The Last Military Dictatorship in Argentina (1976-1983): the Mechanism of State Terrorism

Context

In order to understand the unique nature of the last military dictatorship in Argentina (1976-1983) and the fact that, in terms of human rights violations, it was the cruellest ever experienced in the Southern Cone, it is necessary first of all to outline some general historical characteristics of Argentina in the twentieth century.

The military regime which began in 1976 is not an isolated experience, but the most extreme expression of a series of militar interventions (1930-1932, 1943-1946, 1955-1958, 1962-1963, 1966-1973). These repeated authoritarian episodes – a constant typical of Argentine history in the twentieth century - can be explained by many different approaches and types of analysis. Firstly, those authors who concentrate above all on the functioning of the political system employ the concept of ‘pretorianism’ to explain the naturalised alternation between political parties and the military, which tacitly establishes a pendulum swing between authoritarianism and democracy within the same political model. According to this approach, the military interventions do not imply a rupture of the political system but a valid possibility inherent within it. The military alternative is justified by a ‘loss of faith in democracy’ by a majority of citizens, who then lend their support to this type of move, creating its legitimacy (Quiroga, 2004).

Other authors, while not losing sight of the relations between State and society, focus on social dynamics and find that this process is consistent with the increasing militarization of Argentine society and the politization of the armed forces: whereas in 1930 the protagonists of the military coup were a retired general and cadets at the Military college, in 1976 the instigators were the commanders-in-chief of the military establishment (Mallimaci, 1995:233). This process led to the gradual emergence of norms of social behaviour and shifts in meaning that created a political and ideological culture which naturalised the recourse to violence as an efficient, legitimate means of resolving conflicts. The early years of the twentieth century saw the first of a whole battery of laws aimed at reinforcing social discipline. 1901 saw Law 4,031 on Compulsory Military Service (to ‘civilise’ the male population), in 1902 came Law 4,144 on Residency (to get rid of ‘disruptive’ foreigners), and in 1910 Law 7,029 on Social Defence was passed, prohibiting associations and/or meetings for the spread of anarchism and making the return of anyone expelled from Argentina a criminal offence.

Gradually, with each successive military intervention, a social climate was created that showed great tolerance towards the treatment of the ‘other’ through repressive measures. During the military intervention from 1930 onwards, the ‘Special Section’ of the Federal police was created. This was aimed at combatting Communism and was led by Leopoldo Lugones (son), who was well-known for innovating in the use of the electric cattle prod during the interrogation of political prisoners (Funes, 2004: 36). From then on, the use of torture became systematic, and was used both on political prisoners and common criminals (Calveiro, 1998: 25). Moreover, repression was not exclusively employed in penal institutions such as jails, but was seen in different guises in the public space: in 1955, the bombing by 29 Argentine Navy planes of a civil demonstration in Plaza de Mayo, the government palace and the presidential residence, left a toll of more than 300 dead and hundreds of wounded, in a vain attempt to close the Peronist chapter of Argentine history. This event led to an 18-year proscription of the political party representing the majority of the electorate. After this came the abduction of Eva Perón’s corpse, repression of the Peronist movement’s leadership, and the attempt to ‘deperonise society’ by force, including a ban on using their leader’s name and any reference to ‘Peronism’, both of which were prohibited by decree (Calveiro, 2006: 28).

Some analysts see this ban on Peronism, even though it was brought in as part of a ‘democratic process’ that was only barely republican and pluralist, and introduced in the belief that ‘formal’
democracy should not stand in the way of ‘real’ democracy, as the final blow that destroyed all credibility in the restoration of democratic rule. In this context of the erosion of democratic legitimacy, the political system lost its ability to resolve social conflicts. These came to be settled in other scenarios, where corporate interests (businessmen, trade unionists, the armed forces, religious interests) came to the fore (Romero, 2001). The elected governments of Frondizi (1958-1962) and Illia (1963-1966) which this process gave rise to found themselves constrained by a ‘corset’ of ‘liberty under surveillance’ that was still further restricted by a succession of demands by the military which eventually led to coups that brought an end to their governments.

This demonstration of corporate strength went hand-in-hand with the use of violence as a natural alternative. The bloody outcome of the civil and military uprising in June 1956 was another milestone in this social dynamic. This Peronist revolt, led principally by army NCOs with civilian support and participation, took place amidst the turmoil of a workers’ resistance that was well-organized to carry out a wide array of protests: strikes, sabotage to production, and armed actions. The alliances forged between trade unionists and some members of the armed forces met with a ruthless response from the military government then in power. It decreed martial law, brought in summary justice, and sentenced the leaders and those suspected of rebellion to death by firing squad (Rouquié, 1978: 137). This led to the scandal of 27 executions, and went down in history as the ‘Operation Massacre’, a term coined by the journalist Rodolfo Walsh. He denounced the execution of General Juan José Valle, who publicly accepted responsibility for the rebellion and was shot after the period of martial law had expired; the shooting of lieutenant Alberto Abadie, taken from the hospital where he was convalescing, and the abduction of some ten Peronist workers who were seized in their homes, taken to the rubbish dumps at José León Suárez and massacred (Duhalde, 1999: 35). Although these events were in the public domain, from this moment on a process of bureaucratic sophistication of the repressive apparatus grew up, independently of whether the governments in power were military or civilian. Countless Peronist militants for example were arrested under security measures put in place during the Frondisi government. The most relevant of these was the application in 1960 of the CONINTES (Conmoción Interna de Estado – Internal Disruption of the State) Plan, which gave the armed forces sweeping powers to combat ‘elements’ which might create ‘internal disturbances’ (James, 1990: 167). In this way, the Argentine catalogue of ‘suspicious elements’ included ‘Peronism’ alongside the international threat of ‘Communism’, which had been kept on the files and under surveillance constantly (although with differing degrees of intensity) since the early decades of the century.

In an act of solidarity born of the Cold War climate of the time, in 1961 (with President Frondizi present) an Inter-American course on counter-revolutionary warfare was established at the Higher School of War in Buenos Aires. Some of the instructors were French, with experience in the conflicts of Vietnam, Indochina and Algeria (cf. Rouquié, 1978: 159). The links between the Argentine military and French instructors were fostered not only through open exchanges in this institutional space within the army headquarters, but also by informal relations with the French officers who at that time entered Argentina clandestinely, fleeing death sentences pronounced on them in France because of their participation in the OAS (Secret Army Organization) (Robin, 2005).

Parallel to this was the deepening of relations between the Argentine and North American military. Following pressure from the armed forces in Argentina, in 1964 President Illia signed a treaty of military assistance with the United States, which provided for the sending of 18 million dollars’ worth of ‘equipment’ between 1964 and 1965. This treaty was in addition to the links of doctrinal interchange begun as part of the courses given in the School of the Americas from 1946 on.

Both the French and the North American schools were decisive in the consolidation of a more professional approach to counter-insurgency techniques in Argentina.

The coup that lasted from 1966 to 1973 saw the introduction of the repressive technique of ‘disappearance’, although this was carried out sporadically and did not constitute a real modus operandi. Between 1970 and 1972 there were around a dozen disappearances, of which only one body was ever found (Duhalde, 1999: 39-40). The regime in power also ushered in a new kind of intervention that was no longer temporary between two periods of civilian rule, but was based on a re-ordering of politics and society, with goals without a time-limit that were intended to institutionalise the tutelary role of the military establishment within the State.
At the same time, thanks to the triumphal climate created by the Cuban revolution, political violence based on insurrection became seen within society as a plausible and legitimate alternative faced with military repression in order to bring about social change. Armed groups undertook their first actions between 1968 and 1970. At this stage, ‘Robin-Hood style’, they were more concerned with the symbolic impact of their actions and with garnering support in society than trying to destroy a military enemy. To this end they combined the minimum use of violence with carefully selected targets in order to achieve a symbolic importance that would win them public support and collaboration. In this sense, the war waged by the urban guerrillas is distinct to the random, indiscriminate use of violence typical of ‘terrorist actions’ (Gillespie, 1987: 109), which aim to spread terror throughout civil society and to show the State’s inability to guarantee security and public order.

In tandem with this, between 1969 and 1971 there was a series of worker-student protests which took place in the interior of Argentina (especially in Córdoba, Tucumán, Rosario and Mendoza) that were unusually violent. The social outburst that lasted three days and left a total of 16 dead, many wounded and more than 200 people detained is commonly known as the ‘Cordobazo’ (Rapoport, 2007: 619).

If the events of the ‘Cordobazo’ marked the ‘beginning of the end’ for General Juan Carlos Onganía’s government, then the social repercussions of the killing of retired General Pedro Eugenio Aramburu in June 1970 (carried out by the politico-military organization the Montoneros) brought it to a definite close. Onganía was removed by the military high command ten days after the murder. The renewal of the figure of president (who was now General Roberto Levingston) was followed by a change of policy which saw the adoption of moves to open and liberalise the regime.

Yet the search for a political solution did not prevent fresh episodes of repressive violence: August 1972 was a tragic month for the armed organizations. The attempted escape of Montonero, the People’s Revolutionary Army (ERP) and Peronist Armed Forces (FAR) political prisoners held in Rawson failed almost entirely, and brought about what became known as the ‘Trelew massacre’. Sixteen of the 25 prisoners who had planned the escape did not succeed in reaching the plane waiting for them at Trelew airport. Forced to surrender, they were taken to the Almirante Zar naval base and shot clandestinely (Gillespie, 1987: 149). These illegal executions were accompanied by murders (approximately 100), detentions and torture (about 500 people) that took place throughout the 1966-1973 period, according to accusations by the Montoneros (Gillespie, 1987: 148). This illegal repression went hand-in-hand with a strategy to create legal devices aimed at punishing political violence. In May 1971, under Law 19,053, the military president Alejandro Agustín Lanusse created the National Federal Penal Chamber (Cámara federal en lo Penal de la Nación). This court had jurisdiction over the entire national territory to try without appeal those crimes judged to be a threat to the ‘Argentine institutional system and which directly affect the highest national interests’ (Submission of the Project- Argentine Jurisprudence, Annual of National-Provincial Legislation, volume 1971ª: 407).

Despite this, and after seven years of a military regime, the armed groups were still operating on the political scene and had even managed in some cases to increase their support and political influence. Whereas the Guevarist groups continued with their militarist strategy, the Montoneros sought to capitalise on the hopes of a return of Peronism to power through elections, hopes created by Perón’s dismantling of the Great National Agreement and the success of the alliances forged between the different political forces, who all demanded an electoral process ‘without vetoes or proscriptions’. Within this new framework, the Montoneros changed their strategy, concentrated on legal activity, and directed their actions towards diverse mass movements.

However, rather than uniting these different movements, the electoral triumph of Peronism in 1973 and its return to power only served to make manifest the ideological polarization at the heart of these political groups. The ‘Ezeiza massacre’ which took place during the eagerly-awaited return of Perón following 18 years in exile, showed that the occasion had turned into a trial of strength, unleashing the armed confrontation between the ‘revolutionary’ sectors of Peronism and the more ‘orthodox’ tendencies linked to the ‘union bureaucracy’. The leader at the head of the government rapidly tipped the balance in favor of the latter. The paradigmatic measure in this sense was the
reform of the Penal Code. This brought in penalties for guerrilla activities that were tougher than those of the previous military regime and also paved the way for repression of those strikes considered illegal (De Riz, 2000: 149).

Following Perón’s death in July 1974, the revolutionary wing of the Peronist movement decided to return to clandestine activities. The initial strategy of keeping organizations on the surface soon failed, once it became evident that the different mass groups within the Peronist Youth which made up the so-called ‘Revolutionary Tendency’ were closely identified with the Montoneros and consequently were too vulnerable to repression to be able to carry out their role as legal exponents of their political strategy. From this point on, the growing militarization of the Montoneros was seen as a means to political progress. This increased military activity undermined the work of liaison with the masses, and in practice led to an effort to replace social support with a greater sophistication of its military power. Its targets became the ‘traitors’ within the same Peronist movement, businessmen seen as representing the big monopolies, and anyone in uniform, member of the armed forces or the paramilitaries. These military operations were designed to be carried out in conjunction with the Guevarist groups. But even with this increased military activity, and increasing social isolation, these organizations had a specific enemy, and abstained from committing random acts of terrorism in busy public places, as had occurred in Europe. However, terror- which by definition is a subjective term-leaves room for specific circumstances to be taken into account, and these are decisive when it comes to whether or not to define individual acts of violence as ‘terrorist acts’ (Gillespie, 1987: 109). These reasons, outlined by Gillespie (1987), correspond to theoretical debates about how to discriminate between the variety of methods used by urban guerrillas in political terrorism, rather than a ‘nominalist taboo’ which refuses to employ the term ‘terrorism’ for any of the armed actions carried out in the sixties and seventies. According to Vezzetti, this tendency has been reinforced in the post-dictatorship period not only by those who were protagonists at the time, but also by those involved in preserving memory and some social science analysts (Vezzetti, 2009: 83).

The return to clandestinity in 1974 was a consequence not only of the view that all legal channels had been exhausted, but also to a great extent to a defensive strategy in the face of the growing offensive of paramilitary groups such as the ‘Argentine Anti-Communist Alliance’ or the ‘Liberators’ Commando of the Americas’, both of them linked to officials in the state apparatus, who were responsible for no fewer than 900 murders in the period 1973-1975 (Novaro y Palermo, 2003: 73).

Towards the end of 1974 the murder by the Montoneros of the chief of the Federal Police, Alberto Villar, brought as a political consequence the declaration of a State of Siege, while at the same time the number of people detained ‘at the disposition of the National Executive Power’ (PEN) had reached a total of 5,182 cases by the time of the 1976 coup (CONADEP, 1984: 408). In 1975, the passing of presidential decree No. 261 (05/02/1975), backed by Congress, which ordered the ‘annihilation of subversive activity’ in the province of Tucumán was chiefly aimed at crushing the ERP’s insurgent foco. Measures of this kind taken under the constitutional government of María Estela Martínez de Perón allowed the incorporation of paramilitary groups into the ranks of a specialised repressive bureaucracy. The so-called ‘Operación Independencia’ carried out in Tucumán permitted a small-scale trial of methods of clandestine repression that were to be amplified and perfected during the last military dictatorship.

Intellectual authors, organizers and other protagonists

With the March 1976 coup d’état, the system of ‘disappearing’ people was employed on a national scale, with a complex bureaucracy that made use of state resources and installations: it became the chosen method of repression (Calveiro, 2006). Despite the fact that following the military intervention the governing junta comprising the three armed services (Army, Navy and Airforce) set up military ‘war councils’ authorised to pass death sentences, this resource was used only for cases considered of ‘minimum danger’, most of whom were tried in this way after previously passing through the illegal system of repression (Novaro y Palermo, 2003: 82). By now, the repressive strategy was no longer based on the legal prison system but became structured around the clandestine system of detention and disappearance. This strategy, which later came to be conceptualized as ‘State Terrorism’, implied the division of the national territory into zones controlled by the different armed services. Once the dictatorship was in place, to the division of the
country into five zones made by the Army in 1975, with a different army corps responsible for each one, were added special zones where the Navy and the Airforce were in charge.

The bibliography is not in agreement on this point. Vázquez documents a division into four zones rather than five: Patagonia under the Fifth army corps, the Federal Capital under the First corps, the Littoral under the Second, and the entire Central, Cuyo and Northern Argentina under the control of the Third Army Corps (Vázquez, 1985: 28). These zones were in turn divided into subzones controlled by brigades, while these were again subdivided into areas run by different regiments (Novaro y Palermo, 2003: 118). Within this scheme the existence of 340 clandestine detention centres (CDCs) was registered, in 11 of the 23 provinces of Argentina. Some of them were parts of already existing detention centers. Others were set up in civilian locales, police stations, or military establishments. There were two chains of command for these CDCs: one was the so-called ‘task forces’ or ‘crews’, usually made up of members of the service of the armed forces responsible for that zone and their leader; the other was the commanders of each zone (CONADEP, 1984: 257). This mechanism was stuctured by the network of military intelligence services, who carried out the monitoring, detailing and classifying of potential victims, as well as the process of archiving the information obtained from those abducted and the writing of reports for the military leadership.

The procedure for the ‘operations’ carried out by the task forces followed a relatively stable modus operandi. The first step concerned co-ordinating different repressive groups. This involved asking for a ‘green light’ from the local police in order to be able to go into action. Once a liberated area had been declared, the targeted person was abducted, either from their place of residence (62%), in a public place (24.6%), at their work-place (7%) or place of study (6%). The majority of the abductions took place at night (62%) (CONADEP, 1984: 17 and 25). The victim was abducted (‘swallowed’), blindfolded (‘walled up’) and taken to a CDC. Once there, the initiation rite involved torture – the aim being to obtain as much information as possible as quickly as possible. In many cases, however, both physical and psychological torture continued throughout the period of imprisonment. In the words of the National Commision on the Disappearance of Persons (CONADEP), the array of methods of torture employed ‘is astounding due to the imagination shown’ (1984: 26). Dehumanizing the victim by giving them only a number, and the dreadful sanitary and dietary conditions, were part of the torture process. Possible outcomes varied from ‘recuperation’ – becoming a member of the repressive personnel; ‘liberation’- generally associated with becoming a legally recognized prisoner at the disposition of the National Executive; or ‘transfer’, meaning the murder and disappearance of the body. The ‘operation’ included looting the victim’s possessions, either at the time of their abduction or in a second raid. The ‘war booty’ included the theft of babies, either abducted with their mothers or born in captivity and later given up for adoption.

This repressive mechanism was characterized by functioning as a co-ordinated system of cogs, which had the effect of splitting up the tasks and thereby diluting responsibilities, as well as lending the procedures the appearance of being merely routine and bureaucratic. At the same time, it made sure that the majority of the military establishment was involved.

Even though the ‘fight against subversion’ represented the main factor for internal cohesion and external legitimation for the security forces, this did not prevent there being countless points of conflict both within each service and between the different services (Canelo, 2004). The revolt by the Third Army Corps commander, Luciano B. Menéndez, against his commander-in-chief Roberto Viola over the ‘liberation’ of Jacobo Timerman (the former editor of the La Opinión newspaper) on 28 August 1979 was a typical example of this kind of tension (Canelo, 2004: 286). In addition, the repressive strategy involved the participation of civilians who, pragmatically, signed up to the need to ‘eradicate subversion in Argentina’. This process aided the ‘rationalization’ of many different institutional structures: companies, schools, trade unions, churches. For example, the denunciation of alleged ‘terrorists’ was often a convenient way to settle union problems: a paradigmatic example of this was the Ford factory in General Pacheco (Buenos Aires province) where a CDC operated for several months (Novaro y Palermo, 2003: 115).

As far as responsibilities were concerned, ‘the functioning of the repressive apparatus involved the high command of each service of the armed forces, including almost everyone in the case of the Army, several thousand officers and NCOs both in the armed forces and the police, as well as a considerable number of civilians’ (Novaro y Palermo, 2003: 118).
The sudden collapse of the military regime following defeat in the Malvinas/Falklands hastened the transition to democracy, but activated corporate mechanisms designed to put an end to the question of responsibilities for the crimes committed. This was the reason for the publication of the ‘Final document from the military junta on subversion and the fight against terrorism’ and the passing of Law 22,924 on ‘National Pacification’, known as the ‘Self-Amnesty’. Both documents established that there should be no review of the actions taken in ‘the fight against subversion’. The first article of the latter law declared ‘null and void any penal consequences of crimes committed with a terrorist or subversive motivation or intention between 25 May 1973 and 17 June 1982. The provisions of this law are also to include all punishable offences committed during or with a view to actions aimed at preventing, averting, or putting a stop to said terrorist or subversive activities, of any nature or whatever legal right has been violated. The terms of this law apply to the authors, participants, instigators, accomplices and accessories to these acts, and also include any related criminal or military offences’.

However, the disintegration of the military regime’s legitimacy made it possible to establish better conditions for democracy. Almost as soon as it came to power in December 1983, Raúl Alfonsín’s democratic government brought in a series of measures that re-opened the question of responsibility for the crimes committed.

First and foremost, a bill was proposed to repeal the de facto law of ‘National Pacification’. This was approved on 22/12/1983. At the same time, decree laws No. 157 and No. 158 (13/12/1983) were sanctioned. These called for the trial of on the one hand the leaders of the armed organizations and on the other of the military high command. Finally, with decree No. 187 (15/12/1983) the Executive created the National Commission on the Disappearance of Persons (CONADEP), charged with the elucidation of the facts, and the collection of accusations and evidence concerning the repression. In this way the Alfonsín government attempted to create the institutional conditions necessary to reach an initial agreement about ‘rule of law’: the Report of the National Commission on the Disappearance of Persons’, and the Trial of the Military Juntas (Vezzetti, 2002: 114-115).

Reporting to the Executive, the CONADEP was made up of 13 members and five secretaries, including legislators, public figures, and members of human rights organizations. It functioned as an intermediary between the Argentine state and civil society (Crenzel, 2008: 60).

Despite the limitations imposed by the Executive, which kept the CONADEP out of the task of establishing responsibilities, the commission received denunciations and testimonies from people who admitted being part of the ‘task forces’. According to the CONADEP, rather than showing any ethical sense of repentance, these testimonies denounced the fact that they had been ‘abandoned by their leaders’, and that they had been tied by a ‘blood pact’ which meant that any attempt not to take part was punished by death. The commission also took it upon itself to send questionnaires about the repression to ex-members of the military government and to publish the list of the high command who refused to answer (CONADEP, 1984: 263).

At the end of January 1984, in the course of its investigation, the CONADEP made a crucial decision: it drew up a petition calling on the Executive power to guarantee that all persons alleged to have been involved in the disappearances and the abduction of children would not be allowed to leave the country. In this way the CONADEP ceased to be a mere intermediary between the receipt of denunciations and the presentation of evidence to justice, and became the means for establishing the truth about the disappearances and who was responsible for them (Crenzel, 2008: 67-68). The decree creating the CONADEP denied it any legal authority, while at the same time obliging it to hand over to the judicial authorities all accusations and evidence relating to the alleged committing of crimes. However, even within this restricted field of action, the commission put its autonomy at risk. Faced with the Ministry of Defence’s request to receive the evidence in order to present it to the Armed Forces Supreme Council, the CONADEP decided by a majority vote to instead send it to the Civil Justice, and to leave it to the persons who had made the allegations to send copies to the Military Justice if they so wished (Crenzel, 2008: 90-91).

In the process of drawing up the Report as requested by the Executive, the problem of how to establish responsibilities came up again. Within the limits established by the presidential decree,
there was still a possibility to allude to those accused of being responsible. Following a series of
debates, it was decided not to publish the list of alleged people responsible, but to send this to the
president for him to do with it as he saw fit. Despite the restrictions of this agreement, the division
of the task of writing the Nunca Más report allowed individual members and/or secretaries who were
part of the commission to adopt their own strategies, as for example in the case of Graciela
Fernández Meijide, who decided to emphasize the inclusion of those testimonies which named the
alleged perpetrators (Crenzel, 2008: 96). The trial of the commanders who were part of the
successive military juntas began on 22 April 1985. The public prosecutors’ strategy was to prove the
collective and direct responsibility of the juntas in the construction of the mechanism employed to
perpetrate numerous cases of the illegal loss of freedom through clandestine imprisonment, the
systematic use of torture, the murder of prisoners, and the theft and looting of their possessions. The
prosecutors all sought to show that the Juntas had repeatedly denied these facts, and that the
system put in place went far beyond the fight against the guerrillas (Crenzel, 1998: 138). The
sentences confirmed the responsibility of the ex-commanders in the creation of a clandestine
system, but rejected the idea of a unified command and differentiated between the responsibility of
the different services. This led to the handing down of a variety of sentences, and some absolutions.
Of the nine former commanders, General Jorge R. Videla and Admiral Emilio Massera were sentenced
to life imprisonment, General Roberto Viola to 17 years’ prison, and Admiral Armando Lambruschini
to eight years. Brigadier Orlando R. Agosti was sentenced to three years and nine months, while the
case against Brigadier Omar D. R. Graffigna and the members of the third military junta (Leopoldo F.
Galtieri, Jorge I. Anaya, and Basilio Lami Dozo) was dismissed for lack of evidence (Mántaras, 2005:
31). At the same time, Point 30 of the judgment extended criminal responsibility to the commanding
officers in charge of zones, sub-zones and areas, as well as to the ‘task forces’ in charge of the
‘operations’, and the violations and murders committed inside the CDCs (Crenzel, 1998: 141-142).
This paved the way for the arraignment and trial of intermediate levels of the armed forces, which
led to military protests and revolts, the immediate consequence of which was the sanctioning of the
laws known as Punto Final (‘Full Stop’) (1986), and Obediencia Debida (‘Due Obedience’) (1987),
calling a halt to further prosecutions.

The classification of the different transitions to democracy in the Southern Cone of Latin America
divides these historical processes into ‘transitions agreed with the military establishment’ and those
‘not agreed’. Among this latter group, Argentina has usually been seen as ‘transition due to
collapse’, referring to the hasty transition that took place after the defeat in the Malvinas/Falklands
(Ansaldi, 2006: 534-539). However, the military uprising during Easter Week in 1987, the ones that
followed, and their political consequences have led to the reclassification of the Argentine case by
some writers, who speak of a ‘delayed pact’ cemented by the imposition of political realism, which
limited the scope of the ethical and legal promises expected of democracy (Quiroga, 2004: 29).

Despite the passing of these laws, there were two more military rebellions in 1988 and 1990. These
led the new president-elect Carlos Menem to bring in pardons for the ‘crimes of the past’, granting
amnesty to members of the armed forces involved in human rights violations during the dictatorship,
those detained because of their conduct during the Malvinas/Falklands war, and those involved in
the recent military uprisings. The following year, President Menem extended the amnesty to include
the excommanders of the military juntas, as well as the leaders of the armed groups who were in
prison or being tried. He chose not to annul the sentences against the members of the military
known as the ‘carapintadas’ (painted faces) who had taken part in the most recent rebellion (Jelin,
2005: 544). All this meant that the judicial processes against members of the security forces were
suspended for more than a decade. It was not until 2001, when the laws of ‘Full Stop’ and ‘Due
Obedience’ were declared unconstitutional, that the prosecutions could begin again.

Victims

The vagueness of the term ‘subversive condition’ promoted by the official discourse tended to blur
the frontiers of the political, trade union, social and cultural identities of the victims. This helped
protect the logic of the tactics employed by the agents of repression (Catoggio y Mallimaci, 2008).
Even before the coup, this kind of language was used by lieutenant-colonel Juan Carlos Moreno in his
New Year 1976 speech:
‘The enemies of the Fatherland are not only those who make up the anti-patriotic guerrilla in Tucumán. They are also those who change or deface the verb ‘to love’ in their school books; those ideologues who in our universities poison the minds of our young people, and provide weapons to the hands that kill without reasoning and without reason (...) the pseudo-trade unionist who acts like a demagogue to maintain his own position, without thought for the future interests of those he represents or of the Nation; the false priest who teaches Christ with a gun in his hand; the Judases who feed the guerrillas; the soldier who betrays his unit by handing over the sentry-post to the enemy; and the politician who does not know how to be a guide or master’ (quoted in Vázquez, 1985: 15).

However, in practice the mechanism of State terror was based not so much on the search for the much-touted ‘virus of subversion’ as on the pursuit, cataloging and repression of concrete social networks which helped define individuals: networks built up by intelligence reports and information forced out of the victims (Catoggio y Mallimaci, 2008).

The reverse of the clandestine nature of the repression was that there are no centralised official records (at least none have come to light) of the violent acts committed. It has however been established that the preparation of ‘cards’ allotting a number to each prisoner in order to identify them during the time they were in detention was carried out in the clandestine centers (CDCs). In turn, the information obtained was sent to the intelligence services corresponding to the different branches of the armed forces or joint commands. For the most part, these archives are still controlled by the security forces or have been destroyed. As far as is known, there was no definite centralised destination for this information. This situation makes it impossible to establish a precise count of the ‘killings’ that took place. It also prevents there being a proper calculation of the total number of disappeared persons. As has already been mentioned, the CONADEP report details 8,960 cases of disappearance based on evidence gathered and supporting documents: of these, only 1,300 were seen in a CDC before they finally disappeared forever. At present, according to the State’s centralized database, the number of reported cases is in the order of 10,000. This database was created in accordance with Law No. 46 of the Buenos Aires City Legislature, which also named a commission for the building of a monument that would include the names of all those killed or disappeared between 1969 and 1983. It is important to note that this considerably extends the time period compared to that considered by the CONADEP in 1984 (1974-1983). The historical figure suggested by human rights groups is of 30,000 disappeared; this is the number usually accepted and laid claim to.

By contrast, the military authorities openly reject even the figure of 7,000 disappeared. The declaration made by General Ramón Diaz Bessone in interview with Marie-Monique Robin on 13 May 2003 is typical in this respect:

‘Some people talk of 30,000, but that’s just propaganda! The famous commision counted seven or eight thousand. But that figure includes some who were found in the Mexico City earthquake! Others died in combat and could not be identified, because the guerrilleros often destroyed their fingerprints with acid’ (Robin, 2005: 440).

Recently, debates about the question of the exact figure for the number of the disappeared have arisen between public figures historically linked to the area of human rights, and this has caused arguments among social scientists as well.

Graciela Fernández Meijide began the debate on the figures in the media with the aim of illustrating the deficit that still exists with regard to the clarification of the crimes committed and to emphasize the urgent need to proceed with the construction of a legal truth. She argued for a change in the strategies used to try cases of alleged crimes against humanity. Her proposal was to follow the South African model, which calls for a reduction of sentences if there is a public confession by the perpetrators. This call led Luis Eduardo Duhalde, like her a historic figure in the human rights field and since 2003 the National Secretary for Human Rights, to publish the variables on which the figure of 30,000 is based. These variables take into account the existence of approximately 500 CDCs; the estimates of the number of prisoners held in clandestine centers such as the Navy Mechanics School, the Campo de Mayo, La Perla, the Tucumán Batallion, the Circuito Camps, the Olimpo and the Atlético, which taken together represent in themselves a greater number of victims than that
Quite apart from the arguments advanced by either side, the impossibility of empirically verifying one figure or another is clear evidence of a clandestine system of repression that sought to leave no traces. On a scale calculated in the thousands, the figure of 30,000 is only as important as that of each individual who disappeared. In the end, the argument over numbers becomes counter-productive.

In addition to estimating numbers, the Nunca Más report also classified the victims and the various kinds of repression: the persons who suffered periods of detention-disappearance and were then ‘liberated’ and/or continued as ‘disappeared’ were classified according to age, sex and as far as possible by occupation and/or profession. According to these criteria, the victims were predominantly male (70%), and from the age group between 21 and 35 (71%). The report further states that of the 30% of disappeared women, three per cent were pregnant. According to the statistics regarding occupation and/or profession, the majority of those detained illegally were blue-collar workers (30%) and students (21%). The others were employees (17.9%), professionals (10.7%), teachers (5.7%) self-employed and others (5%), housewives (3.8%), conscripts and lower ranks in the security forces (2.5%), journalists (1.6%), artists (1.3%), and religious (0.3%). The documented cases are concentrated between the years 1976 (45%), 1977 (35%) and 1978 (15%), although they have also been recorded without interruption between 1974 and 1980. According to estimates made by survivors, the largest numbers of prisoners were held in ‘La Perla’ in Córdoba, where Graciela Geuna testified that there were between 1,500 and 2,000 abducted prisoners; the Navy Mechanics School in Buenos Aires, with approximately 1,500 detainees; the Campo de Mayo, where it has been calculated that there were around 4,000 prisoners, and El Vesubio, where almost 2,000 people were held (both of these CDCs were in greater Buenos Aires (Novaro y Palermo, 2003: 118).

However, the category of ‘detained-disappeared’ does not represent all the kinds of repression employed during the dictatorship. The number of those detained at the disposition of the National Executive rose from 5,182 to 8,625. A breakdown of this category according to the length of time in detention shows that 4,029 people were held for less than a year, 2,296 between one and three years, 1,172 between three and five, 688 from five years to seven, and 431 from seven to nine years. As far as political exiles are concerned, between 1975 and 1980 the figures suggested vary from 20,000 to 40,000 (Novaro y Palermo, 2003: 76). According to the Grandmothers of Plaza de Mayo and published by the CONADEP the number of children born in detention was 174, of whom only 25 had been found at the time of the report. More recent data puts this figure at 300 in 2001. By February of that year, some 72 cases had been resolved (Dillon, 2001: 4).

Finally, it remains to point out that in general neither the classification of the victims of repression nor the partial estimates are exclusive. It was for example common practice for the detained to be moved between several CDCs, and these people could later be made ‘legal’ and put at the disposition of the National Executive. Another typical example was that of the detained-disappeared who were set free and then became exiles.

**Testimonies**

Some accounts given after the dictatorship by agents of the repression themselves reveal that on the one hand a pre-determined clandestine strategy of repression for the entire country was put into place, and on the other how complex this repressive mechanism became when it was put into practice:

‘The entire war was based on the division of the territory into zones, subzones, and sectors. This was very beneficial in terms of results, but very problematic in terms of leadership. In the end, it diluted...
levels of responsibility, because everyone felt they owned a piece of territory (...) This made it more difficult for the commanders to control the fight against subversion’ (declarations by General Harguindeguy, 14/05/2003 apud. Robin, 2005: 447).

In this respect it is striking to contrast the public declarations concerning the ‘subversive’ condition with the evaluations of what took place made by the perpetrators themselves:

‘[Subversion] also means the quarrels between children and parents, between parents and grandparents. It is not simply the killing of members of the military. It is also all kinds of social conflict’ (Declaration by General Videla, in the magazine Gente, nº 560, 15 April 1976).

‘There is no doubt that the disappearances were a mistake. If you compare them with those who disappeared in Algeria, it’s very different: they were the disappeared of another country, so the French went home and got on with something else! Here on the other hand everyone who disappeared had a father, a brother, an uncle, a grandfather who still feels bitter towards us, as is natural...’ (Declarations by General Harguindeguy, 14/05/2003 apud. Robin, 2005: 447)

In reality, the family as the unit of victims of repression gave rise to a genealogical matrix for demands and for remembrance. Both the disappearance of entire families and that of one of their number brought out the solidarity of kinship:

‘As wife, mother, sister, aunt, I want to know what happened to my family. By losing them I was left unprotected and without any means of supporting my two small daughters. My sons and husband, my brother and my nephew were hard-working, honest people with no police record. It was painful to me to see them take away my asthmatic son who needs me to look after him. And why did they take my poor nephew? My God, why did they take them all, and what was their fate? (Extract from the testimony referring to the abduction of Juan Carlos Márquez, 49 years-old, railway worker; Ramón Carlos Márquez, 23 years-old; and Benito Lorenzo Márquez, 21 years-old, both textile workers; Norma Lidia Mabel Márquez, 19 years-old, employee; Carlos Erlindo Ávila, 40 years-old, worker in the food industry, and his son Pedro, 17 years-old. Deposition to the Permanent Assembly on Human Rights Assembly, 1982 apud. Duhalde, 1999: 335).

‘Our headscarf has its own history. When the march to Luján, mainly of students, took place, we decided to go. We thought about how we would meet up and recognize each other. While it was true that many of us recognized each others’ faces, because we bore the tragedy of the disappearance of our children in our features, how were we going to recognize one another in all that crowd? So we decided to wear something that would identify us. One of the mothers suggested we wear one of our children’s nappies: who doesn’t keep at least one of them? And that’s what we did. Later, on the nappy we wrote the name of our disappeared child and the date. Some even pinned a photo of their child on it. Later on we wrote the slogan ‘Appearance Alive’ and, as a psychologist told us: ‘You socialized motherhood’, because we no longer made our claims for one child, but for thirty thousand, for all the children,’ (Testimony of Juanita de Pergament, member of the Association of the Mothers of Plaza de Mayo, no date, apud. Caraballo, Charlier y Garulli, 1998: 132)

This dreadful chapter in Argentine history- which is still not closed- created an urgent need for the truth, the rule of law, and for the need to remember. Dr. Julio Strassera’s statement for the prosecution in the 1985 trial of the military juntas has become famous:

‘For all these reasons, your honour, this trial and the sentence are both important and necessary for the Argentine nation, which has been outraged by atrocious crimes. Their very atrocity makes the hypothesis of impunity a monstrous idea. Unless the moral awareness of Argentines has descended to tribal levels, no-one can possibly admit that kidnapping, torture or murder are political acts or the side-effects of combat.

Now that the Argentine people has recovered the government and control of its institutions, I take the responsibility of declaring in its name that sadism is not a political ideology or a strategy of war, but a moral perversion. On the basis of this trial and its outcome, the Argentine nation will regain its self-esteem, its faith in the values which were the founding principles of this Nation, and its international image, severely damaged by the crimes committed by illegal repression (...) Your
honours, in concluding my address to you I am expressly going to forego any claim to originality. I would like to use a phrase which does not belong to me, because it now belongs to the entire Argentine people. Your honours: Nunca Más’ (Never Again) (*apud.* El Diario del Juicio, 17/09/1985: 12).

**Memories**

The swift closure of legal channels strengthened the need among human rights organizations to emphasize a ‘duty to remember’. As part of this, a calendar of rituals was established, based on rallying dates: the anniversary of the foundation of the Mothers of Plaza de Mayo (30 April), that of the Grandmothers of Plaza de Mayo (22 October), the day of National Shame (29 October) and the march of ‘Resistance for Life’ (10 December). The day that has most concentrated these commemorations and social memory has been the anniversary of the coup, every 24 March (da Silva Catela, 2001: 169).

The social impact of the *Nunca Más* report and the trials of the military juntas created a truth and an ethical demand. The humanitarian narrative emphasized in the report presented the disappeared as ‘human beings whose rights had been trampled on’. It avoided giving any details about their political affiliations and/or links to the guerrilla which could possibly have led public opinion to justify the violations perpetrated against them. This strategy gave rise to the first narrative of remembrance, one largely taken up by the human rights groups, which insisted on the image of the ‘victim’. By contrast, this view also gave rise to other demands, in particular that of the Family and Friends of those Killed by Subversion (*FAMUS* in Spanish) who demanded that the government set up another commission to investigate the abuses committed by the guerrilla (Crenzel, 2008: 65 and 96). In the midst of these conflicting versions, the battle for meaning was won, temporarily at least, by the interpretation which went down in history as the ‘theory of two devils’. This saw the whole of Argentine society as the ‘victim’ of twin evils: guerrilla violence and the State terrorism that the former had unleashed.

It has become commonly accepted that the idea of the ‘theory of two devils’ was first raised in the prologue to the CONADEP report. However, other writers such as E. Crenzel (2008) have suggested that in fact it was the then Interior Minister Antonio Troccoli who coined the phrase in his introduction to the 4 July 1983 TV programme which reported on the progress being made by the CONADEP. The two versions were in fact significantly opposed: whereas the report prologue stressed the huge distance between the illegal violence committed by the State compared to that of the guerrilla, the TV version (which was the one in the end accepted) emphasized the similarity of the means employed.

‘From the immense amount of documentation we have collected, it can be inferred that human rights were violated organically in the name of the State by the repression the Armed Forces committed (…) We have been accused of denouncing only a part of the bloody events our nation has suffered in recent years, and of silencing those committed by the terrorism that occurred March 1976. On the contrary, the comission has always repudiated that terror (…) Our mission was not to investigate those crimes, but specifically to look into the fate of the disappeared, whoever they were, and from whichever side of the violence they came. *The relatives of the victims of the earlier terrorism did not do so, undoubtedly, because that terror caused deaths, not disappearances*’ (CONADEP, 1984: 10-11).

The emphasis here on the difference between ‘those killed due to terrorism’ and the ‘system of the disappearance of persons’ established the distance between one ‘terror’ and the other. The compulsory introduction to the TV programme on the other hand was a precondition for broadcasting the progress being made by the CONADEP, as well as a clause which guaranteed the government that there would be no public condemnation solely of ‘State terrorism’:

‘Troccoli legitimised the CONADEP by calling its task ‘patriotic’, but he immediately warned that its account did not offer a complete history of the violence when he stressed that ‘the other side began when subversion and terrorism nourished from distant frontiers reached the shores of Argentina’ (cf Crenzel, 2008: 82).
This interpretation has ‘echoes’ in various social sectors even today. However, new developments have encouraged the emergence of fresh ways of interpreting the recent past. In the mid-1990s a series of public events re-awoke social memory in Argentina. On the one hand, there was the scandal caused by the declarations of Captain Adolfo Scilingo about the method of ‘disappearing people’, known since then as the ‘flights of death’, during which prisoners who were still alive were thrown into the Río de la Plata. On the other, the public appearance of a new human rights organization, HIJOS (CHILDREN- Children for Identity, Justice, and against Forgetting and Silence) which brought a generational narrative into play by displacing the image of ‘victim’ in favour of the need to ‘recover the meaning of the political and social militancy of the 1970s’ (Bonaldi, 2006). Alongside this, the group began a new form of public denunciation known as the ‘escrache’ (scratching) of repressors. With legal channels closed at that time, this tactic aimed at stigmatising and applying a social sanction to those held responsible for the state repression (Da Silva Catela, 2001: 267). In that same year various strategies were put in place that sought alternative legal possibilities. Outside Argentina, legal steps were set in motion to bring the Argentine military to trial in Spain and Italy. In Argentina itself, the charge of ‘the crime of abducting minors’ presented by the Grandmothers of Plaza de Mayo, proved a way to re-open the cases against Videla and Massera. In addition, Scilingo’s declarations were the starting point for an unheard-of process, that of the Trials for Truth. Since the possibility of criminal trials was closed, these were a way of keeping the cases open, although they could not punish anyone. Appealing to the principles defended by the Inter-American Court of Human Rights, the trials aimed at compensating for the violations to the right to truth and to mourning. Within these limits, the Argentine government committed itself to guaranteeing the right to truth in the sense of exhausting every means to arrive at the clarification of what had happened to the disappeared. Begun in 1998 in La Plata and the Federal capital, from 1999 onwards this initiative was extended to the jurisdictions of Rosario, Mendoza, Salta, Jujuy, Chaco and Mar del Plata. In each instance, the driving force were human rights organizations, together with relatives of the victims. These cases had different repercussions: some people saw them as no more than palliatives; others thought this was the only alternative to keep alive the hope of re-opening the criminal trials. They did in fact enable the building of the cases that have today led to trials. (Miguel, 2006: 25-28).

It was in this atmosphere that in 1996 the twentieth anniversary of the military coup once more became the centre of attention. The initiatives were again led by human rights organizations, and were supported by a variety of social groups, but with little state participation (Jelin, 2005: 548). Shortly afterwards however the state did begin to play an active role in the field of remembrance. Demands of this kind gradually became part of the state agenda: in March 1998, the proposal to build a Park of Remembrance took shape, in the wider context of a plan by the Government of the City of Buenos Aires, ‘Buenos Aires and the River’ which was to include three monuments: one to the victims of the bomb attack on the AMIA (Argentine Israelite Mutual Association); a second to the victims of State terrorism, and a third to the Just of the Nations (Tappatá de Valdez, 2003: 97).

In 2001, when Judge Gabriel Cavallo declared the laws of ‘Full Stop’ and ‘Due Obedience’ unconstitutional, the possibility was created for the criminal trials of the last dictatorship’s repressors to be re-opened. The human rights organizations gradually began to gain ground within the State: in 2002 Law 961 created the Space for Memory Institute (IEMA) as part of the Government of the City, in which representatives of the human rights groups and the executive and legislative powers took part. From 2003 on, Néstor Kirchner’s government placed much more emphasis on the question of human rights as state policy. That same year, decree 1259/03 created the National Memory Archive. In 2006, Law 26,085 was brought in, making 24 March a national holiday. As well as the effort to collect information and to commemorate the past, a new heritage policy was introduced: resolution No. 172 of 20 February 2006 declared that the sites where the CDCs operated could not be touched. For this reason the former CDCs at the Navy Mechanics School (Buenos Aires) and ‘La Perla’ (Córdoba) are currently ‘Spaces for Remembrance and the Promotion and Defence of Human Rights’, together with other former CDCs which are at earlier stages of becoming official ‘sites of memory’. The Campo de Mayo (Buenos Aires) is at the stage of creating memorials and the construction of its Space for Remembrance. Some sites, such as that of the former CDC ‘El Faro’ (the NCO Marines’ School at Punta Mogotes in Buenos Aires province) have yet to be identified. Others such as the ‘Communications Squadron No. 2’ (Paraná in Entre Ríos) and the Batallón de Arsenales 5 - Miguel de Azcuenága (Tucumán) are being sign-posted. Lastly, the land of “La Escuelita” - Escuela “Diego de
Rojas Famaillá, (Tucumán) and the Navy Marines Batalion (BIM 3) (Ensenada-Buenos Aires) are being expropriated. The old airport and ‘Admiral Zar’ base in Trelew (Chubut) and the ‘Chalet Hospital Posadas 9’ (Palomar- Buenos Aires province) which were not strictly speaking CDCs but symbolic sites of mass violence, also form part of this same project. (This information has been gathered from the National Memory Archive).

In this context, where the State has adopted policies promoting remembrance, fierce arguments have once again surfaced: new and old protagonists have re-asserted their traditional calls, demanding ‘the other part of the truth’ or ‘complete remembrance’.

Since 2000, and more visibly since 2003, Argentines for Complete Remembrance, a group originally led by Karina Mujica, established links with a variety of groups and protagonists linked to the intelligence services, such as the Private Service for Information and News (SEPRIN), or from the Armed Forces, such as the Argentine Unity Association (AUNAR), the Union of Naval Promotion, and the Cabildo review, all of which seek to render homage to the ‘heroes and martyrs who combatted subversion’. Also part of this network are groups such as the Association of Victims of Terrorism in Argentina (AVTA) headed by Lilía Genta and José Luis Sacheri, or the Association of Relatives and Friends of Argentine Political Prisoners (AFyAPPA), led by Cecilia Pando, wife of an officer retired from service by Néstor Kirchner’s government. Their publication Revista B1 –Vitamina para la memoria de la guerra en los ’70 (B1 Review- Vitamin for the Remembrance of the 1970s War) is an open challenge to state policy. Collectively, these groups are hoping to see another national day named- the 5 October, which would honour the ‘Victims of Terrorism’ (Catoggio y Mallimaci, 2008).

Increasingly, as the efforts at remembrance became structured fundamentally around those directly affected and relatives, a polarised view has arisen of memory and forgetting. By contrast, to some analysts the possibility of creating a collective consciousness of responsibility only seems possible when the victims are someone else’s:

‘It is not a matter of the transmission of a sacred event: that is the viewpoint usually to be found among the victims and their representatives, and creates the feeling that they are the bearers of a truth which only they can own. Nor is it a moral condemnation that the new generations can apply to their elders. The nub of the problem is to be found in the possibility, aimed at those who were not protagonists, of a critical, reflexive recuperation of the strands which united their perceptions and judgments with all that has been inherited from that past’ (Vezzetti, 2009: 48).

General and Legal Interpretations of the Events

In Argentina, the debate on the legal use of the term ‘genocide’ came to the fore after the allegations and sentences passed by Judge Baltasar Garzón with regard to the Latin American dictatorships at the end of the 1990s. Specifically, in 1997 Spanish justice began a prosecution against the Argentine military for the ‘crimes of terrorism and genocide’, which came under Garzón’s jurisdiction. The sentence handed down by him on 2 November 1999 should be seen in this context. In it, Judge Garzón challenges the exclusion of the category of political groups from the definition of genocide established by the Convention for the Prevention and Sanction of the Crime of Genocide. The definitive version of Article 2 of the Convention stated:

‘By genocide it is understood to mean any of the actions described hereinafter, perpetrated with the intention of totally or partially destroying a national, ethnic, racial or religious group in the following ways: a) killing members of the group; b) serious damage to the physical or mental integrity of members of the group; c) the intentional subjection of the group to living conditions which will necessarily lead to their total or partial physical destruction; d) measures aimed at preventing births within the group; e) the transfer by force of children from the group to another group’.

In response, Garzón outlined an argument in favour of considering the cases of ‘national group’ and ‘religious group’ as applicable to the Argentine case as a whole, and ‘ethnic group’ as relevant for the special treatment meted out to the Argentine Jewish population. Following Garzón’s argument, the relevance of the definition of ‘national group’ comes from the partial annihilation of the Argentine population, which he claims changed the social relations of all Argentine society. The
plausibility of the application of the term ‘religious group’ was related to the construction of the identity of the military regime around the values of ‘western Christian civilization’.

A second landmark in the legal use of the term occurred when criminal proceedings were re-opened in Argentina. The sentences handed down in the trials of ex-captain Miguel Etchecolatz (2006) and the priest Cristián Von Wernich (2007) were applied ‘within the framework of a genocide’.

In the case of the former captain, the judgment declared:

‘Etchecolatz is the perpetrator of crimes against humanity committed within the framework of an act of genocide. By his actions he showed a complete disregard for his fellow man, and he was an essential part of an apparatus of destruction, death, and terror. He commanded different concentration camps where the recorded victims were humiliated, abused and in some cases murdered. Etchecolatz committed atrocious crimes, and atrocity has no age. Such a heinous criminal cannot spend a day of the rest of his life outside prison’ (direct quotations from the judgment apud Puentes, 2006).

In the Von Wernich case, the court again used the term ‘within the framework of a genocide’. They adopted the previous argument, but added to it by using contributions from two new studies, one from the field of social science, the other from juridical science. The first of these was El genocidio como práctica social. Entre el nazismo y la experiencia argentina y Genocidio en la Argentina, (Genocide as Social Practice. From Nazism to the Argentine Experience) by Daniel Feierstein (2007), and the second, Genocidio en la Argentina, (Genocide in Argentina) by Mirta Mántaras (2005).

The Von Wernich case saw a challenge to the definition of the identity of the national group as a way to vindicate the notion of ‘a framework of genocide’. This challenge arose from the wide variety of political and social groups who had been victims: businessmen, ‘right-wing’ and ‘left-wing’ Peronist militants, journalists who supported the coup, housewives with no known record of militancy. In order to overcome this obstacle, the court used Mántaras’ study to argue that the national group affected by ‘genocide’ did not in fact exist beforehand, but was constructed by the agents of repression themselves to include any individual who opposed the economic plan brought in by the military, or was suspected of seeking to obstruct the aims of the government. In order to bolster this idea, the judges turned to the concept of a ‘re-organizing genocide’ as described by Feierstein, who defined it as a model of the destruction and re-founding of social relations (Badenes y Miguel, 2007: 16-17).

This effort to establish a legal definition for the term genocide coincided with the impossibility of any means within Argentina for the punishment of the ‘crime of genocide’. This is because there is no mention of the category of genocide in the Argentine Penal Code. Moreover, although Argentina’s ratification of the Agreement on Privileges and Immunities of the International Criminal Court in 2007 does contemplate the crime of genocide, the implementation of this ‘international crime’ cannot be retro-active (Badenes y Miguel, 2007: 16-17).

Within the social sciences, debates over the analytical potential of the concept of ‘genocide’ to explain the mass violence that occurred during the last dictatorship are still open.

Among those who support the idea that the concept of genocide is applicable to the Argentine case, one of the most often cited sources is the aforementioned work by Daniel Feierstein. He develops a complex argument to justify the use of the term in several books and articles.

In the first place, he considers the use of ‘national group’ as applicable to Argentina because he maintains that the perpetrators proposed to destroy a specific structure of social relations with the aim of producing a significant change that would alter the life of the entire society. Secondly, Feierstein assumes that the Convention for the Prevention and Sanction of the Crime of Genocide includes the ‘racial group’, based not on a positive discrimination between races, but on the imaginary construction of the concept of race as a metaphor for the notion of ‘otherness’. He then makes an analogy between the ‘biologizing’ concept behind the Nazi genocide, defined by the racial differences between individuals, and the ‘degenerational’ nature that the actions of the so-called ‘subversive delinquent’ acquired in the eyes of the military authorities:
'The subversive delinquent is characterized by a series of socio-political actions –not individual, but for the most part collective- but, as in the case of Jews and gypsies for Nazism, the consequences of these actions are seen as leading to degeneration, which following a biological metaphor need emergency treatment to separate the healthy from the diseased part, restoring health to the social body by means of a penal treatment that is secret, illegal, and prolonged (...) The victims of the genocide in Argentina are directly characterized by their militancy, in the widest definition of the term, which thereby comes to include a politico-military cadre of the armed left-wing groups, a factory delegate, a member of a secondary school student association, or an organizer of a local community club' (Feierstein, 2006: 30).

Lastly, Feierstein compares the ‘political group’ – not mentioned in the Convention - to the ‘religious group’, claiming that they both have similar ‘belief systems’ and by proposing an analysis of the genocide in Argentina in terms of an ideological battle with religious characteristics, given the involvement of the Catholic church and the definition of the genocidal regime in function of its belonging to western Christian civilization. He suggests that ‘religious genocide’ is in fact much closer to what happened in Argentina than any definition of ‘politicide’ or ‘political genocide’.

To this author, the benefits of using this category stem from the possibility of establishing:

‘The existence of a central thread leading to a technology of power in which the ‘negation of the other’ reaches its furthest extreme: their physical disappearance (that of their bodies) and their symbolic disappearance (that of the memory of their existence)’ (Feierstein, 2004: 88).

Other authors however, see this teleological conception as leading to an abuse of the term ‘genocide’:

‘In Argentina the notion and uses of ‘genocide’ have gone far beyond their juridical acceptation. Not only has the term become established as a description of the mass murders committed by State terrorism, but it is now often widely used to describe the current economic policies and their effects of increasing poverty, marginalisation, and structural violence. To begin with the most obvious: to call the consequences of economic policy a ‘genocide’ not only implies ignorance of the concept, but also, more seriously, it signifies an unjustifiable trivialization of the historical experiences of the mass crimes of the twentieth century, including the massacre in Argentina’ (Vezzetti, 2002: 160).

Those opposed to the use of the term for the case of the dictatorship in Argentina do so taking into account the essentially political nature of the repression and the victims chosen (Sigal, 2001; Romero, 2002) as against the passivity of the victims of genocide, seen as an identity group not involved in the political struggle (Vezzetti, 2002: 164).

Despite clearly differentiated arguments, both approaches support what is at present the most widely accepted narrative on memory, which makes militancy (political, social, trade union, or religious) the characteristic, defining attribute of the victims of State terrorism. The effort to uncover an explanatory logic for the mass violence has often led social scientists and political actors to simplify the complexity of the repressive process, the civilian-military network of responsibilities, and the social diversity of the victims, either by making use of a homogenizing factor such as militancy (in many cases a determining factor, but in other, equally significant ones, not so important) and/or to endow the events that took place with the re-organizing efficacy of genocidal violence. This exercise tends to dilute the symbolic power of the juridical category adopted in Argentina to bring these crimes to trial: that of ‘crimes against humanity’. This inclusive category, of which genocide is only one example, concentrates the force of the sanction on the criminal State rather than on any characteristics of the victims.

Bibliography

Buenos Aires: Fondo de Cultura Económica.


CRENZEL, Emilio, 2008, Historia política del Nunca Más, Buenos Aires: Siglo XXI.

DA SILVA CATELA, Ludmila, 2001, No habrá flores en la tumba del pasado. La experiencia de reconstrucción del mundo de los familiares de desaparecidos, La Plata: Ediciones Al Margen.


JELIN, Elizabeth, 2005, “Los derechos humanos entre el Estado y la sociedad”, en


ROBIN, Marie-Monique, 2005, Escuadrones de la muerte. La escuela francesa, Buenos Aires: Sudamericana.


SURIANO, Juan (dir.), Nueva Historia Argentina, Dictadura y Democracia (1976-2001), Buenos Aires: Sudamericana.


Other sited sources


“Carta de Eduardo Luis Duhalde a Fernández Meijide”, Perfil, 04/08/2009