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**Unresolved debates over memory and history:
La Nación and the evolving portrayals of the last dictatorship in Argentina**

Alexis Burdick-Will

**Latin American Studies Honors Thesis
May 2013**

Steven Volk, Thesis Advisor

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Acknowledgements

This thesis would not have been possible without the collaboration and guidance of many others and I would like to thank everyone who has helped me out along the way. More than anyone else, Professor Steve Volk has helped me tremendously over the past year and throughout my time at Oberlin. His classes, “Latin American History: Nation and State Since Independence” and “Dirty Wars and Democracy” convinced me to focus my academic path on Latin America, especially in issues of collective violence and memory. Without his guidance and endless advice on how to frame my discussion of *La Nación*, this thesis would have been impossible. Thank you for your patience, for reading so many drafts, and for pushing my analysis to more profound level.

I am also very grateful to a number of other professors who have improved my understanding of the complex history, politics, and culture of Latin America. Claire Solomon, Sebastiaan Faber, Kristina Mani, and Patrick O’Connor have all had an impact on my academic development, helping me make connections between classes and themes in Latin America. With their classes I was able to study Latin America from multiple disciplines and angles so as to create a deeper understanding of the region. All of their instruction has helped me with the development of this thesis and with the interpretation and analysis of the issues presented by *La Nación*.

Finally, I want to thank my family and all of my friends who helped me out by reading draft after draft and for keeping me sane throughout my last two semesters at Oberlin College! Thank you for never getting tired of my stories about Argentina and for your constant encouragement and support!

Introduction: *La Nación* and the Ongoing Legacy of the 1976 Dictatorship in Argentina

The inspiration for this thesis came to me during my time abroad in Buenos Aires. I had just finished up my semester in December 2011 and began noticing enormous billboards all along the length of Avenida Nueve de Julio, the widest avenue in Buenos Aires (and in the world, for that matter). The billboards were a memorial to the economic crisis and ensuing riots that took place ten years before, resulting in the deaths of 33 people.¹ New graffiti also marked the Avenida de Mayo, the traditional route for demonstrations and protests. The message of both the billboards and the graffiti was the same: ten years after the economic collapse and thirty-five years after the beginning of the dictatorship, the same political powers were still in place and the legacy of the dictatorship remained unchallenged. Despite the demands that the entire government leave (“*que se vayan todos, que no quede ni uno solo*,”), the political structures in Argentina had remained relatively unchanged over a long period of time. Upon seeing these messages, I began to wonder what other legacies of the dictatorship remained. I decided that I wanted to explore the intricacies of memory debates in Argentina and found that the best ways to do so would be to look at one of the main sources where memories come together to attempt to create history: the newspapers of Argentina. I chose to focus on *La Nación* in part because it was the narrative of the dictatorship with which I was least familiar. Over the course of my studies and my time in Argentina, I primarily learned about the dictatorship from more liberal perspectives, from people who readily assigned responsibility to the state and did not think of the dictatorship as a period of salvation.

¹ Colin M. MacLachlan, *Argentina: What went wrong?* (Westport: Praeger Publishers, 2006), 172.

Thirty years after the transition to democracy, the questions of how to memorialize and interpret the events of the last dictatorship still linger, visibly affecting Argentine society. Although the coup that took place on March 24, 1976, overthrowing the weak government of Isabel Martínez de Perón, was neither unexpected nor unwelcome, the long and brutal dictatorship that followed was something completely new. Over the course of the twentieth century, Argentina had experienced frequent coups and military-assisted transitions of power. Between 1930 and 1976, there were nine military coups, some more extreme than others, but all a disruption to democracy.² The coup that overthrew Hipólito Yrigoyen in 1930 demonstrated a crisis of liberal democracy and ideology within Argentina that would remain unresolved at the time of the 1976 takeover.³

More often than not, military rule was used to stabilize economic and political structures from the incompetence of civilian governments; often intervention resulted from inter-elite conflicts pitting the long-powerful rural oligarchs against a rising industrial class. In any case, many people in Argentina thought that the military would follow this same pattern in 1976, handing back control to civilians within a few years.⁴ Due to the intense political and economic chaos as well as the ideological polarization present in the country during the 1970s, many Argentines were grateful that the military had stepped in to provide relief and desperately needed stability.⁵ While support for military intervention was not universal, it was widely understood as

² Brian Loveman, *For La Patria* (Wilmington: SR Publishers, 1999), 64. ; Marguerite Feitlowitz, *A Lexicon of Terror: Argentina and the Legacies of Torture* (Oxford: Oxford University Press, 2011), 5.

³ Jorge Nallim, *Transformations and Crisis of Liberalism in Argentina, 1930-1955* (Pittsburgh: University of Pittsburgh, 2012), 35. Some of these internal conflicts began before Argentina was even a fully consolidated nation and are visible even today. These issues will be explored in more detail in later chapters of this thesis.

⁴ Colin M. MacLachlan, *Argentina: What went wrong?* (Westport: Praeger Publishers, 2006), 146.

⁵ Kathryn Sikkink, *The Justice Cascade: How Human Rights Prosecutions are Changing World Politics*, (New York: W.W. Norton & Co., 2011), 68.

a necessary, almost natural occurrence in context of 20th century Argentine politics. However, the dictatorship that emerged from the crisis of the early 1970s and which continued in power until 1983 set about on its own, unique path, intent on transforming the entire nation. In the process, it delivered levels of repression that few, if any, Argentines (or international observers) foresaw or could have imagined.

The regime functioned by cultivating a culture of fear that tore apart families, destroyed communal trust, and turned neighbors against one another. Employing organic metaphors, the dictatorship told Argentines that the country's very survival depended on their being good citizens, and that meant looking the other way, not interfering with the work of the government. Characteristically, the regime took on the all-encompassing name of *Proceso de Reorganización Nacional* (National Reorganization Process) or "Proceso" for short.⁶ The culture of fear and mistrust led many Argentines to assume that if a neighbor or friend had been kidnapped, this must have been for a legitimate reason. Today, the legacies of the lives that were ruptured by the extreme violence and state terrorism of the dictatorship, as well as those who continue to believe the military was justified in its actions, shape the memory debates in Argentina as the nation struggles to come to terms with its past.

As I have noted, the level of violence employed during the dictatorship reached previously unseen heights. The military hoped to eliminate every remnant of subversive ideology and political dissent and to do so, they tortured and "disappeared" close to 30,000 people

⁶ Feitlowitz, 34. See, as well, Jaime Malamud-Goti, *Game without End: State Terror and the Politics of Justice* (Norman: University of Oklahoma Press), 1996 and Thomas C. Wright, *State Terrorism in Latin America: Chile, Argentina, and International Human Rights* (Lanham, MD : Rowman & Littlefield), 2007.

between 1976 and 1983.⁷ Argentina had the sad distinction of introducing the concept of “disappearing” as a transitive verb; it refers the military’s practice of kidnapping, murdering, and disposing of an individual so that the body was never found and there would be no official record of the occurrence.⁸ Despite efforts on the part of family members, human rights organizations, and lawyers, the dictatorship never released any information on the whereabouts or fate of these individuals. Often the military would completely deny any record of their arrest or detention. Members of the military went so far as to suggest that missing individuals were still alive and had secretly gone into exile. Even today, thirty years after the transition to democracy many Argentines still have no idea what exactly happened to their friends and family members.⁹

The greatest irony of the dictatorship is that when the juntas’ leaders, desperately trying to distract the nation from an impending economic collapse and raise their own public support, went to war against Britain for control of the Malvinas (Falklands) Islands, the military turned out to be unprepared and grossly incompetent. In the end, the juntas’ leaders did not succeed in preventing an economic crisis or in proving themselves capable of defending Argentina’s national sovereignty (at least to the extent that it was on the line in the Malvinas crisis), and in December 1983, tail tucked between their legs, they left power in an unplanned manner, disgraced in the eyes of most Argentines. The particular form that their exit from power took

⁷ The estimates of how many people were disappeared vary between 9,000 at the lower end and 30,000. The publication *Nunca Más*, put out by the National Commission on Disappeared persons (Comisión Nacional de Personas Desaparecidas, or CONADEP) in 1984, states that there were 8,960 victims of the dictatorship. However, most human rights organizations maintain that 30,000 is the more accurate figure. Unfortunately, there is no way to find out the exact number since the majority of military records were destroyed before the transition to democracy; *Nunca Más: the Report of the Argentine National Commission on the Disappeared* (New York: Farrar, Straus, Giroux, 1986), 10.

⁸ Those who were “disappeared” became known as the *desaparecidos*. Entire groups, such as the Madres de la Plaza de Mayo (Mothers of the Plaza de Mayo) dedicated themselves to demanding information on their missing sons and daughters, but the military always denied any involvement with their disappearances.

⁹ Antonius C.G.M. Robben, *Political Violence and Trauma in Argentina* (Philadelphia: University of Pennsylvania Press), 2005.

ended up having important implications in terms of judicial accountability for crimes committed during the dictatorship when the nation was once more able to think about what had just happened in their country. And so, despite initial support for the military and a common feeling that the armed forces had saved the country from a descent into a whirlpool of violence, the majority of Argentines had become deeply disaffected with the military: the way in it mishandled the economy, failed to present a competent fight against the British in the Malvinas, and, of course, its brutality in government. Unlike Chile, then, where a memory-as-salvation framework still remains strong in parts of society, by the end of the dictatorship in Argentina most no longer saw the military institution as its salvation from national chaos. These events led to widespread support for the transition to democracy and, as we will see in the following chapters, further complicated the debates surrounding social memory of the dictatorship.

Because of the unusual nature of the dictatorship, the question of how Argentina should remember that era, both on a personal and national level, remained extremely divisive after the transition to democracy. While human rights groups demanded that the military government be held responsible for its actions, the fear of another military coup remained strong throughout the nation, particularly as military mutineers (the “Carapintadas”) moved against the civilian government of Raul Alfonsín in 1987 and, again, the following year. In addition, there were still those (although fewer than in 1976) who continued to see the military’s intervention as the salvation of Argentina from the subversive threat and who felt that the war it waged against its own people was both necessary and legitimate.

In 1983, when the dictatorship came to an end, the idea of bringing the juntas’ leaders to trial was not the first thing on the minds of many, particularly since no country in the region had

ever attempted to hold a dictator, let alone most of the senior military officers, legally accountable. Many politicians and members of the general population were concerned with the possible effects that a trial would have on the country's stability and the continuance of democracy.¹⁰ And yet, for all that, after the transition to civilian rule, Argentina was faced with the challenge of how it would remember the past and whether it would reach a national consensus as to what the dictatorship had meant. Although the government of Raúl Alfonsín, the first civilian president after the *Proceso*, hoped that Argentina would reach this consensus quickly, the memory debates surrounding the events of the dictatorship continue to this day.

This thesis studies the unfolding of those debates from the vantage point of one of Argentina's most prominent newspapers: *La Nación*. One of the oldest continually published newspapers in Argentina, *La Nación* was founded in 1870 by a former President, Bartolomé Mitre; its current director, who has the same name, is the founder's great-great-grandson. Earlier in the twentieth century, *La Nación* had the largest share of daily newspaper readership in the country, and even though its share has decreased, in 2008 it continued to represent nearly 20% of all newspaper circulation in Argentina.¹¹

La Nación is considered one of the most politically, economically, and socially conservative media sources in Argentina. Its particular brand of conservatism within the Argentine context will be explored in more detail in Chapter 1, but in general, *La Nación* is a strong supporter of neo-liberalism, limited government, and the institution of the military, which

¹⁰ Sikkink, 12.

¹¹ INDEC (2012) Circulación neta de diarios. Años 2007-2009. Available online on: <http://www.indec.mecon.ar/nuevaweb/cuadros/9/q030705.xls>

it defends as the protector of authentic Argentine interests and ideology.¹² *La Nación's* voice does not represent the sole narrative of conservatism in Argentina, but, particularly among elites, it is an extremely well-respected and highly trusted institution; it remains for many Argentines their main source of news. This thesis examines how *La Nación* constructs its own memory narratives of the “Dirty War” period in order to examine how one conservative voice adapted to a changing political landscape in Argentina over the past 30 years.

This thesis analyzes the language used in, and the images produced by, *La Nación's* editorials. I explore the way in which its editors develop a particular narrative of history and its meaning through their ongoing discussion of events related to the dictatorship. Over the course of the following chapters, I will provide a close reading of a specific set of *La Nación's* editorials to see how the editors work to crystallize a specific understanding of history in their pages. Rather than analyzing overall news coverage of people and events related to the dictatorship, I chose to focus on the editorials because it is within the space of the editorial that the editors communicate their interpretation of the significance of events, therefore establishing an appropriate and convenient lens through which their audience will understand the world around them. Besides this, the editorials are the first place to which readers of *La Nación* will turn to help them shape their own understandings of on-going events. This is not to say that readers lack agency in developing their own opinions, but *La Nación's* framing of events does help its readers sort and fashion their own take on unfolding circumstances.

In that sense, the editorial does not simply inform readers of events, but provides them with a way to conceptualize the world around them. The words of an editorial, in consequence,

¹² Although the military coup was not related to a specific political party, one can draw connections between conservative politics and the way in which the dictatorship targeted labor union members and leaders as well as those following socialist or Marxist ideologies.

can become a key component in the process of whereby memory is turned into history. When designing the framework of this study, I wanted to look at sources that would give some insight into the way in which the personal and social memories of the dictatorship in Argentina were shading into and, in fact, creating history. I saw the editorial as a space in which the editors had the chance to be more open with their readers while also crafting their understanding of certain events. In short, I was extremely curious to see how *La Nación*'s understanding of the dictatorship would (or would not) evolve or mutate over the years since the transition to democracy.

The editorials I chose for this study range in date from 1985 to 2011. Each one was selected based on significant events that took place which would have a likely impact on ongoing memory debates in Argentina. Though there are some groups that prefer to close the lid on memories in the past, stabilizing a single narrative and ending further discussions, as the analysis of these editorials will show, all memory and interpretations of history are subject to change over time. In the following four chapters, I analyze how *La Nación*'s discussion and presentation of themes relating to the dictatorship evolved according to the then-current circumstances. I wanted to see the way in which *La Nación*'s editorials accommodated and incorporated new information and events into its understanding of the dictatorship.

The first editorial examined, "*El fallo en el juicio a los ex comandantes*" ("The sentencing in the trial of the ex-commanders"), was published December 14, 1985.¹³ Earlier that week, on December 9, the nation of Argentina learned the fate of the nine military commanders

¹³ As a matter of style, and after some discussion, I decided to quote the text of the editorials in the original Spanish, followed by my English translation in parentheses. My translations try to capture the meanings of the originals, and so will at times move away from a more literal approach. By keeping both Spanish and English in the body of the thesis, I hope to allow the reader to move between the two in order to assure that a proper translation has been delivered.

of the dictatorship who had been put on trial for human rights abuses. This trial was the first of its kind to take place anywhere in the world. The court's sentence had immense implications for transitional justice issues both in Argentina and elsewhere in that it demonstrated that even former heads of states were not immune from prosecution for specific crimes against humanity. Chapter 1 looks at both the language and the themes presented by *La Nación* as its editors reacted to the outcome of the trial. The vocabulary and analogies used in this editorial represented an important first step in the construction of a conservative memory framework through which the paper's readers would internalize and remember the events of the dictatorship.

Along with an in-depth analysis of the 1985 editorial, the first chapter provides the historical context for both Argentina and *La Nación* which are needed in order to better contextualize the editorials. Many of the issues raised by *La Nación* have their roots in historical patterns and frameworks that are specific to Argentina and it is therefore important for the reader to be familiar with these events as they look at this analysis.

Chapter 2 explores the issues presented by two editorials published in 1990 and 1998. This period of memory debates in Argentina highlights the fact that the issues raised by the dictatorship had not disappeared despite being ignored or pushed aside by politicians and the courts. Even when not explicitly a part of public life, the past lived on in the experiences and lives of those whom it has affected. On December 29, 1990, President Carlos Menem, the Peronist leader who replaced Raúl Alfonsín, issued an order to pardon several former leaders of the dictatorship, including the two most infamous: Jorge Rafael Videla, the Army chief who headed the first junta, and Emilio Eduardo Massera, the Naval admiral who joined him. Citing a

need for national healing and insisting on the importance of looking towards the future without remaining stuck in the past, Menem declared that the pardons were in the best interest of Argentina. The following day, *La Nación* published an editorial titled “*Los indultos*” (“The pardons”) which claimed that the President’s pardons would finally allow Argentina to end its unhealthy preoccupation with the past. However, instead of allowing the nation to leave its past behind and move on together, the pardons brought the wounds of the dictatorship to the forefront of public life as human rights groups and former victims demonstrated their outrage at Menem’s decision. With the pardons coming on top of the 1986 “Full Stop” and “Due Obedience” laws pushed through by a nervous Alfonsín, the future prosecution of military officials became virtually impossible; human rights groups were left with very few official pathways by which they could seek justice.¹⁴ Pardoning Videla and Massera, along with more than 1,200 others, represented the government’s official acknowledgement that resolving the crimes of the past was no longer a priority, the country was ready to move ahead.

The second editorial I consider in that chapter dates from June 11, 1998, the day after Jorge Videla was (newly) convicted in a case in which he was accused of kidnapping minors during the dictatorship. Throughout the period of the dictatorship, children that were either born in captivity or kidnapped at the same time as their parents were frequently given to military families for adoption. Even though the children were part of the same criminal act of kidnapping that swallowed up their parents, the kidnapping of minors was not covered under the Full Stop

¹⁴ In 1986 and 1987, President Alfonsín enacted the Full Stop and Due Obedience laws, respectively. The Full Stop law, or *ley de Punto Final*, put an official end date after which attorneys could no longer file cases against perpetrators of human rights abuses during the dictatorship. The Due Obedience law, *ley de Obediencia Debida*, excused all subordinate officers from prosecutions for following the orders of their superiors. Amnesty International, April 2003.

and Due Obedience laws and therefore offered a way for human rights activists to continue their pursuit of those involved in the “Dirty Wars.”

In Chapter 3, I analyze the way in which *La Nación* addressed memory issues and interpretations over the course of the last decade. This chapter looks at editorials from 2004, 2005, and 2011. On March 24, 2004, the anniversary of the 1976 coup, President Néstor Kirchner announced to the nation his decision to build a memory museum at the Escuela de Mecánica de la Armada (the Navy Mechanics School, or ESMA), the most notorious of the military’s torture sites. He also announced that the portraits of Videla and Reynaldo Bignone, the last military leader before the return to democracy, would be removed from the walls of the Military Academy. This act acknowledged the illegitimacy of their presidencies and established official state responsibility for the dictatorship. With these actions, Kirchner made a promise to the people of Argentina to address the questions of memory by making the crimes of the past a top priority of his administration. In response, *La Nación* published an editorial titled, “*Alentar la paz y la reconciliación*” (“Encouraging peace and reconciliation”), commending the president but reminding the people of Argentina of the importance of moving beyond these conflicts.

In 2005, the debates over the past changed drastically when the Supreme Court of Argentina ruled that the Full Stop and Due Obedience laws were unconstitutional. This decision had huge implications for those concerned with justice, truth, and memory, and opened up the possibility for new trials against perpetrators of human rights violations during the dictatorship. Even today, on-going trials keep the past alive as do the demands for justice for the victims of state violence. The second editorial covered in this chapter was published on June 15, 2005 and addressed the consequences of the Supreme Court’s decision to overturn these two laws. The title

alone, “*Seguimos siendo presos del pasado*” (“We continue to be prisoners of the past”) gives the reader some idea of how *La Nación* interpreted the Court’s decision. Instead of moving the country forward, *La Nación* complained that the trials that would inevitably arise from this decision would continue to hold Argentina captive.

The third editorial to be analyzed, “*Derechos humanos para algunos*” (“Human rights for some”), appeared on October 28, 2011. It refers to the sentencing of 25 men involved with the ESMA. Eighteen of the men on trial received life sentences. (Argentina does not have the death penalty and so *prisión perpetua* was the harshest sentence available.) While this chapter will look at similar questions of language, use of analogy, and deployment of memory frameworks, it will also consider the patterns that replicate or diverge from earlier editorials. It will focus on the transformations that have taken place within the narrative that *La Nación* has built since the end of the dictatorship.

In the final chapter, I analyze the constitution of an overall memory framework created by *La Nación* from 1985 to 2011, looking for dominant themes and areas on change.

As I have noted, this thesis addresses memory debates in Argentina and explores the relationship between history and memory as *La Nación*’s view of the dictatorship continually evolved. Newspapers like *La Nación* are the “first draft” of history and so the way in which their narrative of events develops over time is especially important, particularly when considering the role that a difficult and complex past will play in daily life of the nation. In addition, *La Nación* is one of the first arenas in which memory debates are played out as the editorials attempt to, in the words of Elizabeth Jelin, “establish/convince/transmit their narrative, so that others will

accept it.”¹⁵ My analysis looks at this formation and evolution of memory frameworks in the narrative coherence of *La Nación*’s editorials.

These particular questions of memory cannot be fully addressed without referencing the work done by Maurice Halbwachs. A sociologist by training, Halbwachs (1877-1945) was one of the first scholars to theorize issues of memory and history construction, and is largely credited with establishing the foundation for current memory studies. Halbwachs first put forth his theory of collective memory in his 1925 publication, *Les Cadres Sociaux de la Mémoire*,¹⁶ which drew heavily from France’s experience during World War I. His work on collective memory emerged as he tried to understand how French society was dealing with the aftermath of that traumatic period.

Halbwachs’ work addressed the ways in which different social groups form their own particular frameworks for memories. This is particularly relevant to my analysis of *La Nación* since I explore the role of these editorials as they form a framework for the conservative, elite members of its readership as well as a more general public. According to Halbwachs, collective memory is entirely a social construction. Even when it is not conscious, it is created out of the union of memories of people whose identity belongs to the same group in society. He argues that these collective memories, initially formed by members of a certain group, maintain their importance and existence because they in turn become part of that group’s identity. If a particular memory framework is no longer relevant or critical to how a group imagines itself, that framework will cease to exist. “Individual memories are always socially framed,” Elizabeth Jelin

¹⁵ Elizabeth Jelin, *State Repression and the Labors of Memory* (Minneapolis: University of Minnesota Press, 2003), 26.

¹⁶ His later work, *On Collective Memory*, was published posthumously in 1994.

writes. “These frameworks bear the general representations of society, its needs and values. They also include the worldview and language of a society and group.”¹⁷

Jelin’s reference to the “worldview and language” of a particular part of society is quite suggestive. As I describe in Chapter 1, *La Nación* sees itself as the spokesperson for a certain conservative, powerful sector of society. The language it uses, and the way in which it frames its understanding of the dictatorship, can help others shape their own views of the military and their understanding of the past.

Jelin also introduces the theories of John Gillis, particularly his work on the relationship between memory and the social world. “Identities and memories are not things we think *about*,” she notes, referencing Gillis, “but things we think *with*. As such, they have no existence beyond our politics, our social relations, and our histories.”¹⁸ Because they are so intimately tied to our relations to particular groups and identities, memories and the frameworks that structure them are always being reconstructed and reevaluated to suit the present circumstances of those groups. Just as social structures strengthen and add meaning to memories, collective memory also serves a social function. It is a “symbolic mechanism to help strengthen the sense of belonging” for different groups and communities.¹⁹ The memories that a community shares, even a community as diverse as the conservative sector of Argentine society, build off one another and affect how communities interact in the present.

The work of Pierre Nora also informed my study. Nora, a French scholar closely examined the relationship between history and memory, especially within the context of a

¹⁷ Jelin, 11.

¹⁸ Jelin, 14.

¹⁹ Andreas Huyssen, “Present Pasts: Media, Politics, Amnesia,” *Public Culture* 12.1 (2000), 24.

modern world where many experiences and interactions are recorded. In “Between Memory and History: *Les Lieux de Mémoire*,” Nora refers to the “acceleration of history ... an increasingly rapid slippage of the present into a historical past that is gone for good,” and argues that “there are *lieux de mémoire*, sites of memory, because there are no longer *milieux de mémoire*, real environments of memory.”²⁰ He presents the idea that modern society’s fascination with documentation and fear of forgetting has caused us to allow historical processes to take over the production of memory, rather than allow for history and memory to work in tandem. Whereas the ideal role of history and historians is to act as a check on memory, filling in the gaps where certain facts or experiences may be lacking, Nora argues that in the current situation, history is gradually “conquer[ing] and eradicat[ing]” memory.²¹ But in addition to his view of the destructive nature of history, Nora’s essay also allows for every individual, as part of a social structure and identity, to be part of the production of historical narrative, or History. Every group, like the readers represented by *La Nación*, is part of the counter-process of history, forming their own representations and *lieux de mémoire* as they work to maintain the presence of the past in daily life.

Within Latin America, and especially in the Southern Cone, a great deal of scholarship has been produced regarding issues of memory in societies that have recently experienced a traumatic period of dictatorship. The idea that nations will *never again* return to periods of dictatorship is particularly symbolic and key in understanding questions of memory in that region. In both Argentina and in Uruguay, the publications of the truth commission findings were

²⁰ Pierre Nora, “Between Memory and History: *Les Lieux de Mémoire*,” Marc Roudebush, trans., *Representations* 26 (Spring 1989): 7.

²¹ Nora, 9.

titled *Nunca Más* (“Never Again”). Part of the urgency in addressing issues of memory in this region has to do with the will to reach a different future.²² However, the task of avoiding the repetition of the same excessive violence seen during the dictatorship is made more difficult by the fact that different social forces continue to understand the dictatorship in very different ways. While for some, “never again” represents their dedication to preventing future episodes of state terrorism and forced disappearances, other sectors of Argentina (and other countries) hope that “never again” will subversives create the a situation of political chaos that existed in the 1970s.

In my analysis of the language used in *La Nación*’s editorials, I drew from primarily from the works of Elizabeth Jelin and Steve Stern as they pertain to the social construction/production of a national history and an official, national memory. Elizabeth Jelin is currently one of the most influential scholars on memory studies in the Southern Cone. Much of her work compliments the ideas on the relationship between history, social frameworks, and memory put forth by the scholars mentioned above. Her most important contribution for the purposes of this project, *State Repression and the Labors of Memory*, delves into the role of the individual within the construction of collective memory frameworks. The central point of Jelin’s contribution in this work has to do with the active participation, or “labor,” that is necessary for memories to gain value and meaning.²³ She differentiates between those memories that simply intrude into our daily life, unintentionally and uninvited, and those that are actively pursued and incorporated into our social frameworks of understanding. With regards to the role of *La Nación*, the labor of memory refers to actions and choices of the editors: what vocabulary they used, how they portrayed the leaders of the dictatorship or human rights activists, what particular parts of the

²² Jelin, 3.

²³ Jelin, 19.

dictatorship they asked their readers to focus on. The past is gone and cannot change but what can (and always does) change about the past is its *meaning*. The labor which an individual or society puts into the construction of memory frameworks means that the past is always subject to “reinterpretations, anchored in intentions and expectations towards the future.”²⁴

Although Steve Stern’s study of memory discusses the Chilean experience, the issues he addresses in *Remembering Pinochet’s Chile: On the Eve of London 1998*, are relevant to any post-conflict society. Just as with Pinochet’s dictatorship in Chile, the dictatorship in Argentina relied on a model of secrecy and misinformation.²⁵ Therefore, in the post-dictatorship era, human rights groups and victims felt that their fight for justice was also a fight against oblivion, a struggle against forgetting. Often, post-dictatorship governments sought explicit policies of forgetting and silencing (for example Alfonsín’s Full Stop and Due Obedience laws or Menem’s widespread pardons) as a way to minimize national conflict. However, as suggested in the title of one of the Chilean filmmaker, Patricio Guzmán’s documentaries, “memory is obstinate, it does not resign itself to remain in the past, insisting on its presence.”²⁶

Stern’s analysis of memory formation divides memories into two categories: loose memory and emblematic memory. Loose memories are personal, often arbitrary, and generally disconnected from any major or established national memory. That does not mean that they are not affected by social structures and identities, only that they have not found any resonance or shared meaning with other people’s memories. What are much more relevant to this thesis are what Stern calls ‘emblematic’ memories, frameworks that integrate personal remembrance into

²⁴ Jelin, 14.

²⁵ Steve J. Stern, *Remembering Pinochet’s Chile: On the Eve of London 1998* (Durham: Duke University Press, 2006), xxiii.

²⁶ Jelin, xiv.

collective remembrance.²⁷ Emblematic memory is not a concrete thing itself, but “a framework that organizes meaning, selectivity, and countermemory.”²⁸ One emblematic memory framework can mean slightly different things for certain individuals but what is significant is that they unite disparate, loose memories within the same body of understanding.

The tension between different emblematic memories is at the source of some of the most substantive cultural and political debates, as different groups work to promote their own understanding of the past. These emblematic frameworks circulate, compete with one another, and are developed in public or semi-public domain. (Stern suggests a comparison between emblematic memories and a “moderately interactive show taking place under a big open-air tent.”)²⁹ One such public domain is the media. Newspapers like *La Nación* represent an important stage upon which cultural and political debate concerning memory takes place. Emblematic memories constantly clash with one another as they participate in “a contest over the primacy or ‘truth’ of rival emblematic memories, in a competitive process to establish which frameworks will displace others and approach a hegemonic cultural influence.”³⁰

Stern suggests three main (emblematic) frameworks through which Pinochet’s dictatorship is understood in Chile: heroic memory (from ruin to salvation), dissident memory (rupture, persecution and awakening), and indifferent memory (closing the lid on the past). Each of these experiences in Chile has its counterpart within the Argentine case, although the frameworks of memory in Argentina were complicated by the military’s ruptured departure from

²⁷ Stern, 27.

²⁸ Stern, 104.

²⁹ Stern, 106.

³⁰ Stern, 107.

power. In particular, heroic memory, or memory as salvation, is not as strong in Argentina because the military disgraced itself in the Malvinas and left the economy in the same, if not worse, crisis as when it entered power.³¹ However, in spite of the ruptured transition to democracy, the memory-as-salvation framework survives, albeit weakened, even to this day. As the reader will see, when the historical context for that particular framework is challenged, the editors of *La Nación* found new justifications and explanations to maintain their understanding of the dictatorship.

During my time abroad in Argentina, in October of 2011, I had the opportunity to attend the broadcast of the sentencing of the ESMA defendants outside of the federal tribunal in Buenos Aires. This trial was one of the most high profile cases to take place after the Full Stop and Due Obedience laws were overturned. While waiting for the sentences to be read, a representative from the group H.I.J.O.S. (*Hijos e Hijas por la Identidad y la Justicia contra el Olvido y el Silencio*, Sons and Daughters for Identity and Justice, Against Forgetting and Silence) led the crowd in a cheer: “*Nuestros compañeros detenidos-desaparecidos, presente! Ahora, y siempre!*” (“Our detained-disappeared comrades are present! Now, and forever!”) This was a reminder of the way in which the military government disappeared thousands of people, destroying all traces of their time in the hands of their captors. But it is also a reminder that the victims of the dictatorship, regardless of their fate, maintain a strong and persistent existence in

³¹ In Chile, memory as salvation was not questioned by regime supporters for many years, until details of Pinochet’s corruption became public. Even then, the supporters of the dictatorship only lost faith in Pinochet individually and continued to believe that the coup in 1973 had saved Chile from ruin. For those who adhere to this emblematic framework, the disappearances and torture were a regrettable, but necessary, step along the path to salvation. For a current U.S. version of this narrative, see Robert D. Kaplan, “The Statesman: In Defense of Henry Kissinger,” *The Atlantic* (May 2013), 76.

the present. The human rights activists in Argentina are fighting against the efforts to neutralize the past, an effort to which, I will conclude, *La Nación* contributes.

Throughout this thesis, I examine the tensions between the memory framework promoted by *La Nación* and attempts on the part of the state to promote its own framework. I address the struggles between memory and countermemory, the conflicting interests of memory and oblivion, and the ways in which the present continually works to transform memories of the past. Memory is used as a strategic tool, politically, morally, existentially; it solidifies the identities of certain groups and outlines the cultural battlegrounds between groups. The themes and language of the editorials that I examine form a part of the process that will affect how Argentina as a country understands and, at a certain point, naturalizes its past. Memory will necessarily change from one generation to the next, as present circumstances and social structures evolve, but it is always a present force in society. The purpose of this thesis is not simply to examine how Argentina sees its past through the narrative of *La Nación*; it will analyze the way in which Argentina's past remains part of its present and how the memories and experiences of the past are kept alive and addressed today.

Chapter 1: History of Argentina and Transitional Justice (leading up to and) after the Return to Democracy in 1983

In September of 1955, the military overthrew Juan Perón's government, forcing the *caudillo* into exile in Spain.³² Although Perón remained in Spain for eighteen years, his ideological followers maintained their loyalty to the man and his Peronist movement, convinced of his eventual return. The years between 1955 and 1972 proved to be difficult politically, economically, and socially for Argentina as the country transitioned into what scholars now call an "impossible game."³³ Due to the authoritarian nature of Peronism, democratic politics never functioned smoothly while the party maintained power. At the same time, the military and conservative regimes that replaced Peronism often proscribed the party, going so far as to ban the display of Peronist propaganda and the singing of party songs, hardly measures that fostered democracy.³⁴ When, after three years of military rule, elections were held in February 1958 and Peronist candidates were banned from participating, Peronist movement leaders urged their supporters to turn in blank ballots; 24.3% of ballots cast were blank.³⁵

The period between the first (1946-55) and second (1973-74) Peronist governments was full of political turmoil and violence. When Perón first came into power, he was able to unite disparate and often competing forces into a single movement. But even as he tried to exert control from his Spanish exile, he was unable to manage their conflicts, and Peronism

³² Luis Alberto Romero, *A History of Argentina in the Twentieth Century*, trans. James P. Brennan (University Park: Pennsylvania State University Press, 2002), 130.

³³ Juan J. Linz and Alfred C. Stepan, *Problems of Democratic Transition and Consolidation: Southern Europe, South America, and Post-communist Europe* (Baltimore: John Hopkins University Press, 1996), 199.

³⁴ Daniel K. Lewis, *The History of Argentina* (Westport: Greenwood Press, 2001), 115.

³⁵ MacLachlan, 127.

fragmented, adding to the general lack of political stability of this period.³⁶ For its part, the military tried at various points to return control of the government to civilian hands, but each time, whether due to civilian economic incompetence, the dissatisfaction of anti-Peronist groups, or Peronist interference, the military saw the need to take back the government sooner or later.

By 1965, the economic situation had worsened dramatically, with inflation reaching as high as 30% annually.³⁷ In the second half of the 1960s, violence also began to escalate as civilians clashed with military enforcers, culminating in the so-called *Cordobazo* uprising in 1969, in which protesters managed to take control of a good part of the industrial city of Córdoba before being crushed by the military.³⁸ Despite harsh and increasingly repressive tactics, military governments were unable to subdue the emerging subversive groups. And, throughout all of the political and economic chaos of the 1960s and early 1970s, Perón remained just off center stage, always a potent political force, always planning his return to the presidency of Argentina which he knew would come some day.

Ever since 1955, the military in its exasperation would occasionally allow the Peronists back into the political process in the hopes of calming a torrid political situation or resolving an untenable economic state of affairs. In this manner, they allowed a Peronist candidate, Héctor Cámpora, to run for the presidency in 1973, knowing full well that he could be a stalking horse for the return of Perón, himself. And, when Cámpora did win, he invited Perón and his wife, Maria Estela Martínez de Perón, back to Argentina so that Perón could assume the vice-

³⁶ Romero, 132.

³⁷ MacLachlan, 130.

³⁸ MacLachlan, 134. See also, James Brennan, "Working Class Protest, Popular Revolt, and Urban Insurrection," *Journal of Social History* 27 (1993): 477-498.

presidency.³⁹ Thousands of supporters made their way to Ezeiza International Airport to welcome back their long-awaited leader. However, even before Perón's arrival, the disparate factions of Peronism, which spanned the ideological spectrum from Eva-Perón-inspired guerrillas on the Left to neo-fascists thugs on the Right, began to fight in the fields surrounding Ezeiza. Hundreds of young men and women died that afternoon, competing for the continued support of Perón.⁴⁰ Ultimately and not at all surprisingly, Perón sided with the more conservative factions, disavowing many of the Leftist and labor groups that had helped put him into power in the first place. Perón's behavior upon returning to Argentina is often considered a foreshadowing of the intense repression and authoritarian governance that would officially begin with the coup in 1976.⁴¹

Perón's second act on the Argentine stage was to be short-lived and ugly. Following his death in 1974, his third wife, known by Argentines as Isabelita, and whom he had installed as his vice president, assumed the presidency. Isabel was not Evita, however, and by 1975, her government, had fallen increasingly under the power of a Rasputin-like adviser, José López Rega. Known as *El Brujo* (the Sorcerer),⁴² López Rega was a founder of the grizzly death squad known as the AAA (Argentine Anti-Communist Alliance). Martínez de Perón could no longer maintain control of her own government, and in February she signed Decree 261, essentially

³⁹ Romero, 202.

⁴⁰ Lewis, *The History of Argentina*, 136. For a good account of the impact of the Ezeiza massacre, see Pablo Calvo, "Ezeiza, una masacre que causó el estallido del peronismo," *Clarín*, June 20, 1973 in <http://edant.clarin.com/suplementos/especiales/2005/08/28/1-01215.htm> [accessed April 16, 2013].

⁴¹ Romero, 204.

⁴² The standard biography of López Rega is by Marcelo Larraquy, *López Rega. La biografía* (Buenos Aires: Editorial Sudamericana), 2011.

giving the military free reign to expand its anti-subversive and anti-communist activities.⁴³ Having already declared a state of siege because of the threat of terrorism in 1974, Martínez de Perón used Decree 261 to order the military to “neutralize or annihilate” the “subversive” threat in the province of Tucumán. In October she extended the decree to cover the entire country, arguing that the “subversive” threat had spread to all provinces. Ultimately, this decree would provide the military with substantial justification for its 1976 intervention.

It is also significant that decree 261 is the first instance of official government correspondence that refers to a “subversive” threat in Argentina.⁴⁴ There is little doubt that numerous armed groups on the left were active in Argentina at this point, with the two most organized being the Montoneros and the Ejército Revolucionario del Pueblo (the People’s Revolutionary Army, or ERP).⁴⁵ The ERP was much smaller, anti-Peronist, Trotskyist in ideology, and functioned primarily in the interior of Argentina whereas the Montoneros stemmed from Peronism, particularly an allegiance to the memory of Eva Perón, and were highly nationalist in orientation.⁴⁶ Both indulged in guerrilla warfare, challenging the authority of the state’s police to control the nation, and both practiced kidnapping as a means of raising funds and bombings as a means of asserting their presence. Perhaps the most spectacular of the

⁴³ Decreto 261/275, Argentina, issued by government of Isabel Martínez de Perón, 5 February 1975. Full text of the decree available at: http://www.desaparecidos.org/nuncamas/web/document/decreto_261_75.htm. Even though this is the first official instance in which vocabulary such as “subversive” is used, it was already typical of paramilitary, right-wing rhetoric.

⁴⁴ Nicole M. Díaz, “The Politics of Nomenclature: An Analysis of Language in Government Speeches, Laws and Popular Discourse in Argentina from 1976-2007,” Emory College of Arts and Science, Thesis Candidate 2009, 7.

⁴⁵ David Rock, “Revolt and Repression in Argentina,” *The World Today* 33:6 (June 1977): 216. For a central text on the Montoneros and the armed movement in general, see Richard Gillespie, *Soldiers of Perón: Argentina’s Montoneros* (New York: Oxford University Press), 1982.

⁴⁶ Rock, “Revolt and Repression in Argentina,” 220; “Urban Guerrillas in Argentina: A Select Bibliography,” *Latin American Research Review* 9:3 (Autumn 1974): 55, and Paul H. Lewis, *Guerrillas and Generals: The Dirty War in Argentina* (Praeger), 2001.

Montoneros' kidnappings was that of the brothers Jorge and Juan Born, heads of one of Argentina's largest grain exporters, Bunge Born, an act which netted the organization some \$60 million, along with \$1.2 million which was distributed to the poor. In the first half of the 1970s, these groups kidnapped and killed nearly 800 civilians, politicians, and police, among them executives from many U.S.-based corporations, which had become particular targets of the guerrilla organizations.⁴⁷

The terminology used in Decree 261 was employed over and over as the military expanded and elaborated on the need for counter-subversion campaigns. Throughout the dictatorship and even today, thirty years after the transition to democracy, the "struggle against subversion" is still one of the main arguments used in support of the coup, and, as I have noted, there is little doubt that a majority of the country initially favored the military's stepping in to restore order. This it did on March 24, 1976, as a military Junta composed of Lieutenant General Jorge Rafael Videla (Army), Admiral Emilio Massera (Navy) and Brigadier General Orlando Ramón Agosti (Air Force) once again removed a Perón from power. Two days later, Videla became president of Argentina.

Over the first few years of the dictatorship, it became clear that this military intervention was to be unlike previous interventions of the twentieth century in Argentina, and more closely resembled similar processes already taking place in neighboring Brazil and Chile. The worst period of repression took place between 1976 and 1978, while Videla was president.⁴⁸ What characterized the repressive apparatus of the "Proceso de Reorganización Nacional" (National Reorganization Process), or simply, "El Proceso," as the period of military rule was known, was

⁴⁷ *Nunca Más*, xii.

⁴⁸ Romero, 218.

the military's use of disappearances as a central, and extensive, means of repression. Rather than arrest, try, jail, or even openly execute opponents, the *Proceso* would "disappear" them, leaving anxious relatives with nowhere to look for their loved ones, as no record of their taking existed.⁴⁹

While large portions of the population had welcomed the military intervention as a means of calming an increasingly anarchic situation and actively tried to remain ignorant of the violent repression taking place around them, others justified the daily violence they witnessed by telling themselves that if someone was taken by the military or police, they must have done something wrong or been involved with a terrorist organization.⁵⁰ The military had come to power to save the country from the threat of communism, subversion, and terrorism and therefore, even when members of their own family were taken, Argentines often explained the disappearances by saying: "*por algo será*" ("there must be a reason.")⁵¹ The tactics of fear used by the military were aimed at fomenting a generalized and communal mistrust. The dictatorship functioned by creating an atmosphere of terror in which people were both afraid of speaking against the military and also reliant on that state security forces for protection from the supposed terrorist groups. Those looking for kidnapped relatives would turn for help to the very agencies responsible for the kidnapping, as there was nowhere else to turn. This atmosphere spread to every sector of society, to some in a more acute manner, so that few Argentines understood or

⁴⁹ Many accounts of this process have been written. One in English that gives a sense of the insanity of searching for someone who has "disappeared" is Nathan Englander's *The Ministry of Special Cases* (New York: Vintage), 2008.

⁵⁰ Romero, 220. One of the most insidious aspects of government state violence under the *Proceso* was that while "disappearances" were, as explained, done without documentation and secretly, many kidnappings took place in public places and in full sight as a means of instilling fear in the people that they could be next. The iconic vehicle of terror was the Ford Falcon which was used by secret military and police forces to round up their victims.

⁵¹ Feitlowitz, 114.

believed that the repression was possible on such a large scale. In the face of brutal repression, disappearances, and torture, Argentine society continued its attempt to go on with normal life.

At the time of the dictatorship, the military government took the level of repression further than any other country in Latin America. Only the Guatemalan genocide in the early 1980s, part of a long and violent civil war, would eventually surpass the violence of the Argentine dictatorship.⁵² Although the human rights activist community was unfamiliar with processes of retributive justice, since Argentina had never experienced such a violent period in the past, they were determined to hold the military responsible for their actions. Still, as late as 1981 and despite rapidly declining support for the military government, no one in the armed forces even considered the possibility that they could be held responsible for acts of torture, disappearances, and murder. In the eyes of the juntas' leaders as well as many Argentines, the military had won a war against subversion and saved the country from the threat of Leftist and revolutionary terrorism.⁵³

The level of impunity which Junta leaders felt they deserved was on full display when, during a visit to the United States in 1981, the de-facto president, General Roberto Viola, observed, "A victorious army is not investigated. If the Reich's troops had won the last World War, the Tribunal would have been held not in Nuremberg, but in Virginia." Viola's comments

⁵² "Inequality, Ethnicity, Political Mobilisation and Political Violence in Latin America: The Cases of Bolivia, Guatemala and Peru" Rosemary Thorp, Corinne Cuamartin and George Gray-Molina, 463. The President and head of the armed forces during this period, General Efraín Ríos Montt is currently standing trial for the orchestration of this genocide. The Guatemalan Truth Commission estimated that over the entire 36-year conflict, 200,000 people were killed, 85% of whom were indigenous, Mayan speakers.

⁵³ The historiography on the "Dirty Wars" in Argentina is extensive. Among others, see: M. Patricia Marchak, *God's Assassins: State Terrorism in Argentina in the 1970s* (Montreal: McGill-Queen's Press), 1999; Feitlowitz, *A Lexicon of Terror*; Lewis, *Guerrillas and Generals*; Donald C. Hodges, *Argentina's "Dirty War": An Intellectual Biography* (Austin: University of Texas Press), 1991; Iain Guest, *Behind the Disappearances: Argentina's Dirty War Against Human Rights and the United Nations* (Philadelphia: University of Pennsylvania Press), 1990; and, Martin Edwin Anderson, *Dossier Secreto: Argentina's Desaparecidos and the Myth of the "Dirty War"* (Boulder, CO: Westview Press), 1993.

expressed a worldview that was commonly held in this period - that “international law is the tool of the powerful, who use it against their enemies.”⁵⁴ These two quotes also reiterate the dictatorship’s understanding that it continued to be waging a civil war, rather than being, after a period in 1974-76, the only force on the field and engaged in acts of state terrorism. Aside from suggesting that all the Nazi forces did incorrectly was to lose the war, Viola’s comparison presents the dictatorship’s view that the war it waged was against an equal and opposing force.

Despite his controversial comments, Viola was actually one of the “moderates” in the military. He saw that the military could not stay in power forever, especially given the deteriorating economic situation of the late 1970s and early 1980s, and he began attempting to orchestrate a transition back to civilian control. In mid-1981, Viola announced discussions with the leaders of the major political parties.⁵⁵ His approach was not welcomed universally throughout the military, though, and as rumors of a return to civilian government spread, opposition in the military forces mobilized and Viola was removed from power at the end of 1981.⁵⁶ In the spring of the following year, military hardliners led by General Leopoldo Galtieri, who came into power with the removal of Viola, launched a military campaign to reclaim the Malvinas (or Falkland) Islands from Britain.⁵⁷ Although this campaign had been on the minds of some factions of the military for many years, the junta commanders saw the War of the Malvinas

⁵⁴ Sikkink, 9.

⁵⁵ Lewis, *The History of Argentina*, 146.

⁵⁶ Sikkink, 10.

⁵⁷ Within Argentina, these islands are referred to as the Malvinas rather than the British name, the Falkland Islands. The war over this territory is also referred to by scholars as either the War of the Malvinas or the War of the South Atlantic. In this thesis, I chose to use the Malvinas Islands and the War of the Malvinas. Since this study focuses on the language and ideas of an Argentine newspaper as my primary source material, I wanted to use the terms that were most likely to appear in my research. Among other sources on the Malvinas/Falklands War, see Joseph S. Tulchin, “The Malvinas War of 1982: An Inevitable Conflict That Never Should Have Occurred,” *Latin American Research Review* (1987) 22:3, pp. 123–141.

as an opportunity to prove the capabilities of the military in the eyes of the Argentine population. It was also an attempt to distract the general population from the mounting accusations of human rights abuses and the economic issues plaguing Argentina.

The decision to go to war was based on several assumptions, one of which predicted that the UK would not try very hard to maintain control of the islands. The military also did not foresee the decision on the part of the United States to stand in support of Britain or that neighboring Chile would also cooperate to Argentina's detriment. Instead of a quick military operation, the War of the Malvinas ended up being one of the most mismanaged and embarrassing projects of the dictatorship. Hundreds of young conscripts starved on the Malvinas without adequate supplies as the military government did nothing. The junta commanders, who appeared quite eager to declare war against Britain, turned out to be incapable of delivering on their promises of victory in the case of the Malvinas.⁵⁸

Though "winning" the war on subversion through massive human rights violations, the military lost the War of the Malvinas in an embarrassing fashion.⁵⁹ As a result, the military also lost much of its credibility in the eyes of the Argentine population, eliminating the possibility that it could control the transition to democracy. In contrast to the "pacted" transitions of Chile or Uruguay, Argentina experienced a "ruptured" transition to democracy in which the armed forces had relatively little say in how democracy would be established.⁶⁰

⁵⁸ Sikkink, 69.

⁵⁹ Sikkink, 69; *Unsettling Accounts*, 45, 87. In the confessions documented by Payne, perpetrators such as Adolfo Scilingo and Alfredo Astiz always use wartime language, referring to their role and pride in the success of the "war on subversion."

⁶⁰ Craig Arceneaux, *Bounded Missions: Military Regimes and Democratization in the Southern Cone and Brazil* (University Park: Pennsylvania State University Press, 2001), 109.

That did not mean that the Argentine military left itself defenseless against any potential legal actions. As a precaution against prosecutions, the military passed its own amnesty law in 1983. The Law of National Pacification sanctioned an amnesty for all military and police personnel, including the juntas' commanders, for "subversive activities and excesses in its repression between May 25, 1973 and June 17, 1982."⁶¹ The law provided no specifics on which acts of repression or how far along the chain of command the amnesty extended. The commanders intentionally left the Law of National Pacification vague so that the amnesties would cover everyone and everything from the period of the dictatorship in an attempt "to close the door on the military's war on society."⁶² However, unlike the amnesty laws passed at the end of the Chilean and Brazilian dictatorships, the military's amnesty law did not go unquestioned.⁶³ Owing in part to the ruptured nature of Argentina's transition to democracy, in addition to the loss in the Malvinas and the blatant mismanagement of the economy, the Argentine armed forces were left with little bargaining power at the end of the dictatorship.⁶⁴ Even those in the population who could not believe that the military was capable of such levels of violent repression understood that their time in power was over. The Law of National Pacification was immediately denounced by opponents of the regime and quickly overturned as soon as Raúl Alfonsín took office in December 1983.

Throughout the 1983 presidential campaign, human rights and the question of justice for the victims of the dictatorship loomed large. Alfonsín, himself a former detainee of the

⁶¹ Arceneaux, 140.

⁶² Lewis, *The History of Argentina*, 155.

⁶³ Arceneaux, 179 and 106.

⁶⁴ Arceneaux, 142.

dictatorship and a member of the Unión Cívica Radical (“Radicals” for short), campaigned on a platform of human rights protections.⁶⁵ The voters viewed Alfonsín’s promises of a return to justice as more credible, especially after the Peronists were accused of orchestrating a secret amnesty with the military prior to the election.⁶⁶ Once elected, Alfonsín remained a dedicated, albeit politically cautious, ally in the fight for restorative justice in Argentina. In his first speech to Congress, on December 10, 1983, Alfonsín stressed that:

Those who believe that the end justifies the means assume that a marvelous future will erase any blame due to ethical failings and crimes. Justifying the means by the end implies admitting that other human beings could be hurt, that they could be starved, and that they could be exterminated under the illusion that such a terrible price might make for a better life for future generations. The logic of pragmatic cynics always refers to a distant future. But our obligation is here and now, basically an obligation to our contemporaries, whom we have no right to sacrifice in the service of the hypothetical glories of future centuries.⁶⁷

As President, Alfonsín urged politicians and the nation as a whole to work towards a more decent, legitimate, and ethical form of government. Without directly targeting the high command of the dictatorship, he condemned them for justifying the violent excesses of the regime as a necessary part of Argentina’s development. Implied in Alfonsín’s discussion of “ends and means” was the formal name of the dictatorship: the Proceso de Reorganización Nacional. A process intended to reorganize the country had done little more than repress its own population. Alfonsín’s speech to Congress demonstrated that he was not only on the side of justice, but that he also understood that the events of the dictatorship, although in the recent past, constituted part of the present experience of the population. He chose to focus on the “here and now,” addressing

⁶⁵ Romero, 254.

⁶⁶ Lewis, *The History of Argentina*, 155. Given the amnesty put in place by Carlos Menem, a Peronist who followed Alfonsín in office, that charge seems quite well placed.

⁶⁷ Raúl Alfonsín, “Teaching the Republic,” in *The Argentina Reader: History, Culture, Politics*, ed. Gabriela Nouzeilles and Graciela Montaldo (Durham: Duke University Press, 2002), 477-478.

the way in which Argentina could address the “ethical failings and crimes” committed by a military government which, under the guise of protecting and developing the nation, betrayed the trust of Argentina.

Earlier in the same speech, Alfonsín pledged that “the atmosphere of public immorality [was] over.”⁶⁸ In this speech and in the concrete steps his administration took towards justice, he called on his fellow members of government to maintain an ethical government, no matter the challenges that might arise, in ensuring that Argentina did not return to a situation in which the liberty of the population was denied.

Upon assuming the presidency, Alfonsín created the National Commission on Disappeared Persons (CONADEP) to investigate the violence, torture, and disappearances of the dictatorship. The creation of CONADEP five days after Alfonsín’s inauguration, and the issuance of its final report less than a year later represented an official acknowledgement of the suffering of the victims and their families throughout the dictatorship. In addition, it showed the people of Argentina that the new government would not allow the ex-commanders of the dictatorship to idly pass away the years in exile or in positions of power, like so many other ex-dictators. For example, the Chilean strongman, Augusto Pinochet, remained in power for nearly ten years after the transition to democracy. The Alfonsín administration made a promise to the nation to hold the leaders of the dictatorship individually accountable for the crimes which they had committed.

The mission of CONADEP was to establish an official record of the repression based on the testimonies of victims and the families of the *desaparecidos*.⁶⁹ Over the course of six months, several thousand testimonies were gathered. Even though the military attempted to destroy the

⁶⁸ Alfonsín, 477.

⁶⁹ Leigh A. Payne, *Unsettling Accounts* (Durham: Duke University Press, 2008), 43.

majority of documentation surrounding the torture and disappearances, the members of CONADEP worked tirelessly to collect as much information as possible and they were able to compile over 50,000 pages of documentation. Ultimately, the commission documented 8,967 cases of disappearances.⁷⁰ Other sources estimate that the number of disappearances is closer to 30,000 but even so, the information gathered by CONADEP presented Argentina and the world with a vast archive of written and photographic documentation that they hoped could not simply be pushed aside by future administrations.⁷¹ In the prologue of the original version of *Nunca Más* (*Never Again*), CONADEP's final report, the novelist Ernesto Sábato who was a member of the commission and authored its prologue, proclaimed that: "we are convinced that the recent military dictatorship brought about the greatest and most savage tragedy in the history of Argentina."⁷²

As an official record sanctioned by the government and read nationwide, *Nunca Más* and the level of detail documented by the members of CONADEP had a significant impact on how Argentines would remember and record the past in Argentina. Memory debates require a certain amount of time to pass after an event before different versions of the past and their respective memory frameworks begin to solidify, but by the time *Nunca Más* was published, the public was already beginning the long and difficult task of deciding how the decade of the 1970s and the dictatorship should be remembered.⁷³ *Nunca Más*, a central text in that process, was purchased by millions of people in Argentina and even though CONADEP did not take it upon itself to assign

⁷⁰ *Nunca Más*, 284.

⁷¹ *Nunca Más*, 1.

⁷² *Nunca Más*, 6.

⁷³ Jelin, 53.

individual guilt or responsibility, the facts disclosed in, and language used by, the report were incorporated into the discourse of the Argentine population.

Upon becoming president, Alfonsín made two promises to the nation of Argentina: that he would carry out an investigation of the crimes committed during the dictatorship, and that those found responsible would be prosecuted. The first of these promises was fulfilled by the rapid creation of CONADEP. After the commission's findings were made public, Alfonsín's administration had a responsibility to use that information to hold the perpetrators accountable for the violence committed during the dictatorship.

However, crucial questions concerning the way in which the prosecutions would be carried out remained to be answered. Alfonsín and his legal team had to decide how far down the chain of command they would prosecute. There was also the question of the nature of the trial. Early on, it was decided that the trial would not follow the precedent of Nuremberg. Rather than prosecute the military based on newly created laws, the legal team chose to prosecute only those crimes that were explicitly illegal at the time at which they were committed.⁷⁴

Alfonsín's administration planned its legal strategy very carefully. Not only was his administration beholden to the human rights community and the political groups that had helped elect him to office, but it was also very conscious of the continued tensions between civilians and the military institution. Aware that in Argentina, where over the course of the 20th century the military spent more years in power than civilians, Alfonsín worked hard to maintain good civil-military relations as he proceeded with the prosecutions. On February 14, 1984, the government

⁷⁴ *Nunca Más*, xvii. On the trials, also see, Terence Roehrig, *The Prosecution of Former Military Leaders in Newly Democratic Nations: The Cases of Argentina, Greece, and South Korea* (Jefferson, N.C.: McFarland & Co.), 2002, and Amnesty International, *Argentina: The Military Juntas and Human Rights: Report of the Trial of the Former Junta Members, 1985* (London: Amnesty International Publications), 1987.

passed a comprehensive statute, Law 23.049. The official government-led prosecution planned to litigate only against the nine ex-commanders of the three juntas. Alfonsín immediately ordered the arrest of all of the junta leaders from the dictatorship to await trial.⁷⁵ In accordance with Argentine law, the military commanders were to be tried first by the Supreme Council of the Armed Forces, but when that body refused to hand out sentences, the cases were appealed to the civilian courts. After this trial, nearly 17,000 private charges were filed against more than 500 other members of the military who had participated in the repression of the dictatorship.⁷⁶ Only when the possibility of widespread prosecution arose did the military begin to push back and threaten to revolt against the government. The previously described Full Stop and Due Obedience laws were designed to pacify these revolts by putting a time limit on new prosecutions and granting amnesty to all lower-level military personnel.⁷⁷

Without precedent to guide their cases, prosecutors put forth their own legal and political justifications for the way in which the case would be handled. The fact that this trial was the first of its kind in Latin America, and that heads of state would be held individually and personally accountable for the actions carried out under their command, cannot be stressed enough. The trials in Argentina, the legal community understood, would not only set a precedent for future prosecutions, but also had the immense task of proving to Latin America and the international human rights community that charges against former dictators and military commanders were politically feasible.

⁷⁵ MacLachlan, 154.

⁷⁶ *Nunca Más*, xxv.

⁷⁷ Sikkink, 76.

The trial of the ex-commanders of the dictatorship, taking place between April and September 1985, was a remarkable public and political phenomenon for Argentina, or anywhere else in Latin America, for that matter. Security was extremely tight for obvious reasons, but those unable to attend could follow the proceedings in a special daily newspaper, *El Diario del Juicio* (The Trial Newspaper) and a weekly television program.⁷⁸ Aside from proving individual accountability, prosecutors had the arduous task of convincing the nation of Argentina and the international community that these prosecutions could take place without jeopardizing the very democracy that allowed them to occur. Indeed, many both inside and outside Argentina did not think they were a good idea because they assumed the military would plan another coup in response. With some reason, they did not trust the strength of the new democratic administration to withstand the political pressures associated with this sort of undertaking. However, yet another indication of the weakness of the military institution at this early point in the transition to civilian rule, there was no public backlash from the military.

In accordance with the Argentine legal system, witnesses in this trial were questioned by the presiding judge. Although the lead prosecutors, Julio Strassera and Luis Moreno-Ocampo, prepared some questions for the interrogation, they did not present them to the witnesses.⁷⁹ Although the trial was open to the public, security was extremely tight and there were several weapons checkpoints at the entrance. Observers were required to obtain special passes for the days they wished to attend the trial but nevertheless, every day that the trial was in session, from

⁷⁸ Sikkink, 60

⁷⁹ *Nunca Más*, xxi.

April to September of 1985, the courtroom was entirely full.⁸⁰ The majority of attendees were young men and women, whose generation had been the main target of the repression.

Finally, on December 9, 1985, the Cámara en lo Criminal y Correccional Federal de la Capital, or the Federal Criminal Appeals Court, announced the sentences of the nine ex-commanders of the military dictatorship. It is fair to say that, when the military took power in 1976, none of them foresaw the possibility of their facing legal actions for their activities during the *Proceso*. After all, the military had saved Argentina from revolutionary terrorist groups. However, and to the relief of the victims and human rights organizations, five of the nine ex-commanders were sentenced. As previously stated, each of the ex-commanders had been charged with a specific number of crimes, based on their perceived individual responsibility for the murders, torture, and disappearances. This legal strategy allowed the judges to look at each commander and his role in the repression in isolation from the rest of the cases. The prosecutors sought life sentences for Jorge Rafael Videla, Emilio Eduardo Massera, Orlando Ramón Agosti, Roberto Eduardo Viola, and Armando Lambruschini, 15 years for Omar Domingo R. Graffigna and Leopoldo Fortunato Galtieri, 12 years for Jorge Isaac Anaya, and 10 years for Basilio Arturo Lami Dozo. Ultimately, only Videla and Massera received life-sentences for their actions as junta commanders.⁸¹ Viola, Agosti, and Lambruschini received sentences of seventeen years, four and a half years, and eight years, respectively. Graffigna, Galtieri, Anaya, and Dozo were all absolved by the court.

⁸⁰ Sikkink, 75.

⁸¹ Argentina does not have the death penalty. Life in prison, *prisión perpetua*, is the harshest legal sentence possible.

Before examining *La Nación*'s editorial concerning the trial of the ex-commanders, it is important to understand the perspective and objectives of *La Nación* as itself a participant in Argentine politics. Since its founding in 1870, *La Nación* has maintained an active role in Argentina's political life, most often a leading media voice for conservative views. *La Nación* provides its readers not only with a journalistic reporting of the previous day's events of note, but also with a way in which readers can interpret those events. For many people, buying a daily newspaper is an "*acto ritual, es adquirir una matriz de decodificación de los hechos sociales que organiza el conocimiento sobre una realidad al mismo tiempo construye*" ("a ritual act, which provides readers a key for decoding social facts that organizes their understanding of reality at the same time that it constructs that reality.")⁸² The newspaper which people choose to rely on as their primary news source will undoubtedly affect the way they form their understandings and gather knowledge about their world. Although the newspaper, obviously, does not create events, it is responsible for providing readers a lens through which they can be interpreted.

In addition to assisting readers in framing their understanding of and response to events, the media serves as a crucial part in the formation of the readers' identity. By choosing *La Nación* over the rest of the newspapers available, the readers are making a decision about who they are and how they identify ideologically.⁸³ *La Nación* has had a significant presence in the politics and media of Argentina since its founding in 1870 and therefore, in buying his or her daily newspaper, the purchaser is making a public statement about one's political location. The ritual described by *La Nación* and the perspective that it provides its readers situates them within

⁸² Ricardo Sindicaro, *La política mirada desde arriba: las ideas del diario La Nación, 1909-1989* (Buenos Aires: Editorial Sudamericana, 1993), 6.

⁸³ While this same factor has long been true in countries such as the UK, it has only more recently become evident in the United States where media outlets like Fox News are not only a source of news, but a political identity.

a particular social and political contingent. *La Nación* becomes part of the individual and impacts the way in which he or she views the world.

Apart from the general perspective that *La Nación* applies to its news coverage, the role played by its editorial and opinion pages is especially influential given the stature of the newspaper in voicing conservative thought and the task of the editorial in expressing the opinion of the newspaper's editors and owners.⁸⁴ Since the author of a book or an article in a journal has to work with an editor in finalizing his or her writing, it can be hazardous to try and voice strong or controversial opinions. The writer of an editorial, however, does not have this same type of restrictions; the editorial is produced by the same interests who will publish and distribute it.⁸⁵ The editorial is a space in which the directors of a newspaper such as *La Nación* can communicate their preferred "decoding matrix" to their audience and from its creation in 1877, *La Nación* has served as a political tool of, and public voice for, Argentina's social, political, and business elite. In fact, for the first several years, *La Nación* was used exclusively to help the presidency and political career of its founder, Bartolomé Mitre.⁸⁶ While its role eventually transformed to resemble that of other daily newspapers, it has always remained an instrument of the most elite members of society. According to *La Nación* itself, the people who read the paper as part of their daily ritual, are those who occupy the highest positions of power in political and

⁸⁴ Sindicaro, 9.

⁸⁵ Sindicaro, 8.

⁸⁶ Sindicaro, 14. For a good biography of Mitre, see Miguel Angel de Marco, *Bartolomé Mitre* (Buenos Aires : Emecé Editores), 2004.

economic systems.⁸⁷ To the extent that reading the paper *is* a ritual for conservative readers, it can be considered a performative act, which increases the value of examining closely what exactly is being performed.

In 1944, the director of *La Nación*, Luis Mitre, publicly defined the role and importance of editorials in serving the best interests of *el pueblo* (“the people”). The editorial was not simply another space for ideas, he suggested; its importance went much deeper. Mitre stated that editorials were a means to propel the country forward. “*Si no fuese así no cumpliría sus obligaciones para el pueblo*” (“If they were not written with this in mind, they would not fulfill their obligations to the people.”) According to Mitre, the editorials of *La Nación* had the responsibility of supporting and defending Argentina’s most important institutions so that the country could continue its development. And, although Mitre didn’t specify the institutions he had in mind, one can infer that he was referring to the main structures of Argentina’s political and economic life and that the role of the newspaper was to defend the economical and political beliefs held by conservatives. This argument, delivered more than thirty years before the beginning of the dictatorship, is important to keep in mind as it would be deeply connected to the mission and ideological framework of the junta. Although the juntas’ commanders monitored the press and journalists were among the civilians most heavily targeted by the repression, *La Nación* continued to publish regularly throughout the dictatorship. Indeed, after the military overthrew Isabel Martínez de Perón, *La Nación* welcomed the new military government with open arms, hoping that it would reestablish in Argentina the order necessary “*para recuperar el*

⁸⁷ “*Los individuos que se encontraban en las posiciones más altas de la estructura del poder político, del sistema económico y de la jerarquía del reconocimiento social, compartían, según La Nación, el hábito de la lectura de sus páginas*” (“The individuals who find themselves in the highest positions in the structures of political power, of the economic system and of the hierarchy of social recognition, share, according to *La Nación*, the habit of reading its pages”), *Sindicato*, 10.

normal funcionamiento del sistema institucional” (“to recuperate the normal functioning of the institutional system”).⁸⁸

Along with the majority of the country, *La Nación* expressed its hopes that the military would find a solution to the economic, social, and political chaos that had plagued Argentina over the past decade. In fact, on the day in which Videla was sworn in as President, *La Nación* ran an editorial optimistically titled, “*La edad de la razón*” (“The Age of Reason”).⁸⁹ The paper, it should be noted, was not always an unequivocal supporter of military intervention; in every instance of armed forces’ involvement in the past, the board of directors and editorial staff carefully considered the purpose and plans of the new military government. Yet in this particular instance, *La Nación* agreed with the military (and with other major media outlets) that Argentina would only be able to return to stable, democratic rule after a long period of authoritarianism.⁹⁰

“El fallo del juicio de los ex comandantes”
(“The sentencing of the ex-commanders”)
December 14, 1985

The trials of the ex-commanders were the first of their kind in the contemporary period, and therefore, like other news outlets, *La Nación* devoted countless pages of coverage immediately after the sentences were made public. For nearly a week, the trials occupied most of the paper’s front page but the director, Bartolomé Mitre, the founder’s great-great-grandson, only editorialized on the subject once, a fact that attracts our attention. The lone editorial which directly references the trial of the ex-commanders was published on December 14, 1985, a full

⁸⁸ Sindicaro, 397.

⁸⁹ Sindicaro, 397.

⁹⁰ Sindicaro, 442.

five days after the verdicts were announced. Titled, “*El fallo del juicio de los ex comandantes*” (“The sentencing of the ex-commanders”), this editorial addressed both the specifics of this trial as well as some of the broader philosophical and legalistic issues that might arise in the context of the transitional justice process. I will first provide a short summary of the editorial and then a more analytic close reading of the text.

As discussed earlier, editorials provide a highly concentrated space through which the editorial board communicates its opinions. They are, by design, short and to the point. In this particular editorial, *La Nación* offered its readers three main arguments and a surrounding framework for thinking about the just-concluded trials. In the first place, *La Nación* justified the actions of the military by stating that their intervention was a legitimate response to the actions of terrorist and subversive groups. Without any mention of official state responsibility in the carnage that followed, *La Nación* consistently presented the military as an equal and legitimate force in a war to determine the future of Argentina. With this editorial, *La Nación* engaged in a complex dance with time, continually reminding its readers as to how subversive forces terrorized society in the past, but also advising that they move from the past and focus on the future. Secondly, it reinforces the idea that the armed forces were acting at the request, and in the best interests, of the nation. The military received its mandate first from the government (Decree 261) and then from the people to eliminate the subversive threat; the actions of the military government, therefore, were seen to be a natural consequence of that order. The third and final point of this editorial, arising from the last, is that all of society bore some responsibility for what took place during the period of military dictatorship and therefore, no one, not even the highest courts in Argentina, was in a position to judge the ex-commanders or hold them alone

responsible. Over the rest of this chapter, I analyze the various segments of the editorial to demonstrate the way in which *La Nación* weaves together these arguments as it struggles to craft a dominant memory narrative for Argentina.

The editorial began by introducing the reader to the historic magnitude of the court's decision. *La Nación* argued that the frequency and depth of coverage of the trials, both nationally and internationally, were proof enough of the immense political weight this decision would have worldwide. Given that *La Nación* counts among its readers the country's political and social elites, by signaling the resonance of these events on an international level, the editors ensured that its more "politically alert" readers would continue paying particular attention. In *La Nación*, as with much of the press, coverage of the trials took up the majority of the front page for over a week. But as the editors explained the historical and international weight of the court's decision, they were crafting a particular means of understanding past events. Thus, *La Nación* references "*los ciudadanos con nociones auténticas de la democracia*" ("citizens with true notions of democracy") who supported the decision to put "*este triste episodio en manos exclusivas de la Justicia*" ("to put this tragic episode exclusively in the hands of the judicial system"). Already we must consider what the editors were hinting at by referencing "authentic" notions of democracy. In a country where mass politics, specifically the phenomenon of Peronism, exerted considerable influence from the 1940s on, the idea that "authentic democracy" was something other than majority rule already indicated some major fault lines which undergird Argentine history. This sentiment can also explain why *La Nación* pointed to the judiciary, as opposed to human rights campaigners, politicians, or individual self-interested citizens as the correct institution to address the issues left behind by the dictatorship.

From here, *La Nación* quickly arrived at its first point of contention with the Court's findings. Even though the violence of subversive groups like the Montoneros and the Ejército Revolucionario del Pueblo were documented in CONADEP's published report, *Nunca Más*, and were found to have been carried out on a much smaller scale than the dictatorship's violence, *La Nación* reprimanded the Court and Argentina for not treating their crimes equally with those of the military. Unlike the trials of the leaders of subversive groups, the trial of the ex-commanders was open to the public and broadcast on television.⁹¹ However, as *La Nación* complains, none of the other trials that had been held were made into a public spectacle in quite the same way. In fact, the trials of the heads of subversive groups were entirely closed to the public. *La Nación* argues that, "*a pesar de la voluntad manifiesta del Gobierno de someter a la Justicia igualitariamente a unos y a otros, los responsables de los crímenes subversivos no aparecen igualitariamente expuestos ante la conciencia moral de la humanidad*" ("despite the promises by the Government to subject one and all to Justice equally, those responsible for subversive crimes do not appear to be subjected to the same level of judgment before the moral conscience of humanity"). Given that the editors see the dictatorship as a response to the crimes of subversive groups, they therefore expect that the leaders of those groups would be subjected to the same legal procedures as the ex-commanders of the dictatorship. By raising the issue of a lack of parity, the editors attempt to undermine the legitimacy and significance of the trials of the military officers while yet again reminding Argentine society that the military only acted in response to a legitimate security threat. This supports the notion that these human rights

⁹¹ Sikkink, 60.

violations were a natural, but regrettable, consequence of war, rather than a cohesive operation designed to root out opposition to the military's approach.

Following the initial justification of the military's actions, *La Nación* began to explore the issues and threats to society that made military intervention necessary. As I explained earlier in this chapter, Isabel Martínez de Perón's administration issued Decree 261 in 1974, authorizing the military to wipe out the terrorist and subversive threat in the province of Tucumán. This mandate was eventually extended to the rest of the country, providing the military with the justification needed for taking control of the government. In addition, *La Nación*, quoting from the trial transcript, pointed out that,

La Cámara reconoce inicialmente "la presencia en la República del fenómeno del terrorismo, que -añade- por su extensión, grado de ofensividad e intensidad fue caracterizado como guerra revolucionaria. Es un punto de partido que no debe dejar de valorarse en su profunda significación histórica" (The Court recognized initially "the presence in the Republic of the terrorist phenomenon, which -it added- due to its extensiveness, level of threat and intensity could be characterized as that of a revolutionary war. This is an important point that should not be ignored because of its profound historical significance").

As the Court recognized, the subversive threat was extensive enough to constitute a state of war, and, indeed, the existence of subversive organizations is, as the editorial argues, an important fact whose historical significance should not be ignored. However, the timelines of subversive activity and the extreme repression of the dictatorship do not match up and the commanders of the military worked hard to obscure the fact that the subversive threat was largely eliminated before the 1976 coup.⁹² Nor did the editorial reference the fact that most of those disappeared

⁹² *Nunca Más*, 19. See, also, Thomas C. Wright, "The Dirty War in Argentina," in *State Terrorism in Latin America. Chile, Argentina, and International Human Rights* (Lanham, MD: Rowman & Littlefield, 2007), 108-116.

after the military seized power were not members of subversive organizations.⁹³ *La Nación* thus chose to accentuate the parts of history that would bolster its interpretation most effectively.

The prosecutors in this trial chose specifically to hold the ex-commanders individually accountable but even so, *La Nación* viewed the Court's decision as a slap at the entire military institution. The actions of the commanders on trial represented the interests and desires of the armed services in general. *La Nación* states,

Considera después que dichos comandantes son responsables de los excesos cometidos - asesinatos, torturas, privaciones de libertad, robos- y aplica las sanciones consiguientes. En consecuencia, las penas aplicadas, a pesar de cuanto se dijo en sentido opuesto, terminan resultando sanciones no sólo personales sino en alguna medida institucionales. (Imagine that after [the arguments are heard], these commanders are found responsible for the excesses committed - murder, torture, depriving individuals of liberty, robbery- and corresponding sentences are applied. In that case, the punishments, even though [the court] presented this differently, would apply not only to the individuals on trial but to the institutions they represent.)

La Nación presented this scenario as a warning of the possible consequences of the Court's decision. Originally, Alfonsín hoped that the trials of these nine individuals would satisfy the demands of human rights groups and the families of the victims for justice, but *La Nación* pointed out the potential flaw in that strategy. By officially condemning the high commanders, the court also condemned the orders and actions that flowed from their leadership. Just as the editors forewarned, rather than putting an end to the fight for justice, the trial of the ex-commanders was followed by hundreds of lower-level prosecutions. Although not explicitly outlined, there was an implicit warning in this editorial that the trials would be bound to extend further down the line of command and would become a threat to more than those currently on trial, a point driven home with particular vigor when the editors referenced the fact that *every man* in Argentina had served with the military at some point: "*servicio que ningún hombre de*

⁹³ For an interesting defense of the military's approach by an Army colonel, see Patricia Marchak, "The Military Defense," in *God's Assassins. State Terrorism in Argentina in the 1970s*, pp. 267-282.

bien puede olvidar, porque todos lo requirieron, en su momento, de las Fuerzas Armadas” (“a service that no honest man can forget, since it is required that everyone, at the appropriate time, serve in the armed forces”). By reminding their readers that all men in Argentina are essentially linked to the armed forces, even if they were not in the military during the dictatorship, the editors were not so subtly suggesting that a verdict against the dictatorship’s leaders could put them in the line of fire as well.

La Nación also took the opportunity to use the trial to delegitimize the decision of the Court. Although I have mentioned this several times, it bears repeating that the trial of the ex-commanders was the first of its kind, followed no established legal precedent, and therefore was vulnerable to future legal challenges. The prosecutors were very cognizant of the issues inherent in a trial where very few people are held responsible for the actions of many, and tried to arrange the trial in a way that would present the fewest opportunities for criticism. However, *La Nación* was unsatisfied with the legal concepts that guided the proceedings:

Desde el punto de vista de la ortodoxia jurídica, juzgar a un hombre por decenas y decenas de asesinatos, por ciento y cientos de robos y saqueos, presuntamente cometidos en un lapso de dos o tres años, durante el cual, además, ocupaba la presidencia de la Nación, o formaba parte de un cuerpo investido del máximo poder del Estado, puede ser prácticamente imposible y por esa causa la labor de los magistrados terminó revestida de una óptica política ineludible. (From the point of view of juridical orthodoxy, to judge a man for dozens and dozens of assassinations, for hundreds and hundreds of thefts and looting, presumably committed over a period of two or three years, during which, in addition, he occupied the presidency of the Nation, or formed part of a body invested with the maximum power of the State, can be practically impossible and this will inescapably become wrapped up in politics.)⁹⁴

Here *La Nación* would retreat into a juridical argument, taking advantage of the complications inherent in the case where there were thousands of victims, many whom were still ‘disappeared’

⁹⁴ It should be kept in mind that the path-breaking decisions delivered by the UK Law Lords in the case of General Augusto Pinochet, holding that former heads of states held no sovereign immunity and were therefore not exempt from prosecution for certain crimes against humanity, had yet to be delivered. See, among others, Madeline Davis, ed., *The Pinochet Case. Origins, Progress and Implications* (London: Institute of Latin American Studies), 2003.

and many others who never knew their torturers. This critique of the trial of the ex-commanders was an opinion held by many people in Argentina.⁹⁵ *La Nación*'s mention of the ex-commanders' role as presidents and leaders of the Republic of Argentina also reminded readers of the rarity with which heads of state were ever held accountable or tried for their actions. And, along with this critique, another issue complicating the trial was the fact that the violence and repression were so extreme that it was difficult to know with certainty not just what happened (particularly as the military often dumped the bodies of their victims into the Río de la Plata) but who was responsible on an individual level.

The central premise of the trial was further called into question by referencing that at the time of the coup, Argentine society was in chaos. There was a widespread agreement that the military was called upon to take control where the civilian government had failed for years. The editors point to the fact that the dictatorship helped Argentina avoid, "*que el caos y el terrorismo se enseñorearan del país*" ("a situation where chaos and terrorism take over the country"). Here *La Nación* concedes that the armed forces, while protecting Argentina and acting in the nation's best interests, eventually fell into their own trap, mistakenly believing that, "*las armas empleadas contra el terrorismo podían resultar efectivas usadas al margen de la ley y en la oscuridad*" ("the methods used to fight terrorism could be more effective if used at the margin of the law and in the shadows"). In trying to avoid the error of the Chilean army, which by initially holding all prisoners together in the national soccer stadium attracted a great deal of unwanted attention, *La Nación* admits that the Argentine army went too far in its fight against terrorism by moving it "off the books" totally.⁹⁶

⁹⁵ Sikkink, 61.

⁹⁶ Stern, 42.

La Nación continues its justification of the military's excesses by shifting the bulk of the responsibility for what happened to society as a whole. As the editorial mentioned earlier, the military intervened in civilian politics on behalf of the nation, to rescue Argentina from "*la angustia de inseguridad*," (the anguish of insecurity) and "*el caos y el terrorismo*" (the chaos and terrorism) that the subversive groups had created. Therefore, according to the editors,

En cierto modo, una sociedad entera se siente enjuiciada en algún grado. ... Porque lo que la inmensa mayoría de los argentinos desea fervientemente es que la subversión no vuelva a hacerse presente con su frío racionalismo de fanatismo y de criminalidad, que no retorne la angustia de inseguridad sobre vidas y bienes ni, mucho menos, la captación de los adolescentes y los jóvenes por las ideologías que los llevaron a la negación de los más altos valores y de los más nobles sentimientos. (To a certain degree, everyone within society feels judged in some measure. Because what the overwhelming majority of Argentines want more than anything is that the subversion never returns with its ability to coldly justify fanaticism and criminality, that we do not return to the anguish of lives and property left in insecurity nor, even more importantly, of adolescents and young people trapped by ideologies that lead them to ignore our most important values and most noble beliefs.)

By presenting the needs of Argentine society in this way, *La Nación* spread the responsibility of the dictatorship's excesses to the entire nation. Rather than focus on the responsibility of the State or of the military commanders, *La Nación* shifted the discussion to how popular demands led to the military intervention and dictatorship. With this statement, *La Nación* indicated to the reader that the armed forces could be thought to *have been acting democratically* (in that they were acting in the popular interest), and that they were not just protecting Argentina from physical threats, but just as importantly, against ideological threats. *La Nación* equated the indoctrination of Argentina's youth against traditional values with the threat against lives and to physical security. Although the editors intended to defend the intervention of the armed forces in this section, stating that the military was following the desires of the nation it was sworn to protect, the language seen here actually could be seen to contradict earlier justifications of intervention based on a pre-existing state of war. By the time of the coup in 1976, guerrilla

groups such as the ERP and the Montoneros no longer posed a legitimate threat to the armed forces or to the general population. Instead, as *La Nación* describes, during the dictatorship the armed forces fought just as fiercely against the spread of ideas as against actual human enemies. The Proceso de Reorganización Nacional aimed at “reorganizing” or reconfiguring Argentine society to better adhere to Western, Christian ideals as well as eliminating problematic or “cancerous” ideologies that were deemed harmful to the social body.

Towards the end of the editorial, *La Nación* returned to the idea of a recuperated and reorganized Argentine society. Just as the dictatorship presented itself as the victim charged with the immense responsibility saving the nation, *La Nación* told its readers that while the struggle and violence of recent years were difficult for everyone, it was all for the good of future generations. The military regime and the work it did against subversion and terrorism would allow Argentina to move forward towards a more unified and prosperous future. Although the excesses of the military and the violence of terrorist groups were reprehensible, *La Nación* stated that it was time for Argentina to begin moving forward that for the sake of “*la recuperación moral, cívica y económica que dé a las nuevas generaciones la oportunidad de un destino personal y social acorde con nuestro tiempo, es necesario admitir que la hora de la reconciliación ha llegado*” (“a moral, civic, and economic recuperation that will give new generations the opportunity for a personal and social future in accord with our times; it is necessary to admit that the hour for reconciliation has arrived”). It was time, in short, to move forward, not backward.

However, even in this short excerpt of the editorial, it is difficult to know with certainty what *La Nación* meant by “reconciliation.” If one accepts that the ex-commanders acted as

representatives of State power and were legitimately guilty of human rights abuses, it would make sense that if reconciliation were to take place, it should be between the perpetrators and the victims of State violence. If instead, one believes that the armed forces were defending Argentina from the threat of terrorist violence, at the request of civil society and broadly acting within the boundaries of legitimacy, then a very different type of reconciliation would be envisioned. *La Nación* adopts the latter approach and will consistently portray the events of the dictatorship as a war between equal and opposing forces. In an earlier section of the editorial, *La Nación* mentioned the ex-commanders' role as heads of State, saying that over the course of the *Proceso*, "*ocupaba la presidencia de la Nación, o formaba parte de un cuerpo investido del máximo poder del Estado*" ("they held the position of president of Argentina, or were part of a body sharing power at the highest level of the State"). The editorial recognized the position of the ex-commanders as heads of the military government but stops before it assigned responsibility for the crimes that occurred (and which it admits). Despite this acknowledgement of their involvement as the state, *La Nación* did not make the connection between working within the state, and being a legitimate representative of state power. Without recognizing the ex-commanders as the state itself, the editors appeared to forward the notion of reconciliation on a more personal, individual level, rather than between victims and perpetrators on an official scale.

La Nación closed the editorial by addressing the question of who was to be the ultimate judge of history and what that judgment would be. Despite its initial recognition of the historical and political importance of the Court's decision, the editors reminded that this decision was far from final in the grand scheme of things:

Los juicios de la historia, en fin, están por encima de los fallos de la Justicia, de los juicios políticos y de los tribunales populares. Mas tampoco los juicios de la historia son garantía absoluta de la verdad. Los creyentes admiten que existe una justicia

divina que sólo ella otorga la certeza absoluta, pero está más allá de los hombres y de los tiempos. Y aún los no creyentes saben que la verdad sobre cada hombre y sobre el valor moral de sus actos es un problema inescrutable para otro hombre y que todo juicio al respecto no puede pasar de ser una aproximación a la verdad anhelada. No está de más, en esta hora grave de la Argentina, recordar con una pizca de humildad esta precariedad del juicio de los hombres. (The judgments of history, in the end, are more important than the findings of the Courts, political determinations, or the court of popular opinion. But neither are the judgments of history absolute guarantees of the truth. Believers sustain that there exists a form of divine justice and that it is the only judgment that holds absolute certainty, but it is beyond men and beyond time. And even nonbelievers know that arriving at the truth as to the moral value of one man's actions presents an inscrutable problem for other men, and that any justice with respect to those acts can only be an approximation of the desired truth. It is not too much, in this grave hour for Argentina, to remember with a bit of humility how precarious are the judgments of men.)

Although at the moment, *La Nación* accepted the decision of the court, it did not believe that any judicial or legislative institution truly held the ability to deliver a final verdict, a final “truth” about what happened and who was responsible for the crimes against humanity that were committed. By differentiating between an official (historical) truth and the decisions of the Federal Appeals Court in this trial, *La Nación* challenged the judges’ decision, reminded its readers of the limited and problematic nature of this ruling, and suggested that “history” might not yet have spoken the final word on these cases. The editorial identified as problematical those processes that inherently form part of judicial proceedings, i.e., that one human is responsible for judging the actions of another. This is not the first time within this editorial that *La Nación* called attention to the legal issues of this trial, but in this particular example the newspaper tried to put the Catholic values of the nation, which for many form a central part of their identity, against the moral tendency to support trials against perpetrators of human rights abuses. In the end, *La Nación* expected the doubt that surrounded the dictatorship and the following trials, in combination with Argentina’s dedicated faith, to force the nation to question the judgments of this court and whether or not they represented an “absolute truth.”

This editorial represents a way in which the members of Argentine elite society, especially those who adhered to the performance of reading *La Nación*, were helped to understand the trials of the ex-commanders. The role of the editorial is such that the language and explanations used in this text would be taken by the readers and incorporated into their own discussions and understandings of this momentous event. Therefore, it is extremely significant that the vocabulary and descriptions used by *La Nación* to talk about the two sides of the dictatorship and the issues of guilt and responsibility are extremely similar to the language used by the military government. The use of particular phrases communicates an implicit support and connection to the military institution and to the supporters of the 1976 coup. Even a brief examination of the repetition of certain words can give the reader a solid introduction to the message which *La Nación* is sending with this editorial. While the words ‘subversive,’ ‘terrorist’ or ‘terrorism,’ and ‘war’ show up multiple times, ‘human rights’ is used only once and ‘victim’ is only used in reference to the armed forces.⁹⁷ *La Nación* adopts a language more associated with wartime procedures and experiences, therefore firmly aligning itself with the political Right and the armed forces of Argentina. Adherents of these positions and institutions described the actions of the military during the dictatorship as those characteristic of a “war,” and they did this to justify the actions they took against civilian opponents (who were, by virtue of this terminology, automatically located in the enemy’s camp). By continuing to employ the same vocabulary in reference to the former events, the editors of *La Nación* further justify the military’s behavior during the Proceso.

⁹⁷ The exact word count for this editorial is: *subversivo* (four times), *terrorismo* (five times), *excesos* (twice), *terrorista*, *guerra*, *torturas* and *víctima* (once each).

Even though the ex-commanders were on trial for charges of murder and disappearances, *La Nación* makes no mention of those terms and only references part of the charges against them once. In the opinion of *La Nación*, the ex-commanders and the armed forces acted responsibly. This editorial attempts to use the language and the vocabulary implemented (and continued to this day) by the armed forces to argue that the military institution is in fact the true victim and has been unfairly held responsible for what the nation ordered it to do.

The language and metaphors used by the leaders of the dictatorship and repeated in this editorial bring back certain experiences and help frame the use of a particular memory structure on the part of its readers. As Otto Santa Ana discusses in *Brown Tide Rising*, humans make sense of the world through contextualized images, through the use of metaphors and other figurative language. In order to frame the politics and violence of the 1960s, 1970s and then the dictatorship, Argentines of various ideological orientations relied on a repertoire of metaphors to explain what they saw around them.⁹⁸ The dictatorship, in particular, was run by skilled orators and was able to manipulate traditional images of the nation to justify their rule and the violent repression they unleashed. Although the trial of the ex-commanders only took place two years after the end of the dictatorship, the people of Argentina had to use historical parallels or metaphors to make sense of what was happening. By using the same imagery from the dictatorship, *La Nación* provided its readers with a convenient method for decoding the trials within that particular context.

The words used by *La Nación* are the instrument through which the newspaper communicated its interpretation of events, in this case the recent sentencing of the ex-

⁹⁸ Otto Santa Ana, *Brown Tide Rising: Metaphors of Latinos in Contemporary American Public Discourse* (Austin: University of Texas, 2002), 15.

commanders. Given the way in which the commanders relied on the manipulation and reappropriation of words and their meanings during the dictatorship, the importance of these repetitions cannot be overlooked. As Marguerite Feitlowitz points out in *Lexicon of Terror*, the dictatorship used language to: “(1) shroud in mystery its true actions and intentions, (2) say the opposite of what it meant, (3) inspire trust, both at home and abroad, (4) instill guilt, especially in mothers, to seal their complicity and (5) sow paralyzing terror and confusion.”⁹⁹ *La Nación* was not directly associated with the ex-commanders of the dictatorship but in this editorial as well as editorials explored in later chapters, the newspaper expressed a similar tendency to show its readers what was the “absolute truth” and “objective reality” through its manipulation of language.¹⁰⁰

The absolute truth that *La Nación* wishes to communicate to its readers through this editorial can be summarized as follows: during the dictatorship, the military’s actions and excesses were justified and comparable (if in the opposite direction) to the actions of the subversive groups they were fighting; the military intervened because civil society and the broad based political order requested their help after being unable to contain the terrorist threat or impose any kind of order on the social anarchy which surrounded everyone; all of society shared part of the blame for the excesses committed during the *Proceso*, and therefore the trials of the military leaders would not stand the test of time. Just as the words and phrases of *La Nación* mirror the language of speeches during the dictatorship, the very message of this editorial supported the goals of the dictatorship. The *Proceso* was a national project to restructure society and eliminate adverse ideologies. The military government was convinced that it was involved in

⁹⁹ Feitlowitz, 22.

¹⁰⁰ Feitlowitz, 22.

a legitimate war for the benefit and security of the nation of Argentina. This editorial, published less than a week after the ex-commanders were sentenced, shows that *La Nación* continued to associate itself with the ideas of the dictatorship.

The announcement of the sentences of the ex-commanders brought that part of Argentina's past rushing back into the present-day lived experience of every citizen. It was a time of national confusion, anger, frustration and also hope, as people tried to understand the magnitude of what happened during the dictatorship and as they tried to plot their way forward. Many scholars and commentators were skeptical of the trial's chances for success for it was such a new process and because it took place only two years after the transition to civilian rule. Therefore, the fact that this trial took place without any major backlash from civilian or military institutions is incredibly significant as it proved to the world that democracy would not crumble under the weight of transitional justice trials. Even though politicians such as Alfonsín hoped that the court's conviction of the ex-commanders would help Argentina move beyond the divisive issues of the dictatorship, as *La Nación* made clear in this editorial, the nation was still far from reaching a consensus on how to make meaning of the past. Throughout the remaining chapters, this thesis demonstrates that opinions and interpretations of the dictatorship will continue to shift and evolve as present events affect Argentina's perception of its past. As new events take place, *La Nación* helped the public and its readers to accommodate their understanding of the dictatorship to present circumstances.

Chapter Two: The “Age of Impunity” - Issues of Justice, Amnesty, and Memory

Raúl Alfonsín stepped down from the presidency on June 8, 1989 and transferred power to president-elect Carlos Saúl Menem, six months before the constitutionally prescribed date.¹⁰¹ Although his administration had initially made impressive advances in human rights protections and prosecutions of human rights violators, Alfonsín was unable to overcome the deep economic turmoil in the country.¹⁰² Despite the efforts of his economic team, including the creation of a new form of currency called the Austral and deepened cooperation with the International Monetary Fund, Alfonsín left Argentina’s economy in a worse state than when he took office.¹⁰³ Real wages in 1989 were 20% lower than in 1986 and more than 35% lower than 1984. In addition, the national debt increased under Alfonsín from 46.9 to 63.3 billion U.S. dollars.¹⁰⁴ As the general population watched the economy decline and Alfonsín struggle in his efforts to appease insurgent military sectors, public dissatisfaction with the government rose. The people of Argentina had elected Alfonsín in the hope that he would restore economic and political security to the nation, but when he proved to be not up to that task, they began looking elsewhere for leadership.¹⁰⁵

Cue the Peronists. Carlos Menem won the primary contest to become the presidential candidate for the Peronist Party. Although in the previous presidential election, Argentines had

¹⁰¹ Romero, 279. Two valuable books on Alfonsín’s own perspective are Raul Alfonsín, *Memoria política: transición a la democracia y derechos humanos* (Buenos Aires: Fondo de Cultura Argentina), 2004 and *Inédito: una batalla contra la dictadura (1966-1972)* (Buenos Aires: Editorial Legasa), 1986.

¹⁰² See Colin M. Lewis and Nissa Torrents, eds., *Argentina in the Crisis Years, 1983-1990: From Alfonsín to Menem* (London: Institute of Latin American Studies), 1993.

¹⁰³ Klaus Friedrich Veigel, *Dictatorship, Democracy, and Globalization: Argentina and the Cost of Paralysis, 1973-2001* (University Park, Pennsylvania State University Press, 2005), 127.

¹⁰⁴ Lewis, *The History of Argentina*, 165.

¹⁰⁵ Díaz, 53.

widely distrusted Peronism, it gradually re-gained public support and trust as the Radical Party and Alfonsín's administration foundered.¹⁰⁶ Between the first and second administrations of Perón (1955-1973), the Peronist party had been unable to function within a larger democratic system. But during Alfonsín's presidency, an internal renewal tendency (*renovador*) began to demonstrate its dedication to democracy and political cooperation with the current administration. Throughout the military rebellions that tested the strength of Alfonsín, Peronism worked with the administration and, especially after the Holy Week military crisis in 1987, the *renovador* movement offered its unconditional support, successfully reinserting Peronism into the democratic political arena.¹⁰⁷

Earlier in his political career, many people had seen Menem as coming from too rural a base and as being too inexperienced to go far in national politics, but in the presidential election he won with 46% of the vote. His charming interpersonal skills and vague promises to multiple interest groups allowed him to gain a broad base of support during the campaign.¹⁰⁸ With the elections in 1989, power was transferred between rival parties in a peaceful manner for the first time since 1916.

Menem's presidency, however, proved to be full of controversy, and his actions sparked outrage from groups across the political spectrum, from the rival Radical Party to fellow Peronists and human rights campaigners.¹⁰⁹ Throughout his two terms in office, he continually

¹⁰⁶ See Sebastián Etchemendy, "Old Actors in New Markets: Transforming the Populist/Industrial Coalition in Argentina, 1989/2001," and Kent Eaton, "Menem and the Governors: Intergovernmental Relations in the 1990s"), in Steven Levitsky and María Victoria Murillo, eds., *Argentine Democracy: The Politics of Institutional Weakness* (University Park, PA: Pennsylvania State University Press, 2005), Chapters 3 and 4 (.

¹⁰⁷ Romero, 278.

¹⁰⁸ Lewis, *The History of Argentina*, 165.

¹⁰⁹ MacLachlan, 160.

violated laws to suit his political needs, and human rights became less and less a priority. Menem was elected to the presidency with the promise of renewing national unity, and economic and political security, but once again, as with Alfonsín, he proved unable to deliver on all of his promises to the people of Argentina.¹¹⁰

Over his ten-year tenure in office, one Menem's most troubling actions was his decision to go forward with pardons for those who had been convicted of human rights charges for their acts during the dictatorship. Although rumors had circulated of his plans to do just that during the presidential election, when he finally handed out pardons, his action took the political arena and general population by surprise.

The first round of pardons, issued 7 October 1989, was restricted to lower level officials. None of the ex-commanders convicted in the initial trial of 1985 were pardoned at this point. Although the Argentine Constitution grants the President the power to issue executive pardons, Menem's acts were blatantly unconstitutional because many of the beneficiaries of these pardons were involved in ongoing trials for crimes committed during the dictatorship and the Argentine Constitution does not permit pardons for individuals with pending court cases. To get around this legal inconvenience, Menem changed the makeup of the Supreme Court, adding four new justices to make a total of nine Supreme Court justices, and giving himself an automatic majority in favor of any future constitutional reforms.¹¹¹ .

¹¹⁰ Romero, 278.

¹¹¹ Feitlowitz, x. For more on Menem's relationship to the judiciary see Gretchen Helmke, *Courts Under Constraints: Judges, Generals, and Presidents in Argentina* (New York: Cambridge University Press, 2005), especially chapter 29.

Then in April 1990, Menem announced that the ex-commanders convicted in the 1985 trials would be pardoned and home “in time for Christmas.”¹¹² On December 29, 1990, some of the most notorious ex-officials of the dictatorship, including Videla, Massera, Agosti, Viola and Armando Lambruschini were pardoned. The ex-Finance Minister under the military government, José Alfredo Martínez de Hoz was also pardoned as well as one of the top leaders of the Montoneros, Mario Eduardo Firmenich.¹¹³ According to President Menem, these executive pardons were enacted in order to “balance” the “two demons” of the dictatorship.¹¹⁴ In total, Menem pardoned some 1,200 people in 1989 and 1990, including a large number of individuals who had been charged with human rights violations, some members of the leftist armed groups, a few civilian leaders, and even some civilians charged with common crimes.¹¹⁵ Which is why, as Marguerite Feitlowitz points out, Menem’s time in office is referred to as the “Age of Impunity.”¹¹⁶ Still, the attempt to resolve the crisis of the past through pardons did not put an end to the challenges he faced.

In response to the public outcries and protests against these pardons Menem has repeatedly asserted that “he had the moral authority to enact this pardon because he himself was tortured during the last regime.” Even though he was in fact arrested and remained in military detention for five years because he was a Peronist, he was held on a boat in Buenos Aires harbor and his claims about being tortured have been disputed by other Peronists who shared his

¹¹² Feitlowitz, 129.

¹¹³ Díaz, 67.

¹¹⁴ Feitlowitz, 129.

¹¹⁵ *New York Times*, December 30, 1990 (<http://www.nytimes.com/1990/12/30/world/argentina-frees-ex-junta-leaders.html>), and “Debaten quienes serían alcanzados por la derogación de los indultos,” *Linea Capital*, March 27, 2006 (<http://www.lineacapital.com.ar/?noticia=8436>).

¹¹⁶ MacLachlan, 162.

imprisonment.¹¹⁷ In spite of the challenges to his claims, Menem continued to push the idea that Argentina needed to move forward from the past in order to avoid experiencing another wave of military rule.¹¹⁸ Indeed, his campaign for presidency and his entire term in office, even up until his unsuccessful attempt at a third term, centered on the idea of the need to achieve national unity and leaving old divisions in the past “where they belong.” Menem even went so far as to say that “the past has nothing more to teach us” in a press conference.¹¹⁹ As I will show later in this chapter, this is a very similar approach to that adopted by *La Nación* when the newspaper analyzed the presidential pardons. In a very similar way to President Menem, *La Nación* would urge Argentina to see the pardons as an opportunity to look towards the future so that the country could finally start moving in a positive direction.

Although these events were presented as a chance for Argentina to escape the divisions of its past, the pardons ended up acting more as an “irruption of memory,” bringing national and international attention to the still unresolved debates over history and memory. In an essay on issues of memory in Chile, Alexander Wilde defines “irruptions of memory” as “public events that break in upon... national consciousness, unbidden and often suddenly, to evoke associations with symbols, figures, causes, ways of life which to an unusual degree are associated with a political past that is still in the lived experience of a major part of the population.”¹²⁰ Even though both Alfonsín and Menem hoped that the divisive issues of the past would fade from public and political life in Argentina, for a majority of the population, the consequences and

¹¹⁷ MacLachlan, 159.

¹¹⁸ MacLachlan, 161.

¹¹⁹ Feitlowitz, 129.

¹²⁰ Alexander Wilde, “*Irruptions of Memory: Expressive Politics in Chile’s Transition to Democracy*,” in *Genocide, Collective Violence, and Popular Memory: The Politics of Remembrance in the Twentieth Century*, ed. David E. Lorey and William H. Beezley (Wilmington: SR Books, 2002), 4.

effects of the years of dictatorship had not subsided in the time since the transition to democracy. The hope was that the trial of the ex-commanders, the Full Stop and Due Obedience laws, and Menem's pardons, would essentially close off the disputes over what had happened; but memory would not so easily be pushed aside.

The concept of "irruptions of memory" refers to the moments in public life when the memory of certain events pushes back against the efforts of politicians (or others) to conceal them. The public outcry that greeted Menem's pardons demonstrated the underlying tensions that characterized Argentine society and thus forced the government to confront the issues of memory it was hoping to sidestep. Within the memory debates of Argentina, the continuing irruptions of outrage, debate, dissatisfaction, and even violence from military factions, suggest that conflicts over *what happened* during the dictatorship will not be easily solved by the simple actions of politicians. The decisions concerning memory had very real and serious implications for both the present and the future of Argentina and therefore needed to be addressed in a more holistic manner. The irruptions of memory that took place in the 1990s in Argentina reminded the human rights community of the need to find alternative pathways to justice, but this was not to be the stand taken by *La Nación*. As with the previous editorial, I will first summarize and then provide a close reading of the text.

"Los indultos"
("The pardons")
December 30, 1990

Late on December 29, 1990, President Menem signed a decree granting executive pardons to Videla, Viola, Massera, Pablo Riccheri, Ramón Camps, Carlos Guillermo Suárez Mason, and Mario Firmenich. Videla, Viola and Massera were the ex-commanders of the

dictatorship who were originally convicted in the 1985 trial. Riccheri and Camps were the chiefs of police during that same period, and Suárez Mason was the head of First Army Corps. The only beneficiary of the pardons who was not part of the dictatorship's repressive apparatus was Firmenich, the former leader of the Montoneros. José Alfredo Martínez de Hoz, the free market finance minister often blamed for de-industrializing Argentina's economy and paving the way for its collapse some years later, and the ex-directors of the Partido Justicialista (the Peronist political party), Duilio Brunello and Norma Kennedy were also pardoned although they were involved in other ongoing trials. Martínez de Hoz had been charged with kidnapping two businessmen.¹²¹

In its front-page coverage of the pardons, *La Nación* reported that by 11:00pm on December 29, a few days later than Menem had predicted, Videla, Viola, Riccheri and Massera had left the Magdalena Penitentiary where they had been serving life sentences, and were on their ways home.¹²² The decrees were made public the following morning and sparked further outrage nationally and internationally.¹²³ On Monday, December 31, close to 60,000 people protested Menem's actions in the Plaza de Mayo, facing the Casa Rosada, Argentina's presidential building.¹²⁴ Protests continued for weeks after the announcement of the pardons. Members of the Church and activist groups such as the Madres de Plaza de Mayo spoke out against Menem's decision. The priest of Quilmes, Jorge Novak, said the pardons signified "*el triunfo de la violencia engendrada por la ideología de la Seguridad Nacional*" ("the triumph of

¹²¹ *New York Times*, March 17, 2013 (<http://www.nytimes.com/2013/03/18/world/americas/jose-alfredo-martinez-de-hoz-argentine-official-during-dictatorship-dies-at-87.html>).

¹²² "Los últimos minutos en el penal de Magdalena; gestos y actitudes," *La Nación*, December 30, 1990.

¹²³ "Perdonó el presidente Menem a los ex comandantes del Proceso," *La Nación*, December 30, 1990.

¹²⁴ "Crecen las expresiones de rechazo al indulto," *La Nación*, December 31, 1990.

violence created by a National Security ideology”). The lead prosecutor in the 1985 trials, Julio César Strassera, said that Menem’s decision “*instala un sentimiento de impunidad muy peligroso*” (“creates a very dangerous atmosphere of impunity”).¹²⁵ Coverage of the pardons and the President’s decisions continued for several weeks, but *La Nación*, once again, editorialized on the subject only once, on December 30, 1990, in an editorial simply titled, “*Los indultos*” (“The Pardons.”)

Overall, this editorial was quite supportive of the pardons since *La Nación* saw Menem’s decision as a positive step in Argentina’s path towards reconciliation. In its 1985 editorial, *La Nación* described the trials and President Alfonsín’s decisions as a barrier to national healing and claimed that it only solidified the divisions within Argentina. Since the end of the dictatorship, *La Nación* had urged Argentines to focus on their future and to free themselves from the conflicts of the past. The pardons presented the nation with the opportune moment to leave the past firmly in the past. Though primarily appealing to the interests of those who supported the dictatorship, and replete with multiple reminders of the crimes committed by the subversives, “*Los indultos*” advised its readers that the best, and possibly only, way for Argentina to progress as a nation was to put aside the political and ideological divisions of the 1970s.

The arguments over moral judgments and interpretations of the dictatorship had remained inconclusive for the seven years since the transition to democracy, and *La Nación* understood the pardons as a chance to put an end to those discussions on a national scale. While recognizing that the pardons “*no puede, naturalmente, borrar de la historia nacional ni de la memoria de los argentinos*” (“cannot, naturally, erase from national history or from the memory of Argentines”)

¹²⁵ “*Nuevas manifestaciones de rechazo a la medida*,” *La Nación*, January 2, 1991.

the events in which the pardoned ex-commanders played a part, they “*constituyen el cierre de una etapa signada por episodios dolorosos y desdichados*” (“constitute the close of a chapter identified by painful and unhappy episodes”).

With this quote, *La Nación* makes two important assumptions that frame the rest of its argument: first, the editorial links the concepts of history and memory as well as the forces that help shape both; second, it makes the assumption that it is possible to “close the lid” on memories, to freeze them in the past, as it were. Even though those assumptions are commonly held, they are both rather problematic in the way they frame discussions of the past. History is not synonymous with memory and there is no failsafe way to keep the past out of the future. The actions, discussions, and events of the future are always linked to the ideas of the past, and the past is therefore always kept alive by the present. While history is subject to a continual process of revision and reconstruction as new archive are opened, new questions asked, and new perspectives gained, memory has a certain constancy to it. This lasting nature of memory suggests that as long as memory does not diminish by natural means, it will continue to “irrupt” in a rather “unreconstructed” way in the present. Despite the wishes of *La Nación*, memory has no chance of being closed off in the past.

As I stated earlier, *La Nación* had advocated measures designed to “contain” the past ever since the transition to democracy, but in making that argument once again in “*Los indultos*,” the editors had to clarify several issues beforehand. One such issue was insisting on a unified understanding of the circumstances in Argentina that led up to the military intervention. The editors again take the opportunity to remind their readers that during the 1970s, Argentina was faced with a threat unlike any it had seen before. As in the 1985 editorial, *La Nación* brought up

the terrorist and revolutionary guerrilla groups, their attacks, and the need for military intervention. Over the decade of the 1970s, *La Nación* observed that Argentina,

fue conmovida por una violencia terrorista desconocida en el país en este siglo. Las peores manifestaciones de ese carácter, que desde años atrás ensombrecían otros latitudes y ensangrentaban países americanos, llegaron también a esta tierra y sorprendieron a las instituciones, que no estaban preparadas para afrontarlas. (...was shaken by terrorist violence unknown in this country during this century. The worst aspects of this approach, which for years had darkened other latitudes and bloodied [various] American countries, also arrived in this land and took its institutions by surprise, particularly those not prepared to confront these forces.)

The nature of the terrorist threat in the 1970s was so extreme that it prompted Martínez de Perón to issue Decree 261, granting the military special powers and privileges in order to combat subversives. The editorial devotes two full paragraphs to this issue, ironically contradicting its own directive not to dwell on the past, and returning frequently to the offenses committed by of the subversive movement as the touchstone of all that followed thereafter. In the above passage, *La Nación* extended this rationale for military involvement in Argentina to Latin America as a whole, noting that the threat arrived in Argentina later than in other countries. This broadly hints that the subversive threat that washed up on Argentina's shores and the ideologies which supported it were not of Argentine origin, thus further legitimizing the use of military force against them. Rather than providing mechanisms to unite the people of Argentina, this editorial subtly pushed the same ideological conflicts that had divided the nation for more than a century.

The emblematic "memory-as-salvation" framework had been eroded by the military's disgraceful exit from power, but this editorial suggests that it remained strong over the course of the seven years since the end of the dictatorship. Throughout this editorial, *La Nación* reminded its readers that the armed forces were answering a mandate when they began the war against terrorism. Even before 1976, the year of the coup, "*las Fuerzas Armadas fueron convocadas por*

el poder constitucional para enfrentar al terrorismo” (“the Armed Forces were called upon by the constitutional power to take on the threat of terrorism”). Only in March 1976, when the intensity of this task increased drastically, did the armed forces find it necessary to remove the civilian government, according to *La Nación*. (One should note that the armed forces also found it necessary to forgo the constitutional rights of certain citizens in their quest to fulfill their constitutional duty to protect Argentina.)

Unlike the 1985 editorial we explored, “*Los indultos*” directly referenced the tactics of torture and disappearance used by the armed forces, clarifying that those practices “*carecen siempre de justificativo moral*” (“can never be morally justified”). This statement suggests that while *La Nación* had begun to condemning the worst human rights abuses committed during the *Proceso*, it hadn’t given up its attempt to rationalize those same actions. In terms of legal justification, *La Nación* argued that the terrorist situation of the 1970s was severe enough to require the military to adhere to its constitutional responsibility to defend the security of the homeland. However, the editorial does not go any further into the subject of justifications, or into the issue of moral responsibility for the crimes of the dictatorship. Despite establishing the very clear *lack* of moral justification for acts such as disappearance or torture, *La Nación* never discussed what actions should be taken to rectify the crimes that had been committed. Willing now (as they weren’t in 1985) to condemn the use of torture and disappearance, the editors don’t suggest any way to attach responsibility for the crimes to those who committed them. CONADEP documented close to 9,000 disappearances, yet *La Nación* offered no opinion or

suggestion as to whether the perpetrators of those crimes should be held responsible for their actions.¹²⁶

Significantly, it is in this context that the editors reminded their readers of the kidnapping and assassination of General Pedro Eugenio Aramburu in 1970. Aramburu was kidnapped on May 29, 1970, exactly one year after the *Cordobazo*, the massive protests and repression that shook Córdoba. A few days later, his body was found.¹²⁷ Originally, it was unclear who was responsible for the action, and certain groups assumed that individuals close to President Onganía had orchestrated the assassination. Within a few weeks though, the Montoneros claimed responsibility.¹²⁸ According to *La Nación*, “*la frialdad y hasta la jactancia del asesinato de Aramburu y de otros hombres de armas fueron el punto de partida de una lucha fratricida que ningún hombre de bien quisiera ver repetirse*” (“the coldness of the assassination of Aramburu and of other military men, and the manner in which [the Montoneros] boasted of their act was the starting point of a fratricidal fight that no man of good character would want see repeated”). This editorial presents the Montoneros’ assassination of Aramburu, which took place approximately six years before the dictatorship began, as the catalyst for the following tragedy (i.e., the “fratricidal war”), and thus, an act that justified all the repression which followed. It is primitive, schoolyard logic (“he hit me first!”), made more troubling to the extent that it suggests that the deaths attributable to each “side” of the conflict were in rough parity – they weren’t – and ignores that most militants of the armed organizations on the left had been eliminated by the time the military took over.

¹²⁶ *Nunca Más*, 284.

¹²⁷ Romero, 192.

¹²⁸ For the Montonero’s account of the action, see “Montoneros: Como fué secuestrado y ejecutado Aramburu (<http://www.taringa.net/posts/info/3834330/Montoneros-Como-fue-secuestrado-y-ejecutado-aramburu.html>).

Despite its lengthy discussion of terrorism in the 1970s and justifications for military intervention, *La Nación* ultimately returned to its well-worn argument that the time had come for Argentina to heal old wounds and focus on the future. Less than ten years after the return to democracy, the editorial took the position that Argentina must find the higher road and stop revisiting topics that continued to divide society. Unlike human rights groups, *La Nación* was of the opinion that the past was best left for the history books and that national healing could only be achieved by moving on. Instead of going into more detail about the torture and disappearances for which the ex-commanders were convicted, or even about what happened before and after Aramburu's assassination, the editors observed:

Pero el momento no es el oportuno para reabrir heridas ni reanudar debates políticos, éticos y jurídicos. La historia, desde los tiempos más remotos y en todas las grandes civilizaciones, revela la necesidad de decir basta, en determinado instante, a problemas como los señalados. No hay sociedad que pueda proseguir viviendo si los odios del ayer y los debates sobre el pasado continúan operando en el presente, trabando su desenvolvimiento en todos los órdenes. (But this is not the appropriate time to reopen wounds nor to resume political, ethical or legal debates. History, since the most remote times and in all the great civilizations, reveals the necessity to say, "Enough" at a given moment, to problems like those previously identified. There is no society that can continue surviving if the hatreds of yesterday and the debates over the past continue operating in the present, insinuating themselves into every sphere.)

La Nación here presents history and memory as a singular concept. The editors conflate the definition of historical events, which happened at a specific moment and cannot be changed, with the idea of memory, the remembered impact of the past that continues to reverberate in the present. The paper argued that the present was not the right moment to address Argentina's political history, but also broadly indicated that there might *not* be an "opportune moment" for such retrospection in the future. Even though the formation of memory is a continuous process that is shaped by society and can, in turn, help that society come to terms with the past, *La Nación* saw the past as an obstacle, a barrier to progress and urged the country to push aside old

conflicts and hatreds without first developing an understanding of where those sentiments came from or more fully coping with the tragedy to which they led.

1990 was a year full of transformations worldwide and through this editorial, *La Nación* made it clear that Argentina must be ready to keep pace. All across the world, governmental and economic transformations were taking place as “*el gigantesco imperio socialista parece haberse derrumbado sin remedio, al menos en sus manifestaciones ortodoxas tradicionales*” (“the gigantic socialist empire, at least in its traditional orthodox forms, appears to have collapsed without salvation.”) Since, as the editors pointed out, many unexpected changes can take place in only twelve months, it was even more important that the country not be distracted or held back by its past. *La Nación* also raised the possible threat of a war with Iraq and the way in which the capitalist world and liberal ideals had been shaken and tested recently. By placing Menem’s presidential pardons in the context of these major world changes, *La Nación* indicated that it expected Menem’s presidency, and this period in Argentine history, to be transformational. The editors hoped that when Argentines look back on this year, it would be remembered as a time when Argentina stopped holding itself back by continuing to live the past and instead advanced with the rest of the world.

As with the editorial from 1985, “*Los indultos*” closed with an important message about truth, history, and how nations should construct their future. In the last paragraph, *La Nación* presented its own lively interpretation of how history works:

Una realidad está impuesta: hombres, gobiernos, países, miran hacia el futuro. El pasado se refugia -como corresponde- en los textos de historia y allí vivirá, fecundante, pero no paralizante. Es la tarea que tenemos por delante los argentinos. El pasado no desaparece, no se ignora, y en la intimidad de cada ser humano alcanza una dimensión propia e irrepetible. Pero como sociedad cabe mirar al porvenir. Construirlo sin dejar que el ayer nos ate de pies y manos es la obra común que espera a la Argentina en etapa que se cierra con los indultos y se debe abrir sin trabazones mentales. (Only one reality is obligatory: men, governments, countries, [must] look towards the future. The past will

retreat –as it should- to the history texts and there it will live, fertile but not paralyzing. This is the task that we Argentines have in front of us. The past does not disappear, it is not ignored, and in the interior of every human being it achieves a personal and unique dimension. But society must look towards the future. To construct [the future] without allowing the past to bind us foot and hand is the shared work that awaits Argentina as [Menem's] pardons close this chapter and open [a new one] unbound by mental entanglements.)

With this statement, the editors of *La Nación* attempted to close the debate on memory and history in Argentina. And yet, they do this in a way that not only misinterprets the relationship between memory and history, but also one that contradicted its own message from the earlier 1985 editorial, which reminded readers that historical judgments are always contingent and never final. By stating that the only legitimate approach to past conflicts was to leave them behind, this editorial dismissed the possibility of Argentina ever working towards a pluralistic, democratic understanding of its past. Indeed, the editors argued that attempts to deal with the past – by which we must understand attempts to attach responsibility for past crimes to those individuals who committed them – have only bound the country “*de pies y manos*,” and are at the basis of the country’s inability to advance in the world. From the perspective of this editorial, the only logical and appropriate place for the past was in history textbooks. Safely confined to text books, history would not trouble the present.

However, the understanding presented by *La Nación* ignores the important differences between what I would call “history” and “History,” and between both and “memory.” One can distinguish between “history” as the series of events that actually took place (trees, if you will, that fell in the forest whether or not we knew of them) and “History,” the narrative record of those events put together after the fact and based on archival, primary, and other sources. The concept of “History” is by its very nature partial, edited, contingent, and shaped by documentary records, historiographic challenges, and personal approaches, including those that pertain to the

traces of memory. While textbooks and narratives presented through the classroom are a part of History, they are not, despite *La Nación*'s claims, the only place in which that narrative is decided, nor does the recording of History in texts provide any definitive, door-closing way to deal with the past. The narrative record is both enacted and – we must admit – created by political groups, public events, and even institutions and media organizations like *La Nación*. Even though memory is one factor in the creation and evolution of Historical narrative, “History” should not be conflated with “memory.” The distinction between these two terms is often ignored, particularly by conservative groups, because it is simpler to conceive of them as one concept, so that a single, unified and stable historical narrative can be achieved.

In that sense, the closing arguments of this editorial show once again that the directors of *La Nación* maintained an understanding of history and memory that was fundamentally different from that of the majority of scholars on these subjects. Throughout the editorial, history and memory, as well as the way in which they are formed, are intertwined and combined, but history is not interchangeable with memory. Although the concepts are related, they serve different societal functions and do not necessarily share common interpretations of the past.

But in addition to *La Nación*'s discussion of what history is, the reader must keep in mind the fact that this editorial was published in response to Menem's pardons. With this editorial, the editors are not simply suggesting that Argentina close the door on an examination of the past: they are defending those who committed unspeakable crimes from being held responsible for them. Their construction of History suggests that since the repressors of the dictatorship were acting in the best interests of Argentina and defending the population from a subversive threat, the nation should ignore the heinous nature of their crimes. The core of this editorial deals with

the assignment of responsibility for the history that has taken place and *La Nación* suggests that it belongs to those who caused the dictatorship, rather than those who were a part of the military government apparatus.

“La detención de Videla”
(“The arrest of Videla”)
June 11, 1998

On June 9, 1998, Jorge Videla, who had been released by Menem’s 1990 pardon, was again detained, this time on charges of orchestrating the kidnapping of the children of *desaparecidos* in order to offer them to military families adoption, illegally changing their identities in the process. The Abuelas de Plaza de Mayo (Grandmothers of the Plaza de Mayo), a group founded during the dictatorship by grandmothers searching for their children and grandchildren who had been disappeared, have over 500 documented cases of children who were either born in captivity or kidnapped at the same time as their parents and never seen again.¹²⁹ To date, over 100 of those children have recuperated their biological identity and learned the truth about their past.

The re-arrest of Videla, it was hoped, would take advantage of a loophole present in earlier amnesty laws and pardons to bring those who had been previously convicted back into the legal system. The Alfonsín-era “Full Stop” and “Due Obedience” laws prevented further legal

¹²⁹ The Madres and Abuelas (Mothers and Grandmothers) of the Plaza de Mayo formed during the dictatorship, in 1977. The Mothers of the Plaza de Mayo was formed by women searching for information on their disappeared sons and daughters. The Grandmothers, formed shortly after, look for information on their children but also on their grandchildren, who were either born in captivity or kidnapped at the same time as their parents. For more information on these groups, see Marguerite Guzman Bouvard, *Revolutionizing Motherhood: the Mothers of the Plaza de Mayo* (Wilmington: Scholarly Resources Inc., 1994); Diana Taylor, *Negotiating Performance: Gender, Sexuality, and Theatricality in Latin/o America* (Durham: Duke University Press, 1994); Jo Fisher, *Mothers of the Disappeared* (London: Zed Books, 1989); Susan Eckstein, eds., *Power and Popular Protest: Latin American Social Movements* (Berkeley: University of California Press, 2001).

action against members of the military for the kidnapping and disappearance of adults, but they did not cover the crime of kidnapping and illegal adoption of minors. This loophole allowed for prosecutions of individuals, such as Videla, for crimes against the children and was essentially the only legal option left for human rights campaigners following Alfonsín's laws and Menem's pardons. Needless to say, lawyers for the Abuelas' pointed out the absurdity of a legal system that allowed for prosecution for kidnapping and illegally changing the identity of a child but not for the prosecution for the abduction and murder of the child's parents.¹³⁰ Still, even though the disappearance of the parents was what led to the crimes involving the child, the amnesty law protected all military personnel from prosecutions related to that crime.

Two days after Videla's arrest on 11 June 1998, *La Nación* addressed the issue in an editorial titled "*La detención de Videla*" ("The Detention of Videla.") This editorial offers important insight into the strange logic that allowed the judicial system to hold the armed forces accountable for the kidnapping of children but not the kidnapping, and eventual murder, of their parents. The main lesson that one can draw from this editorial is that there are certain crimes, such as those involving the disappearance of adults, that society can afford to overlook, but others, specifically those that harm innocent minors, which it cannot.

In both the 1985 and the 1990 editorials, *La Nación* portrayed the trials of the ex-commanders as an event that would negatively affect Argentina's ability to heal old wounds. This editorial, however, made a very different claim. Instead of arguing that trials related to events of the dictatorship were counterproductive, *La Nación* argued that the judicial system and the courts had a moral obligation to investigate these sorts of crimes: "*Buena o mala, objetada o no, la*

¹³⁰ Sikkink, 70.

Justicia existe y está en la obligación de investigar y esclarecer estos y otros casos aberrantes, por medio de los recursos que las normas vigentes ponen en manos de los magistrados” (“For better or for worse, whether one agrees with it or not, the judicial system exists and is obligated by its position to investigate and uncover these and other aberrant cases, using the resources that current norms provide to the magistrates”). *La Nación* closed the editorial with this passage, leaving its readers with a rather ambiguous understanding of the upcoming trial. Adopting a fairly different approach than in previous, similar cases, *La Nación* told its readers that whether or not they agreed with the arrest of Videla, the judiciary had the responsibility to carry out its obligations.

The approach taken by *La Nación* towards this trial is specifically related to the nature of the crime for which Videla was being charged. In this case, even in a newspaper with conservative politics like *La Nación*, the editorial board decided to show its readers that there were neither political nor moral justifications for the armed forces to kidnap and change the identities of the children. “*La detención de Videla*” conveyed this idea by relying on the same discourse that was used to justify the military coup and throughout the dictatorship to maintain support for the military’s actions, drawing a bright line between “acceptable” and “unacceptable” crimes of the dictatorship. Unlike the disappearance of 30,000 adults, *La Nación* argued that the orchestration of the wide-scale kidnapping of minors was the type of heinous crime that society could not allow to remain buried in the past.

Contradictions abound in both the content and the language of the 1990 and 1998 editorials. Within the same page in “*Los indultos*,” *La Nación* offered an argument for national

healing and forward progress while also reminding its readers of the divisions and hatred that ultimately led to the dictatorship. In both editorials analyzed in this chapter, *La Nación* urged Argentina not to let political or judicial decisions further divide the population. The editorials call for Argentines to make a choice to put the past behind them, sealing it away in history books where it belonged, while at the same time, consistently making reference to the terrorist threat that plagued Argentina before the coup, and the need for the military to save the nation from chaos and violence. The editorials always circle back to the issues that brought about the dictatorship, knowing that in the early and mid-1970s, there was a much greater sense of national unity at the beginning of the Proceso. And yet *La Nación* provides little to no detail on the events that transpired after the military took over. It focused its analysis on the period of the dictatorship before support for the military government began to decline. Aside from stating once in the 1990 editorial that torture and disappearances were morally unjustifiable, *La Nación* did not attempt to take on the most pressing questions which remained for Argentine society: how should those who took part in the forced disappearance and torture of other individuals be judged?

Although *La Nación* chose not to acknowledge the fact that the past does not live apart from the present, these questions of judgment and responsibility have to be resolved before Argentina can peacefully and constructively move forward as a nation. Instead of addressing the issue of responsibility, *La Nación* simply drew a line for its readers between crimes that were deemed “acceptable” and those that were found to be “unacceptable” and therefore could not be swept aside by politicians. One can understand that justice can be a highly complex process, and that as humans we are continually drawing distinctions that others might question. And yet it is stark in the extreme to suggest that one can forgive (or forget) the murder of a parent but not of

the child. In that sense, the only possible explanation is that the murder of the parent is excused by virtue of the fact that he or she was a subversive or a terrorist, (In fact, several perpetrators have even suggested that it was better for the children to be brought up in military households, claiming they “saved” them from atheistic, Marxist parents.)¹³¹ What is important to note is that by drawing this distinction, *La Nación* implicitly argues that those who were detained and disappeared by the Juntas *were* guilty, making their abduction and death an “acceptable,” albeit regrettable, crime, and one that should not be pursued.

As I have noted, this period is often referred to as the Age of Impunity. Civil society had to find alternative pathways to hold perpetrators responsible for crimes committed during the period of dictatorial rule to account since no legal recourse, except for the loophole in the amnesty laws, existed. *La Nación* used this “opportune moment,” when there was no possibility (or threat, depending on one’s perspective) of legal action that could acknowledge or involve the past in an official manner, to again ask Argentines to leave the past behind. The editorials used the safety of the current political situation to make some concessions, going so far as to say that disappearances and torture lacked moral justification but never suggesting any legal accountability for the perpetrators of those crimes. It is clear that the editors believed that these issues could be resolved without addressing them further. This would not prove to be the case.

¹³¹ Feitlowitz, 79.

Chapter Three: Prisoners of the past - Argentina's inability to focus on the future

When Carlos Saul Menem assumed the presidency in July of 1989, he was charged with recovering the government's credibility. Argentina was in the middle of an economic crisis that the previous administration had proven unable to control; the nation was relying on Menem to find a new solution. Menem instituted changes according to the ideas and recommendation of the Washington Consensus¹³²: he attempted to “facilitate the opening up of the national economy to make possible an appropriate insertion into the global economy, and dismantle the powers of the welfare state.”¹³³ He also pegged the Argentine peso to the dollar with the Convertibility Law in 1990, hoping that the stability of the American currency would help strengthen and protect the economy.¹³⁴ Although he was able to put an end to the hyperinflation and lower unemployment levels present at the beginning of his first term, the recovery he spurred was temporary at best. Unfortunately, Argentina went into another deep recession in 1998 and by the end of Menem's second term in 1999, again spiraled into crisis.¹³⁵

Fernando de la Rúa succeeded Menem in December 1999 and once again the people of Argentina greeted the new president with enthusiasm and high expectations. As his economic team began to review Menem's records, they discovered that he had hidden the full extent of Argentina's national debt which was closer to \$15 billion than the \$4.5 billion Menem had stipulated. De la Rúa's government was now responsible for that debt. Within a year, foreign credit had dried up and the government had to negotiate with the International Monetary Fund to

¹³² See NACLA, *Beyond the Washington Consensus* 37:3 (Nov/Dec 2003).

¹³³ Romero, 286.

¹³⁴ Romero, 291.

¹³⁵ MacLachlan, 170. See also, Paul H. Lewis, *The Agony of Argentine Capitalism: From Menem to the Kirchners* (Santa Barbara, CA: Praeger), 2009.

avoid defaulting on its loans. The situation only worsened when investors, having lost faith in the Argentine economy, began taking their capital out of Argentina for fear of economic collapse.

By December of 2001, Argentina's economic crisis could no longer be contained, and de la Rúa's government was consequently ruined. As the general population caught wind of the investors' capital flight, panic spread throughout the country. Massive riots broke out in the capitol on December 19, 20, and 21 after the banks closed and people lost access to their savings. This event, known as the *corralazo* ("fencing in") with depositors literally fenced off from their money, sparked outrage at the government.¹³⁶ Thousands of people took to the streets with pots and pans, demanding, "*¡Que se vayan todos! Que no quede ni uno solo*" (Everyone must go! We don't want even one of them to remain). Thirty-three people died as rioters clashed with the police force in front of the presidential palace.¹³⁷ On December 21, de la Rúa resigned and abandoned the presidential palace in a helicopter. The provisional president of Argentina, Adolfo Rodríguez Saa, then announced that the country would cease payments on all foreign debt and between December 21, 2001 and January 2, 2002, Argentina went through five presidents as the nation struggled to maintain any semblance of order and stability.¹³⁸

Nearly two years after the crisis, on May 23, 2003, Néstor Kircher was elected to the presidency. He ran on a rights platform, emphasizing dignity, equal opportunity, and "an end to impunity."¹³⁹ Whereas Menem had catered to the economic interests and ideologies of the IMF and the United States, Kirchner brought back the classic Peronist tradition of economic

¹³⁶ Originally, the term was *corralito*, but as more and more people were cut off from their savings in the banks, the name was changed to *corralazo* to show that it had gotten bigger.

¹³⁷ MacLachlan, 172.

¹³⁸ Fred Rosen, *Empire and Dissent: The United States and Latin America* (Durham, Duke University Press, 2008), 188.

¹³⁹ Feitlowitz, 303.

independence and playing sides off against each other.¹⁴⁰ He instituted an unorthodox development plan, which eventually allowed him to renegotiate Argentina's national debt.¹⁴¹ Under Kirchner, and for a series of reasons that are outside the scope of this thesis, the people of Argentina regained confidence in the government and the Argentine economy gradually recovered, with the GDP growing at an annual rate of 9 percent during his first three years in office.¹⁴²

Aside from fixing the Argentine economy, Néstor Kirchner's most important legacy is the work he did in the fight against impunity. Both he and his wife, Cristina Kirchner de Fernández, who would succeed him as president in October 2007, had been political prisoners during the dictatorship, and so the nation, especially human rights activists, saw them as allies in the ongoing memory debates of Argentina. In his very first national address, Kirchner proclaimed, "we are all sons and daughters of the Mothers and Grandmothers of the Plaza de Mayo," once again bringing the fight for justice to the front of the political arena.¹⁴³

"Alentar la paz y la reconciliación"
("Encouraging peace and reconciliation")
March 25, 2004

On the twenty-eighth anniversary of the coup, March 24, 2004, President Néstor Kirchner took a dramatic step regarding human rights in Argentina. In a public ceremony, the president announced that the Escuela Mecánica de Armada, the Navy Mechanics School, known as ESMA,

¹⁴⁰ On Kirchner see Beatriz Sarlo, *La audacia y el cálculo: Kirchner 2003-2010* (Buenos Aires: Sudamericana), 2011.

¹⁴¹ Rosen, 198.

¹⁴² Rosen, 199.

¹⁴³ Feitlowitz, 303.

which had been a prominent torture center during the Proceso and which former President Menem had once tried to raze, would be converted into a museum of memory.¹⁴⁴ Referring to the massive human rights violations that took place at ESMA during the dictatorship, Kirchner said, “I come to ask for forgiveness on behalf of the state for the shame of having remained silent about these atrocities during twenty years of democracy. And to those who committed these macabre and sinister acts, now we can call you what you are by name: You are murderers who have been repudiated by the people.”¹⁴⁵ Later that same day, in front of the President, his cabinet, and ranking officers, the new commander of the army, Genral Roberto Bendini removed the portraits of former junta leaders Videla and Bignone from the gallery of former directors of the Colegio Militar (Military Academy.) These acts, symbolic but significant, represented Kirchner’s stance on human rights protection in Argentina and his willingness to acknowledge state responsibility for the violations which occurred during dictatorship. His acts were unlike any of the other presidents since the transition to democracy. Both Kirchner and his wife Cristina Fernández were persecuted by the military government, and the President recognized the importance and power of an official state apology on behalf of all those who participated in the repression of the dictatorship.¹⁴⁶

The following day, March 25, *La Nación* published an editorial titled, “*Alentar la paz y la reconciliación*” (“Encouraging peace and reconciliation.”) The editorial does not mention either the creation of the memory museum on the site of the ex-ESMA or the removal of Videla and Bignone’s portraits explicitly, but instead used this opportunity to remind people that

¹⁴⁴ “*Generals object to torture museum*,” last modified March 25, 2004, <http://news.bbc.co.uk/2/hi/americas/3568795.stm>.

¹⁴⁵ Wright, 171.

¹⁴⁶ Wright, 170.

reconciliation should be their top priority. Rather than go into the details of the dictatorship's human rights violations or name the perpetrators of those crimes, the editors focused on the benefits, both politically and economically, that reconciliation would bring to Argentina. Most importantly, the editorial frames the significance and the process of reconciliation without bringing up the issue of State responsibility. The editors saw no need to introduce the question of state involvement. Even though the *La Nación's* editorials had always supported the juntas as legitimate governments, they carefully maintained a separation between groups *related to* the state, and the *state apparatus itself*. Much like the previous editorials I have highlighted, this is meant to emphasize, yet again, that it is time to move on for the sake of everyone in Argentina. Look to the future, *La Nación* advised its readers, while also recommending that they put aside the internal conflicts of Argentina's past that led to the dictatorship in the first place.

Perhaps seeing these events as an opportunity to end this chapter of Argentina's history, the editors commended the actions of President Kirchner and acknowledged their significance. The opening stated,

Al pedir perdón en nombre del Estado nacional por las violaciones a los derechos humanos perpetrados durante el último gobierno militar, el presidente de la República produjo ayer un gesto de valor moral que debería servir para fomentar la reconciliación de los argentinos y no para alentar nuevas divisiones. (Yesterday, by asking forgiveness in the name of the State for the human rights violations perpetrated during the last military government, the President of the Republic of Argentina carried out an act of moral strength that hopefully serves to promote reconciliation between Argentines and not create new divisions.)

Although the political ideology of President Kirchner, a Peronist whose campaign was based on his role as a spokesperson for the middle and lower classes, is fairly distinct from that of *La Nación*, this editorial lends his recent actions the editors' support. ¹⁴⁷ However, as the rest of the editorial shows, its support for Kirchner is limited. At this point in time, Kirchner was enjoying

¹⁴⁷ MacLachlan, 178.

wide political popularity as the economy continued to improve, largely as a result of his policies. The political alignment of *La Nación* would normally be in disagreement with Kirchner over his preference for economic independence and his break with neoliberalism, but because of his current popularity, the editors appeared hesitant to criticize him too directly.

La Nación, still careful to deny the significance of the dictatorship's human rights violations, does not provide details about those violations. After acknowledging the importance of Kirchner's recent actions, *La Nación* observed that, "*la sociedad debe unirse para repudiar los crímenes ejecutados por grupos pertenecientes a estructuras estatales en el contexto de la represión ilegal contra el terrorismo*" ("society must unite in condemning the crimes committed by groups belonging to state agencies in the context of the illegal repression of terrorism"), but it does not specify who the repressors were. The reality, as we have seen, is that while the military had been suppressing those linked to subversive groups when Isabel Martínez de Perón was in office, the severity of repression both increased dramatically after her overthrow and grew increasingly indiscriminate. Throughout their coverage of the dictatorship and since its end, *La Nación* had made the argument that the military takeover was both legal and necessary.

The editors also suggest that during the dictatorship, some "*grupos pertenecientes a estructuras estatales*" were perhaps acting on their own and against the wishes of their senior commanders. During the dictatorship, the governing juntas were made up of a representative from each of the major branches of the military: Army, Navy, and Air Force.¹⁴⁸ Although the different branches did in fact compete amongst themselves, as shown in *Nunca Más*, the final report of CONADEP, they understood that they were united in their mission to rid Argentina of

¹⁴⁸ Romero, 215.

subversion.¹⁴⁹ Therefore, and contrary to what the editors hint at, there is no evidence that the security branches involved in kidnappings, disappearances, or the other massive violations of human rights were acting in a rogue fashion: at the time of the dictatorship, the military, the repressive apparatus, and the state were one and the same.

Finally, we need to turn to the closing phrase in this quote: “*en el contexto de la represión ilegal contra el terrorismo*,” which I translated awkwardly as “in the context of the illegal repression of terrorism” in order to more fully parse the editors’ meaning. Once again, *La Nación* was insisting on their long-held argument that the opponents of the military were “terrorists,” and that if there is an admission, it is that some of the repression of terrorism was “illegal.” All scholars agree, as I have stated, that the great majority of those disappeared after the 1976 coup had nothing to do with the armed subversive groups. Yet here it is again: the easy conflation of those murdered after the coup with “terrorism.”

This conflation allowed the editors to asked its readers why President Kirchner and Argentine civil society seem to have focused so much energy on the crimes committed by the state apparatuses while ignoring the crimes committed by subversive groups in the ‘60s and ‘70s:

¿No fue horroroso, acaso, el atentado que mató al capitán Humberto Viola y a su hija de tres años...? ¿No merece similares calificativos la ejecución...de Nilda Irma Casaux de Gay, a quien la guerrilla asesinó a sangre fría delante de sus hijos, quienes antes habían visto morir a su padre? (Was it not horrid when Captain Humberto Viola and his three-year old daughter were murdered? Shouldn’t the assassination of Nilda Irma Casaux de Gay..., who the guerrillas murdered in cold blood in front of her children and who had already witnessed the death of their father, merit similar disapprobation?)

Even though it is unlikely that most readers would be familiar with these particular murders, the stories of subversive violence reminded them why military intervention was necessary in the first place. These cases served to reinforce the editors’ continuing claim that the last military

¹⁴⁹ *Nunca Más*, xi.

government fought against an equally powerful and ruthless enemy. *La Nación* made the argument that if Argentina were to come together behind common moral values and a respect for human rights, then the country had an obligation to treat crimes of terrorist and subversive groups the same as crimes of the military.

A few days before this editorial was published, the head of the Air Force, Brigadier General Carlos Rodhe, made a public statement referencing the violence of the 1960s and 1970s, saying, “*se cometieron horrores y errores de ambas partes*” (“errors and excesses were committed by both sides”). Aníbal Fernández, Kirchner’s Interior Minister and a prominent Peronist, responded, “*en Italia, cuando la democracia fue atacada desde grupos radicalizados..., fueron las instituciones democráticas las que, dentro de la ley, reprimieron y controlaron esas expresiones*” (“in Italy, when democracy was attacked by radicalized groups, it was the democratic institutions, within the limits of the law, that punished and controlled these attacks”). This statement by Fernández suggested that when the military government stepped in to protect democracy in Argentina, they were in fact acting outside the law and further threatening democracy. Whether or not the same response by democratic institutions was possible in Argentina in 1976 – and there is substantial doubt – Fernández’s response does suggest Peronism’s push-back to the conservative argument that sought to justify not just the military’s intervention but what followed from it on the basis that intervention was unavoidable.

La Nación, on the other hand, supported the actions of the military by reminding its readers that before the beginning of the dictatorship, Argentina attempted to combat terrorism from *within* the legal system. According to the editorial, the government created

...la Cámara Federal en lo Penal de la Nación, tribunal que juzgó y condenó, de acuerdo a derecho y garantizando el debido proceso, a muchos agentes del terrorismo y la subversión. Sin embargo, cuando asumió la presidencia el doctor Héctor J. Cámpora, en

1973, se disolvió la mencionada cámara y se dictó por ley una amnistía general que benefició a la casi totalidad de los subversivos y terroristas condenados, muchos de los cuales reincidieron en su conducta criminal y hasta asesinaron a uno de los jueces del propio tribunal que los había condenado” (“...the National Federal Criminal Court, which judged and convicted many agents of terrorism and subversion, in line with the law and guaranteeing them due process. However, when Dr. Héctor J. Cámpora assumed the presidency in 1973, he dissolved the aforementioned court and instituted a general amnesty law that benefited almost all of the convicted subversives and terrorists, many of who returned to their criminal behavior and even assassinated one of the judges of the tribunal which had originally convicted them.”)

The court referenced above was created in 1971 by the government of General Alejandro Agustín Lanusse, in addition to an emergency anti-subversive law.¹⁵⁰ But Cámpora’s administration undid the work of Lanusse, proving once again that the civilian government was incapable of controlling the subversive threat, once again returning to the “moment of origin” in order to justify later repression.

More significantly, the editorial points out that “*los cientos de desapariciones acontecidas durante el gobierno de María Estela [Isabel] Martínez de Perón, [son] demostrativas de que el terrorismo de Estado había empezado bastante antes de 1976*” (“the hundreds of disappearances that took place during the administration of María Estela [Isabel] Martínez de Perón are proof that state terrorism had begun well before 1976”). This is, in fact, the only instance in which *La Nación* directly held the state accountable for disappearances, referencing “state terrorism,” and it referenced not the dictatorship, but the period during which there was a civilian government.

This editorial presented *La Nación* as a rational voice in support of historical examination and social reconciliation. Nearly three decades after these painful events took place, the editors argued, “*el país debería realizar un juicio histórico-crítico riguroso, que rescate el sagrado valor de la vida humana y extirpe la lógica de violencia que los hizo posibles*” (“Argentina

¹⁵⁰ Romero, 194.

should carry out a careful historical critique, [but one] that rescues the sacred value of human life and eliminates the logic of violence which made those acts possible”). However, not only did the editors avoid specifying the nature of critique it was suggesting, but they quickly contradicted themselves by returning to the argument that Argentines must put the divisions of the past behind them and move forward together. Needless to say, Argentina cannot undergo a “*juicio histórico-crítico riguroso*” of the past if it is also intent on leaving the past in the past. The editorial urged Argentina to “[*superar*] los enfrentamientos del pasado y acepte marchar con paso firme hacia la pacificación nacional” (“overcome the confrontations of the past and decide to march towards national pacification”). All sides of Argentine society must reach a consensus to leave the arguments of the past behind so that the country can move forward together.

The language of the editorial suggested that this would not be an easy process and that “*la memoria no puede ser hemipléjica o unilateral*” (“memory can never be one-sided or all-encompassing”). As Argentines, “*Debemos condenar toda la violencia sin excepción, cualquiera haya sido su motivación ideológica o política*” (“We must condemn all violence without exception, no matter the ideological or political motivations of that violence”). Yet this plea, a good one in its intent to insist that ideological differences shouldn’t lead to violence, and a sound one in its argument that memories of such complex events will never be homogeneous, left *La Nación*’s readers in somewhat of a bind since its consistent message, in this editorial as well as the others analyzed, always circled back to the moment of maximum social conflict preceding the coup with the reminder that the military stepped in at society’s behest, to resolve those differences that civil society itself couldn’t resolve. Ultimately, it left the readers with a renewed, not diminished, attachment to those divisions and no clear way to move forward.

In concluding this editorial, *La Nación* would bring in the experiences of Chile and Spain as historical parallels that can inform Argentina's process of reconciliation. Even though the editorial did not go into detail, it proposed that these countries had already reached their goals of reconciliation, societal peace and consensus on how the past should be understood. These achievements, it argued, led to economic growth in both countries: a subject much on the minds of Argentines since the financial collapse of 2001. Why not us, the editors wondered? “¿Por qué los argentinos no obstinamos en seguir alentando nuestras divisiones y seguimos prisioneros del pasado?” (“Why do we Argentines insist on continuing with these old divisions and remaining prisoners of the past”)? Rather than follow the example of Chile and Spain, *La Nación* argued that Argentina instead had chosen to continue its internal fighting, hindering national social, economic, and political progress in the process.

While editorials aren't history texts, nonetheless the editors' argument both ignored and misstated the details of the Chilean and Spanish post-authoritarian experience. It highlighted Chile and Spain as countries that had definitively and conclusively broken the grip of the past, whereas they clearly have not. Without providing any evidence, *La Nación* argued that Chile and Spain “supieron llegar a metas de reconciliación y paz social, sin las cuales no hubieron podido avanzar por la senda de la recuperación económica” (“were able to reach their goals of reconciliation and social peace, without which they would not have been able to move ahead on the path of economic recovery”). Although Spain and Chile did in fact achieve a more robust economic recovery than Argentina, it was not because they have dealt with the ghosts in their closets, and in fact conflicts over historical memory (including on-going legal and political battles) continue in both.

The pacted transitions in both Spain and Chile allowed political elites allied with authoritarianism in both countries to have more of a say in how the past would (or wouldn't) be addressed, but in neither was national reconciliation achieved. In Chile, Pinochet's 1980 Constitution allowed his supporters to maintain a presence in politics and Pinochet's continued political presence had the effect of dismissing any hopes for human rights trials. In Spain, as Carson Humlebæk suggests, "to achieve the longed-for consensus and reconciliation of the two sides, it was...believed to be necessary to fence out any direct dealing with the dictatorial past from the political realm in an attempt to avoid destabilizing ideas of revenge and collective guilt. In order to achieve this, the political elites abided by a tacit agreement not to instrumentalize the past politically."¹⁵¹

The political reconciliation and social peace that *La Nación* referenced were actually a construction of the political elite, meant to limit confrontation as much as possible in favor of a particular set of interests. It was this elite that put the interests of the state above those of the victims of state-led repression and therefore we can infer why *La Nación* would prefer this model to the constant rehashing of the past that had taken place in Argentina.

"Seguimos siendo presos del pasado"
"We continue to be prisoners of the past"
June 15, 2005

When Néstor Kirchner became president in May 2003, one of his promises to the people of Argentina was to put an end to the impunity enjoyed by those responsible for crimes against humanity which occurred during the *Proceso*. As soon as he entered office, he sent Congress a bill for the repeal of the Full Stop and Due Obedience laws and did not let up until it was

¹⁵¹ Carson Humlebæk, "Creating a New Cohesive National Discourse in Spain After Franco," in Roberto Ampuero and Luis Martín-Estudillo, eds., *Post-authoritarian Cultures: Spain and Latin America's Southern Cone* (Nashville: Vanderbilt University Press, 2008), 199.

approved. On August 3, 2003, the lower house passed the measure and on August 21, the senate agreed as well.¹⁵² Kirchner's approach to overturning the earlier laws rested on the troubling case of Hector Julio Simón (aka, Julian the Turk), whose case a group of lawyers had been pursuing since early 2003. The case against Simón was similar to that which brought Videla back to the courthouse in 1998. Julian the Turk was involved in the 1978 kidnapping, torture, and murder of José Poblete and his wife Gertrudis, along with the abduction of their eight-month old daughter, Claudia. Simón could not be tried for the disappearance of José and Gertrudis, only for the abduction of their daughter, and the lawyers in this case, María José Guembe and Carolina Varsky, used this to point to the inconsistencies in the Argentine legal system.¹⁵³ Their arguments combined domestic law with regional and international human rights statutes to invalidate the amnesty laws. This case ultimately provided the ruling which led to the Supreme Court's declaring unconstitutional both the Full Stop and Due Obedience laws on June 14, 2005.¹⁵⁴ At once, this decision opened up the possibility for renewed prosecutions against those responsible for human rights violations during the dictatorship.¹⁵⁵

In response to the Court's decision, *La Nación* published an editorial titled, "*Seguimos siendo presos del pasado*" ("We continue to be prisoners of the past") on June 15, 2005. This editorial reprised many of the same themes that we saw in in the "*Alentar la paz y la*

¹⁵² Feitlowitz, 304.

¹⁵³ Sikkink, 78-79. In 2009, an Uruguayan journalist tortured by Simón interviewed him for Al Jazeera. See: http://www.sabinabecker.com/2009/10/interview_with_a_torturer.html. An unrepentant anti-Semite and sadist, Simón has been named as the main torturer of prisoners in the secret detention centers of Club Atletico, El Banco, and El Olimpo. <http://www.yendor.com/vanished/junta.html>.

¹⁵⁴ Feitlowitz, 304.

¹⁵⁵ For more on these laws, see Amnesty International, *Argentina, the Full Stop and Due Obedience Laws and International Law* (London: International Secretariat), 2003.

reconciliación” editorial of March 25, 2004. In fact, the title uses the exact same phrase as the question with which the earlier editorial ends.

This editorial appeared at a turning point in Argentina with regard to the prosecution of human rights violations. For the first time since the transition to democracy, the perpetrators responsible for the *Proceso*’s violence were no longer given specific legal protections. The “Age of Immunity” came to an end with the Court’s decision. With this editorial, the editors presented its readers with a lens through which to better view the rejection of the Full Stop and Due Obedience laws.

The editors firmly rejected the Court’s decision and the claim that the extreme violence of that period was the result of state activity. According to the editors, the excesses of the dictatorship were carried out only by “groups belonging to the state” but not by the State itself. The editors then used historical examples and previous Supreme Court decisions to demonstrate that without official state involvement, there could be no charge of crimes against humanity. *La Nación* urged its readers and the nation of Argentina to move on from the past, utilizing measures that did not include renewed trials.

Overall, this editorial is extremely significant since it perfectly showcases the contradictory message the editors ultimately sent its readers. In it, *La Nación* reached back to the early history of the Argentine Republic as well as some more recent history in order to argue its case and suggest the best way forward. Although the editors delved into the past to make their points, readers were (yet again) reminded not to focus on the past. The editorial claimed that the Court’s decision was the perfect example of Argentina’s inability to leave the past behind and continuing to create new sources of divisions and arguments that acted as obstacles to national

reconciliation: “*Parecería que, en los últimos tiempos, nuestra memoria ha quedado anclada en los años setenta, como si fuera el único proceso que integrara el devenir histórico de la Argentina*” (“Recently, it seems as if our national memory has remained anchored in the events of the 1970s, as if that were the only process that has shaped the historical development of Argentina”). This quote suggested that the national fascination with the crimes of that period was distracting Argentina from other, more important issues. With the presidency of Kirchner, the events of the 1970s had resurfaced, causing the advances that Argentina so desperately needed to be put on hold. The Court’s rejection of the Full Stop and Due Obedience laws represented a major shift in how the political and judicial systems dealt with the events of the dictatorship, but the editors of *La Nación* did not want those themes to maintain an active hold on Argentine daily life.

Much of this editorial considers the purpose that history and memory serve and how these should be used to shape post-conflict societies. Nearly thirty years after the transition to democracy, Argentina was still struggling to answer these questions and so in this editorial, *La Nación* attempted to provide some insight on the complexities of memory.

In drawing a lesson from the past, the editors traveled back to the dictatorship of Juan Manuel de Rosas in the 1850s. Rosas was the governor of the province of Buenos Aires for two terms between 1829 and 1852.¹⁵⁶ During that time, Argentina was in the midst of defining itself politically, administratively, and as a nation. An intense debate between Federalists, who wanted provincial control within a loose federation, and Unitarians, who favored maintaining the city of Buenos Aires as the centralizing power in Argentina, cast the newly independent nation into

¹⁵⁶ Lewis, *The History of Argentina*, 43.

fierce battles for many decades.¹⁵⁷ Rosas was the most powerful of the Federalists and as governor of the province of Buenos Aires, he became the central player in a confederation of states with few national institutions. A powerful *caudillo*, Rosas used his police force (*mazorca*), the army, and the authorizing power of the Church to maintain control and repress all political dissent¹⁵⁸.

Rosas was ultimately overthrown in 1852, and after a last attempt by Federalists to reclaim control of the country, power passed into the hands of those who sought to unify it under the dominant leadership of Buenos Aires. This was largely decided in 1860 when Bartolomé Mitre, whom we have already met as the founder of *La Nación*, assumed power as governor of Buenos Aires and, the following year, defeated the last Federalist threat. In 1862 he became the first president of a newly proclaimed “*República de Argentina*.”

The consolidation of Argentina, which entailed the imposition of internal peace (against both Federalist threats and the indigenous peoples of the interior who were either killed or pushed further south) and the creation of national institutions (banking, currency, transportation) all led to a period of remarkable economic growth which reached a high point with the administration of Julio Roca (President from 1880-1886 and 1898-1904), who is given credit both for successfully pursuing the “Indian wars,” and establishing a fully Liberal republic. His generation of leaders, known as the *Generación del Ochenta* (Generation of the ‘80), oversaw a period of rapid economic growth, massive immigration, and political stability.

¹⁵⁷ Maclachlan, 6. See, also, David Rock, *Argentina, 1517-1987. From Spanish Colonization to the Falklands War* (Berkeley: University of California Press, 1987), 96-117 and Nicolas Shumway, *The Invention of Argentina* (Berkeley: University of California Press), 1991.

¹⁵⁸ Rock, 106.

It is to this period, particularly to how Roca and the Generation of the '80s dealt with the legacy of Rosas and the *caudillo* Federalists, that the editorial writers turned for some historical lessons. How, they wondered, did Roca successfully reunite Argentina after so many decades of strife?

Ultimately, they argued,

se asumió colectivamente la condena de esa época reciente y ello fue instalado como un valor ideológico común. Pero hubiera sido impensable que [Julio Argentino Roca, presidente 1880-1886 y 1898-1904] al asumir en 1880, buscara procesar o detener a los represores rosistas de 1852. En este caso, la memoria fue sólidamente establecida como fundamento del orden institucional, más en función de mirar hacia el futuro y de cerrar las heridas antiguas. ([Argentina] collectively assumed responsibility for the recent past, and this became a part of a shared ideology. But it would have been unthinkable for [Roca], upon assuming the presidency in 1880, to attempt to try or detain Rosas' thugs from 1852. In this case, memory was firmly established as a fundamental part of the institutional order, [that one should] look towards the future and heal old wounds.)

The case of Rosas' many crimes and the legacy of the authoritarian regime were not ignored, the editors argued, but neither were they allowed to derail the governments that followed.

At first glance, this is a most unusual analogy for the newspaper to draw upon. Rosas had fled to England decades before, and the last Federalist uprisings had been put down some 20 years before. Why, one wonders, raise this question for the presidency of Julio Roca and not Bartolomé Mitre whose own presidency (1862-1868) was not only closer to the events in question but who helped defeat Justo José de Urquiza, who represented the Federalists' last gasp? The most likely answer is that the editors were looking to see how events were remembered and acted upon some thirty years after their catalytic origins, more or less the span of time between the start of the Proceso (1976) and the penning of the editorial (2005). In any case, it is an analogy which says more about what the editors of *La Nación* were thinking than it does about Argentine history.

Unsurprisingly, the language used to talk about the past is largely in a passive voice, even when discussing who should assume responsibility for events in the past. In this way, the editors commend the *Generación del Ochenta* for mopping up the residues of the fight between federalists and centralists (a fight, I have suggested, which ended more than 20 years before) without placing blame on any specific group of individuals. There are at least three problems with this argument: (1) there was absolutely no legal framework by which acts of the 1830s or 1840s could be tried in 1880; (2) there is no evidence to suggest that the Argentine people understood that past political battles were part of their collectively assumed responsibility; and (3) there is nothing to indicate that the idea of accepting collective responsibility for past crimes was absorbed as a “common ideology” by the people.

It is, however, indicative of *La Nación's* approach since the theme of collective responsibility and guilt was commonly used in the editorials of *La Nación* in reference to the last dictatorship. By introducing the precedent of the successful establishment of collective guilt over a past period without the necessity of naming the guilty parties, *La Nación* legitimized its argument that since all of society carried part of the responsibility for the dictatorship, blame need not be assessed on any set of individuals.

The editors more recent analogy centered on the relationship between Peronist and anti-Peronist groups after the *caudillo's* overthrow in 1955 and adopted a much more critical tone. Peronist supporters were jailed or sent into exile and Perón himself fled to Spain for eighteen years. As documented in Chapter 1, for nearly two decades, Perón's supporters continued to be persecuted and the party was banned from participating in the 1958 and 1963 elections.¹⁵⁹ This

¹⁵⁹ Romero, 130; Linz and Stepan, 199.

led to further political instability and violence, rendering the political system ineffective and “necessitating” the intervention of the armed forces.¹⁶⁰ According to *La Nación*, “*en el caso del conflicto entre el peronismo y el antiperonismo, la memoria terminó siendo causa de la prolongación de un antagonismo que esterilizó la vida política argentina durante dos décadas y fue causa de una prolongada inestabilidad*” (“in the case of the conflict between Peronism and anti-Peronism, memory ended up being the cause of a prolonged antagonism between these groups that rendered political life in Argentina sterile for over two decades and was the source of prolonged instability”). Neither side in this conflict was able to let go of the recent past, the editors suggested, and therefore Argentina was unable to make any progress politically, economically, or socially.

More than anything, this example provided the readers with a cautionary tale of the consequences of holding onto the past for too long. Whereas the *Generación del Ochenta* was able to harness the power of memory and use it to strengthen the institutional order of government, the memory of the hatred between the Peronists and anti-Peronists remained unsettled and therefore became destructive.

With these two examples, *La Nación* suggested that Argentina need only look to its past to figure out the best way to move forward after the dictatorship. These examples were intended to provide useful analogies to help its readers put the abuses and events of the dictatorship into a larger historical framework. Besides the fact that the example of the relationship between the government of Julio Roca in 1880 and the crimes of Rosas in the 1830s doesn’t make historical

¹⁶⁰ Romero, 132.

sense, the problem with this argument-by-analogy is that, just as *La Nación* itself has pointed out in previous editorials, the events of the *Proceso* were unprecedented.

The editors of *La Nación* hinted that the Court's decision to declare the Full Stop and Due Obedience laws unconstitutional was little more than a political move, meant to satisfy the promises Néstor Kirchner made during his campaign.¹⁶¹ He ran, in part, on a platform dedicated to the prosecution of human rights violations and a promise to address the issues of memory in Argentina more thoroughly.¹⁶² Without any mention of the court-packing scandal of Menem's presidency, *La Nación* suggested that the Supreme Court was simply caving to the ideological preferences of the President.¹⁶³ The editorial even goes so far as to suggest that with this decision, the Court fulfilled one of Kirchner's main promises, proving that the Court was more concerned with politics than sticking to the appropriate legal justifications. *La Nación* in short, was not satisfied with the way in which the decision was reached.

The editors call the decision of the Supreme Court further into question by pointing to a very different Court decision, this one a decision not to extradite Jesus María Lariz Iriondo to Spain. Lariz Iriondo, a suspected member of the Basque armed independence group, ETA, was wanted by the Spanish police for attempted murder of three Spanish police in 1984. He was arrested in Argentina in 2002, and held as the extradition request made its way through the

¹⁶¹ “*El caso que hoy nos ocupa, vinculado con los crímenes cometidos durante los años setenta, ha sido resuelto por una Corte Suprema que ha sufrido un cambio ideológico al cual no fue ajena el actual titular del Poder Ejecutivo Nacional. Tampoco puede negarse que la Corte satisfizo con su decisión de declarar la inconstitucionalidad de las leyes del perdón un reclamo del propio presidente de la Nación.*” (“The case in front of us today, tied to the crimes committed during the 1970s, has been decided by a Supreme Court that has undergone an ideological change which puts it in synch with the current head of Executive National Power [i.e., the President]. Nor can it be denied that with this decision to declare the amnesty laws unconstitutional, the Supreme Court has fulfilled one of the President's promises to Argentina”).

¹⁶² Wright, 170.

¹⁶³ Feitlowitz, x.

courts.¹⁶⁴ In the Lariz Iriondo case, *La Nación* states that, “*la Corte sentó el principio de que no cabe aplicar la calificación de lesa humanidad -y por lo tanto imprescriptibles- a aquellos delitos de terrorismo en los que no intervino el Estado*” (“the Court established the principle that it cannot apply the charge of crimes against humanity to those crimes of terrorism in which the state did not play a role -- and which therefore remain immune from prosecution”). In other words, the editorial compares the Court’s decision not to deport Lariz Iriondo (a decision which it supports) with its decision to invalidate the Full Stop and Due Obedience laws (a decision it disputes). The paper argues that the Lariz Iriondo case proves that only when the State is involved in acts of terrorism can such acts rise to the level of “crimes against humanity” (*lese humanidad*). Therefore, to follow the editors’ logic, since the Argentine *state* was not involved in the repression carried out by the dictatorship, but only individuals or groups *attached to* the State, the Court should not have overturned the two laws. In this editorial, *La Nación* tries to equate Lariz Iriondo (the Leftist terrorist) and the *Proceso* as being structurally the same: In neither was the State involved, and therefore no crimes against humanity were committed. Lariz Iriondo shouldn’t be extradited; the laws protecting officials from the dictatorship shouldn’t have been invalidated.

The editorial continues its discussion of state involvement in crimes against humanity by addressing the inequality with which Court decisions have been applied to the groups involved in the violence of the 1970s.

La inconstitucionalidad e invalidez de la leyes que amnistiaron a militares acusados de violaciones a los derechos humanos debería habilitar a cualquiera de los deudos de las víctimas caídas como consecuencia de la acción de grupos subversivos, como el ERP o Montoneros, a reclamar con iguales argumentos la inconstitucionalidad de la ley de amnistía de 1973 o de los indultos que beneficiaron a integrantes de los sectores que

¹⁶⁴ *El País*, May 11, 2005 (http://elpais.com/diario/2005/05/11/espana/1115762414_850215.html).

sembraron el terror en la sociedad. Sin embargo, el fallo de la Corte sobre Lariz Iriondo parece consagrar una vía hacia la impunidad de estos terroristas, que rompe el principio de equidad. ([By declaring] unconstitutional and [therefore] invalid the laws that granted amnesty to the military officials accused of human rights abuses, any relative of a victim of subversive groups, such as the ERP or the Montoneros, should now be allowed to use identical arguments against the constitutionality of the amnesty law of 1973 or against the pardons that benefitted those involved in spreading fear throughout our society. However, the decision of the Court in the case of Lariz Iriondo suggests a possible path towards impunity for these types of terrorists and breaks the principle of equality.)

Just as *La Nación* pointed out in the 1985 editorial, “*El fallo del juicio de los ex comandantes,*” crimes committed by subversive forces should be treated equally with those committed by state agents. By invalidating the amnesty laws (i.e., “Full Stop” and “Due Obedience”), the editors argue that the principle of equality, if it were to be fully observed, would allow victims of groups such as the ERP and the Montoneros to now pursue cases against them. But in the court’s interpretation of Lariz Iriondo, that equity is broken since, in the court’s opinion, only the involvement of the State can raise an act to a “crime against humanity.” In other words, actions against military officials would now be allowed to go forward whereas actions against individual subversives would be halted.

Within the argument for “equal treatment” one encounters *La Nación’s* long-standing belief that criminal acts carried out under the *Proceso* were not really state actions, and therefore those involved in the repression of that period should be allowed the same “path towards impunity” as the subversives and terrorists, the same path as suggested in the Lariz Iriondo case.

Even though the previous point suggested that the editors would support more widespread trials, under the principle of equity between two forces involved in the war, *La Nación* assured its readers that they actually do not.

Lejos estamos de promover la idea de que se remueva nuestro trágico pasado para juzgar a todos los que tuvieron alguna responsabilidad delictiva en él. La memoria no debe ser negada, pero cabe asumirla en forma integral y no centrándola en un solo momento de la historia; tampoco corresponde utilizarla como causa de la prolongación de los conflictos. (We are far from promoting the idea that our tragic past should be dug up in

order to judge all those who had some criminal responsibility for those events. Memory should not be denied, but it must be taken on board in a holistic way, not centered on only one historical moment; neither should it be used as a way to prolong conflicts.)

The editorial presented its readers with a somewhat difficult and contradictory task. It explicitly did not support a systematic search through Argentina's past. "Digging through the tragic past," the editors suggested, would be too traumatic on a national level, and while memory is important, it should be kept out of the legal system. Just as we saw in the 2004 editorial, "*Alentar la paz y la reconciliación*" and the 1990 editorial, "*Los indultos*," *La Nación* asks its readers to come to a national understanding of the past without actually going into those divisive issues. Memory will only benefit Argentina when it is broadly informed and used to promote reconciliation, not the continuation of old conflicts.

Although *La Nación* provides no concrete examples, it claims that other countries with similar or worse events in their past have already reached a point of national reconciliation. The editorial describes the process of reconciliation as "*un período corto de procesos y juicios -en promedio no mayor de dos años- al cabo de los cuales la amnistía abrió el camino hacia la reconciliación*" ("a short period of trials and verdicts, on average no more than two years long, at the end of which an amnesty opened the road to reconciliation.") *La Nación* did not mention any country or period of violence in particular. It also refrained from describing the judicial and reconciliation processes in any further detail. Without any sources or references to actual events, it appears that the editors imagined this piece of history. Just as in the 2004 editorial's example of Chile and Spain, the editors left out key pieces of the history to suit their own narrative.

The editorial then presented the idea that with the spread of globalization, the world had reached new agreements in terms of the protection of human rights. New agreements on universal law and international norms had developed in recent years. However, those new norms,

it suggested, had not been applied equally. “Until now,” the editors argued, “*nadie se plantea aplicar esta normativa [de la protección de los derechos humanos] al genocidio de Vietnam, a la represión de Argelia o al masivo colaboracionismo con los regímenes pro nazis de países como Noruega, Holanda, Francia, Bélgica o Dinamarca*” (“no one has suggested applying this new norm of protecting human rights to the genocide of Vietnam, the repression in Algeria, or to the massive collaboration between the pro-Nazi regimes of the governments of Norway, Holland, France, Belgium, or Denmark”). *La Nación* did not offer suggestions for how to address the human rights abuses committed by those countries but presented them within the context of international pressure on Argentina to prosecute its own criminals. The inclusion of these foreign examples suggested that since these countries had never been found guilty of violations of human rights, neither should Argentina. The editorial uses the inconsistency in the application of universal human rights law in an attempt to lessen the pressure on prosecutions in Argentina.

The final sections of this editorial addressed the problems of confronting the past on a more abstract level. *La Nación* recognized and wanted to explain to its readers that for the sake of national reconciliation, the people of Argentina would have to make certain concessions when it came to reaching conclusions in the memory debates. “The solutions,” the paper wrote, “*para cerrar el pasado de violencia nunca podrán satisfacer a todos ... pero se trata de encontrar consensos básicos dentro de lo posible, que limiten en el tiempo las consecuencias de los conflictos de antaño*” (“to close the violent past can never satisfy everyone involved ... But it has to do with finding a basic consensus within the realm of what is possible, in order to limit in time the consequences of the conflicts of the past”). The idea of a “basic consensus” suggests that without delving too deeply into the conflicts of the past, *La Nación* believed it was possible for

Argentina to reach a preliminary agreement. It also suggested a base level of consensus within Argentina that did not actually exist, and ignored the lack of agreement on whether or not the nation should even try to close the door on the past. Even though it would take work and patience, countries with more traumatic pasts had reached agreement on how to cope with their past, and Argentina should be able to do so as well.

It is not unusual for democracies with divided powers to debate which branch of government should play a leading role in resolving difficult issues. The editors reminded its readers that the judicial branch should be more respectful of the wishes of the Congress, which “*con una clara mayoría, sancionó las leyes de punto final y obediencia debida, con un espíritu de amnistía*” (“with a clear majority passed the Full Stop and Due Obedience laws [moved by] a spirit of amnesty”). It was not surprising that the editors would argue that the legislature should have the final say in this matter, although there is no denying that what was before the Court were quite clearly judicial matters, and, in that sense, the judiciary was as sensitive as the legislature as to the fact that public opinion on the question of amnesty remained unsettled.

In its final paragraph, *La Nación* returned to the idea of national consensus and moving forward together as a nation.

No hay pacificación cuando el pasado se transforma en el conflicto del presente. Puede también decirse que no habrá justicia mientras haya impunidad. Entre ambas realidades, la política tiene que encontrar un camino intermedio y ésta es la tarea de la dirigencia argentina hoy, a tres décadas del período más violento que vivió nuestro país en el siglo XX. Debe insistirse, entonces, en la necesidad de recordar cuanto ocurrió y sus lecciones, sin quedar presos del pasado ni hipotecar nuestro futuro con nuevas divisiones. (There cannot be pacification while the past is transformed into today's conflicts. It can also be said that there will not be justice while there is impunity. Politicians must try to find a middle path between these two realities, and that is the task of the leadership in Argentina today, three decades after the most violent period of our nation's 20th century history. We must insist, therefore, in the need to remember what happened and the lessons from those events, without remaining prisoners of the past and without mortgaging our future to new divisions.)

In their opposition to ending the amnesty laws, the editors left their readers with a untenable path: don't forget the past, but make sure that it doesn't burden the future.

“Derechos humanos para algunos”

“Human rights for some”

October 28, 2011

Néstor Kirchner's wife, Cristina Kirchner de Fernández succeeded him as president in October of 2007. Her presidency continued and confirmed the popularity of the Kirchner model of government, focused on listening to the needs of Argentina rather than the demands of international interests. Her administration also continued the fight for human rights trials, reaffirming her commitment to the victims of the dictatorship and the fight against impunity.

On October 26 2011, the sentences of the first trial for crimes committed at the Escuela Mecánica de la Armada (ESMA) were announced at the Federal Courthouse in Buenos Aires. Hundreds of people gathered in the street outside the tribunal as the court proceedings were displayed on a large screen. This trial, initiated in December 2009, was one of the highest profile cases since the overturn of the Full Stop and Due Obedience laws in 2005.¹⁶⁵ By that time, 634 military personnel and police had been tried for crimes against humanity, 73 were convicted and sentenced and seven had been acquitted. In 2009 alone, ten major trials resulted in 31 convictions.¹⁶⁶ But since ESMA operated on such a large scale over the course of the dictatorship -- at least 5,000 people were disappeared there -- the trial of eighteen members of the ESMA *grupo de tareas* (task force) charged with torture, kidnapping, disappearances, and illegal

¹⁶⁵ Sikkink, 68.

¹⁶⁶ Feitlowitz, 301.

seizures during the dictatorship was closely watched.¹⁶⁷ As the sentences were released – sixteen of the men were sentenced to life imprisonment – they were streamed live to a crowd of hundreds that waited outside of the courthouse, eager to see some of the most notorious torturers of the dictatorship held responsible at last.

Two days after the sentences were announced, on October 28, 2011, *La Nación* published an editorial titled, “*Derechos humanos para algunos*” (“Human rights for only some”). In this editorial, *La Nación* set up an argument against the ESMA trials that relied on what it saw to be inconsistencies in the way that the current administration was dealing with the past. With the title alone, the editors suggested that governmental protections have not been extended to the entire population of Argentina. The editorial sought to highlight the contradictions of Kirchner de Fernández’s Left-wing government to minimize both the significance of the Court’s decision and the extent of the torture and violence that took place during the dictatorship. Instead of focusing on the human rights abuses of the military government, the editorial focused its readers’ attention on present-day, ongoing human rights abuses throughout Argentina and, for that matter, the world.

The editorial began by establishing that human rights were some of the most important and precious values of all citizens: “*el derecho a la vida, a la integridad física y psíquica está consagrado en la Constitución Nacional y los tratados internacionales, y por ello exigen un Estado muy activo para su protección*” (“the right to life, and to physical and psychological security are consecrated in the National Constitution and international treaties and therefore require that the State actively protects them.”) *La Nación* was forthright in its argument that the

¹⁶⁷ Feitlowitz defines *grupo de tareas*: “Group that carried out kidnapping, torture, and other terror operations,” 64.

fight for human rights could not be achieved by the state without taking concrete steps towards protecting those rights and prosecuting those who attempt to violate them. This suggested that the editors did not believe that the current administration had completed its duties to the Argentine people, and there is ample evidence that the paper's attack on President Kirchner de Fernandez's image as a politician who fights for human rights was an attempt to delegitimize her administration's work in general.

The editors argued that at the current time, Argentina placed a higher value on the human rights of some of its citizens than others.

En nuestro país, el derecho a manifestarse o a peticionar, ... suele afectar otro derecho igualmente legítimo de los demás ciudadanos, como es el de circular libremente. Es justamente en esos casos que el Estado debe intervenir para encontrar equilibrio en las posiciones, irradiando mesura en primer lugar, empatía por los planteos de todos y especialmente apego a la ley. (In our country, the right to protest or to picket ...can impact another, equally legitimate right, which is the right to circulate freely through the city. It is exactly in these types of cases that the State should intervene in order to find a balance between these two positions, maintaining restraint in the first place, empathy for all the positions and being especially careful to adhere to the law.)

In this example, *La Nación* set up a classic "rights" discussion, focused on defining the proper role of the state when two "rights" (e.g. the right to picket and the right to move about freely) conflicted. The editorial claimed that the State had a responsibility, due to the Constitution and international treaties, to intervene in these situations on the side of the law, rationality, and the best interests of the rights of all citizens.

It is stunning that while the editorial was written in the shadow of the sentencing in the first major human rights trial since the end of the dictatorship, the editors chose this rather mundane example of conflicting interests to address the Court's decision. The only way to read this, in that context, is that the editors saw the *Proceso* itself as a comparable situation of conflicting rights, specifically, the individual's right to life and liberty vs. the rights and

requirements of national security. However, as a large body of international law makes clear, state interests never take precedence over due process. When one talks of torture and disappearances, there is never a state's right that is more compelling.

La Nación's own definition of human rights claimed that everyone in Argentina and worldwide deserved equal protection, a valid position. Similar to the United Nations' declaration of universal human rights, these rights covers a broad range.¹⁶⁸ Human rights, according to the editors, "*comprenden por definición a todas las personas por el simple hecho de su condición y abarcan cualquier lesión o restricción a los bienes básicos que hacen a su dignidad. De allí, pues, se desprenden sus características distintivas: integridad y universalidad*" ("apply to every person by virtue of the fact that they are human, and they cover any harm or violation of their right to the basic essence that defines their human dignity. Their distinct characteristics, inseparability and universality, derive from this basis").

The universality of human rights allows *La Nación* to use this definition to point to examples of where the Argentine government has failed in its duty to protect its citizens. This editorial makes the argument that if no individual's rights were more important than those of anyone else, the government should be fighting against all abuses of human rights with equal dedication. Why, the editors then wondered, didn't the current government recognize the rights of all of its citizens equally?

Although the editorial has a point – the Fernández de Kirchner administration was not as steadfast as it should have been in addressing human rights violations in Argentina -- that was not the real point of this editorial. Instead, the editors use the inconsistencies of the government

¹⁶⁸ The Universal Declaration of Human Rights <http://www.un.org/en/documents/udhr/index.shtml>

to attack the court's decisions on the ESMA cases and the political support which the government provided to those trials. Instead, the editors argue that the current government and human rights activists have manipulated the definition of human rights for their own political purposes by bringing in a surprisingly unrelated, commercial, case:

La manipulación en su máxima expresión del concepto de los derechos humanos, sumado a la mentira y el absurdo, está dada por la pretendida impugnación de una operación comercial absolutamente lícita, como lo es la compra de Papel Prensa, y bajo el pretexto de que allí es aplicable la lesa humanidad propia de la violación de estos derechos. (The greatest expression of the [government's] manipulation of human rights, equal parts lies and absurdities, is the impugning of a completely legal commercial operation, the purchase of Papel Prensa, under the pretext that one can apply [to the commercial firm] the notion of crimes against humanity which are more fitting to human rights violations.)

Here *La Nación* was referencing the series of controversies between Clarín, the largest media conglomerate in Argentina, which at this time was attempting to purchase Papel Prensa, the largest Argentine manufacturer of newsprint, and Kirchnerism, the ruling Argentine political faction. *La Nación* claimed that the President's objection to Clarín's purchase of Papel Prensa was the most extreme example of the way in which the current administration only supported the human rights of those with whom it was in political agreement. But why, one wonders, did the editors of *La Nación* link what was a commercial question (the right to purchase a firm) with a broader question of human rights?

Conflicts between Papel Prensa and the Kirchner governments (both Néstor and Cristina) go back many years. The company was jointly owned by the government along with the Clarín conglomerate and *La Nación* itself. President Cristina Fernández de Kirchner accused the two companies of illegally acquiring part of the firm during the Dirty War when its owners, the Gravier brothers, were forced to sell the company cheaply.¹⁶⁹ Further, the owners of *Clarín* were

¹⁶⁹ See "Papel Prensa: el Gobierno denunciará a Clarín y La Nación" <http://www.infonews.com/nota.php?id=103985&bienvenido=1>.

suspected of having adopted their children through illegal means during the dictatorship.¹⁷⁰ While the case is extremely complex, and charges have been denied and revised, Michael Soltys, editor of the *Buenos Aires Herald* observed that, “Papel Prensa is an anachronistic holdover from the military dictatorship which should not continue any further into the 21st century.” But he also challenged the government for acting against *Clarín* not on the basis of human rights abuses, but for wanting to control the sale of newsprint.¹⁷¹ The significance of the editorial, in the end, is in its attempts (once again) to equate the concluded trials of military torturers to government policies that may have prejudiced *La Nación*’s commercial interests and which may have been illegal but in no way occupied the same moral ground.

In line with what it saw as Fernández de Kirchner’s unequal policies regarding human rights, *La Nación* complained that, “*muchos de los organismos de derechos humanos nacidos durante el último gobierno militar para denunciar los delitos de la dictadura centralizan sus reclamos en la reparación de los derechos vulnerados hace más de 30 años a una parte de las víctimas de la violencia armada de los 70*” (“many of the human rights organization that originated during the last military government in order to fight the abuses of the dictatorship focus their claims on reparations for human rights abuses that took place over thirty years ago only for one group of those victims”). By suggesting that the practices of the human rights community was, like the government, only concerned with *some* human rights, the editors called into question their moral authority besides suggesting that they were mired in the past and unwilling to look at current rights abuses.

¹⁷⁰ Francisco Goldman, “Children of the Dirty War,” *The New Yorker*, March 19, 2012, 60.

¹⁷¹ *Buenos Aires Herald*, September 1, 2010.

Even though this editorial was published two days after the sentences were announced, and must be seen primarily as written in response to the trial, *La Nación* did not mention ESMA or the sentences until halfway through the column. While the trials were an important step forward in the fight against impunity, *La Nación* pointed out that, “*se opta por ignorar y no sancionar a los culpables de las demás víctimas, e incluso las de civiles, totalmente ajenas al conflicto de los años 70. Falta una lucha solidaria e integral por los derechos de todos involucrados en aquella tragedia de nuestra historia*” (“[these trials] choose to ignore and not judge those who are responsible for the remainder of the victims, including civilian victims, who were completely outside of the conflict of the 1970s. We lack a unified movement working in solidarity for the human rights of all those involved in this tragic period of our nation’s history”). What *La Nación* alluded to here, of course, were the victims of the leftist armed groups, and Within this context, *La Nación* pointed out the example of Arturo Larrabure, the son of a colonel who was assassinated by subversives. In yet another strange comparison, Larrabure published a letter in *La Nación* which suggested that just as the government created a “Fútbol para Todos” (Soccer for Everyone) program, so it must work towards “*derechos humanos para todos*” (“human rights for all”).¹⁷²

This editorial correctly reminds its readers of the multiple violations of human rights in Argentina that were unrelated to the events of the dictatorship. It discussed the death of malnourished indigenous children in Salta and political repression in the province of Jujuy but says that these tragedies “*no originaron manifestaciones de condena, a pesar de lesionar el derecho humano más importante: el derecho a la vida*” (“do not inspire the same condemnations

¹⁷² “Fútbol para Todos” is a program created by the Argentine government in 2009, for the live broadcast of all Division I and Division II soccer games.

and protests, even though they threaten the most important human right of all: the right to life.”) In addition, the disappearance of more than 300 children and adults in recent years had not been a priority for these groups with the exception of Jorge Julio López, whose disappearance was presumed to be connected to the trials of the repressors of the dictatorship.

Although these examples are yet another extension of *La Nación*’s argument regarding the inconsistent protection of human rights, what *La Nación* does not acknowledge is that Jorge Julio López represented the first political disappearance since the transition to democracy. He was a key witness in the 2006 trial of Miguel Etchecolatz, the former Director of Investigations of the Buenos Aires Police during the dictatorship and López disappeared on the very day he was supposed to give testimony.¹⁷³ While the rest of the human rights violations mentioned by *La Nación* deserve equal attention and should not be tolerated, the disappearance of Jorge Julio López must be understood through the lens of the violence of the dictatorship. His disappearance was not only a violation of human rights, but also a threat to the stability of the civilian government and democracy in Argentina.

The editors also provided proof to extend their accusations of the inconsistencies of human rights groups to international cases of human rights violations. According to the editorial, if an event or violation of human rights was not connected to the abuses committed during the last dictatorship in Argentina, then it was of no importance to human rights campaigners. *La Nación* noted that, “*asimismo, muchas otras violaciones de los derechos humanos en el mundo tampoco generan críticas, llegando al extremo de la titular de Madres de Plaza de Mayo, quien ha justificado y aplaudido la caída de las Torres Gemelas*” (“at the same time, many other

¹⁷³ Feitlowitz, 307.

violations of human rights have gone uncriticized, including the extreme example of the head of the Madres de Plaza de Mayo, who justified and applauded the fall of the Twin Towers.”) Just as the legitimacy of the State was called into question when it did not support the human rights of all its citizens equally, so was the reputation and legitimacy of these groups questioned. *La Nación* argued that true supporters of human rights must work for the protection of everyone’s human rights, not just those with similar beliefs. The declaration of a single representative of the Madres de Plaza de Mayo was brought up by the editors to prove even the most iconic human rights group from the dictatorship era did not actually work towards the protection of all human rights.

La Nación also mentioned the violence and human rights abuses perpetrated by the authoritarian regimes of Egypt, Syria, Tunisia and Libya. These abuses were presented as yet another example of how the Argentine government was only concerned with certain cases of human rights violations. The current administration had not offered “*ni un tibio pronunciamiento*” (“even a lukewarm public statement,”) criticizing those dictatorships, despite ample evidence of the human rights abuses which existed.

In the final section of the editorial, *La Nación* brought up the extensive human rights abuses that have taken place in Cuba over the past several decades. The Cuban example, according to *La Nación*, was another clear indication of the ideological component of the defense of human rights.

Las violaciones flagrantes que se suceden en la isla desde hace más de 50 años son absolutamente ignoradas ... Es paradójico que muchas de las personas que sufrieron el exilio durante el gobierno militar y encontraron eco en el mundo para hacerse oír y denunciar los excesos ahora piensen que lo que sucede en Cuba es un tema interno de ellos y no una ofensa a la dignidad del ser humano. (The obvious violations of human rights that have taken place on the island for more than fifty years are completely ignored. Paradoxically, many of the individuals who were exiled during the military government and found support in the world outside of Argentina in order to make

themselves heard and to fight against the excesses of the dictatorship, now claim that what is taking place in Cuba is an matter for Cuba alone and not a offense against the dignity of the human being.)

The example of Cuba points to the fact that the Left often ignored human rights abuses by Left-wing governments. The human rights defenders in Argentina, according to *La Nación*, turned a blind eye to the ongoing abuses in Cuba despite the fact that many of these same defenders once relied on international help to fight against human rights abuses in their own country.¹⁷⁴

The final message of the editorial was straightforward: “*la lucha por los derechos humanos debería implicar la defensa irrestricta de cualquier ataque a la dignidad de hombre, sin distinción alguna respecto del sujeto que lo ejecuta, su motivación y las circunstancias de lugar, nacionalidad, origen étnico, religión, signo político, posición ideológica o cualquier otra condición*” (“the fight for the defense of human rights should mean unrestrictedly defending against any attack whatsoever on the dignity of man, regardless of who the victim is, their purpose or circumstance, their nationality, ethnic origin, religion, political affiliation, ideological positions, or any other characteristic.”) Human rights are universal and therefore should be defended as such. Throughout the length of this editorial *La Nación* demonstrated to its readers that the human rights groups that originated during the last dictatorship did not follow this definition of universal human rights. These human rights groups were concerned only with the crimes of that period, the paper charged, not the human rights abuses going on today in Argentina or internationally.

However, despite the accurate depiction of present-day human rights violations, the editorial board of *La Nación* was more concerned with the political capital to be gained by

¹⁷⁴ Cuba represents an important link in the history of the subversive movements in Argentina and throughout Latin America because the success of the Cuban Revolution in 1959 inspired many of the subversive leaders. They saw the success of Fidel and his movement as proof that a socialist revolution could be achieved through force in Argentina as well.

calling into question Kirchner's government than with actually addressing the issues it brings up. While it is true that there was more to the protection of human rights than the trials related to the dictatorship, the significance of these trials should not be ignored because of their limited scope. Despite the claims of *La Nación*, the ESMA trials and others which reopened cases for human rights abuses of the dictatorship were some of the most extensive and difficult trials that have been seen in post-dictatorship societies. These trials are not the only possible way to combat human rights violations within and outside of Argentina, but they represent an incredibly important step towards justice for all and against impunity.

Conclusion: The Memory Debates in Argentina as a Continuation of Sarmiento's Civilization and Barbarism

When I began this study of *La Nación*'s editorials, I imagined that I would find a narrative that would change over the course of the three decades to accommodate the growing historiography of the period, the on-going work of the human rights community, and a heightened sense of responsibility and acknowledgement of the extent of human rights abuses attributable to the military juntas. However, as this thesis has shown, the core message of *La Nación*'s editorials remained relatively, perhaps disturbingly, constant between 1985 and 2011. Without explicitly condoning the violent excesses of the dictatorship, *La Nación* continually found ways to justify the course of action taken by the military during the dictatorship. Over the three decades studied, *La Nación* established its position against torture and disappearances but never assigned responsibility for those actions to the state. Nor did the editors go into detail about the extent of the violent repression; it is only mentioned very briefly in the editorials. Instead of focusing on the ongoing damage and pain felt by the surviving victims and their families, in every editorial *La Nación* highlighted the sacrifice and dedication of the armed forces. They returned time and again to their understanding of the origins of the dictatorship, always citing the chaotic, untenable nature of civil society at the time and the widespread, uncontrollable violence which marked political debate. Instead of adapting their narrative in light of current events or new information, *La Nación* altered its method of justification to suit then-present conditions.

Much progress has been made in Argentina through the reopening of trials for those charged with crimes carried out during the *Proceso*, finally holding individuals accountable for their actions. But *La Nación* continued to describe this period as if the dictatorship were formed

and remained in power in response to an equally strong enemy made up of armed leftist militants; as if the best way to define what occurred during those bloody years would be to talk in terms of a conventional war. Even as the government moved to acknowledge the fallacy of the *teoría de los dos demonios*, and historians and politicians became wary of referring to the dictatorship as a “war,” *La Nación* did not change its approach. It continued to write about the salvation that the armed forces brought to Argentina and how grateful the country was to be saved from subversive terrorism. The unwavering narrative seen in the editorials of *La Nación* shows its editors’ unwillingness to reevaluate the past or rethink the way those events are remembered.

La Nación’s refusal to move past its own Dirty War’s origin story contains serious implications for the future of Argentine democracy and political stability. To a large extent, the editors would continue to justify the actions of the dictatorship by referring to the necessity of the military’s intervention. Their reminders of the widespread fear and uncertainty that Argentina faced before the *Proceso*, and how the constitutional government of Isabel Martínez de Perón appeared unprepared to deal with the subversive groups, broadly suggests that if Argentina were to return to a state of chaos similar to that of the early 1970s, another dictatorship would be an appropriate, even preferred, response.

In every editorial, *La Nación* compared the public treatment received by military officers with that of their adversaries in the guerrilla organizations. It compared the behavior of the courts and the media towards the subversives and the ex-commanders in order to point out the unequal treatment and unbalanced nature of the trials. However, these comparisons continually ignore a vitally important difference: the ex-commanders were the leaders of the Republic of Argentina at

the time during which their crimes were committed. Although the violence of the subversive groups was appalling, it would necessarily be dealt with in a different way by society due to the fact that those groups are not part of the state apparatus. Regardless of whether or not *La Nación* classified the military government as a legitimate part of the state, the juntas were in power and governed Argentina for over seven years. Their own justification for governing was that civilians were incapable of protecting themselves and doing what was best for the nation and yet, within that seven-year period, according to many reliable sources, the juntas tortured and murdered over 30,000 people.

Even as recently as 2005 and 2011, *La Nación* sidestepped the fact that the crimes against humanity committed during the dictatorship were carried out by agents of the state. Without recognizing the immense state involvement in the cases of torture and disappearance, *La Nación* and other supporters of the dictatorship make it difficult for the state, and history itself, to assess responsibility for those acts. And unless there is some sense of accountability, some way of indicating not just that the acts committed were beyond the bounds of law and morality but that they will not be engaged in again, Argentina cannot move forward with any confidence that a pluralistic, democratic society can be constructed.

In the 2005 and 2011 editorials, this argument was extended to the international realm as *La Nación* addressed the cases of Lariz Iriondo, dictatorships in North Africa and genocides throughout the world. While these examples are legitimate instances in which human rights have been violated, they do not negate the responsibility shared by the ex-commanders as representative of the Argentine state during the dictatorship, for the violations carried out under their rule. Regardless of how these other cases are dealt with, the dictatorship took place within

Argentina on behalf of the state and therefore the nation must be able to assign responsibility for its actions. The fact that foreign governments committed similar crimes against their citizens does not justify the abuses of Argentina's military government.

Although the past itself cannot be changed, public and official interpretations of its meaning go through processes of reevaluation as time goes on and more is learned about the past. *La Nación* suggests that the past should be recorded in history textbooks and then left unquestioned, but that demonstrates a fundamental misunderstanding of the role of history and how it is written. "History" (the constructed narrative concerning "history," the events themselves) is continuously reenacted and reexamined in daily life. Often, recent events that deal with similar issues or themes will change the perception and understanding of past events. For instance, as Alexander Wilde explained in his work on "irruptions of memory," contemporary events may bring experiences and emotions of the past back into the present in unexpected ways. In other cases, interpretations change as new information regarding past events comes to light, as will likely be the case once historians ponder new evidence which emerges in the on-going trials.¹⁷⁵ Questions of history are invariably affected by events in the present just as arguments concerning the past are also arguments about the present. Especially in a country like Argentina, where the arguments of past generations and conflicts maintain such a strong presence in present-day politics and life in general, for *La Nación* to suggest that the past can be easily relegated to history textbooks is absurd. History continues to be lived out today because the issues that form it (issues that ultimately led to the dictatorship, after all) are still unresolved.

¹⁷⁵ Some of the most important evidence coming out of the trials can be found at the "Megacausa ESMA" blog: http://www.espaciomemoria.ar/megacausa_noticias.php?cabezal=megacausa&barra=megacausa

With every court decision or public apology made on behalf of the state, the history of the dictatorship is adjusted.

Today in Argentina, one arena where the past is kept alive is in the courts as trials of human rights abuses that took place during the dictatorship continue. These nationwide trials are the most prominent location of the ongoing memory battles and public discourse over the interpretation of Argentina's past. The decision of the courts to accept their role in the on-going evaluation of the events of that period is an important and, as we have seen, complex one. But even though the human rights trials take place in a legal, official setting, the memory battles that they (re)occasion involve more than just the government and legal system of Argentina. They are part of a battle over public culture and a wider understanding of history. The past itself will not change because of the trials, but the people of Argentina may be able to gain a deeper understanding of what happened and why.

In conclusion, the nature of *La Nacion's* editorials and the memory debates they engage suggest the way in which Domingo Faustino Sarmiento's imagination of Argentina as being produced in a continual battle between the forces of what he termed "civilization" and "barbarism," still marks Argentine history. Sarmiento's seminal text, *Civilization and Barbarism: The Life of Juan Facundo Quiroga*, was written while he was living in exile in Chile, after fleeing the dictatorship of José Manuel de Rosas.¹⁷⁶ Since its publication in 1845, the tendency to divide Argentina in a Manichean fashion, between civilization and barbarism, good and evil, has become an integral part of Argentina's national discourse, describing everything from the urban/

¹⁷⁶ Domingo Faustino Sarmiento, *Facundo: Civilization and Barbarism*, trans. Kathleen Ross (Berkeley: University of California Press), 2003.

rural divide of Buenos Aires and Córdoba, to indigenous relations in Argentina, and the Peronist/anti-Peronist conflicts.¹⁷⁷ Sarmiento and his “Generation of 1837” intellectuals cast themselves as the urban civilized rightfully charged with the tasks of governing while the rural *caudillos*, gathered around Juan Manuel de Rosas, played the part of the barbarians. In later years, Perón and his *descamisado* adherents would occupy the position of the barbarians in the eyes of the Buenos Aires elites. Life is more complicated than this division would suggest, but Sarmiento’s original divide has had a tremendous staying power.

The 1976 dictatorship itself can be seen as a perpetuation of this debate, as the military government sought to remove (or “disappear”) those they considered the barbarians from Argentine society and to reorganize (or “civilize”) the nation, returning it to “Christian, Western values.” But their efforts only served to perpetuate the model as the methods employed by the ex-commanders converted the military State apparatus into the very “barbarians” they were trying so hard to eliminate from the nation. Some have argued that the persistence of this model, of seeing one’s opponents as “barbarians,” has tended to produce in Argentina a society that is uniquely unlikely to compromise. While this theme is beyond the scope of this thesis, one can easily see that the very idea that part of Argentina is “civilized” while the rest is “barbaric” is counterproductive to the project of national unity and reconciliation.

The editorials of *La Nación* provide readers with a set of lenses through which to view, and a kind of vocabulary with which to discuss, the events of the dictatorships. They are a “decoding matrix” through which the readers of *La Nación* can make sense of these events and

¹⁷⁷ Among others, see Nicolas Shumway, *The Invention of Argentina* (Berkeley: University of California Press), 1991, and Tulio Halperín Donghi, Iván Jaksic, Gwen Kirkpatrick, and Francine Masiello, eds., *Sarmiento, Author of a Nation* (Berkeley: University of California Press), 1994.

incorporate this ideology into their own participation in public life. The events covered by this study have a complicated past and were the result of different processes coming together over a long period of time. In fact, the ideological divisions that fueled the dictatorship began even before Sarmiento articulated this binary of Argentine identity. As I have stated over the course of this thesis, *La Nación* plays an extremely important political and social role in Argentina, and therefore, its unwavering narrative and presentation of the memory debates as civilization versus barbarism will have a long-lasting effect on the way these events are understood nationwide. This particular understanding, promoted by the editorials of *La Nación*, suggests just how difficult it will be for Argentina to move away from the binary framework of “civilization” versus “barbarism.” Although this may appear pessimistic, the history of these events and the dictatorship, drawn out over many generations and spanning the tumultuous internal conflicts of Argentina, show us that in addition to the process of consolidation, these issues of memory are concerned with the definition of Argentine identity.

Bibliography

Primary Sources:

- “Argentina deniega la extradición de un etarra por haber prescrito sus delitos,” *El País*, May 11, 2005. Accessed April 27, 2013. http://elpais.com/diario/2005/05/11/espana/1115762414_850215.html.
- BBC News. “Generals object to torture museum,” last modified March 25, 2004, <http://news.bbc.co.uk/2/hi/americas/3568795.stm>.
- Calvo, Pablo. “Ezeiza, una masacre que causó el estallido del peronismo,” *Clarín*, June 20, 1973. Accessed April 16, 2013. <http://edant.clarin.com/suplementos/especiales/2005/08/28/l-01215.htm> [].
- Christian, Shirley. “Argentina Frees Ex-Junta Leaders,” *New York Times*, December 30, 1990. Accessed April 27, 2013. <http://www.nytimes.com/1990/12/30/world/argentina-frees-ex-junta-leaders.html>.
- “Circulación neta de diarios. Años 2007-2009.” INDEC (2012) <http://www.indec.mecon.ar/nuevaweb/cuadros/9/q030705.xls>
- “Debaten quienes serían alcanzados por la derogación de los indultos,” *Linea Capital*. March 27, 2006. Accessed April 27, 2013. <http://www.lineacapital.com.ar/?noticia=8436>.
- Decree 261/275, Argentina, issued by government of Isabel Martínez de Perón, 5 February 1975. Accessed at: http://www.desaparecidos.org/nuncamas/web/document/decreto_261_75.htm.
- InfoNEWS. “Paper Prensa: el Gobierno denunciará a Clarín y La Nación.” Accessed April 27, 2013. <http://www.infonews.com/nota.php?id=103985&bienvenido=1>.
- La Nación* (Buenos Aires, Argentina), December 1985 - October 2011.
- “Montoneros: Como fué secuestrado y ejecutado Aramburu.” Accessed April 27, 2013. <http://www.taringa.net/posts/info/3834330/Montoneros-Como-fue-secuestrado-y-ejecutado-aramburu.html>.
- Schmall, Emily. “José Alfredo Martínez de Hoz, Argentine Official During Dictatorship, Dies at 87.” *New York Times*, March 17, 2013. Accessed April 27, 2013. <http://www.nytimes.com/2013/03/18/world/americas/jose-alfredo-martinez-de-hoz-argentine-official-during-dictatorship-dies-at-87.html>.

United Nations. "The Universal Declaration of Human Rights." Accessed April 27, 2013. <http://www.un.org/en/documents/udhr/index.shtml>

Secondary Sources:

Alfonsín, Raúl. *Inédito: una batalla contra la dictadura (1966-1972)*. Buenos Aires, Argentina: Editorial Legasa, 1986.

_____. *Memoria política: transición a la democracia y derechos humanos*. Buenos Aires, Argentina: Fondo de Cultura Argentina, 2004.

_____. "Teaching the Republic." *The Argentina Reader: History, Culture, and Society*. Ed. Gabriela Nouzeilles and Graciela R. Montaldo. Durham: Duke University Press, 2002. 477-80.

Amnesty International. *Argentina: the Full Stop and Due Obedience Laws and International Law*. London: International Secretariat, 2003.

_____. *Argentina: the Military Juntas and Human Rights: Report of the Trial of the Former Junta Members, 1985*. London: Amnesty International Publications, 1987.

Angel De Marco, Miguel. *Bartolomé Mitre*. Buenos Aires: Emecé Editores, 2004.

Anderson, Martin Edwin. *Dossier Secreto: Argentina's Desaparecidos and the Myth of the "Dirty War"*. Boulder: Westview, 1993.

Arceneaux, Craig L. *Bounded Missions: Military Regimes and Democratization in the Southern Cone and Brazil*. University Park, Penn: Pennsylvania State University Press, 2001.

Bouvard, Marguerite Guzman. *Revolutionizing Motherhood: the Mothers of the Plaza de Mayo*. Wilmington: Scholarly Resources Inc., 1994.

Brenan, James, "Working Class Protest, Popular Revolt, and Urban Insurrection." *Journal of Social History* 27 (1993): 477-498.

Davis, Madeleine. *The Pinochet Case: Origins, Progress and Implications*. London: University of London, Institute of Latin American Studies, 2000.

Díaz, Nicole M., "The Politics of Nomenclature: An Analysis of Language in Government Speeches, Laws, and Popular Discourse in Argentina from 1976-2007." Unpublished Senior Thesis, Emory College of Arts and Sciences, 2009.

- Eckstein, Susan, ed. *Power and Popular Protest: Latin American Social Movements*. Berkeley: University of California Press, 2001.
- Englander, Nathan. *The Ministry of Special Cases*. New York: Alfred A. Knopf, 2007.
- Fisher, Jo. *Mothers of the Disappeared*. Boston: South End, 1989.
- Gillespie, Richard. *Soldiers of Perón: Argentina's Montoneros*. New York: Oxford University Press, 1982.
- Goebel, Michael. *Argentina's Partisan Past: Nationalism and the Politics of History*. Liverpool: Liverpool University Press, 2011.
- Goldman, Francisco. "Children of the Dirty War: Argentina's Stolen Orphans." *The New Yorker*, March 19, 2012.
- Guest, Iain. *Behind the Disappearances: Argentina's Dirty War against Human Rights and the United Nations*. Philadelphia: University of Pennsylvania, 1990.
- Halbwachs, Maurice. *La Mémoire Collective*. Paris: Presses Universitaires de France, 1968.
- _____. *On Collective Memory*. Chicago: University of Chicago Press, 1992.
- Halperín Donghi, Tulio, Iván Jaksic, Gwen Kirkpatrick, and Francine Masiello, eds. *Sarmiento, Author of a Nation*. Berkeley: University of California, 1994.
- Hirsch, Herbert. *Genocide and the Politics of Memory: Studying Death to Preserve Life*. Chapel Hill: University of North Carolina, 1995.
- Hodges, Donald C. *Argentina's "Dirty War": An Intellectual Biography*. Austin: University of Texas Press, 1991.
- Humblebaek, Cartson. "Creating a New Cohesive National Discourse in Spain after Franco." In *Post-authoritarian Cultures: Spain and Latin America's Southern Cone*. Ed. Luis Martín-Estudillo and Roberto Ampuero. Nashville, TN: Vanderbilt UP, 2008. 196-217.
- Huyssen, Andreas, "Present Pasts: Media, Politics, Amnesia." *Public Culture* 12 (Winter 2000).
- Jelin, Elizabeth. *State Repression and the Labors of Memory*. Minneapolis, MN: University of Minnesota Press, 2003.
- Jelin, Elizabeth, and Eric Hershberg. *Constructing Democracy: Human Rights, Citizenship, and Society in Latin America*. Boulder, CO: Westview, 1996.

- Kaplan, Robert D. "The Statesman: In Defense of Henry Kissinger." *The Atlantic*. May 2013. 70-78.
- Larraquy, Marcelo. *López Rega. La biografía*. Buenos Aires, Argentina: Editorial Sudamericana: 2011.
- Levitsky, Steven and María Victoria Murillo, eds. *Argentine Democracy: The Politics of Institutional Weakness*. University Park: Pennsylvania State University Press, 2005.
- Lewis, Colin M. and Nissa Torrents, eds. *Argentina in the Crisis Years, 1983-1990: From Alfonsín to Menem*. London: Institute of Latin American Studies, 1993.
- Lewis, Daniel K. *The History of Argentina*. Westport, CT: Greenwood, 2001.
- Lewis, Paul H. *Guerrillas and Generals: The "Dirty War" in Argentina*. Westport, CT: Praeger, 2002.
- . *The Agony of Argentine Capitalism: From Menem to the Kirchners*. Santa Barbara: Praeger, 2009.
- Linz, Juan J., and Alfred C. Stepan. *Problems of Democratic Transition and Consolidation: Southern Europe, South America, and Post-communist Europe*. Baltimore: Johns Hopkins University Press, 1996.
- Loveman, Brian. *For La Patria: Politics and the Armed Forces in Latin America*. Wilmington, DE: SR, 1999.
- MacLachlan, Colin M. *Argentina: What went wrong?* Westport: Praeger Publishers, 2006.
- Malamud, Goti Jaime E. *Game without End: State Terror and the Politics of Justice*. Norman: University of Oklahoma, 1996.
- Marchak, Patricia M. *God's Assassins: State Terrorism in Argentina in the 1970s*. Montreal: McGill-Queen's University Press, 1999.
- Megacausa ESMA. Last modified 2011. http://www.espaciomemoria.ar/megacausa_noticias.php?cabezal=megacausa&barra=megacausa. Accessed April 27, 2013.
- NACLA, *Beyond the Washington Consensus* 37:3 (Nov/Dec 2003).

- Nallim, Jorge. *Transformations and Crisis of Liberalism in Argentina, 1930-1955*. Pittsburgh, PA: University of Pittsburgh, 2012.
- Nunca Más: The Report of the Argentine National Commission on the Disappeared ; with an Introduction by Ronald Dworkin*. New York: Farrar, Straus, Giroux, 1986.
- Nora, Pierre. "Between Memory and History: Les Lieux de Mémoire." Trans. Marc Roudebush. *Representations* 26 (Spring 1989): 7-25.
- Payne, Leigh A. *Unsettling Accounts: Neither Truth nor Reconciliation in Confessions of State Violence*. Durham: Duke University Press, 2008.
- Robben, Antonius C.G.M. *Political Violence and Trauma in Argentina*. Philadelphia: University of Pennsylvania, 2005.
- Rock, David. *Argentina, 1517-1987. From Spanish Colonization to the Falklands War*. Berkeley: University of California Press, 1987.
- _____. "Revolt and Repression in Argentina." *The World Today* 33:6 (June 1977): 215-222.
- Roehrig, Terence. *The Prosecution of Former Military Leaders in Newly Democratic Nations: The Cases of Argentina, Greece, and South Korea*. Jefferson: McFarland & Co., 2002.
- Romero, Luis Alberto. *A History of Argentina in the Twentieth Century*. University Park, PA: Pennsylvania State UP, 2002.
- Rosen, Fred. *Empire and Dissent: The United States and Latin America*. Durham: Duke University Press, 2008.
- Rousso, Henry. *The Haunting Past: History, Memory, and Justice in Contemporary France*. Philadelphia: University of Pennsylvania, 2002.
- Russel, Charles A., James F. Schenkel and James A. Miller. "Urban Guerrillas in Argentina: A Select Bibliography." *Latin American Research Review* 9:3 (Autumn 1974): 53-89.
- Santa Ana, Otto. *Brown Tide Rising: Metaphors of Latinos in Contemporary American Public Discourse*. Austin: University of Texas, 2002.
- Sarlo, Beatriz. *La audiencia y el cálculo: Kirchner 2003-2010*. Buenos Aires: Editorial Sudamericana, 2011.
- Sarmiento, Domingo Faustino. *Facundo: Civilization and Barbarism*, trans. Kathleen Ross. Berkeley: University of California Press, 2003.

- Shumway, Nicolas. *The Invention of Argentina*. Berkeley: University of California, 1991.
- Sidicaro, Ricardo. *La Política Mirada Desde Arriba: Las Ideas Del Diario La Nación, 1909-1989*. Buenos Aires: Editorial Sudamericana, 1993.
- Sikkink, Kathryn. *The Justice Cascade: How Human Rights Prosecutions Are Changing World Politics*. New York: W. W. Norton & Co., 2011.
- Stern, Steven J. *Remembering Pinochet's Chile: On the Eve of London, 1998*. Durham, N.C: Duke University Press, 2006.
- Taylor, Diana. *Negotiating Performance: Gender, Sexuality, and Theatricality in Latin/o America*. Durham: Duke University Press, 1994.
- Thorp, Rosemary, Corinne Caumartin, and George Gray-Molina. "Inequality, Ethnicity, Political Mobilisation and Political Violence in Latin America: The Cases of Bolivia, Guatemala and Peru." *Bulletin of Latin American Research* 25.4 (2006): 453-80.
- Tulchin, Joseph S., "The Malvinas War of 1982: An Inevitable Conflict That Never Should Have Occurred." *Latin American Research Review* 22:3 (1987): 123-141.
- Urry, John. "How Societies Remember the Past." In *Theorizing Museums. Representing Identity and Diversity in a Changing World*. Sharon Macdonald and Gordon Fyfe, Eds. Oxford: Blackwell Publishers, 1996: 45-65.
- Veigel, Klaus F. *Dictatorship, Democracy, and Globalization: Argentina and the Cost of Paralysis, 1973-2001*. University Park: Pennsylvania State University Press, 2009.
- Wilde, Alexander. "Irruptions of Memory: Expressive Politics in Chile's Transition to Democracy." In *Genocide, Collective Violence, and Popular Memory: The Politics of Remembrance in the Twentieth Century*. Ed. David E. Lorey and William H. Beezley. Wilmington, DE: SR, 2008. 1-30.
- Wright, Thomas C. *State Terrorism in Latin America: Chile, Argentina, and International Human Rights*. Lanham: Rowman & Littlefield, 2007.
- Yendor. "Argentina military junta members, top officers and ministers." Accessed April 27, 2013. <http://www.yendor.com/vanished/junta.html>

Appendix

1. *El fallo en el juicio a los ex comandantes*

La Nación, December 14, 1985

Buenos Aires, Argentina

El fallo que acaba de pronunciar la Cámara en lo Criminal y Correccional Federal de la Capital en el juicio entablado contra los integrantes de tres juntas militares del gobierno surgido el 24 de marzo de 1976, originado en el decreto 158/83 del gobierno constitucional, no puede eludir la fuerte carga política del fenómeno histórico considerado. La imagen que el juicio y el fallo adquieren en la opinión pública nacional e internacional, según pudo verse en estos días, es demostrativa de esa realidad, a pesar de la decisión formalizada en el decreto antes mencionado que, con el aplauso de todos los ciudadanos de auténticas convicciones democráticas, resolvió poner este triste episodio en manos exclusivas de la Justicia.

Además, el carácter oral y público del juicio a los ex comandantes, con el uso, inédito en el país, de la televisión para difundirlo parcialmente, ocasionó una diferencia ostensible en el ánimo de aquella opinión, en comparación con las modalidades tradicionales empleadas para los procesos seguidos a algunas de las cabezas principales del terrorismo. De tal forma, mientras en el primer caso nuestro país y el mundo se conmovieron con los detalles de las acusaciones y con las imágenes de los procesados, todo lo referente a la acción terrorista quedó reservado, a la intimidad de los despachos de los magistrados y a pesar de la voluntad manifiesta del Gobierno de someter a la Justicia igualitariamente a unos y a otros, los responsables de los crímenes subversivos no aparecen igualitariamente expuestos ante la conciencia moral de la humanidad.

La Cámara reconoce inicialmente “la presencia en la República del fenómeno del terrorismo, que -añade- por su extensión, grado de ofensividad e intensidad fue caracterizado como guerra revolucionaria.” Es un punto de partida que no debe dejar de valorarse en su profunda significación histórica.

Luego, las argumentaciones esenciales de la Cámara apuntan a demostrar la inexistencia de un comando conjunto para la lucha contra la subversión y con ello fundamentan las diferencias, grandes en algunos casos, de las penas aplicadas. Pero, asimismo, la Cámara señala que cada una de las tres fuerzas -Ejército, Armada y Fuerza Aérea- cumplieron su cometido en grados cuantitativamente muy distintos, de mayor a menor, librar la severidad de las penas a cada uno de los ex comandantes en jefe. Considera después que dichos comandantes son responsables de los excesos cometidos -asesinatos, torturas, privaciones de libertad, robos- y aplica las sanciones consiguientes. En consecuencia, las penas aplicadas, a pesar de cuanto se dijo en sentido opuesto, terminan resultando sanciones no sólo personales sino en alguna medida institucionales.

Desde el punto de vista de la ortodoxia jurídica, juzgar a un hombre por decenas y decenas de asesinatos, por cientos y cientos de robos y saqueos, presuntamente cometidos en un lapso de dos o tres años, durante el cual, además, ocupaba la presidencia de la Nación, o formaba parte de un cuerpo investido del máximo poder del Estado, puede ser prácticamente imposible y por esa causa la labor de los magistrados terminó revestida de una óptica política ineludible.

Por su parte, el gobierno militar instaurado en 1976 creyó las armas empleadas contra el terrorismo podían resultar efectivas usadas al margen de la ley y en la oscuridad. Cayó en su propia trampa, y derrotó al enemigo -servicio que ningún hombre de bien puede olvidar, porque todos lo requirieron, en su momento, de las Fuerzas Armadas-, pero fue víctima de un daño moral cuyo precio está pagando. Por estas razones, el país siente como un acierto de los jueces, más allá de cualquier valoración fundada en términos de técnica procesal y jurídica, que en ningún caso se haya llegado a la degradación. Ello hubiera constituido un agravio innecesario del cual, al menos, deben quedar protegidos los hombre que, pese a las razones que puedan justificar otros cargos, evitaron que el caos y el terrorismo se enseñorearan del país.

Algunas reacciones lamentables en el orden interno, que entienden como globalmente benigno el fallo en cuestión, demuestran la subsistencia de sectores animados de un espíritu de revanchismo para el cual la Justicia sólo debería ser la cobertura de verdaderos tribunales populares. No puede

dejar de señarlarse al respecto que quienes expresan esas posiciones se autotitulan democráticas se consideran a sí mismos únicos jueces válidos en la materia. Condenan al procesos militar por emplear medios comparables a los del terrorismo, pero pretenden reivindicar los derechos del hombre haciendo caso omiso, ellos también, de la ley y de la Justicia. Es el camino de nunca acabar, pues sólo encierra ira y venganza.

En cierto modo, una sociedad entera se siente enjuiciada en algún grado. Una conmoción anímica recorre la conciencia común de la República, que aplaudió sin reservas la derrota de la subversión pero entiende que esa alta finalidad no puede permitir la impunidad de los excesos. Porque lo que la inmensa mayoría de los argentinos desea fervientemente es que la subversión no vuelva a hacerse presente con su frío racionalismo de fanatismo y de criminalidad, que no retorne la angustia de la inseguridad sobre vidas y bienes ni, mucho menos, la captación de los adolescentes y los jóvenes por las ideología que los llevaron a la negación de los más altos valores y de los más nobles sentimientos. Y por ello no puede evitar sentir en su fuero íntimo, también en esta hora, o quizás precisamente en esta hora, el sentimiento de gratitud a los hombres que hicieron posible la derrota de la subversión. Pero quiere, además, que no vuelva tampoco al país la soberbia armada de los represores que en nombre de una causa justa generaron idénticas angustias, la misma inseguridad y excesos tan condenables como los que se combatían.

Para alcanzar ese ideal, y poner además en marcha definitiva al país hacia la recuperación moral, cívica y económica que dé a las nuevas generaciones la oportunidad de un destino personal y social acorde con nuestro tiempo, es necesario admitir que la hora de la reconciliación ha llegado. Así como se dice nunca más a las torturas y a los crímenes del terrorismo y de quienes deban, eventualmente, volver a luchar contra él, ha de decirse basta a los revanchismos y a los afanes de venganza. Es hora de hacerlo. La única manera de lograrlo es que la ciudadanía, al margen de sus propios sentimientos, sepa admitir la palabra de la Justicia, aun con las imperfecciones que las decisiones humanas puedan siempre tener.

Los juicios de la historia, en fin, están por encima de los fallos de la Justicia, de los juicios políticos y de los tribunales populares. Mas tampoco los juicios de la historia son garantía absoluta de la verdad. Los creyentes admiten que existe una justicia divina y que sólo ella otorga la certeza absoluta, pero está más allá de los hombres y de los tiempos. Y aun los no creyentes saben que la verdad sobre cada hombre y sobre el valor moral de hombre y que todo juicio al respecto no puede pasar de ser una aproximación a la verdad anhelada. No está de más, es esta hora grave de la Argentina, recordar con una pizca de humildad esta precariedad del juicio de los hombres.

The sentencing of the ex-commanders

The sentence that the Federal Criminal Court of Appeals filed against the former leaders of the three military *juntas* of the government that began on March 24, 1976, initiated by the current constitutional government's Decree 158/83, cannot avoid the political significance of the historical phenomenon considered. The image that the trial and sentence acquire in national and international public opinion, as one has seen in the last few days, is demonstrative of this reality, despite the decision outlined in the aforementioned decree that, with the support of citizens with true notions of democracy, decided to put this tragic episode exclusively in the hands of the judicial system.

In addition, the oral and public nature of the trial against the ex-commanders, with the use, uncensored throughout the nation, of television to broadcast parts of the trial, demonstrated a visible difference in the encouragement of that opinion, compared with the traditional methods employed in the trials against some of the principle leaders of terrorist groups. In any case, while in the first case, our country and the world were moved by the details of the accusations and images created by the witnesses, everything related to the actions of terrorists remained private, hidden in the offices of the judges, despite the promises by the government to subject one and all to Justice equally, those responsible for subversive crimes do not appear to be subjected to the same level of judgement before the moral conscience of humanity.

The Court recognized initially “the presence in the Republic of the terrorist phenomenon, which -it added- due to its extensiveness, level of threat and intensity could be characterized as that of a revolutionary war. This is an important point that should not be ignored because of its profound historical significance.

Later, the main arguments made by the court demonstrated the lack of a combined command in the fight against subversion and with that argument, the court justified the differences in sentences for the ex-commanders. But even so, the court signaled that every one of the three forces - the Army, the Navy, and the Air Force - committed quantitatively different levels of crimes that, more or less, decided the severity of the sentence that each ex-commander would receive. Imagine that after [the arguments are heard], these commanders are found responsible for the excesses committed - murder, torture, depriving individuals of liberty, robbery- and corresponding sentences are applied. In that case, the punishments, even though [the court] presented this differently, would apply not only to the individuals on trial but to the institutions they represent.

From the point of view of juridical orthodoxy, to judge a man for dozens and dozens of assassinations, for hundreds and hundreds of thefts and looting, presumably committed over a period of two or three years, during which, in addition, he occupied the presidency of the Nation, or formed part of a body invested with the maximum power of the State, can be practically impossible and this will inescapably become wrapped up in politics.

For its part, the military government installed in 1976 believed that the techniques employed against terrorism would be most effective if used outside of the law and hidden from the public. The military government fell in its own trap, and defeated the enemy - a service that no honest man can forget, since it is required that everyone, at the appropriate time, serve in the armed forces -, but it was the victim of a moral damage whose price it is still paying. For these reasons, the country agrees with the judges to a certain degree, beyond whatever value there is in the

technical terms of the judicial process, that the trial never reached the level of abasement. That would have been an unnecessary error since, at the very least, the men who, despite reasons to justify other duties, prevented terrorism and chaos from ruling the country.

Some unfortunate reactions within the internal order, by those who understand the sentence in question as overall benign, demonstrate the reason for why other sectors, fueled by a spirit of revenge, for whom justice should only be dealt with by legitimate popular tribunals, exist. They condemn the military process for employing methods comparable to those of the terrorist, but pretend to defend the rights of men, themselves ignoring the law and the judicial system. This is the path that will never lead to reconciliation and will only create hatred and vengeance.

To a certain degree, everyone within society feels judged to a certain extent. A psychological shock went through the common conscience of Argentina, which supported without qualms the destruction of subversion, but now understands that this noble end cannot permit impunity in the face of excesses. Because what the overwhelming majority of Argentines want more than anything is that the subversion never returns with its ability to coldly justify fanaticism and criminality, that we do not return to the anguish of lives and property left in insecurity nor, even more importantly, of adolescents and young people trapped by ideologies that lead them to ignore our most important values and most noble beliefs. And therefore, it was impossible to avoid feeling at the most intimate level, to this day, a feeling of gratitude towards those men who made the defeat of subversion possible. But one wants, in addition, never to return the nation to the armed arrogance of the repressors who, in the name of a just cause, created the very same anxieties, the same lack of security, and the same awful excesses of those against whom they were fighting.

In order to reach this ideal, and to put the country back on track towards a moral, civic, and economic recuperation that will give new generations the opportunity for a personal and social future in accord with our times; it is necessary to admit that the hour for reconciliation has arrived. Just as they say “never again” to torture and crimes of terrorism and to those who

should, eventually, return to fight against it, the time has come to say “enough” to revenge and to the supporters of vengeance. The only way to achieve this is for the citizens, outside of their own beliefs, realize that the word of the court, regardless of the imperfections that human decisions can always have.

The judgments of history, in the end, are more important than the findings of the Courts, political determinations, or the court of popular opinion. But neither are the judgments of history absolute guarantees of the truth. Believers sustain that there exists a form of divine justice and that it is the only judgment that holds absolute certainty, but it is beyond men and beyond time. And even nonbelievers know that arriving at the truth as to the moral value of one man’s actions presents an inscrutable problem for other men, and that any justice with respect to those acts can only be an approximation of the desired truth. It is not too much, in this grave hour for Argentina, to remember with a bit of humility how precarious are the judgments of men.

2. Los indultos

La Nación, December 30, 1990
Buenos Aires, Argentina

La decisión del Presidente de indultar a ex comandantes de las fuerzas armadas que condujeron en su momento el Proceso de Reorganización Nacional, así como al líder montonero Mario Firmenich -entre otras personas-, no puede, naturalmente, borrar de la historia nacional ni de la memoria de los argentinos los episodios que los tuvieron como protagonistas. Tampoco podrá evitar que por mucho tiempo se mantenga abierta la polémica en torno del juicio moral que la actuación de aquéllos pueda merecer a cada habitante. Pero estos indultos, cuyos beneficiarios se encuentran ya en libertad, constituyen el cierre de una etapa signada por episodios dolorosos y desdichados y la apertura de otra que -es de esperar- encolumne a la ciudadanía detrás de ideales éticos y políticos comunes.

La Argentina de la década del 70 fue conmovida por una violencia terrorista desconocida en el país en este siglo. Las peores manifestaciones de ese carácter, que desde años atrás ensombrecían

otras latitudes y ensangrentaban países americanos, llegaron también a esta tierra y sorprendieron a las instituciones, que no estaban preparadas para afrontarlas.

Antes de 1976, las Fuerzas Armadas fueron convocadas por el poder constitucional para enfrentar al terrorismo. La tarea se intensificó después de marzo de ese año y, si bien en la práctica, a lo largo de varios años, logró terminar con las más tenaces y orgánicas formas de la guerra desatada brutalmente por el terrorismo, las heridas resultantes tendieron un nuevo manto de dolor y de odios sobre la sociedad.

Con la recuperación de la democracia como forma de gobierno y la vigencia de los derechos constitucionales en toda su plenitud, a partir de diciembre de 1983, llegó también un momento difícil: fue el juicio seguido en sede militar, primero, y ante el Poder Judicial después, de quienes tuvieron a su cargo la dura tarea de la lucha contra el terrorismo y consiguieron ganar, para bien del país, una guerra declarada de fronteras adentro bajo formas atípicas y que desencadenó repuestas también atípicas.

La Justicia dijo su palabra, abriendo, a su vez, una nueva polémica cuyos ecos no se han acallado todavía. De una sola cosa es imposible dudar: hay una diferencia sensible entre quienes iniciaron la guerra y quienes la afrontaron, aún con errores y métodos que pueden merecer diferentes apreciaciones éticas.

La tortura y las desapariciones carecen siempre de justificativo moral, mas en indiscutible que la frialdad y hasta la jactancia del asesinato de Aramburu y de otros hombres de armas fueron el punto de partida de una lucha fratricida que ningún hombre de bien quisiera ver repetirse.

Pero el momento no es el oportuno para reabrir heridas ni reanudar debates políticos, éticos y jurídicos. La historia, desde los tiempos más remotos y en todas las grandes civilizaciones, revela la necesidad de decir *basta*, en determinado instante, a problemas como los señalados. No hay

sociedad que pueda proseguir viviendo si los odios del ayer y los debates sobre el pasado continúan operando en el presente, trabando su desenvolvimiento en todos los órdenes.

El mundo, por otra parte, se apresta a vivir la última década del siglo frente a perspectivas de doce meses atrás eran casi inimaginables. Los acontecimientos más inesperados se precipitaron con velocidad vertiginosa en 1990 y todavía sacuden los últimos días del año. Mientras el gigantesco imperio socialista parece haberse derrumbado sin remedio, al menos en sus manifestaciones ortodoxas tradicionales, el mundo capitalista y los ideales liberales se ven sacudidos por la amenaza de una guerra con Irak que, de algún modo, podría trastornar todo su funcionamiento.

Una realidad está impuesta: hombres gobiernos, países, miran hacia el futuro. El pasado se refugia -como corresponde- en los textos de historia y allí vivirá, fecundante pero no paralizante. Es la tarea que tenemos por delante los argentinos. El pasado no desaparece, no se ignora, y en la intimidad de cada ser humano alcanza una dimensión propia e irrepetible. Pero como sociedad cabe mirar al porvenir. Construirlo sin dejar que el ayer nos ate de pies y manos es la obra común que espera a la Argentina en la etapa que se cierra con los indultos y se debe abrir sin trabazones mentales.

The pardons

The decision of the President to pardon the ex-commanders of the armed forces, all of who directed the National Reorganization Process at some point, in addition to the Montonero leader, Mario Firmenich - among others -, cannot, naturally, erase from national history or from the memory of Argentines the period in which these individuals were the protagonists. Neither can it avoid the fact that there has been a prolonged controversy concerning the moral judgement that actions of each of these individuals deserves. But these pardons, whose beneficiaries have already been released, represent the close of a chapter identified by painful and unhappy

episodes and the opening of another - we can hope - that will unite the population behind common political and ethical ideals.

In the decade of the '70s, Argentina was shaken by terrorist violence unknown in this country during this century. The worst aspects of this approach, which for years had darkened other latitudes and bloodied [various] American countries, also arrived in this land and took its institutions by surprise, particularly those not prepared to confront these forces.

Prior to 1976, the Armed Forces were called upon by the constitutional power to take on the threat of terrorism. This task intensified after March of that year and although in practice, after many years, the armed forces were able to finish with the most tenacious and organic forms of a war unleashed brutally by terrorism, the resulting wounds created a new form of pain and hatred throughout society.

With the recuperation of a democratic form of government and the vigilant protection of constitutional rights to their fullest extent, beginning in December 1983, Argentina was confronted with another difficult moment: it was the trials that first took place in the military court and in front of the Judicial Power second, of those who were in charge of the difficult fight against terrorism and who managed to win, for the benefit of the nation, a war declared within the borders using atypical forms that necessitated equally atypical responses.

The Court made its decision, opening up at that time, a new controversy whose echo has still not quieted, even today. One thing is impossible to doubt: there is a sensible difference between those who begin a war and those whom it confronts, even with errors and methods that can merit different moral judgements.

Torture and disappearances can never be morally justified, no more than the coldness of the assassination of Aramburu and of other military men, and the manner in which [the Montoneros]

boasted of their act was the starting point of a fratricidal fight that no man of good character would want see repeated.

But this is not the appropriate time to reopen wounds nor to resume political, ethical or legal debates. History, since the most remote times and in all the great civilizations, reveals the necessity to say *enough*, at a given moment, to problems like those previously identified. There is no society that can continue surviving if the hatreds of yesterday and the debates over the past continue operating in the present, insinuating themselves into every sphere.

The world, on the other hand, is preparing itself to live the last decade of this century with a perspective which twelve months ago would have been unimaginable. The most unexpected events happened with extreme speed in 1990 and continued even until the very last days of the year. While the gigantic socialist empire, at least in its traditional orthodox forms, appears to have collapsed without salvation, the capitalist world and liberal ideals were shaken by the threat of a war with Iraq, which, to some degree, would have unsettled its entire operation.

Only one reality is obligatory: men, governments, countries, [must] look towards the future. The past will retreat –as it should- to the history texts and there it will live, fertile but not paralyzing.* This is the task that we Argentines have in front of us. The past does not disappear, it is not ignored, and in the interior of every human being it achieves a personal and unique dimension. But a society must look towards the future. To construct [the future] without allowing the past to bind us foot and hand is the shared work that awaits Argentina as [Menem's] pardons close this chapter and open [a new one] unbound by mental entanglements.

3. La detención de Videla

La Nación, June 11, 1998

Buenos Aires, Argentina

La prisión de Jorge Rafael Videla vuelve a poner a la sociedad argentina ante circunstancias no resueltas, ante imputaciones y sentimientos que testimonian, con inquietante unanimidad, que la ansiada pacificación que tanto se busca es, en buena medida, un anhelo todavía incumplido.

Esa decisión judicial no sólo ha conmovido a la opinión; a la vez origina en ella reacciones diversas y contradictorias, que van desde la reiteración tajante de una condena moral al ex presidente de facto y al período que inevitablemente representa hasta suspicacias y lucubraciones sobre presuntos aprovechamientos políticos de esta situación que muy poco favor hacen al decoro de ciertas cosas en las que la ciudadanía debería creer.

No demasiadas voces, en cambio, refieren este caso al ámbito que parecería ser obvio y que es, por otra parte, el que ha establecido esa detención: el judicial, con sus tiempos, requisitos y mecanismos de probanzas, puesto ahora en marcha para tratar de esclarecer hechos horribles cuya perpetración ya añosa constituye una herida que dista de haber cicatrizado. La desaparición de menores nacidos en cautiverio y la simultánea destrucción de los datos acerca de sus identidades, añadida a la muerte oculta de las madres, configuran actos que infunden pavor y que, ciertamente, no alcanzaría a justificar ninguna razón de Estado.

No es reprochable, en ese sentido, nada de lo actuado por el doctor Roberto Marquevich y es lógico que si cree que una declaración que en sede judicial pueda hacer Videla acaso contribuya a esclarecer sucesos de aquellos duros años, lo convoque para tomársela. De este trámite cabe esperar luz sobre acontecimientos que en cada causa existente se traducen hoy en dramas personales que, sin excepción, deben ser contemplados con el mayor respeto. En cuanto al ex presidente de facto, más allá de lo estrictamente judicial, está en juego -y no es la primera vez- la figura de alguien que protagonizó una actuación insoslayable en un pasado que aún divide a los argentinos. Se lo pregunte o no el juez, se trata de saber si admite culpas y reconoce responsabilidades, sin que para nada lo ayude -ni nos ayude- la opción del silencio.

Pero el magistrado se ha valido de un procedimiento que se presta a inferencias realmente desdichadas: Videla es llamado a declarar y el propio doctor Marquevich indicó que no tenía motivo para pensar que no comparecería; sin embargo, ordenó su detención preventiva para asegurarse de que dispondría de ese testimonio.

El resultado ha sido el hecho noticioso del encarcelamiento de una persona cuyos antecedentes vuelven inevitable la repercusión pública, no sólo en nuestro país sino también en el extranjero. Esto sucede en momentos en que el presidente Menem se encuentra en Francia, donde es natural que se lo interrogue sobre derechos humanos y desaparecidos, puntos para los que surge una acotación obvia y desarmadora: "Videla está preso..."

Esa inferencia -pese a estar ya en todos lados- no debe ser cierta; no puede serlo. Muchos sacrificios anímicos e institucionales ha hecho la Argentina en pro de una pacificación que, como vemos, no termina de concretarse; sería muy triste que un asunto tan doloroso ostente imperdonables adherencias de frivolidad.

Buena o mala, objetada o no, la Justicia existe y está en la obligación de investigar y esclarecer estos y otros casos aberrantes, por medio de los recursos que las normas vigentes ponen en manos de los magistrados. .

The arrest of Videla

The imprisonment of Jorge Rafael Videla once again puts Argentine society face to face with unresolved circumstances, allegations and feelings that demonstrate, with disturbing unanimity, that the longed-for pacification that so many look for is, in reality, still an incomplete desire.

This judicial decision has not only changed opinion; at the same time the decision generates diverse and contradictory reactions, that range from an emphatic reiteration of the moral condemnation of the ex-de facto president and the period which he inevitably represents, to

suspensions and rantings about the presumed political exploitations of this situation that very few favor, try to make the population believe certain things.

Not enough voices, instead, refer to this case in the context which should be obvious, which is that, on the other hand, this trial has established this sentence: the judicial system, with enough time, resources and investigating measures, now puts into motion a process to try and uncover the horrible events, for which the wounds are still healing, despite having taken place years ago. The disappearance of minors born in captivity and the simultaneous destruction of their true identity, on top of the hidden death of their mothers, makes these acts that instill fear and which, certainly, cannot be justified for any reason on the part of the State.

It is not blameworthy, in this sense, what Dr. Roberto Marquovich did and it is logical that if he believes a declaration in the judicial building can hold Videla accountable and contribute to the uncovering of certain events during the dictatorship, he will allow himself to be taken. In this process one awaits the bringing to light of certain events that in each case translate today into personal dramas which, without exception, should be understood with the utmost respect. In terms of the ex-de facto president, beyond the strictly judicial aspect, something more is at stake, and not for the first time: the figure of someone who orchestrated an unavoidable action in the past that continues to divide Argentines. Whether or not the judge questions him, it has to do with his admittance that he is guilty and that he recognize his responsibilities, without which it won't help him - nor us - reach silence.

But the magistrates have used a procedure that relies on unfortunate inferences: Videla is called upon to testify and Dr. Marquovich indicated that he had no reason to think that he would not appear; however, the judges ordered his preventative detention to ensure that he is available for testimony.

The result has been the noteworthy fact of the jailing of one person whose record has returned inevitably to the public, not only in our country but also in foreign countries. This happened in a

moment when President Menem found himself in France, where natural they interrogated him about human rights and the desaparecidos, questions which gave rise to an obvious and disarming answer: “Videla is in jail...”

This inference -despite already being everywhere- should not be true; it cannot be true. Many sacrifices of the mind and institutional sacrifices have shown that Argentina is in favor of pacification, which, as we have seen, has not materialized; it would be very sad if an issue this painful held on to unpardonable differences.

For better or for worse, whether one agrees with it or not, the judicial system exists and is obligated by its position it to investigate and uncover these and other aberrant cases, using the resources that current norms provides to the magistrates.

4. Alentar la paz y la reconciliación

La Nación, March 25, 2004

Buenos Aires, Argentina

Al pedir perdón en nombre del Estado nacional por las violaciones a los derechos humanos perpetrados durante el último gobierno militar, el presidente de la República produjo ayer un gesto de valor moral que debería servir para fomentar la reconciliación de los argentinos y no para alentar nuevas divisiones. La sociedad debe unirse para repudiar los crímenes ejecutados por grupos pertenecientes a estructuras estatales en el contexto de la represión ilegal contra el terrorismo.

Cabría preguntarse, sin embargo, por qué razón se suelen dejar en el olvido los hechos aberrantes perpetrados en las décadas del 60 y del 70 por las bandas y organizaciones subversivas. ¿No fue horroroso, acaso, el atentado que mató al capitán Humberto Viola y a su hija de tres años, por mencionar sólo uno de los muchos casos que registra el historial del terrorismo subversivo en nuestro país? ¿No merece similares calificativos la ejecución -durante el ataque al Regimiento de

Caballería Blindada de Azul- de Nilda Irma Casaux de Gay, a quien la guerrilla asesinó a sangre fría delante de sus hijos, quienes antes habían visto morir a su padre?

Hace escasos días la afirmación del jefe de la Fuerza Aérea, brigadier general Carlos Rodhe, acerca de que en la Argentina de los violentos años 70 "se cometieron horrores y errores de ambas partes", provocaron una réplica del ministro del Interior y una obligada rectificación del mencionado jefe. Al cuestionar al brigadier general Rodhe, el doctor Aníbal Fernández hizo notar que "en Italia, cuando la democracia fue atacada desde grupos radicalizados..., fueron las instituciones democráticas las que, dentro de la ley, reprimieron y controlaron esas expresiones".

Sería conveniente recordar que en nuestro país también se combatió al terrorismo por métodos legales mediante la creación de la Cámara Federal en lo Penal de la Nación, tribunal que juzgó y condenó, de acuerdo a derecho y garantizando el debido proceso, a muchos agentes del terrorismo y la subversión. Sin embargo, cuando asumió la presidencia el doctor Héctor J. Cámpora, en 1973, se disolvió la mencionada cámara y se dictó por ley una amnistía general que benefició a la casi totalidad de los subversivos y terroristas condenados, muchos de los cuales reincidieron en su conducta criminal y hasta asesinaron a uno de los jueces del propio tribunal que los había condenado..

Por lo demás, deben recordarse también los cientos de desapariciones acontecidas durante el gobierno de María Estela Martínez de Perón, demostrativas de que el terrorismo de Estado había empezado bastante antes de 1976. A casi tres décadas de todos esos hechos dolorosos, el país debería realizar un juicio histórico-crítico riguroso, que rescate el sagrado valor de la vida humana y extirpe la lógica de violencia que los hizo posibles.

Es necesario que la sociedad argentina supere los enfrentamientos del pasado y acepte marchar con paso firme hacia la pacificación nacional. La memoria no puede ser hemipléjica o unilateral. Debemos condenar toda la violencia sin excepción, cualquiera haya sido su motivación ideológica o política.

Países tan próximos al nuestro como España o Chile encontraron la manera de dejar definitivamente atrás los hechos de violencia que desgarraron en otro tiempo a sus sociedades. Y supieron llegar a metas de reconciliación y paz social, sin las cuales no hubieran podido avanzar por la senda de la recuperación económica. ¿Por qué los argentinos nos obstinamos en seguir alentando nuestras divisiones y seguimos siendo prisioneros del pasado?

Encouraging peace and reconciliation

Yesterday, by asking forgiveness in the name of the State for the human rights violations perpetrated during the last military government, the President of the Republic of Argentina carried out an act of moral strength that hopefully serves to promote reconciliation between Argentines and not create new divisions. Society must unite in condemning the crimes committed by groups belonging to the State who were involved in illegal repression of terrorism.

One might ask, however, for what reason the aberrant crimes committed by subversive groups and organizations during the '60s and '70s typically ignored so frequently. Was it not horrid when Captain Humberto Viola and his three-year old daughter were murdered? Shouldn't the assassination of Nilda Irma Casaux de Gay during the attack on the Armored Cavalry of Azul, who the guerrillas murdered in cold blood in front of her children and who had already witnessed the death of their father, merit similar disapprobation?

Just a few days ago, the statement by the chief of the Air Force, brigadier general Carlos Rodhe, who, referencing the violent decade of the '70s in Argentina, said that "errors and excesses were committed by both sides" provoked a retort by the Minister of the Interior and an obligatory correction by Rodhe. While questioning brigadier general Rodhe, Dr. Aníbal Fernández noted that, "in Italy, when democracy was attacked by radicalized groups, it was the democratic institutions, within the limits of the law, that punished and controlled these attacks."

It would be prudent to remember that in our country there was also an attempt to combat terrorism with legal methods through the creation of the Federal Criminal Court of the Nation,

which judged and convicted many agents of terrorism and subversion, in line with the law and guaranteeing them due process. However, when Dr. Héctor J. Cámpora assumed the presidency in 1973, he dissolved the aforementioned court and instituted a general amnesty law that benefited almost all of the convicted subversives and terrorists, many of who returned to their criminal behavior and even assassinated one of the judges of the tribunal which had originally convicted them.

In addition, it is important to remind oneself of the hundreds of disappearances that took place during the administration of María Estela [Isabel] Martínez de Perón are proof that State terrorism had begun well before 1976. Nearly three decades since all of these painful events, Argentina should carry out a careful historical critique, that recovers the sacred value of human life and eliminates the logic of violence which made those acts possible.

It is necessary that Argentine society overcome the conflicts of the past and accept the task of working towards national pacification. Memory can never be one-sided or all-encompassing. We must condemn all violence without exception, no matter the ideological or political motivations of that violence.

Countries that are similar to ours, such as Spain or Chile, found a way to leave behind the violent events that once tore apart their societies for good. They knew how to arrive at the goals of reconciliation and social peace, without which they would not have advanced so far down the path of economic recuperation. Why do we Argentines insist on continuing with these old divisions and remaining prisoners of the past?

5. Seguimos siendo presos del pasado

La Nación, June 15, 2005

Buenos Aires, Argentina

El fallo de la Corte Suprema de Justicia que invalidó las leyes de punto final y obediencia debida pone de manifiesto las dificultades que históricamente ha mostrado la Argentina para procesar su pasado, al tiempo que puede ser una nueva fuente de divisiones y un obstáculo para la necesaria reconciliación nacional.

Parecería que, en los últimos tiempos, nuestra memoria ha quedado anclada en los años setenta, como si fuera el único proceso que integrara el devenir histórico de la Argentina.

La historia nos muestra dos formas de encarar el pasado luego de procesos autoritarios. La primera es la que asumió la llamada Generación del Ochenta tras la tiranía de Rosas y la guerra civil entre unitarios y federales. Se asumió colectivamente la condena de esa época reciente y ello fue instalado como un valor ideológico común. Pero hubiera sido impensable que Roca, al asumir en 1880, buscara procesar o detener a los represores rosistas de 1852. En este caso, la memoria fue sólidamente establecida como fundamento del orden institucional, mas en función de mirar hacia el futuro y de cerrar las heridas antiguas.

El segundo caso fue el del antiperonismo que tomó el poder después de 1955, tras una década de un régimen con rasgos fuertemente dictatoriales más allá de contar con un importante respaldo popular. La persecución del peronismo prosiguió durante casi veinte años. La proscripción del partido en las elecciones de 1958 y 1963 se convirtió en causa de inestabilidad política y esta situación fue uno de los ingredientes que contribuyeron a generar la violencia que se desató en la Argentina de los años setenta. En el caso del conflicto entre el peronismo y el antiperonismo, la memoria terminó siendo causa de la prolongación de un antagonismo que esterilizó la vida política argentina durante dos décadas y fue causa de una prolongada inestabilidad.

El caso que hoy nos ocupa, vinculado con los crímenes cometidos durante los años setenta, ha sido resuelto por una Corte Suprema que ha sufrido un cambio ideológico, al cual no fue ajeno el actual titular del Poder Ejecutivo Nacional. Tampoco puede negarse que la Corte satisfizo con su

decisión de declarar la inconstitucionalidad de las leyes del perdón un reclamo del propio presidente de la Nación.

El costado ideológico de este fallo se advierte al relacionarlo con la absurda sentencia del mismo tribunal que denegó la extradición del terrorista etarra Lariz Iriondo, solicitada por España. De este modo, la Corte sentó el principio de que no cabe aplicar la calificación de crímenes de lesa humanidad -y por lo tanto imprescriptibles- a aquellos delitos de terrorismo en los que no intervino el Estado.

La inconstitucionalidad e invalidez de las leyes que amnistiaron a militares acusados de violaciones a los derechos humanos debería habilitar a cualquiera de los deudos de las víctimas caídas como consecuencia de la acción de grupos subversivos, como el ERP o Montoneros, a reclamar con iguales argumentos la inconstitucionalidad de la ley de amnistía de 1973 o de los indultos que beneficiaron a integrantes de los sectores que sembraron el terror en la sociedad. Sin embargo, el fallo de la Corte sobre Lariz Iriondo parece consagrar una vía hacia la impunidad de estos terroristas, que rompe el principio de equidad.

Lejos estamos de promover la idea de que se remueva nuestro trágico pasado para juzgar a todos los que tuvieron alguna responsabilidad delictiva en él. La memoria no debe ser negada, pero cabe asumirla en forma integral y no centrándola en un solo momento de la historia; tampoco corresponde utilizarla como causa de la prolongación de los conflictos.

Las experiencias de los países que han sufrido situaciones de tanta gravedad, en general, son diversas. La resolución de esas cuestiones se caracterizó por un período corto de procesos y juicios -en promedio no mayor de dos años- al cabo de los cuales la amnistía abrió el camino hacia la reconciliación.

Puede plantearse que el mundo ha cambiado y que ahora la globalización ha llegado también a la protección de los derechos humanos, y que hay una nueva justicia universal y normas internacionales que han generado un nuevo derecho. Esto es cierto, pero hasta ahora nadie se plantea aplicar esta normativa al genocidio de Vietnam, a la represión de Argelia o al masivo

colaboracionismo con los regímenes pro nazis de países como Noruega, Holanda, Francia, Bélgica o Dinamarca, por plantear sólo algunos ejemplos.

Las soluciones para cerrar el pasado de violencia nunca podrán satisfacer a todos, como hoy no satisface a la Izquierda Unida española la política utilizada en este país. Pero se trata de encontrar consensos básicos dentro de lo posible, que limiten en el tiempo las consecuencias de los conflictos de antaño. La casi totalidad de los países lo han logrado, incluso pasando por experiencias mucho más traumáticas que la de la Argentina.

Esta clase de salidas no son fáciles ni perfectas y tienen que desarrollarse en el campo de lo posible. Para eso está la política. Y para eso el Poder Legislativo, con una clara mayoría, sancionó las leyes de punto final y obediencia debida, con un espíritu de amnistía.

No hay pacificación cuando el pasado se transforma en el conflicto del presente. Puede también decirse que no habrá justicia mientras haya impunidad. Entre ambas realidades, la política tiene que encontrar un camino intermedio y ésta es la tarea de la dirigencia argentina hoy, a tres décadas del período más violento que vivió nuestro país en el siglo XX.

Debe insistirse, entonces, en la necesidad de recordar cuanto ocurrió y sus lecciones, sin quedar presos del pasado ni hipotecar nuestro futuro con nuevas divisiones.

We continue to be prisoners of the past

The decision by the Supreme Court that invalidated the Full Stop and Due Obedience laws brought to light the difficulties that Argentina has historically shown when it comes to processing the past, but could also serve as new source of divisions and an obstacle to national reconciliation.

Recently, it seems as if our national memory has remained anchored in the events of the 1970s, as if that was the only process that has shaped the historical development of Argentina.

History shows us two ways to confront the past after periods of authoritarian rule. The first method is that which the Generation of 1880 assumed after the tyranny of Rosas and the civil war between Unitarios and Federalists. [Argentina] collectively assumed responsibility for the recent past, and this became a part of a shared ideology. But it would have been unthinkable for [Roca], upon assuming the presidency in 1880, to attempt to try or detain Rosas' thugs from 1852. In this case, memory was firmly established as a fundamental part of the institutional order, [that one should] look towards the future and heal old wounds.

The second case is that of anti-Peronists, who took power after 1955, after a decade-long regime with strong dictatorship traits despite its strong popular support. The persecution of Peronism continued for almost twenty years. The proscription of the party in the 1958 and 1963 elections ended up being the cause of political instability and this situation was one of the factors that contributed to the violence that unsettled Argentina in the 1970s. In the case of the conflict between Peronism and anti-Peronism, memory ended up being the cause of a prolonged antagonism between these groups that rendered political life in Argentina sterile for over two decades and was the source of prolonged instability.

The case in front of us today, tied to the crimes committed during the 1970s, has been decided by a Supreme Court that has undergone an ideological change which puts it in synch with the current head of Executive National Power [i.e., the President]. Nor can it be denied that with this decision to declare the amnesty laws unconstitutional, the Supreme Court has fulfilled one of the President's promises to Argentina

The ideological side of this decision shows the absurd relation it has with the decision by the same tribunal that denied the extradition of the Leftist terrorist, Lariz Iriondo, solicited by Spain. In this way, the Court established the principle that it cannot apply the charge of crimes against

humanity to those crimes of terrorism in which the state did not play a role -- and which therefore remain immune from prosecution.

[Declaring] unconstitutional and [therefore] invalid the laws that granted amnesty to the military officials accused of human rights abuses should allow any relative of a victim of subversive groups, such as the ERP or the Montoneros, to use identical arguments against the constitutionality of the amnesty law of 1973 or against the pardons that benefitted those involved in spreading fear throughout our society. However, the decision of the Court in the case of Lariz Iriondo suggests a possible path towards impunity for these types of terrorists and breaks the principle of equality.

Far are we from promoting the idea that our tragic past should be dug up in order to judge all those who had some criminal responsibility for those events. Memory should not be denied, but it must be taken on board in a holistic way, not centered on only one historical moment; neither should it be used as a way to prolong conflicts.

The experiences of countries that have suffered through equally traumatic situations, in general, are diverse. The resolution of these issues is undertaken in a short period of trials and verdicts, on average no more than two years long, at the end of which an amnesty opened for the road to reconciliation.

One could argue that the world has changed that that now, globalization has also arrived at the protection of human rights, and that there is a new universal justice and international norms that have generated new rights. This is true, but until now, no one has suggested applying this new norm of protecting human rights to the genocide of Vietnam, the repression in Algeria, or to the massive collaboration between the pro-Nazi regimes of the governments of Norway, Holland, France, Belgium, or Denmark, to suggest just a few examples.

There cannot be reconciliation while the past is transformed into today's conflicts. It can also be said that there will not be justice while there is impunity. Politicians must try to find a middle path between these two realities, and that is the task of the leadership in Argentina today, three decades after the most violent period of our nation's history in the 20th century.

We must insist, therefore, in the need to remember what happened and the lessons from those events, without remaining prisoners of the past and without mortgaging our future to new divisions.

6. Derechos humanos para algunos

La Nación, October 28, 2011
Buenos Aires, Argentina

Los derechos humanos constituyen los valores más preciados de todos los habitantes. El derecho a la vida, a la integridad física y psíquica está consagrado en la Constitución Nacional y los tratados internacionales, y por ello exigen un Estado muy activo para su protección.

Pero la realidad de la convivencia ciudadana indica que permanentemente se producen colisiones entre los derechos de unos y otros. En nuestro país, el derecho a manifestarse o a peticionar, por ejemplo, suele afectar otro derecho igualmente legítimo de los demás ciudadanos, como es el de circular libremente. Es justamente en esos casos que el Estado debe intervenir para encontrar equilibrio en las posiciones, irradiando mesura en primer lugar, empatía por los planteos de todos y especialmente apego a la ley. Nuestro gobierno, por el contrario, ha demostrado en muchos de los episodios con derechos vulnerados una gran incapacidad para conciliar intereses contrapuestos.

Los derechos humanos comprenden por definición a todas las personas por el simple hecho de su condición y abarcan cualquier lesión o restricción a los bienes básicos que hacen a su dignidad. De allí, pues, se desprenden sus características distintivas: integridad y universalidad.

A contramano de ese concepto abarcativo, el gobierno nacional y algunas agrupaciones afines incurren con frecuencia en visiones sesgadas con relación a la lucha por los derechos humanos, ya que privilegian la reivindicación de un sector, movilizados por problemáticas con contenido político o ideológico. Incluso se direcciona el esfuerzo hacia los derechos avasallados de antaño por sobre las lesiones actuales. Pero la manipulación en su máxima expresión del concepto de los derechos humanos, sumado a la mentira y el absurdo, está dada por la pretendida impugnación de una operación comercial absolutamente lícita, como lo es la compra de Papel Prensa, y bajo el pretexto de que allí es aplicable la lesa humanidad propia de la violación de estos derechos.

En línea con esta concepción es que muchos de los organismos de derechos humanos nacidos durante el último gobierno militar para denunciar los delitos de la dictadura centralizan sus reclamos en la reparación de los derechos vulnerados hace más de 30 años a una parte de las víctimas de la violencia armada de los 70.

Las condenas del primer juicio por los crímenes cometidos en la ESMA han sido un paso adelante contra la impunidad. Pero también hay que reconocer que, mientras tanto, se opta por ignorar y no sancionar a los culpables de las demás víctimas, e incluso las de civiles, totalmente ajenas al conflicto de los años 70. Falta una lucha solidaria e integral por los derechos de todos los involucrados en aquella tragedia de nuestra historia.

En este sentido, cabe destacar lo afirmado por Arturo Larrabure, hijo del coronel asesinado por la subversión, en una carta publicada por La Nación, en la que solicitó que así como el Gobierno creó el Fútbol para Todos, también impulse los "derechos humanos para todos".

En muchos y gravísimos atentados a los derechos humanos de todos no se percibe del Gobierno ni de esas organizaciones fuerza para condenarlos. Las muertes de niños indígenas por desnutrición en Salta o las ocasionadas por represión policial en Jujuy no originaron manifestaciones de condena, a pesar de lesionar el derecho humano más importante: el derecho a la vida.

En ese sentido, resolver las desapariciones de más de 300 niños y adultos que hoy continúan sin paradero en nuestro país parecería no ser una prioridad para algunas organizaciones de derechos humanos, quizá con la excepción de Jorge Julio López, cuya desaparición se presume producida en el marco de los juicios a los represores.

Asimismo, muchas otras violaciones de los derechos humanos en el mundo tampoco generan críticas, llegando al extremo de la titular de Madres de Plaza de Mayo, quien ha justificado y aplaudido la caída de las Torres Gemelas.

Las matanzas perpetradas por líderes mesiánicos de regímenes dictatoriales como Egipto, Siria, Túnez o Libia contra su propia población que se manifiesta o protesta por cambios democráticos tampoco generaron ni un tibio pronunciamiento del gobierno argentino.

El caso de Cuba es otra expresión muy clara del componente ideológico del que están imbuidos algunos defensores de los derechos humanos. Las violaciones flagrantes que se suceden en la isla desde hace más de 50 años son absolutamente ignoradas, e incluso su eterno líder Fidel Castro fue aclamado y distinguido en su paso por nuestro país en 2003. Las Damas de Blanco, mujeres valientes que se oponen a un régimen tiránico, no reciben el apoyo y solidaridad que correspondería. Es paradójico que muchas de las personas que sufrieron el exilio durante el gobierno militar y encontraron eco en el mundo para hacerse oír y denunciar los excesos ahora piensen que lo que sucede en Cuba es un tema interno de ellos y no una ofensa a la dignidad del ser humano.

La lucha por los derechos humanos debería implicar la defensa irrestricta de cualquier ataque a la dignidad del hombre, sin distinción alguna respecto del sujeto que lo ejecuta, su motivación y las circunstancias de lugar, nacionalidad, origen étnico, religión, signo político, posición ideológica o cualquier otra condición.

Human rights for some

Human rights constitute the most precious values of all citizens. The the right to life, physical and psychological security are consecrated in the National Constitution and international treaties and therefore require that the State actively protects them.

But the reality of daily life indicates the rights of some individuals will always get in the way of the rights of others. In our country, the right to protest or to picket ...can impact another, equally legitimate right, which is the right to circulate freely through the city. It is exactly in these types of cases that the State should intervene in order to find a balance between these two positions, maintaining restraint in the first place, empathy for all the positions and being especially careful to adhere to the law.

Human rights apply to every person by virtue of the fact that they are human, and they cover any harm or violation of their right to the basic essence that defines their human dignity. Their distinct characteristics, inseparability and universality, derive from this basis.

But the greatest expression of the [government's] manipulation of human rights, equal parts lies and absurdities, is the impugning of a completely legal commercial operation, the purchase of Papel Prensa, under the pretext that one can apply [to the commercial firm] the notion of crimes against humanity which are more fitting to human rights violations.

In line with this conception is the fact that many of the human rights organization that originated during the last military government in order to fight the abuses of the dictatorship focus their claims on reparations for human rights abuses that took place over thirty years ago only for one group of those victims.

The sentences in the first trial for crimes committed at ESMA have been a step forward in the fight against impunity. But one must also recognize that [these trials] choose to ignore and not to

judge those who are responsible for the rest of the victims, including civilian victims, who were completely outside of the conflict of the 1970s. We lack a unified movement working in solidarity for the human rights of all those involved in this tragic period of our nation's history.

In this sense, it is worth pointing out what Arturo Larrabure, the son of a colonel killed by subversion, stated in a letter published by *La Nación*, in which he urged the government, just as they had created Soccer for All, to also pursue "human rights for all."

Many of the worst attacks on human rights do not seem important enough for the government or these organizations to organize and condemn them. The deaths of indigenous children due to malnutrition in Salta or instances of political repression in Jujuy do not inspire the same condemnations and protests, even though they threaten the most important human right of all: the right to life.

In this sense, solving the disappearance of more than 300 children and adults, who even today remain missing in our country, does not seem to be a priority for some human rights organizations, perhaps with the exception of Jorge Julio López, whose disappearance is presumed to have the same mark as the repressors on trial.

At the same time, many other violations of human rights have gone uncriticized, including the extreme example of the head of the Madres de Plaza de Mayo, who justified and supported the fall of the Twin Towers.

Neither do the massacres perpetrated by messianic leaders in the dictatorial regimes like Egypt, Syria, Tunisia, or Libya against their own population who protests in favor of democratic changes generate even even a lukewarm public statement by the Argentine government.

The case of Cuba is another clear example of the ideological component imbued in some of the defenders of human rights. The obvious violations of human rights that have taken place on the

island for more than fifty years are completely ignored. Paradoxically, many of the individuals who were exiled during the military government and found support in the world outside of Argentina in order to make themselves heard and to fight against the excesses of the dictatorship, now claim that what is taking place in Cuba is an matter for Cuba alone and not a offense against the dignity of the human being.

The fight for the defense of human rights should mean unrestrictedly defending against any attack whatsoever on the dignity of man, regardless of who the victim is, their purpose or circumstance, their nationality, ethnic origin, religion, political affiliation, ideological positions, or any other characteristic.