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STATE TERROR AND MEMORY OF WHAT?

*Jaime Malamud Goti**

Between 1974 and 1983, Argentina became a battlefield where thousands of people were tortured, killed or made to disappear. Sponsored by top state officials, extensive violence commenced when Juan Peron was succeeded by his wife and vice-president, Isabel, after his death in 1974. Under her presidency gangs of armed civilians killed and maimed hundreds of youths for the sole reason of being considered left-wing activists.

In 1976 a military coup overthrew Isabel and violence escalated overnight. Under the de facto control of four generals, military and para-military personnel made extensive use of torture and assassination in the name of saving the country from internal "subversion." In those days rape and plunder of the victims of repression were not uncommon. Repression targeted vast social segments. Indeed, the generals' speeches revealed that the social areas they considered contaminated by subversion were the religious, the political, the educational, the economic, and cultural. Except for a few citizens who stood beyond suspicion, the rest of society was considered to be vulnerable to the inviting advances of this enemy with infinite shapes. Among those mentioned as "subversives" by state's officials of the 70s's impassioned speeches were, quoting high officials' literal expressions, "contractualists," "empiricists," "utilitarians," "positivists," "rationalists" and "Freudians." To quell this infinite threat, terror became the regime's principal political tool.

With the economy in shambles the military attempted to garner popular support by invading the British controlled Falklands Islands in April 1982. The venture turned into a disastrous armed conflict in the South Atlantic that ended up with Argentina's surrender to British forces in June of that same year. The fiasco so discredited the ruling clique of top officers that they were forced to step down and call nationwide elections for the country's President and legislators and provincial governors as well. After the elected administration of President Raul Alfonsin stepped in some trials of military officers were conducted and some officers were convicted. Many officers standing trial were later cleared by two national congress bills and the rest were pardoned by president Carlos Menem, who succeeded Alfonsin.

In this paper I set out to question the assumption that memory of past human rights abuses will contribute to the building of a rights-based democracy. In a terror ridden society, I claim, there are structural reasons that frustrate the formation of a memory that enhances individual responsibility and fosters the exercise of rights. Against the opinion of most human rights

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activists and scholars, I claim that human rights trials are not likely to correct this deficit.

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The military called their terrorist campaign a "war on subversion." It consisted in mass abductions, assassination and the routine use of torture.¹ To these "subversive" groups belonged those individuals the ultra-right considered to be easy prey to international communism, exported mainly from Cuba and the Soviet Union. Only those who displayed positive support for the military's "dirty war" were safe from the label of "subversive." The scope of "subversion" and the requirement of positive support of the military regime turned the world into one of only black and white: of (positive) supporters and enemies. This setting of black and white was, as we will see, fitting to state terrorism.

Indeed, once the regime's officials concluded that the "enemy of the Fatherland" was "subversion," winning the war became an overwhelming task. Not only were the rival forces extremely difficult to identify and detect given their many faces, they also possessed the ability to expand and regenerate.

When authoritarian rulers established that the survival of basic "national values" depended on destroying this diffuse and infinitely vast opponent, terror becomes the only feasible solution. The use of extreme and—perceived to be—random violence is an economically expedient approach to controlling the population. This methodology does not demand the collaboration of a large number of loyal civilians as would enforcing explicit rules by the judges. In fact, the new judges who had been appointed by the regime may well have been nevertheless contaminated by "subversion."

Clandestine action and secrecy in a terrorist state split the world into two realms. The first one pertains to the very few who are in power and can make life and death decisions and those who are close to them. To the second realm belong those who are left to guess how and when brutal force will be administered. In a world in which disinformation and confusion are paramount, this second group inevitably holds the most varied versions of reality, because these versions are based on the array of assumptions individuals make in their quest to make sense of what is happening around them. The mind cannot operate in a vacuum.² It assigns meaning to events and establishes an

1. Elsewhere I develop the notion that "subversion" is extremely vague yet heavily value-laden. Adopted from the French forces in Indochina and Algeria, fighting "subversion" turned into a war against extremely vast popular segments. See JAIME MALAMUD GOTI, *GAME WITHOUT END* (Oklahoma 1996).

2. See PAUL WATZLAWICK, *HOW REAL IS REAL?: CONFUSION, DISINFORMATION, COMMUNICATION*, ch. 3 (Vantage Books, New York 1976).

order that will enable it to pretend to minimally anticipate the immediate future. On the one hand the mind needs to discover the "rules" on which life and death decisions are made. On the other, it has to select information in order to make life tenable. Discovering an explanatory system behind a state of terror becomes a unique task for two reasons: first, because of the variable nature of the hints we elect to acknowledge in the process of perceiving reality; second, because of the duality of our determination to know.

In a state of secret death squads and obscure torture chambers there are few and ambiguous clues on which to build a mental order. To build such an order individuals depend on signals to which they attach value. Some Argentines found these clues by reading between the lines of official speeches, others relied on the constant flow of gossip, the truth of which they sometimes took at face value. The peculiar reality of a terrorized society is that it makes it difficult to distinguish genuine sources from those that people want to listen to.

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The suspicion that by the most whimsical criteria we may become new targets for torture and assassination is, as some anthropologists explain, an indescribable experience that leads to isolation.³ Reluctant to bear our sense of complete impotence and to understand what we dread, we desperately strive to overcome the senselessness of terror by *discovering* explanations. As the publication by the National Commission for the Disappeared points out in the Prologue to *Nunca Mas*,⁴ many adapt by going about their lives as if terrible things were not happening. As late as 1991, a friend reminded me that when Mexico suffered the 1985 earthquake, among the unearthened bodies were those of Argentine disappeared. This belief had survived the Argentine courts' verification of the lack of correspondence between those listed as disappeared in Argentina in the 1970's and those killed in the earthquake. Until as recently as 1995, however, the Mexican earthquake myth still thrives in Argentina revealing the sturdiness of myths concocted during the military dictatorship.

To limit the notion of the victims of repression to the disappeared and the tortured is to fail to apprehend the profound repercussions of state terrorism. Constant persecution caused pain and anguish not only to those who were related to or associated with the killed and the disappeared, or even those who received death threats; it distressed the large majority of the population as well.

3. See, e.g., Kay Warren, "Interpreting *La Violencia* in Guatemala: *Shapes of Mayan Silence and Resistance*," in *VIOLENCE WITHIN* 25-57 (Kay Warren ed., Westview Press 1993).

4. "Nunca Mas," *Official report on the "disappearance of persons,"* Editorial Universitaria de Buenos Aires (4th ed. 1986) at 7.

By compelling individuals to construct their own explanation for the violence, terror is extremely isolating. It is isolated individuals, removed from social networks, who actually deal with terror. Many people simply decide to look the other way, as if pretending that nothing was going on would erase the violence and the pain. Acting as if everything continued to operate normally became customary in many Argentine circles.

One of the clearest examples of the practice of avoiding direct confrontation with the most terrifying situations by suppressing their meaning is the case of the undertakers' union in the province of Cordoba.⁵ In 1977, the union of undertakers in the province of Cordoba submitted a formal request to then military President Jorge Videla to improve their working conditions. Since the 1976 military coup, the number of bodies unloaded from army trucks to be buried had multiplied their work ten to twentyfold and environmental contamination had rendered their work hazardous. Like miners and underground workers, the hazardous nature of their labor had to be officially recognized. This was a simple bureaucratic step.

To rebuff this formal plea in the name of the President an army colonel appealed to a similar formalism. His rejection was not based on the inadmissibility of the claim itself, but on the fact that it had been submitted to the wrong administrative authorities. The petition should have been addressed to the commander of the third army corps in Cordoba for only he had the legal capacity to decide the case.

Not only did this file reveal that massive assassinations had become routine, but also that many civilians themselves regarded these massive killings as normal, inevitable events. Far beyond the horrifying situation, the undertakers' concern was to obtain less working hours, more holidays and a raise. From the regime's strategy of denying its involvement in brutal practices and the citizens' avoidance strategy, emerged this purely bureaucratic dialogue.

Avoidance schemes also emerged from distrust. People avoided sensitive issues unless they were certain of the loyalty of the audience. Careless disclosures were as dangerous as deliberate reports. A vast sector of society sequestered themselves among family, and restricted non-kin relations to old friends. This habit proved to be extremely isolating and, in some ways, paralleled the official policy of dismissing foreign criticism on the grounds that no one is entitled to meddle in our family affairs. Concern about strangers and the constant fear that parents had to keep their children away from politics and trouble turned into the "private-authoritarian" practice of monitoring the children's activities. Political "macro-authoritarianism" thus turned into

5. Cordoba is a province that sits 300 miles north of Buenos Aires, Argentina.

familial "micro-authoritarianism."⁶ This process of the closing of the minds was visible in the increasing nationalistic xenophobia and tribal exaltation of the family and the fatherland.

Human rights violations in Argentina fueled a widespread campaign in the West. From 1978 a series of organizations promoted a general boycott against the Argentine military regime. When this happened the population at large sided with the regime. This was particularly clear when Argentine officials complained about attempts to dissuade potential spectators from visiting the country to watch the 1978 world cup. In an open message to Videla, the ambassador to France expressed his views about different groups lobbying against visiting Argentina to participate at different events. The most important was the soccer World Cup.⁷ The populace's anger was soon echoed by the Argentine newspapers. An outraged middle class soon reacted by writing thousands of letters to the newspapers "to unmask the treacherous subversive campaign" behind the stories of torture and death circulating around the world. The Mothers of Plaza de Mayo⁸ recall in dismay how, during that period, almost everybody forgot the disappeared. In this context where people felt the duty to mobilize in defense of the country's "image" there was even less room than usual for criticism of human rights violations.⁹ Tribalism had nested in the Argentine community. The "Mad Mummies," as the Mothers were called, had now become "un-patriotic" zealots for a large majority.¹⁰

This tribalism set the country's mood against the international human rights campaigns.¹¹ When, in 1979 the Inter-American Commission of Human Rights made a visit to the country to investigate the truth of reported atrocities,

6. See Juan Corradi, "The Culture of Fear in Civil Society", in FROM MILITARY RULE TO LIBERAL DEMOCRACY IN ARGENTINA 147-159 (Monica Peralta Ramos & Carlos H. Waisman eds., Westview Press, Boulder-London 1987).

7. "[T]his campaign against Argentina" Anchorena said "must be felt by every Argentine as an aggression against his country. It would be of great help to confront this campaign if, through private and public organizations, everybody establishes a permanent dialogue with their counterparts in Europe to express the reality of daily life in Argentina." The April 23, 1978 issue of Buenos Aires Magazine Esquíú quotes the Argentine Ambassador in France, Tomas Anchorena's report on the campaign to foil the soccer world cup to be held in Buenos Aires.

8. A very conspicuous Argentine human rights group who staged protests against the military regime brutality as early as 1978.

9. See *id.*

10. The "Madres de Plaza de Mayo" was a human rights organization who member were the mothers whose children had been made too disappear. The Madres were the first to defy the military regime ban on public demonstrations by parading in front of the government house every Thursday demanding that they be given back their lost children. See claims of the *Madres de Plaza de Mayo*, *supra* note 3; JO FISHER, MOTHERS OF THE DISAPPEARED (Zed Press Ltd., London and South End Press, Boston 1989).

11. I am referring to the denunciations by Amnesty International and the OAS Commission, among others.

a large portion of the citizenry supported the official thesis that only the "Argentine Family" had the authority to deal with its own problems. Responding to a perceived foreign intrusion, thousands of drivers in the cities began to boast stickers on the rear windows of their vehicles advising foreigners to get out: "Los Argentinos Somos Derechos y Humanos," (We Argentines are Right and Human) the stickers read, mocking the idea that human rights violations had taken place.¹²

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So far, I have described how terror can be mobilized as a political tool. Terror does not mean just a fearful citizenry; it has much deeper implications. Terror affects the perception of events and fragments the vision of social reality, thus breaking down social communication. In a state of terror isolation becomes patent when individuals break "dangerous" social ties and throw away any possibly "incriminating evidence," such as books, that could render them "punishable."¹³

Thus, state terror generates a host of beliefs and conceptions of the world that are incompatible with social coordination. They also erase the perception of individuals' rights and interests.¹⁴ Terror annihilates our self-respect by killing our ideals. In a state of terror shame and guilt are ever-present: compromising our goals and deserting our principles and loyalties inevitably instills in us a sense of worthlessness. This political experience shows the depth of the popular sentiments and the way in which such sentiments bear on our relations. General distrust and xenophobia, obsequiousness toward those who shame us are ways humiliated people cope with random brutality. Only knowledge of the (re-interpreted) facts will enable a society to modify these trends to develop mores that are compatible with a rights-based democracy.

12. A similar reaction followed U.S. President Jimmy Carter's decision to cut back on military aid as an expression of strong disapproval of the military regime's abuses. See IAIN GUEST, *BEHIND THE DISAPPEARANCES: ARGENTINA'S DIRTY WAR AGAINST HUMAN RIGHTS AND THE UNITED NATIONS* 164 (University of Pennsylvania Press, Philadelphia 1990).

13. Juan Corradi describes the general behavior of the population under the military rule in Argentina: people abandoned, first, their political activities, and second, their political beliefs; they reduced associated activities and denied any evidence that inhumane practices were being carried out. Members of groups that were potential targets of state terror cultivated deliberate ignorance about what was going on. See Juan E. Corradi, *The Culture of Fear in Civil Society, FROM MILITARY RULE TO LIBERAL DEMOCRACY IN ARGENTINA* 113 (Monica Peralta Ramos and Carlos H. Waisman eds., Westview Press, Boulder, Colorado 1987).

14. I realize the implications of this sentence: that there are "objective interests" to protect. I do not want to go thus far. My claim is that, under a state of terror, our perceptions are largely at variance with those of democratic citizens.

Where terrorist states drive citizens to misrepresent reality at individual, collective and institutional levels, fostering the exercise of memory runs the risk of bringing to the surface disfigured events. Most of all, memory will not foster the perception of our rights.¹⁵

The extent to which public debate alone opens our minds is limited at best. It may reveal how distorted our sight was at a superficial level. This setting that I have described suggests that a terror ridden society is unlikely to spontaneously overcome the communication distortions terror brings about. Our self-respect and esteem seem to require deeper measures than a mere historical debate and the assertion that we have rights. Changing our convictions about ourselves suggests the need of trying the perpetrators of the most serious offenses. Punishment should restore the victims' dignity; to wake up people's conscience the debate that precedes the verdict will clearly convey the relevant facts and their interpretation by those who decide the case impartially. But, as we shall see, there were drawbacks to this situation too.

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Attaching lofty moral overtones to blame assumes that we can squarely identify those actions that bring about harm. This process of identification of those morally responsible for harming others is typically the case in "guilty" transgressions of the criminal law. Based on the dual logic of "guilty" and "innocent," criminal theory and practice provide clear parameters to establish which actions are relevant in bringing about certain harms. Beyond the realm of criminal law, however, the issue of moral responsibility is, by and large, subject to disagreement, negotiation, and constant change.¹⁶ While retaining its facade of a moral claim, the practice of blaming has shifted from time to time, as did the notions of causation, harm and moral responsibility as opposed to simple "accidents" that just happen to us.¹⁷ Beyond the legal practice, explanations that posit the blame on a single party, "one factor explanations," are usually the consequence of (and also lead to) over-simplifying events.¹⁸ As

15. Ines Gonzalez Bombal's field research provides an assortment of beliefs people held about the military. Stemming from wishful thinking, these beliefs about the military simply refused to acknowledge the obvious brutality and arbitrariness. See Ines Gonzalez Bombal, "*Nunca Mas: 'El juicio mas alla de los estrados'*;" (CEDES, Buenos Aires 1994).

16. See MARION SMILEY, *MORAL RESPONSIBILITY AND THE BOUNDARIES OF COMMUNITY: POWER AND ACCOUNTABILITY FROM A MORAL POINT OF VIEW* 167 (The University of Chicago Press, Chicago-London 1992).

17. Blame is sensitive to power shifts because the very notion of blame is closely connected to that of power. I cannot develop this notion here as Judith Shklar does in one of her books. See *THE FACES OF INJUSTICE* (Yale University Press, New Haven and London 1988).

18. PAUL WATZLAWICK, ET AL., *CHANGE: PRINCIPLES OF MORAL FORMATION AND PROBLEM RESOLUTION* 45 (W.W. Norton and Company, New York-London 1974).

a general principle, the more realistically we think about the origins of suffering, the more we view this suffering as the outcome of a complex set of circumstances instead of the result of a single cause. In defining reality as one of friends and enemies, the mind is prone to oversimplifying the notions of both blame and the "innocent" victim.

A terrorist state drastically modifies the connections between blame, morality and the transgression of explicit rules. Silencing our outrage at brutality becomes a structural feature of society because conscious indignation against state violence is both too painful and too dangerous to express to others. Moreover, the sense of inevitability strips the practice of blaming of its mission of inhibiting future harmful actions.¹⁹ Blame ceases to be a morally-based mechanism of social control; at least in the sense of compelling citizens to abide by explicitly agreed on principles and values. As a consequence of this process Argentine society developed the habit of looking at the very victims of repression as the object of blame. People shifted the focus of their anguish from the perpetrators to the victims. This process is impeccably described by CONADEP²⁰ in the prologue of *Nunca Mas*:

In the society, the idea of un-protection became increasingly entrenched, the dark fear that anybody, no matter how innocent, could fall victim to that infinite witch hunt. Some were absorbed by overwhelming fear, while others were controlled by the conscious or unconscious proclivity to justify horror: "It must be something she must have done, was the whisper, as wanting to favor inscrutable Gods, looking at the children or parents of the disappeared as if they were pest-ridden. These sentiments were vacillating, because it was known that so many had been swallowed up by that bottomless abyss without being guilty of anything; because, carried out with the drift that characterizes the hunting of witches and the possessed, the struggle against the 'subversive' had been turned into a dementedly generalized repression. Because the epithet 'subversive' had such a vast and unpredictable reach."²¹

Many Argentines remember how in 1976 society developed the generalized practice of understanding violence by looking at the victim rather than the

19. For the concept of harm I propose the basic notion curtailing someone's personal autonomy, offending her dignity, and causing pain above a certain threshold. See CARLOS S. NINO, *ÉTICA Y DERECHOS HUMANOS: UN ENSAYO DE FUNDAMENTACIÓN* ch. 10 (2d ed., Editorial Astrea, Buenos Aires 1989).

20. CONADEP was the acronym of the National Commission for the Disappearance of Individuals set up by President Alfonsín soon after stepping down in December 1983. See *Nunca Mas: Informe de la Comisión Nacional sobre la Desaparición de Personas*, Editorial Universitaria de Buenos Aires, (14th ed. 1986).

21. Prologue to *Nunca Mas: Informe de la Comisión Nacional Sobre la Desaparición de Personas*, Editorial Universitaria de Buenos Aires, (14th. ed. 1986) at 9.

perpetrator.²² Only those who sympathized with “subversion” would condemn the regime or even worse yet, lobby at foreign and international human rights forums against the military rule. The human rights trials, we will see, protracted this bipolar logic.

By instilling among the citizenry a bipolar interpretation of the world as one of “the guilty” and “the innocent,” the criminal trials recreated a bipolar scheme akin to that of “if you are not with us you are against us.” As the vague notion of “subversive” had split society into the good and the bad, this same society was divided once more by institutionalized blame. Paradoxically, the most attractive feature about the trials—establishing one common truth by limiting the relevant facts to those applicable to criminal guilt—was also their greatest weakness. This weakness was the inevitable over-simplification of history as one for which there was no middle ground between the innocent and the guilty.

There is a condition to render blaming a moral practice: that we submit our reasons to those we blame, and engage in an exchange of views with them.²³ Unlike this practice, by placing the fault with the disappeared and the murdered as a class different from ours, blamers lose their claim to prevail morally in the exchange of reasons; they forfeit their claim to be morally right. At variance with moral blaming, vengeful attribution does not require from us that we supply convincing reasons for our will to cause pain to those we charge. In the Argentina of the 1970s, this social practice served the purpose of suiting the self-interest of the blamers: in a bid to lessen our guilt, our shame and frustration, the use of blame became an implicit way to circumscribe the violence within a defined social group.

Similarly to our blaming the disappeared, in post-dirty-war Argentina our blame was laid upon a group segregated from our own community;²⁴ the population shifted its focus to the military as the single-factor explanation of our suffering. In the 1970s, blame was neither an expression of moral indignation nor a means to single out those who used violence against our lives and freedom. Blaming consisted, instead, of the result of (unilaterally) manipulating our deeply rooted retributive emotions. Blame neutralized the

22. See Marcelo Suarez-Horozco, “*The Grammar of Terror: Psychocultural Responses to State Terrorism in Dirty War and Post-Dirty War Argentina*,” in *THE PATHS OF DOMINATION, RESISTANCE AND TERROR* 219-59 (Carolyn Nordstrom and JoAnn Martin, eds., University of California Press, Berkeley-Los Angeles-Oxford 1992).

23. Few authors have emphasized the moral value of deliberation as Carlos S. Nino. See, for instance his justification of democracy as a deliberative, moral process in *THE CONSTITUTION OF DELIBERATIVE DEMOCRACY* (Yale University Press, New Haven & London 1996, ch. 5).

24. James Neilson points out, blaming the military was blaming somebody alien to our own community. See James Neilson, *Parque jurasico*, NOTICIAS (Buenos Aires), July 18, 1993.

shame that resulted from our giving up our "dangerous" association with the politically undesirable because it was their "undesirability" that made them unworthy. Also, blame neutralized our anguish. By conceiving chastisement as grounded in some of the victims' distinct properties or deeds, we muffled the terror that we would be next on the hit lists. We were different from those who suffered. Thus, we turned blame into a short-cut to seek relief from fear, remorse and impotence.

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The preceding reflections make it evident that the general and impassioned desire to have the military punished expressed the qualified, though popularly felt need to promote social solidarity. The current appeal of police²⁵ violence and the electoral success of key figures of the military regime strengthens my own belief that the pursuit of punishment was unrelated to promoting the dignity of individuals. The retributive emotions behind the rallies and public protests were aimed at achieving a kind of social solidarity the country had experienced during the apogee of the military regime.²⁶ However, this is not enough to disqualify the politics of trying state criminals.

Even if the popular sentiments behind the trials did not stem from a drive to recover individuals' dignity and responsibility, one may suggest that holding these trials was preferable to sheer passivity. Members of the community, one may assume, are more likely to learn about their rights from "humbling" those who humiliated them.²⁷ By zeroing in almost exclusively on a relatively small and defined number of human rights abusers, however, the "humbling trials" threatened to become the formal instrument to thwart the basic logic on which we build the notion of responsibility. Formalized at the trials, the process of blaming absolved many civilians who had supported the military dictatorship in the belief that they were not among the blamed but rather among the accusers. Based on the criminal justice's bipolar logic of "innocent" and

25. Current reports have it that the use of torture and even execution-like killing of youngsters by the police still runs rampant throughout the country (report by a representative of the Centro de Estudios Legales y Sociales, a Buenos Aires leading human rights organization at a meeting at the Fundacion Travesio, Buenos Aires, May 26, 1998.)

26. Domingo Bussi and Aldo Rico are to excellent examples. Bussi, a retired general, is now governor of the same province in which he, as a delegate of the military juntas, killed and tortured prisoners during the dirty war. Also an officer, Rico, now the mayor of a middle class suburb of Buenos Aires, raised up in arms in 1987 and 1988 to have the human rights trials terminated as they threatened the "dignity of the army."

27. The approach is, after all, akin to Hannah Arendt's famous idea in *A REPORT ON THE BANALITY OF EVIL: EICHMANN IN JERUSALEM*, Penguin Books, p. 226.

“guilty,” the trials contributed to the widely shared conviction that those not prosecuted were simply innocent.

Thus, the negative side of the trials consisted of a dilemma: The first horn was the dilution of responsibility through the expedient of considering that a vast sector of society had been responsible for the brutality. This meant turning the trials into a theater in which, by picking out a varied assortment of representative citizens, society was punishing itself by trying mere samples of a very wide variety of citizens: if everybody is responsible, then, nobody really is. I am referring to pressing charges against thousands of civilians and military actors who supported, encouraged or in many ways strengthened the fanaticism that led to the brutality of the dirty war. By adopting the second horn of the dilemma, we would have—as had in fact—punished only a few violators. In this case, most former allies of the accused military were free to become accusers themselves. Indeed, those who supported the regime until the financial debacle in 1979, or the 1982 Malvinas\Falkland Islands fiasco, saw themselves as being entitled to become accusers. This perceived betrayal by their former allies confirmed the military conspiratorial theory. They now viewed themselves threatened by an even larger number of conspirators who had posed as their allies until it became advantageous to turn against the armed forces. These former allies were now supporting the “politics of revenge.”²⁸ Thus, as the means of instilling a basic sense of individual responsibility, the politics behind the trials were impaired by a new kind of memory. One fostered by the bipolar nature of the criminal trials.

Persistence of single-factor explanations suggests—as corroborated by the recent popular support of torture by the police—that the populace will again support a dictatorial intervention if the country’s background conditions deteriorate. The electoral appeal of generals suspected of gross human rights infringements also suggest that the desire for a tough hand to reinstate social order may be as strong now as it was back in the 1970s.

Present tolerance of violence indicates that the collective drive to punish military abusers did not sufficiently promote respect for persons as an indispensable ingredient of “actual, unprejudiced punishment,” as a means of attaining a rights-based democracy. Placing the blame on a single sector of society had perceived “advantages.” By refusing to accept the painful fact that terror originated in the very entrails of the community, the single-factor mechanism enabled the populace to stifle their guilt and their shame for their

28. In spite of President Alfonsín’s instructions to prosecute a very small number of guerrilla organizations’ members. See Alejandro M. Garro & Henry Dahl, *Legal Accountability for Human Rights Violations in Argentina: One Step Forward and Two Steps Backward*, 8 HUM. RTS. L.J., 238-477 (1987).

passivity toward the suffering.²⁹ In some sense, the guilt of many military officers for the terror they caused does eliminate the appeal of their claim of being scapegoated.

To challenge the interpretation of the country's recent past by exposing the nature of *the cause* of brutality invites questioning the very motives behind the massive support of the human rights trials. It seems clear that, whatever its strength, credence in the courts did not rest on the prospects of an impartial decision of the criminal responsibility of military officers. Present lack of respect for the courts' verdicts stems from a General Belief with no room for judicial independence.

There is much to be said for and against the post dictatorial criminal trials as a source of memory. Arguments based on politics and policy, pragmatism and idealism, present and future have been presented on both sides and there are surely still more points to be made. Punishing members of certain groups, as it stands today, is highly intermixed with the less accepted concept of revenge. Thus, the memory stemming from the trials is as tricky as the previous, pre-trials, version of history that attributed the blame to the victims.

29. See Stanley Cohen, *Crimenes estatales de regimenes previos: conocimiento, responsabilidad y decisiones politicas sobre el pasado* in *NUEVA DOCTRINA PENAL* 557-608 (1997\B).