</sup>

With more efforts like the ones at the Athletic Club, perhaps she will allow her children to become politically active. Maybe Dos Santos, or at least people like

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<sup>1</sup> See John Markoff, *Waves of Democracy: Social Movements and Political Change*, (Thousand Oaks, California: Pine Forge Press, 1996) or, for a very different take, Michael Hardt and Antonio Negri, *Empire*, (Boston: President and Fellows of the Harvard College, 2000).

her, will encourage her children to help ensure a just and peaceful future for Argentina. Regardless of the form that future political activism takes, it will inevitably involve debates over the past. 775 years later, European Muslims continue to protest the conversion of a mosque into a church. Argentines should not expect to settle matters any time soon.

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<sup>2</sup> Analia Fernandez Dos Santos, in discussion with the author, August 2009.

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