

Human Rights Policy After the Dirty War: State and Civil Society in Argentina  
(1983-1989)

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Lauren M. Cutcher

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This thesis titled  
Human Rights Policy After the Dirty War: State and Civil Society in Argentina  
(1983-1989)

by  
LAUREN M. CUTCHER

has been approved for  
the Center for International Studies by

---

Patrick Barr-Melej  
Associate Professor of History

---

Betsy J. Partyka  
Director, Latin American Studies

---

Daniel Weiner  
Executive Director, Center for International Studies

## ABSTRACT

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Human Rights Policy After the Dirty War: State and Civil Society in Argentina (1983-1989) (123 pp.)

Director of Thesis: Patrick Barr-Melej

This thesis analyzes human rights policy in Argentina after the Dirty War (1976-1983). In particular, I argue that the formulation of human rights policy under Raúl Alfonsín (1983-1989) was contingent on several layers of relationships, 1) that of the state and civil society, and 2) the internal struggles within civil society and within the state. Moreover, the tradition of authoritarianism and its role in Argentine institutions further impacted the nature of these relationships. For the purpose of this study, the state refers to the presidential administration, the military, Argentine Courts and Congress, while civil society refers to the human rights organizations (HROs). The author conducted oral history interviews with different members of the human rights organizations, in order to gain personal testimony from those involved in the period in question.

Approved: \_\_\_\_\_

Patrick Barr-Melej

Associate Professor of History

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## TABLE OF CONTENTS

	Page
ABSTRACT.....	3
ACKNOWLEDGMENTS .....	4
INTRODUCTION .....	7
CHAPTER 1: HISTORICAL BACKGROUND .....	16
Introduction.....	16
The Infamous Decade (1930-1943) .....	16
Juan Domingo Perón, Peronismo, and its Impact.....	20
Onganía and the “Revolución Argentina” (1966-1970) .....	25
The “Dirty War” (1976-1983) .....	28
CHAPTER 2: CONFLICT WITHIN THE STATE.....	42
Introduction.....	42
The Presidential Administration: Seeking Concessions .....	42
The Military: Internal Conflict .....	50
The Courts and Congress: The Intermediary Sectors .....	56
Conclusion .....	65
CHAPTER 3: CIVIL SOCIETY UNDER ALFONSÍN .....	67
Introduction.....	67
The Beginning of the Transition (1983-1984).....	67
The Middle Transition (1985-1987) .....	74
The End of the Transition (1988-1989) .....	88
Conclusion .....	92

CHAPTER 4: DISCONNECT BETWEEN THE STATE AND CIVIL SOCIETY .....	93
Introduction.....	93
The Politics of Memory: One Discourse or Ten? .....	93
Lack of Consensus .....	103
The Persistence of Authoritarianism.....	108
Conclusion .....	112
CONCLUSION.....	114
BIBLIOGRAPHY.....	118

## INTRODUCTION

On March 31, 2009, former President Raúl Alfonsín died after a two-year battle against lung cancer. The current government of Cristina Kirchner declared a national state of mourning and ordered flags to be flown at half-mast in his honor.<sup>1</sup> Thousands of mourners expressed their condolences in the Plaza del Congreso with flowers and pictures of the former president. Others went to his hometown of Chascomus, Buenos Aires, with placards reading, “Thank you.”<sup>2</sup> Diverse groups of politicians, historians, human rights activists and international diplomats reflected on Alfonsín’s life as well as his contribution to Argentine politics and history. In one article of the daily newspaper *La Nación*, historians referred to Alfonsín as “a flawless politician,” “a man who defended his ideas to his death” and as “the restorer of democracy.”<sup>3</sup> One article noted that “as all politicians, as all men, he had sound judgment and made mistakes and his actions are judged in different forms from the perspectives of observers.” It also acknowledged that he led the country during difficult times.<sup>4</sup> One article in *Clarín* noted that in a 2008 national poll that inquired as to the best president since 1983, Alfonsín was third, receiving a mere 9.9%. Former President Nestor Kirchner, was named best president by far, and the embattled Carlos Menem ranked second. However, the week after his death, Alfonsín received 51% in an identical poll, naming him the best president since Argentina’s transition to democracy.<sup>5</sup>

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<sup>1</sup> “Murió Raúl Alfonsín, primer presidente y símbolo de la democracia,” *Clarín* (clarín.com), March 31, 2009 .

<sup>2</sup> “An Argentine Democrat,” *The Economist* (theeconomist.com), April 1, 2009.

<sup>3</sup> “Historiadores destacan el papel de Alfonsín como restaurador de la democracia,” *La Nación* (lanacion.com.ar), April 1, 2009.

<sup>4</sup> “La trayectoria y el legado político de Raúl Alfonsín,” *Clarín* (clarín.com), April 2, 2009.

<sup>5</sup> “Hay que morir para ser reconocido,” *Clarín* (clarín.com), April 5, 2009.

President Alfonsín's death represents the lasting issues related to the truth and reconciliation process after the return of democracy in 1983. Alfonsín's role as the first president after the "Dirty War" (1976-1983) set the tone for future presidents to reconcile the political violence of the military dictatorship. In addition, the civil society-state relationships that developed during the transition influenced the path of the truth and reconciliation process. I argue that the formulation of human rights policy from 1983 to 1989 was contingent on several layers of relationships: 1) that of the Argentine state and civil society, and 2) on a smaller scale, the internal struggles within the state and within civil society. I define the state as the military, the Argentine courts, Congress and the presidential administration of Raúl Alfonsín, while civil society, for the purpose of this study, refers to the Argentine human rights organizations (HROs). Moreover, the tradition of authoritarianism and its role in Argentine institutions further impacted the nature of these relationships. In other words, truth and reconciliation necessarily are based upon an array of struggles: among civil society and state, within the state and between actors in civil society. Therefore, I provide a more nuanced understanding of the 1980s in Argentina by demonstrating that casting the truth and reconciliation process as simply a matter of state-civil society relations does not get at the conflicts that went on within the state and within civil society over questions of justice and injustice.

Argentina's transition to democracy is one of many examples of post-conflict contexts that involve reconciling issues of political violence. It exemplifies the complications that arise during such processes. In particular, Argentina carried a significant amount of "baggage" in terms of political violence. The violence of the Dirty War provided complex transitional issues. The events of the transition are important to



study because they help us understand the larger process of democratic transitions. Moreover, countries transitioning to a democracy from authoritarian and repressive regimes, like Argentina, are faced with how to reconcile injustice.

In addition, the period from 1983 to 1989 is analytically important due to its relevance in understanding the impact of authoritarianism on the truth and reconciliation process. That is, Argentina, for the greater part of the twentieth century, was plagued by repressive regimes that often resorted to political violence to control and manipulate the population. This practice became part of the political culture, the worst of which culminated in the military dictatorship of the Dirty War. These governments' lack of respect for human dignity was manifested in the frequent forced disappearances, kidnappings, tortures and mass executions. Even though democracy returned in 1983, some of these forms of repression did not necessarily end nor did authoritarian ideology. This is significant because overcoming these factors was not immediate; rather, it has been a gradual process. For this reason, focusing on the Alfonsín years (1983-1989) sheds light on the initiation of new patterns that laid the foundations of human rights policy, thus beginning to replace the "old" patterns. However, this process had limited success because authoritarian tendencies persisted within the military during this period, thereby sewing the seeds of impunity.

Human rights policy in Argentina since the transition is a well-researched subject. In general, scholars have analyzed the effectiveness of the truth and reconciliation process by acknowledging the initial successes of the first years of the transition but have

criticized the amnesty laws passed that fostered the problem of impunity.<sup>6</sup> They specifically discuss the role of trials and truth commissions during democratic transitions.<sup>7</sup> In addition, scholars like David Pion-Berlin note the complexity of the civil society-state relationship because the state is not homogenous. In particular, he has focused on civil-military relations as well as relations among the institutions within the state.<sup>8</sup> Other scholars have focused on civil-military relations, relations within the state as well as relations between the different human rights organizations and other non-governmental organizations (NGOs).<sup>9</sup> On a smaller scale, scholars also have examined several important themes related to human rights policy and the relationship between the state and civil society, such as impunity, political memory, the persistence of authoritarianism, and the role of human rights groups in truth and reconciliation.<sup>10</sup>

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<sup>6</sup> David Pion-Berlin, "To Prosecute or Pardon? Human Rights Decisions in the Latin American Southern Cone," *Human Rights Quarterly* 16, no. 1 (Feb. 1994) and Luis Roniger, "Paths of Citizenship and the Legacy of Human Rights Violations: The Cases of Redemocratized Argentina and Uruguay," *Journal of Historical Sociology* 10, no. 3 (Sept. 1997).

<sup>7</sup> Martha Minow, *Between Vengeance and Forgiveness: Facing History After Genocide and Mass Violence* (Boston: Beacon Press, 1999); Mary Popkin and Naomi Roht-Arriaza, "Truth as Justice: Investigatory Commissions in Latin America," *Law & Social Inquiry* 20, no. 1 (Winter 1995); Carlos Santiago Niño, *Radical Evil on Trial* (New Haven, CT: Yale University Press, 1996).

<sup>8</sup> David Pion-Berlin, *Through Corridors of Power: Institutions and Civil-Military Relations in Argentina* (University Park, PA: The Pennsylvania State University Press, 1997) and ed. *Civil-Military Relations in Latin America* (Chapel Hill, NC: The University of North Carolina Press, 2001).

<sup>9</sup> Alison Brysk, *The Politics of Human Rights in Argentina: Protest, Change and Democratization* (Stanford, CA: Stanford University Press, 1994); Wendy Hunter, "Continuity or Change? Civil-Military Relations in Democratic Argentina, Chile and Peru," *Political Science Quarterly* 112, no. 3 (Autumn, 1997); Elizabeth Jelin, "The Politics of Memory: The Human Rights Movement and the Construction of Democracy in Argentina," *Latin American Perspectives* 21, no. 2 (Spring, 1994) and Patricio Silva, ed., *The Soldier and the State in South America: Essays in Civil-Military Relations*, (Chippenham, Wiltshire, Great Britain: Anthony Rowe Ltd., 2001).

<sup>10</sup> Martin Abregu, "Human Rights after the Dictatorship: Lessons from Argentina," *NACLA Report on the Americas* 34, no. 1 (Jul/Aug, 2000); Michelle D. Bonner, "Defining Rights in Democratization: The Argentine Government and Human Rights Organizations, 1983-2003," *Latin American Politics and Society* 47, no. 4 (Winter 2005); Michael Humphrey and Estela Valverde, "Human Rights, Victimhood, and Impunity: An Anthropology of Democracy of Argentina," *Social Analysis* 51, no. 1 (Spring, 2007); Elizabeth Jelin, *State Repression and the Labors of Memory*, trans. Judy Rein and Marical Godoy-Anativia (Minneapolis, MN: University of Minnesota, 2003); Susana Kaiser, "Outing Torturers," *NACLA Report on the Americas* 34, no. 1 (Jul/Aug 2000); J. Patrice McSherry, *Incomplete Transition: Military Power and*

Since the issue of impunity is often synonymous with the human rights struggle in Argentina, it is of central interest to several scholars, including Michael Humphrey and Estela Valverde, who focus on social justice and public policy. Impunity refers to a state's failure to hold human rights abusers accountable. Amnesty laws and pardons allow for a culture of impunity to persist. Media Studies researcher and Latin Americanist, Susana Kaiser, writes, "Impunity is not only a legal matter, it permeates all layers of society, creating a culture of impunity that manifests itself in a certain apathy and reduced capacity for outrage and indignation."<sup>11</sup> Scholars agree the Alfonsín administration and that of Carlos Menem (1989-1999) contributed to the perpetuation of impunity. Menem pardoned high-ranking military officials who had been convicted and imprisoned under Alfonsín.<sup>12</sup> The failure of Alfonsín to decisively act on human-rights abuses and effectively punish those who violated these rights allowed for Menem to issue these pardons because the threat from military resurgence continued under Menem. Impunity has been a constant struggle in Argentine public policy and several human rights organizations continue to focus on this as a central predicament to overcome.

Scholars have also focused on political memory and its relation to the Dirty War. Specifically, they have investigated the importance of memory since 1983. Memory is important in this study because it impacts the many relationships within the state and within civil society. Scholars like Elizabeth Jelin have discussed the struggle for memory

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*Democracy in Argentina* (New York: St. Martin's Press, 1997); Deborah L. Norden, *Military Rebellion in Argentina: Between Coups and Consolidation* (Lincoln, NE: University of Nebraska, 1996); David Pion-Berlin, "To Prosecute or Pardon? Human Rights Decisions in the Latin American Southern Cone," *Human Rights Quarterly* 16, no. 1 (Feb. 1994) and David Rock, *Authoritarian Argentina: The Nationalist Movement, Its History and Its Impact* (Berkeley and Los Angeles: University of California, 1993).

<sup>11</sup> Kaiser, "Outing Torturers," 14-15.

<sup>12</sup> Humphrey and Valverde, "Human Rights, Victimhood, and Impunity," 182.

in post-conflict societies.<sup>13</sup> Jelin argues the importance in analyzing memory on different “planes and levels.”<sup>14</sup> She categorizes memory and analyzes it conceptually. Memory plays an integral role in the way that individuals understand and negotiate life experiences. In regards to post-conflict societies, it shapes the truth and reconciliation process because it changes throughout time, thereby creating a struggle to control opposing narratives rooted in the repressive period.

Moreover, many scholars have discussed the role of authoritarian regimes and the military in Argentina’s twentieth century.<sup>15</sup> Much attention has focused on the events of the Dirty War as the most relevant examples of the country’s tradition of authoritarianism. Additionally, such research also focuses on chronic military interventions during the century. Scholars like J. Patrice McSherry have focused on the impact of authoritarianism and military regimes on democracy.<sup>16</sup> Many scholars agree that complications between the military and executive administration arose during the transition and truth and reconciliation process due to Argentina’s history of military interventions and authoritarian regimes.

Much of the debate between scholars has been over the evolution and role of the human rights movement as a response to state terror.<sup>17</sup> Specifically, scholars have agreed that these organizations constituted a vital response to the violence and repression of the military during the Dirty War. These organizations were formed by actors of civil society

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<sup>13</sup> Jelin, *State Repression*.

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

<sup>15</sup> Norden, *Military Rebellion in Argentina* and Rock, *Authoritarian Argentina*.

<sup>16</sup> McSherry, *Incomplete Transition*.

<sup>17</sup> Abregu, “Human Rights after the Dictatorship”; Bonner, “Defining Rights in Democratization”; Humphrey and Valverde, “Human Rights, Victimhood and Impunity”; Peruzotti, “Towards a New Politics” and Pion-Berlin, “To Prosecute or Pardon?”

and became the representatives for those affected by the military regime. Many of these organizations are very well known and serve as the “unofficial leadership of the movement,” such as the Mothers of the Plaza de Mayo, the Grandmothers of the Plaza de Mayo, Children for Identity and Justice Against Forgetting and Silence (HIJOS), Permanent Human Rights Assembly and the Center for Legal and Social Studies.<sup>18</sup> These groups had served as important voices to articulate redress for the committed abuses of the military dictatorship.

Given the substantial research on this and related topics, this study aims to provide a synthetic understanding of the varying facets of the civil society-state relationship. In addition, I integrate the prior mentioned themes of political memory, the persistence of authoritarianism and the culture of impunity in order to enrich and support my arguments. The purpose here is to build on the existing discussions by offering layers of analysis of complicated relationships that shaped the transition. I also acknowledge that the discussions and evidence provided are not exhaustive; rather I provide the most relevant and compelling evidence to support my claims.

When addressing the Alfonsín years, this layered approach will help us better understand the development (or underdevelopment) of human-rights policy under subsequent presidents. Additionally, it is important to view the different layers in order to understand how this influenced the relationship between the state and civil society. That is, this study emphasizes the importance of analyzing the effects of the relationships on the smallest scale (for example within the military) on the relationship between the state

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<sup>18</sup> Bonner, “Defining Rights in Democratization,” 57-58.

and civil society. In doing this, we can track the progression and development of these relationships thus understanding the truth and reconciliation process on a broader scale.

This study also draws on the oral history I conducted in Buenos Aires during August 2008 with different members of the human rights organizations. I interviewed 15 activists from the Madres de Plaza de Mayo-Línea Fundadora, members of Familiares de Detenidos-Desaparecidos por Razones Políticas, Padres (fathers) of desaparecidos, Federación Latinoamericana de Asociaciones de Familiares de Detenidos-Desaparecidos and Madres who were involved with other human rights organizations. Interviews lasted from thirty minutes to two and a half hours. These interviews allowed me to understand the issues that these individuals faced during the years in question on a more personal scale. I was unable to interview different members of the state so the oral history that is represented in this study is from the perspective of members of civil society.

For these reasons, I have organized this study into five chapters. The first chapter provides a chronology of Argentine history during the twentieth century and focuses on the authoritarian governments in order to demonstrate the long tradition with repressive regimes and military interventionism. Chapter Two analyzes the relationships among the different actors-- the presidential administration, Congress, Argentine courts and the military-- within the state. I present evidence to demonstrate the complex relationships among the different sectors of the state. The third chapter describes the role of the human rights groups and the movement's evolution during the transition. The purpose here is to illustrate the evolving demands of the movement in order to understand what this evolution meant for the state-civil society relationship. Chapter Four provides an analysis of the relationship between the state and civil society in order to understand the

development (or underdevelopment) of human rights policy during this period. This chapter draws connections from the previous chapters to show how the complicated relationships within the state and within civil society impacted how the state (as a whole) and civil society (as a whole) related to one another. The final chapter provides my conclusions.

## CHAPTER 1: HISTORICAL BACKGROUND

### Introduction

Argentina's history during a large part of the twentieth century can be understood through the context of two major themes: the beginning of the authoritarian tradition and military interventionism in civilian politics. In order to understand the truth and reconciliation process in post-Dirty War Argentina, it also is essential to discuss the events preceding the conflict. The purpose here is to provide a chronology of the important events and circumstances related to authoritarianism and military interventions during the greater part of the twentieth century. Most specifically, this chapter discusses the periods of the Infamous Decade (1930-1943), Argentina under Juan Perón (1946-1955) and the impact of Perón and Peronismo, and the Onganía dictatorship (1966-1970) before examining the Dirty War (1976-1983).

### The Infamous Decade (1930-1943)

The period from 1930 to 1943 is often referred to as the Infamous Decade (Década Infame) due the rise of the conservative right in Argentina. The coup d'état of 1930 inaugurated more than 50 years of military interventions and periodic military rule, setting the tone for much of the century. Consequently, none of the civilian elected governments during this period finished their mandate.<sup>19</sup>

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<sup>19</sup> Gilbert W. Merkx, "Recessions and Rebellions in Argentina, 1870-1970," *The Hispanic American Historical Review* 53, no. 2 (May 1973): 285.



On September 5, 1930, General José Félix Uriburu and General Agustín F. Justo overthrew the *Unión Cívica Radical* (UCR) government of Hipólito Yrigoyen.<sup>20</sup> This marked a turning point in Argentine politics as well as signaled the re-emergence of conservative power after many decades of Liberal governments. General Uriburu, for example became the head of state following the 1930 coup. His presidency was marked by oppressive and authoritarian measures, specifically harsh repression, censorship, the detention and torture of political opposition, purging in the army, and the expanded power of police. Such repressive policies were common.

However, Argentina was suffering from the worldwide Great Depression and Uriburu's economic policies were ineffective in alleviating the crisis. Additionally, his harsh repressive policies were met with calls for the ousting of his regime. So, under immense pressure he was forced to call for elections to take place in November 1931. General Justo won the elections, despite widespread scrutiny that the elections were fraudulent. Election fraud was one of the main ways that the conservative right maintained its power throughout this period. A coalition of three parties called the *Concordancia* helped boost popular support for Justo's election.<sup>21</sup> The *Concordancia* was composed of the National Democratic Party, the Independent Socialist Party and the Antipersonalist Radical Party.<sup>22</sup> Despite Justo's claims to rule Argentina like Uriburu, there were several differences between the policies of the two. Primarily, the oppression

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<sup>20</sup> Laura Kalmanowiecki, "Origins and Applications of Political Policing in Argentina," *Latin American Perspectives* 27, no. 2 (Mar. 2000): 36. UCR is the acronym for the Unión Cívica Radical party (Radical Civic Union). This party became one of the major opposition groups to the conservative powers in the Infamous Decade.

<sup>21</sup> Ronald H. Dolkart, "The Right in the Década Infame, 1930-1943," in *The Argentine Right: Its History and Intellectual Origins, 1910 to Present*, eds. Sandra McGee Deutsch and Ronald H. Dolkart (Lanham, MD: Scholarly Books), 70.

<sup>22</sup> David Rock, *Argentina 1516-1987: From Spanish Colonization to Alfonsín* (Berkley and Los Angeles, CA: University of California, 1987), 218.

was lessened under Justo; he was more tolerant toward the opposition and granted amnesty to political prisoners, including Hipólito Yrigoyen. Justo also limited the police and paramilitary powers of Uriburu's *Legión Cívica Argentina*.<sup>23</sup>

Another legacy of the Justo administration was the Roca-Runciman Pact of 1933. The agreement was signed between Vice President Julio Roca and the head of the British Board of Trade, Walter Runciman. The purpose of the agreement was to protect the Argentine beef exports to Great Britain and its commonwealth. However, the specific terms of the pact greatly benefited Great Britain and pushed Argentina to depend heavily on Great Britain as a trading partner. This agreement was met with widespread outcry in Buenos Aires. Its critics called the pact a *vendepatria* or a “sellout to foreign interests” and became a counter-argument for economic nationalists.<sup>24</sup> The Roca-Runciman Pact represented more than an unfair bilateral accord between the two countries. Rather, it eventually became part of the anti-imperialist and anti-foreign interest discourse that began to foment during this period. It allowed future politicians a reference point to push Argentina to becoming more independent.

During the “Conservative Restoration,” two conservative factions emerged to dominate political policy.<sup>25</sup> The new Nacionalistas (Nationalists) and the Old Conservatives represented the resurgence of conservative ideology and policy during this period. The Nacionalistas surfaced as a new political force and emphasized the

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<sup>23</sup> Rock, *Argentina 1516-1587*, 216-218. The *Legión Cívica Argentina* is a paramilitary organization that President Uriburu organized shortly after his election to surveil and intimidate any opposition to Uriburu's policies.

<sup>24</sup> Dolkart, “The Right in the Década Infame,” in *The Argentine Right*, eds. Deutsch and Dolkart, 74-75.

<sup>25</sup> Alberto Spektorowski, *The Origins of Argentina's Revolution of the Right* (Notre Dame, IN: University of Notre Dame, 2003), 93. The “Conservative Restoration” is used to describe the political events of Infamous Decade.

importance on *patria y nacionalismo* (fatherland and nationalism). The Old Conservatives called themselves the Partido Demócrata Nacional (PDN) and remained the dominant conservative faction.<sup>26</sup> Despite some of the nuances of ideology, these two groups did agree on eliminating the parties that had a more liberal political ideology than the conservatives, like the Radicals who were centrist-reformers. Both viewed these groups as a threat and throughout much of this period, the Radicals and other opposing parties were banned from national politics. In time, these groups would label any party, leftist or moderate as “communist” and this would be used as a justification for any persecution against the opposing party. In addition, during this period the number of right wing organizations greatly increased. These groups ranged from the moderate conservative to openly fascist ideology.<sup>27</sup> Civilians began to participate in politics and promote the ideals that were initially espoused with the September Revolution of 1930.

The period from 1930 to 1943 was also greatly influenced by European politics and events, most specifically the rise of fascism. In one such event, many old conservatives and Nacionalistas watched the Spanish Civil War (1936-1939) unfold in horror between the Spanish *Republicanos* (leftist) and the *Falangistas* (Francisco Franco’s fascists). The rise of authoritarian fascism in Italy and Germany also shaped the right’s political beliefs, as many Argentines are Spanish and Italian descendents, the events taking place in Europe greatly influenced domestic policy. Specifically, the struggle between fascism and its liberal opposition (as in Spain) gave the conservatives another reason to strongly oppose “communism,” which beginning in this period any left

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<sup>26</sup> The Partido Demócrata Nacional or its acronym PDN is known in English as the National Democratic Party.

<sup>27</sup> Dolkart, “The Right in the Década Infame,” in *The Argentine Right*, eds. Deutsch and Dolkart, 71.

ideology was considered “communist.” Countries like Germany began to court Argentina to support its cause in Europe.<sup>28</sup> Although Argentina officially remained neutral during World War II, many conservatives and their leaders were sympathetic to the Axis Powers’ objectives.

### Juan Domingo Perón, Peronismo, and its Impact

A second turning point in Argentine history was the military coup d’état of June 4, 1943, which eventually allowed Juan Domingo Perón’s ascendance to power. Colonel Perón took part in the nationalist military revolution that overthrew the Ramón Castillo government in 1943. During the first two years, Perón quickly ascended the military government’s hierarchy by first becoming war minister under the Edelmiro Farrell government in 1944, and then Farrell’s Vice President in June 1944. One of Perón’s most significant roles was his position in the Secretariat for Labor and Social Welfare. His experience in this position shaped his future labor and union policy. As a result, he became the “defender of the working class.”<sup>29</sup> As the Labor Minister, Perón believed in organizing unions under state control and in doing so this would lessen the communist threat of a revolution. This was important because Perón argued that if the state did not initiate labor reform, then Marxist revolutionaries would. Therefore, the state replaced the role of these revolutionaries. From his perspective, the working class formed the basis of the Argentine economy and it was in the best interest of the country to protect such assets. Under Perón, workers rights’ were strengthened by regulating the work-week, securing benefits, and creating better working conditions. The term *descamisado* was

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<sup>28</sup> Dolkart, “The Right in the Década Infame,” in *The Argentine Right*, eds. Deutsch and Dolkart, 77-80.

<sup>29</sup> Rock, *Argentina 1516-1987*, 253.

historically used as a pejorative term for the blue-collar workers, but under Perón it received a new sense of pride and meaning.<sup>30</sup> However, Perón received a great deal of criticism from the middle class. This conflict reached a critical point when a large opposition movement staged a demonstration in September 1945 in a neighborhood of Buenos Aires. In addition, General Arturo Rawson staged an abortive military coup on the 24<sup>th</sup>. The Farrell government, fearing the ramifications of keeping Perón in his powerful position as the Labor Minister, decided to imprison Perón in October 1945. Instead of regaining power back to the military government, this move had the adverse effect by bolstering more support for Perón. His mistress, Eva Duarte (Evita) helped to organize a march with the largest labor union and around 1 million Argentines marched through downtown Buenos Aires to demand his release.<sup>31</sup> He was then released on October 17<sup>th</sup>. Perón and Evita were married a few days after his release. On February 24, 1946, Perón won the presidency with 55 percent of the vote.<sup>32</sup>

Perhaps Perón's greatest legacy was the foundation of his political party, the Partido Justicialista.<sup>33</sup> *Justicialismo* (Justicialism) embodied Perón's political and economic ideas of creating a populist state that encouraged social harmony among the classes to translate to economic success. In this way, Perón saw social and political issues affecting the economy of Argentina and wanted to promote ideas of social justice, nationalism, progress and welfare in order to achieve economic goals. He often described

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<sup>30</sup> The Spanish term "descamisado" refers to in English, "the shirtless one".

<sup>31</sup> Rock, *Argentina 1516-1987*, 253-261 and Jonathan C. Brown, *A Brief History of Argentina* (New York, NY: Facts On File, Inc., 2003), 201-206.

<sup>32</sup> Martin Edwin Andersen, *Dossier Secreto: Argentina's Desaparecidos and the Myth of the "Dirty War"* (Boulder, CO: Westview Press Inc., 1993), 26.

<sup>33</sup> The term Justicialista is the combination of the Spanish terms *justicia* (justice) and *socialista* (socialist). It is based on the political and economic ideal of "social justice". Often Peronismo (Peronism) or Justicialismo (Justicialism) is used to refer to the ideology of the party as well.

this as “la tercera posición” (the third way) because it was neither a liberal nor communist political and economic system.<sup>34</sup> In addition, Justicialismo embodied the strong nationalist rhetoric that began during the Infamous Decade. Perón called for independence from foreign influences through state driven industry. Through the creation of the party, the labor unions, specifically the Confederación General del Trabajo (CGT, General Labor Confederation) formed an essential part of the Peronista government. Consequently, Perón’s initial position as the Labor Minister impacted his economic policy as President. Perón’s wife, Evita played an essential role throughout this period overseeing many social welfare programs and foundations created during this period that supported Peronismo’s broader political goals. Evita was also an ardent supporter for the descamisados. Throughout his term, Perón would adapt his policy to fit the political climate but these beliefs remained the foundation of Peronist/populist principles.<sup>35</sup>

In addition, the Peronista government maintained its control by evolving into an authoritarian regime. Perón was the central charismatic figure of the movement and all political and economic policy began with him. As a former military man, Perón ensured that the military had a strong position within the government by becoming heavily involved in the industrialization of the country. Perón described the military’s position between the government and society as “a civilizing mission.”<sup>36</sup> The government also created a system that repressed opposition through various methods. Primarily, the press

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<sup>34</sup> Rock, *Argentina 1516-1987*, 264-265.

<sup>35</sup> Justicialismo is the Argentine example of the populist wave in Latin America during this period. For information on populism see Michael Coniff, *Populism in Latin America* (Tuscaloosa, AL: University of Alabama Press, 1999).

<sup>36</sup> David Rock, *Authoritarian Argentina: The Nationalist Movement, Its History and Its Impact* (Berkley, CA: University of California Press, 1993), 139.

was state controlled and at times the government would shut down newspapers that spoke out against Perón, as was the case in 1947 of the Socialist paper, *La Vanguardia*.<sup>37</sup> Perón also purged the opposition in different institutions like the universities. The police force, under his direction, put down strikes and opposition demonstrations with violent force. Many of those in opposition to Perón were detained and tortured. This is especially evident in David Rock's description, "Detainees became missing as the police looted their homes; prisoners fell victim to torture by the *picana eléctrica*, forced cold baths, and sham executions."<sup>38</sup> The violence and repression that emerged during this period greatly impacted future governments' response to opposition.

Earlier in his career, Perón had spent time in Italy during Benito Mussolini's regime as a military attaché. Consequently, the fascist ideology greatly impacted Perón's political philosophy. Perón made no secret of his admiration for Mussolini's domestic policy and although Argentina officially remained neutral until close to the end of the war, Perón was sympathetic toward the Axis Powers. During Perón's regime, he extended political asylum to hundreds of former Nazi officials. As Martin Andersen describes, "Perón authorized 7,500 blank passports to aid the escape of those fleeing their own defeat in Europe. By his own admission, the *caudillo* authorized the entry of 5,000 Ustachis, Hitler's murderous Croatian proxies."<sup>39</sup> Perón allowed the entry and asylum of these officials to help with the industrialization of the nation as well as reforming the military. Perón's sympathy toward the Axis' cause and granting political asylum to former Nazi officials is one example of the rise of conservatism. Additionally, the

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<sup>37</sup> Rock, *Argentina 1516-1987*, 281.

<sup>38</sup> Rock, *Authoritarian Argentina*, 150.

<sup>39</sup> Andersen, *Dossier Secreto*, 28.

alignment with fascist ideology influenced conservative policy and its antagonism against the left.

Perón was re-elected to a second term in 1951 but like other popularly elected leaders did not fulfill his second term. Perón's wife, Evita died in 1952 of cervical cancer. Her death was one of the contributing factors to the demise of the regime because she had become an integral part of the movement. Additionally, Argentina had benefited economically during World War II through its agricultural exports. After the end of the war, the demand for these products went down and subsequently the country began to experience a recession in 1952. The government took several measures to alleviate the crisis but was ineffective. By late 1954, civil unrest had resurged with university students and the Catholic Church as the biggest opponents to the government. Their frustration manifested through strikes and demonstrations. In one such instance in June 1955, thousands of middle class protesters marched through downtown Buenos Aires to protest a proposed constitutional amendment. A few days later on June 16<sup>th</sup>, thousands of Peronist supporters gathered in the Plaza de Mayo for a counterdemonstration. A group of mutineers flew over the Plaza in Navy fighter jets and bombed the square, killing 156 people and injuring hundreds. This was an attempted coup d'état to depose Perón but he was not injured. In September, General Eduardo Lonardi along with other officers led a second attempt by calling it the *Revolución Libertadora*. The rebels described the overthrow of Perón as "saving the nation." This language was commonly used when the military intervened in politics. Perón, realizing the fragility of the situation, resigned and then fled to Paraguay.<sup>40</sup>

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<sup>40</sup> Brown, *Argentina*, 213-214.



The period between 1955-1966 has been generally characterized by the attempts of the governments to purge Peronismo and its influences from society. It was met with mixed success because the governments reached a stalemate. During this period, each president made an effort to reconcile Perón's policies. Throughout this time, the military held the majority of the power by manipulating the presidents. When one president was unsuccessful in his duties the military forced him out of office and replaced him with another puppet government. The purpose of this type of manipulation was to stop any return of the Peronistas. However, even within the army differing factions of anti-Peronistas grew. These groups eventually became known as the *azules* and the *colorados*.<sup>41</sup> This period in Argentine history demonstrated the deep divisions that Peronismo created in society.

#### Onganía and the "Revolución Argentina" (1966-1970)

In June 1966, General Juan Carlos Onganía overthrew the Arturo Illia dictatorship in what was referred to as the *Revolución Argentina*. Onganía formed part of the azules anti-peronista faction of the army. He initially promised a short takeover of power but it eventually became evident through the language of the Revolution that he intended in presiding over the country indefinitely. Much like many of the military interventions in Argentina, Onganía used a nationalist "saving the nation" language in justifying the *golpe de estado* (coup d'état). The military's mission was to "safeguard the nation's highest

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<sup>41</sup> The terms "azules" and "colorados" refer to the differing factions within the military. Both were anti-Peronista but differed as how to combat the Peronist influence. The azules preferred to use the political system to exclude Peronism, while the Colorados took a more extreme version by promoting a dictatorship to purge the country.

interests, the military was taking control as in all decisive stages of history to achieve a profound transformation.”<sup>42</sup> As the government claimed, Onganía’s predecessor had incompetently allowed for the penetration of Marxist ideology within Argentine society and per the provisions of the Revolución this would be reconciled.

Onganía promised a deep “authoritarian shock treatment” to remedy the situation.<sup>43</sup> The president had the Constitution amended to include a statute about the Argentine Revolution. Congress was dissolved and political parties were disbanded so all the executive and legislative power was in Onganía’s hands. In general, the military kept a more distant stance on policy than before, except on issues of national security where Onganía gave it precedence.<sup>44</sup> The concentration of power allowed for restricted and limited civil liberties. Specifically, Onganía’s Minister of the Interior, Enrique Martínez Paz extended more power to police, which meant that they were allowed to enter homes without warrants and arrest and hold suspects for undetermined periods of time without a charge. The regime evolved as more militaristic throughout Onganía’s mandate.<sup>45</sup>

One of the regime’s most focused targets for repression was the public university. The university was viewed as the principal source of communist infiltration and the center of encouraging free radical thinking. The universities allowed for institutional and ideological disorder. On June 29, 1966, a few days after Onganía took power, Buenos Aires police stormed several different departments at the University of Buenos Aires (UBA). Police raided classrooms, professors’ offices, beat up students and other faculty

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<sup>42</sup> Rock, *Authoritarian Argentina*, 200.

<sup>43</sup> Luis Alberto Romero, *A History of Argentina in the Twentieth Century*, trans. James P. Brennan (University Park, PA: The Pennsylvania State University, 2002), 174.

<sup>44</sup> Romero, *A History of Argentina*, 174-175.

<sup>45</sup> Paul Lewis, “The Right in the Década Infame,” in *The Argentine Right*, eds. Deutsch and Dolkart, 161.

members. Soon after, many students stopped attending classes out of fear, professors quit their jobs, moved abroad or went “underground” with their lectures. This event has been referred to as the “Night of the Long Clubs.”<sup>46</sup> Other universities’ governing councils were replaced with police officials to oversee the “purging.”<sup>47</sup> Another way that the government targeted university communities was through cultural repression. That is, censorship was extended to issues of personal hygiene and fashion. In the context of the late 1960s, many of the students in the universities, high schools or other young professionals were expressing themselves by having long hair, wearing mini skirts and other counterculture trademarks. The government considered these representations for “free love and peace” as being related to radical and communist ideologies because they went against the Catholic-Western beliefs of the country. Thus, harsh restrictions were placed on these personal expressions.<sup>48</sup>

Tensions between the government and the youth reached a breaking point in Córdoba during May 1969. That Spring a wave of student protests spread in Córdoba, Rosario and other major cities in the country. Córdoba was an important industrial region for automobile production. Many of the workers in the auto factories also attended the university and many of the students also had part-time jobs there. This created a communal connection between students and the union members of the factories. On May 29, 1969, a general CGT strike began including university students and workers. The strike evolved into a massive demonstration, which soon included common citizens. Police responded to the demonstration with violence. This only sparked further anger by

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<sup>46</sup> Romero, *A History of Argentina*, 175.

<sup>47</sup> Daniel K. Lewis, *The History of Argentina* (Westport, CT: Greenwood Press, 2001), 128-129.

<sup>48</sup> Romero, *A History of Argentina*, 175.

the rioters. Businesses were looted, fires spread throughout the city and soon the army intervened. A couple days later on May 31<sup>st</sup>, almost thirty people were killed, around five hundred wounded and several hundred arrested. This riot is known as the *Cordobazo*.<sup>49</sup> It sparked a wave of social mobilizations for the next several years. This demonstrated the dormant social unrest and mistrust in the system. It also signaled the beginning of the gruesome violence that entangled the country until the end of the junta dictatorship in the early 1980s.<sup>50</sup>

After the events in 1969, opposition within the army grew against Onganía. A year to the day of the *Cordobazo*, May 29, 1970, former President Pedro Aramburu was kidnapped and killed by a guerrilla group. These combined events pushed the different factions of the army, the Azules and Colorados to force Onganía out. The Azules had grown impatient with him and wanted a return to civilian rule while the Colorados wanted a harsher regime to rid Argentina of any threat. Consequently, on June 10, 1970 the military forced Onganía out of power. He was replaced with Roberto Levingston and Alejandro Agustin Lanusse then replaced Levingston from March 1971 to May 1973.

### The “Dirty War” (1976-1983)

The “Dirty War” (*la Guerra Sucia*) in Argentina of the 1970s and 1980s was part of the larger Operation Condor (*el Plan Condor*) in the Southern Cone in Latin America. Countries like Brazil, Chile, and Uruguay were ruled by extreme right wing military dictatorships. These dictatorships sponsored state terrorism in order to eliminate the

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<sup>49</sup> Romero, *A History of Argentina*, 180-181.

<sup>50</sup> For more information on the Cordobazo, see James P. Brennan, *The Labor Wars in Córdoba 1955-1976: Ideology, Work and Labor Positions in an Argentine Industrial City* (Cambridge, MA: Harvard University Press, 1994).

perceived threat of communist supporters or sympathizers that were labeled “subversive.” This period in Argentine history saw gross human rights violations, deep repression and censorship and the fragmentation of Argentine society. The discourse of a dirty war was continually used by the military to refer to this covert war, which would employ the use of “dirty tactics” like kidnappings, executions and torture. Military leaders would consistently appeal to this in justifying their actions. In the last few years, this period has been referred to and renamed as genocide instead of the “Dirty War” because the definition “war” implies that a two-sided conflict existed, which was not the case. In addition, the Dirty War reflects the influence and history of military intervention and authoritarianism in Argentina throughout the twentieth century.

Beginning in the 1960s, several main guerrilla groups emerged in response to Argentina’s political and economic environment. Leftist groups like the Partido Revolucionario de los Trabajadores (PRT) and its armed component the Ejército Revolucionario del Pueblo (ERP) had been greatly influenced by the 1959 Cuban Revolution and used the ideology of another Argentine revolutionary, Ernesto “Che” Guevara as the platform for their group.<sup>51</sup> Their leader was Mario Roberto Santucho.<sup>52</sup> Another group, the Montoneros was greatly influenced by Peronismo, although it was considered a Peronista Left group. Led by Mario Firmenich, the Montoneros came from the military and were devout Catholic families. As J. Patrice McSherry notes, their political ideology was contradicting at times: “They were nationalist, anti-imperialist, paramilitary and staunch believers in the three banners. Yet they eschewed political

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<sup>51</sup> Patricia Marchak, *God’s Assassins: State Terrorism in Argentina in the 1970s* (Quebec City: Canada, 1999), 94.

<sup>52</sup> Paul Lewis, *Guerrillas and Generals: The Dirty War in Argentina* (Westport, CT: Praeger, 2002), 36.

organizing and increasingly relied on terrorist tactics and a militaristic style.”<sup>53</sup>

Additionally, the right leaning Peronista group was the Juventud Sindical Peronista (JSP).

This group had strong ties and alliances to the unions in Argentina as well as other Peronista groups like the Concentración Nacional Universitaria (CNU) and the National Liberating Alliance (ALN). All these groups formed part of the broader Peronista Movement during this period.<sup>54</sup> These guerrilla groups became the “subversive enemy” that prior dictators like Onganía would target as well as the Isabel Martínez de Perón regime and the military dictatorship. Despite the differences in ideology, virtually all guerrillas were lumped together as a valid “communist and leftist threat” and provided the justification for harsh repression that these regimes needed to pursue their own ideological agendas.

Under General Lanusse, civilian elections were called and the Peronistas were allowed to appoint a candidate. Perón was allowed to return to Argentina but not run as president. In order to circumvent these restrictions, still abroad, Perón appointed and supported Hector Cámpora. He won the election in March 1973 and resigned only 49 days after taking office to allow Perón to takeover.<sup>55</sup> On June 20, 1973, Juan Perón and his third wife, Isabel Martinez de Perón returned to Argentina from exile in Franquist Spain and were greeted by the masses at Ezeiza International Airport. At the time, the Peronistas were amidst an ongoing conflict, which had begun to separate into left- and right-wing factions. At the airport, several snipers opened fire on the leftist-leaning crowd

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<sup>53</sup> J. Patrice McSherry, *Incomplete Transition: Military Power and Democracy in Argentina* (New York: St. Martin's Press, 1997), 66.

<sup>54</sup> Marchak, *God's Assassins*, 102.

<sup>55</sup> Daniel Lewis, *The History of Argentina*, 133-135.

greeting the couple. Péron was re-elected in 1973 and aligned with the right-wing peronistas. His presidency did not last long; he died in July 1974.<sup>56</sup>

Perón's wife Isabel, was elected as his Vice-President and upon his death assumed the Presidency. By this point, Argentine society was caught in the middle of the chaos between the guerrilla attacks and paramilitary groups like the Triple A led by José López Rega.<sup>57</sup> To combat these attacks, Martínez de Péron signed Annihilation Decrees, which gave these paramilitary groups counter-terrorist capabilities. The Decrees also allowed for the arrest, torture and murder of suspected subversives. Many of the individuals of the paramilitary groups wore plain clothes and had ties to the army.<sup>58</sup> Under Martínez de Péron, the culture of fear that was so characteristic of the junta emerged. The "communist fear" allowed the government to consolidate such power over society and in turn created an enemy to fight against. Her policies became the foundation for how the military junta leaders would respond to the anti-subversive campaign from 1976 to 1983. However, the situation continued to worsen making Argentina almost ungovernable. Martínez de Péron had no political experience and was unable to effectively address the economic problems during this period. Consequently, on March 24, 1976 a military coup was staged and she was overthrown.

The ideology of the "role of the soldier" in Argentina has been influential in civil-military relations. Specifically, a soldier's first identity is defined through his involvement and duties in the military. As an institution, the military is pure, separated

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<sup>56</sup> Paul Lewis, *Guerrillas*, 88-89.

<sup>57</sup> Ibid., The term "Triple A" refers in Spanish to the Alianza Anti-comunista Argentina or, in English the Argentine Anti-Communist Alliance.

<sup>58</sup> George Philip, "The Fall of the Argentine Military," *Third World Quarterly* 6, no.3 (1984): 627.

and untouched from the politics of the rest of the state and civil society. The military's primary goal is to preserve the integrity and sovereignty of the Argentine state. This view profoundly shaped and contributed to the chronic military interventionism in Argentina during the twentieth century. The military intervened when the civilian government was ineffective in governing. Deborah L. Norden supports this in saying that military intervention is defined by *functionalist* or *instrumental* terms, "In the former, the military is perceived as acting in response to the needs of an inadequate or malfunctioning state."<sup>59</sup> Thus, the functionalist model best describes the Argentine case. As the military argued, Martínez de Péron was incapable of governing effectively. Argentina was in economic and political chaos due to a failing economy and a constant battle between Martínez de Péron, Lopez Rega and the Triple A against the guerrillas groups. This left the rest of the population with a feeling of instability and fear of the future. The military offered a sense of stability and a "return to family and Christian values." They promised to restore law and order as well as ending the subversive threat by the guerrilla groups.<sup>60</sup> This promise became their main justification for the coup d'état and initially their intervention was welcomed by those most affected. However, the Martínez de Péron government had been successful in seriously damaging the institutional capacity of the guerrilla groups. Despite this reality, the military exaggerated the threat that the guerrillas posed. Therefore, on March 24, 1976 General Jorge Videla led the military to force Martínez de Péron out of office. The three branches of the military formed a triumvirate

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<sup>59</sup> Deborah L. Norden, *Military Rebellion in Argentina: Between Coups and Consolidation* (Lincoln, NE: University of Nebraska, 1996), 13.

<sup>60</sup> Marchak, *God's Assassins*, 147.



or *junta* and initiated what they termed *El Proceso de Reorganización Nacional* (Process of National Reorganization).

El Proceso served as a national security institution as well as a doctrine that the junta leaders often appealed to as justification for the intervention and subsequent rule. As a document published several days after the coup, it stated several objectives. Primarily, it emphasized moral goals of protecting the Christian way of life by reestablishing order and stability to the country because as the document claimed, the guerrillas were a threat to this ideal. Secondly, the document stated its intentions to ally with the rest of the “Christian and Western world.” Overall, the document aimed at eliminating any subversive threat that would thwart the military’s goal in maintaining its Western-Christian views and morals and proposed a nationalist-liberal economic plan.<sup>61</sup>

As an institution, El Proceso utilized and restructured existing borders to divide the country into security zones. These zones were subsequently divided into smaller territories with subsequent military personnel controlling it. Specifically, special enforcement agencies were assigned to carry out the offensive against eliminating the subversive threat. Enforcement agencies like the Triple A, provincial and local police officials, the intelligence agency Secretaria de Inteligencia (SIDE) and others engaged in creating a constant state of war using fear mongering to control the population. Internationally, El Proceso collaborated with other intelligence and enforcement agencies in efforts to combat subversion. Under the guise of Operation Condor, SIDE often corresponded and worked alongside its Chilean counterpart, Dirección de Inteligencia

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<sup>61</sup> Norden, *Military Rebellion*, 54-55.

Nacional (DINA).<sup>62</sup> This form of structural repression was decentralized and would allow the military “plausible deniability.” That is, any of the kidnappings, torture, or interrogations would be sporadic, spontaneous and clandestine ensuring that action would be swift and there would be little opposition. Paramilitary groups had a complete lack of accountability and free reign to take political prisoners.

The military junta was composed of three leaders from the army, navy and airforce. The most important and hard-lining leader was Jorge Rafael Videla, who was in power from 1976 to 1981. Admiral Emilio Eduardo Massera of the Navy and General Orlando Agosti of the Airforce comprised the other two members involved in the coup and first junta. Videla’s successors included Roberto Viola in early 1981, Leopoldo Galtieri in December 1981 and Reynaldo Bignone in 1982.<sup>63</sup>

Endemic and systematic repression became the characteristic tactic of the military. Forced disappearances, kidnappings, detentions, baby stealing, torture and mass executions were all used against the population. The military created 340 clandestine detention centers to carry out these tactics. The Escuela de Mecánica de la Armada (Naval Mechanics School, ESMA) was one of the most notorious and ruthless detention and torture centers. The ESMA was composed of officers, navy and police personnel coordinated by Captain Rubén Chamorro who was under the direct order of the junta member Admiral Massera.<sup>64</sup> As journalist Jacobo Timmerman described them, “prisoner(s) without a name, cell(s) without a number.”<sup>65</sup> These detention centers were

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<sup>62</sup> Paul Lewis, *Guerrillas*, 150.

<sup>63</sup> Carina Perelli, “Settling Accounts with Blood Memory: The Case of Argentina,” *Social Research* 59, no. 2 (Summer 1992): 428.

<sup>64</sup> Paul Lewis, *Guerrillas*, 150.

<sup>65</sup> Perelli, “Settling Accounts,” 424.

known for the horrific torture that the military employed against the detainees. Prisoners were subjected to various forms of psychological and physical torture. Some of the specific tactics that the military used were rape, physical beating, electric prodding (*picana eléctrica*) and electrocution, simulated drowning, and starvation. The military and its counterparts also participated in mass executions, specifically *vuelos de la muerte* or death flights. Victims were drugged, put on a plane, flown over a body of water, like the Rio de la Plata and pushed out of the plane. The objective of this type of execution was to hide any evidence of the murders. In addition, many of the victims were college students or young professionals. There were many cases where young women were kidnapped while pregnant. Often, the women were kept alive until the birth of their child. The child was then given to military families or military sympathetic families. The military's justification for this was that this would break any ideological influence that a parent would have over their children because "subversive parents educate their children for subversion."<sup>66</sup>

Moreover, the repression created a visible identity to the rest of the population. That is, as evidence of the military's repressive tactics the population recognized certain markers. This was best demonstrated by the use of the Ford Falcon because it was state agents' car of choice in forced disappearances. Often times, SIDE warned local officers that they were going to a specific neighborhood to *chupar* someone and would drive the Falcon to the home of the suspected subversive.<sup>67</sup> The Argentine population soon realized

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<sup>66</sup> Jo Fisher, *Mothers of the Disappeared* (Boston, MA: South End Press, 1989), 102.

<sup>67</sup> Paul Lewis, *Guerrillas*, 150. The term "chupar" literally means "to suck up." It was used as slang to describe the forced disappearances.

the significance of the car, thus creating a panic to those who were in the vicinity of one of these Fords.

The repression also had a profound psychological impact on the population. The military would chupar its victim often in broad daylight in the middle of a busy street. The purpose here was to create a culture of fear by intimidating and proving to the population its dedication and conviction against eliminating the threat to Argentine daily life. By doing this, the military divided and fragmented society because many citizens would “look the other way” rather than confront what was going on due to their own fear. This gave the military complete power to continue these tactics because society became complacent and isolated. People became primarily concerned with their daily survival. Many victims were also taken from their homes, which also gave the population a sense of even greater insecurity because they literally were not safe in their own homes. By the end of the military’s reign, around 30,000 Argentines had been forcefully disappeared.<sup>68</sup> These people became known as the *desaparecidos* because their fate was unclear.

As part of the objectives of El Proceso, the dictatorship attempted to restructure the Argentinian economy. Particularly, they made an effort to model the Argentine economy after seeing the success of the Chicago Boys driven Chilean neo-liberal economy. Unfortunately, Argentina did not have the same success. By the end of the Peronist regime, inflation was over fifty percent, unemployment rates were unprecedented and the economy was suffering from continued strikes.<sup>69</sup> Videla appointed the first economic minister, José Martínez de Hoz to remedy the situation.

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<sup>68</sup> McSherry, *Incomplete Transition*, 94.

<sup>69</sup> Davide G. Erro, *Resolving the Argentine Paradox: Politics and Development, 1966-1992* (Boulder, CO: Lynne Rienner Publishers, 1993), 99.

Martinez de Hoz restructured and liberalized the economy by reducing import and agricultural taxes.<sup>70</sup> Specifically, Martinez de Hoz's economic team devised three main goals, "1) monetary and fiscal equilibrium, 2) higher economic growth and 3) reasonable income distribution."<sup>71</sup> Initially, these economic policies were effective; export earnings increased by thirty percent and imports fell by twenty percent.<sup>72</sup> However, several factors initiated the unraveling of the initial success of Martinez de Hoz's policies. Primarily, Argentina's foreign debt rose from \$3 billion in 1976 to \$33 billion in 1983. The government spent much more money than it was earning. To add to the situation, many companies and banks went bankrupt.<sup>73</sup> Moreover, the peso devalued twice in 1981 and went into free fall from 3,380 to the dollar at the beginning of 1981 to 4,200 in June and to 7,800 by July.<sup>74</sup> The failure of the military to address economic issues along with the increasing criticisms of human rights abuses helped to question its legitimacy.

The forced disappearances, detentions and torture of Argentine citizens created a reason for some victims and the victims' family and friends to react. Society was torn between those who supported the military and its oppressive measure because they believed that the subversives had truly done something ("Por algo habrán hecho") and those who were the most affected by the repression and searched for measures to respond. Unlike some of the other Latin American countries at the time, the Catholic Church did not provide support to the victims and their families. Instead, many clergy members of the Catholic Church were active supporters and helped to legitimize the

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<sup>70</sup> Norden, *Military Rebellion*, 66.

<sup>71</sup> Erro, *Resolving the Argentine Paradox*, 103.

<sup>72</sup> Norden, *Military Rebellion*, 66.

<sup>73</sup> Paul Lewis, *Guerrillas*, 163-165.

<sup>75</sup> *Ibid.*, 181.

military even though some of its own members were disappearing. At the most basic level, the Church refused to provide support and comfort to those that sought it out. This void for social networking allowed human rights groups to become active. As Alison Brysk describes, “The human rights movement then assumed the Church’s traditional role in elaborating symbols, rituals and metaphors to explain and resolve death and injustice.”<sup>75</sup>

The human rights groups that emerged during this period can be divided into two basic categories, *afectados* and *non-afectados* or *Solidarity groups*.<sup>76</sup> The *afectados* are familial-based human rights organizations (HROs) that are composed of family members or friends of the *desaparecidos*. Groups like Madres de Plaza de Mayo, Abuelas de Plaza de Mayo, Familiares de Detenidos-Desaparecidos por Razones Políticas are some of the most well known HROs.<sup>77</sup> Perhaps, these groups are most well known for their active involvement in harshly criticizing the military regime, specifically the Madres. This group formed in April 1977 when a group of 14 women who had met in governmental offices in Buenos Aires decided to meet in the Plaza de Mayo. These women all had missing children and immediately formed a cohesive bond. Many of them had been housewives with little or no political experience but they soon became the face of the human rights movement through their weekly vigils, *rondas* (marches) in the Plaza de Mayo and protests against the government. The Mothers are best identified by the white

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<sup>75</sup> Alison Brysk, *The Politics of Human Rights in Argentina: Protest, Change and Democratization* (Stanford, CA: Stanford University Press, 1994), 45.

<sup>76</sup> Michelle D. Bonner, “Defining Rights in Democratization: The Argentine Government and Human Rights Organizations, 1983-2003,” *Latin American Politics and Society* 47, no. 4 (Winter 2005): 57-58.

<sup>77</sup> Brysk, *Politics of Human Rights*, 47-49. The translation for groups familial groups corresponds to Mothers of the Plaza de Mayo, Grandmothers of the Plaza de Mayo and Family Members of Detained-Disappeared Persons for Political Reasons, respectively.

*pañuelos* (scarves) that they wear, which are embroidered with their children's names.

The Abuelas were originally Madres who later dedicated themselves to finding their grandchildren who had been born in captivity and given to military families. Familiares was formed by the victims' relatives, not just mothers or grandmothers. This group differed in that one of its main purposes was to identify the repression as a political strategy rather than appealing to familial values like the Madres and Abuelas.<sup>78</sup>

According to Brysk, the non-afectado groups can subsequently be divided into civil libertarian groups and religious movements. Three main human rights organizations can be identified as civil libertarian, la Liga Argentina por los Derechos del Hombre, Asamblea Permanente por los Derechos Humanos (APDH) and the Centro de Estudios Legales y Sociales (CELS).<sup>79</sup> The first two groups were formed prior to the 1976 coup while CELS was formed by Emilio Mignone and several other prominent Madres and Abuelas in 1979. These groups emphasized working within the legal institution by raising consciousness about the repression and abuses by building coalitions and international networks to gain support for their cause. These three groups often collaborated amongst themselves with the familial groups.<sup>80</sup>

Lastly, the second non-afectado group relates to the religious movement. The emergence of these groups was also heavily influenced by the void of the Catholic Church. Groups like Servicio Paz y Justicia (SERPAJ), Movimiento Ecuaménico por los Derechos Humanos (MEDH), and the Movimiento Judío por los Derechos Humanos are

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<sup>78</sup> Brysk, *Politics of Human Rights*, 47-49.

<sup>79</sup> The translation for these groups is as such- the Argentine League for the Rights of Man, the Permanent Assembly for Human Rights (APDH) and the Center for Legal Studies (CELS).

<sup>80</sup> Brysk, *Politics of Human Rights*, 45-47.

examples.<sup>81</sup> SERPAJ formed in 1974 as a pan-Latin American organization, which was led by Adolfo Perez-Esquivel. The Movimiento Ecuménico formed in 1976 by Catholic clergy members who were disturbed by the Church's support of the military and lack of support to its parishioners. Additionally, the Movimiento Judío provided a network for Jews that the other religious groups did not, especially due to Argentina's large Jewish community.<sup>82</sup>

By late 1981, the Galtierri regime was faced with growing protests to human rights violations from the HROs, corruption scandals, an economy in crisis and international disputes and criticisms to Argentina's policies, specifically on human rights. In an attempt to distract the Argentine public and gain support for the military, Galtierri set his sights on the long contested Islas Malvinas (Malvinas/Falkland Islands). The dispute over territorial legitimacy was with the British. Galtierri appealed to nationalist language to gain support and reconsolidate the military's damaged legitimacy for this endeavor. On April 2, 1982 Galtierri sent troops to the island to invade; this was the military regime's fatal error. Primarily, Galtierri did not expect Great Britain to respond, so when they did, the result was a humiliating defeat for the Argentine troops. They suffered many casualties and the survivors recounted humiliating stories of the defeat to those at home. The population's frustration against the government ignited. The junta's loss demonstrated its inability to govern efficiently and make the right decisions on behalf of the people, supporting the fact that the military had no credibility in running the country. The loss in Malvinas was the greatest factor to the regime's demise. There was

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<sup>81</sup> The translations for these groups are- Service, Peace and Justice, Ecumenical Movement for Human Rights, Jewish Movement for Human Rights.

<sup>82</sup> Brysk, *Politics of Human Rights*, 49-51.



immense pressure to hand the government over to civilian authority. In response to the growing tension between the government and civil society, the military announced that open elections would be held in 1983. The democratic transition then began with the inauguration of Raúl Alfonsín in December 1983. The balance of power had shifted to favor the transition to a civilian government. This would play an important role in the relationship between the executive administration and the military.

## CHAPTER 2: CONFLICT WITHIN THE STATE

### Introduction

The sectors of the Argentine state profoundly shaped the development of a human rights policy. The Raúl Alfonsín era was crucial in laying the foundations for this policy. Consequently, each sector, the presidential administration, the military, the Courts and Congress contributed significantly to human rights policy. Specifically, the conflict between the military and the presidential administration had the greatest impact on the evolution of events during the first six years of democratization. Subsequently, the Courts and Congress served as intermediaries between the presidential administration and military. Compounding this conflict was the persistence of conservative ideology towards human rights among the different sectors of the state and the impact of authoritarianism. I argue here that each sector of the state significantly contributed to the formulation of human rights policy. Furthermore, the first three years initially showed progress to achieving justice. However due to a series of events, these early successes were significantly compromised. The breaking point of the relationship between the military and president was the prolongation of the junta trials. As a result the president and military each responded differently to these events and each of their decisions affected how the other responded.

### The Presidential Administration: Seeking Concessions

The position of the presidential administration during the first six years of redemocratization can be described as negotiator. The military posed the greatest threat to the presidential administration; this conflict created a “tug-of-war” for a sustainable

human rights policy within the state. Despite this tension, the presidential administration achieved several important milestones for human rights policy. However, due to the conflict between the president and certain members of the military, these successes were negotiated in some way. The most important steps in human rights policy were the creation of the truth and reconciliation commission and the trials of the juntas. However, these early successes were complicated with the passing of the two amnesty laws: Punto Final and Obediencia Debida.<sup>83</sup>

Throughout his campaign, Alfonsín ran on a pro-human rights platform, and he emphatically called for justice on behalf of the Dirty War victims and the rest of the Argentine nation. Specifically, he enumerated a plan of action for truth and reconciliation by creating a three-tiered hierarchy of responsibility: “1) those that gave the orders, 2) those that followed the orders in the context of coercion, and 3) those that exceeded their orders.”<sup>84</sup> In addition to setting up this framework, Alfonsín and his ministers realized that they had to be cautious in seeking justice. Even though the balance of power had shifted to favor the civilian government at the beginning of the transition, the president and his ministers understood the precariousness of the situation with the military. Rather than taking advantage of this power shift, Alfonsín decided that a careful plan of negotiation was the best alternative. Alfonsín argued, “To implement our policy we had to keep the armed forces loyal to democracy by demonstrating to them we were not

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<sup>83</sup> *Ley de Punto Final* refers to the Final Stop (End) law while the *Ley de Obediencia Debida* refers to the Due Obedience law.

<sup>84</sup> Raúl Alfonsín, *Memoria política: Transición a la democracia y derechos humanos* (Buenos Aires, Argentina: Fondo de Cultura Económica de Argentina S.A., 2004), 35.

questioning their legitimacy to our nation.”<sup>85</sup> This concern continually shaped the formulation of human rights policy by the presidential administration. In addition, it highlights the persistent fear and lack of confidence held by the civilian government of renewed military intervention. It can be argued here that this was a result of the country’s experience with authoritarianism throughout the twentieth century.

Several days after his inauguration, Alfonsín created a national truth commission called the Comisión Nacional sobre la Desaparición de Personas (National Commission for Disappeared People).<sup>86 87</sup> Alfonsín appointed sixteen people to take charge of the investigations. The chair of the commission Ernesto Sabáto was a renowned writer during this period, and many of those appointed were active in human rights organizations.<sup>88</sup> Some of the objectives of the commission were 1) to listen to denunciations and testimony of victims and/or their families; 2) determine the location of children who were born in captivity and were subsequently given to military families or families who supported the military; 3) to produce a final report with a detailed explanation of the events; 4) determine if there were any clandestine centers with *desaparecidos* still in existence; and 5) determine the degree of state involvement and sponsoring of terrorism against the Argentine population.<sup>89</sup> It worked for nine months documenting almost 9,000

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<sup>85</sup> Raúl Alfonsín, “The Transition toward Democracy in a Developing Country: The Case of Argentina,” in *After Authoritarianism: Democracy of Disorder?*, ed. Daniel N. Nelson (Westport, CT: Greenwood Press, 1995), 23.

<sup>86</sup> The Truth Commission is also commonly known by its acronym, CONADEP. It was created through Decree 187.

<sup>87</sup> “Crean la comisión sobre desaparecidos,” *La Nación*, December 16, 1983.

<sup>88</sup> Ibid.

<sup>89</sup> Ibid.

forced disappearances and 340 clandestine detention centers.<sup>90</sup> In the end, it produced a final report *Nunca Más* (Never Again), an exhaustive two-volume report.<sup>91</sup> The commission presented its findings to Alfonsín on September 24, 1984 and the report was published and circulated to the public on November 28, 1984.<sup>92</sup> It sold over 250,000 copies in Argentina alone. It was popular and widely read. There were reports of people reading it “for pleasure” on the beach. The Alfonsín administration also created a Subsecretary for Human Rights to monitor and continue processing the denunciations of human rights victims, as the truth and reconciliation commission suggested.<sup>93</sup>

The Alfonsín administration also contributed to the formulation of human rights policy by initiating the trials of the juntas. Several days after his inauguration and during a meeting with his advisors, Alfonsín decided to prosecute the nine junta members. The issue was whether they would be tried in civilian or military courts.<sup>94</sup> On December 12, 1983, he issued arrest warrants for the three military juntas as well as seven leaders of the guerrilla group, the Montoneros.<sup>95</sup> The trials and subsequent convictions of five of the nine junta members in December 1985 appeared to be an early success for the president and his ministers.

In spite of this, the trials signaled the beginning of the change in the relationship between the military and Alfonsín. Primarily, as Alfonsín has noted, the trials were going

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<sup>90</sup> Alison Brysk, *The Politics of Human Rights in Argentina: Protest, Change and Democratization* (Stanford, CA: Stanford University Press, 1994), 70-71.

<sup>91</sup> Luis Roniger and Mario Sznajder, *The Legacy of Human Rights Violations in the Southern Cone* (Oxford: Oxford University Press, 1999), 60.

<sup>92</sup> Raúl Alfonsín, *Memoria Política*, 42.

<sup>93</sup> “Creóse la Subsecretaria de Derechos Humanos,” *La Prensa*, September 22, 1984.

<sup>94</sup> David Pion-Berlin, *Through Corridors of Power: Institutions and Civil-Military Relations in Argentina* (University Park, PA: The Pennsylvania State University Press 1997), 80.

<sup>95</sup> Luis Roniger, “Paths of Citizenship and the Legacy of Human Rights Violations: The Cases of Redemocratized Argentina and Uruguay,” *Journal of Historical Sociology* 10, no. 3 (Sept. 1997), 281.

to be limited in regards to time and the number of the accused, “But as we were doing this we were fully aware of the need to limit the trials in duration and as to the number of the accused. We wanted to finish as quickly as possible with this matter and put it behind us, but without sacrificing our stated purposes.”<sup>96</sup> Some articles in *La Nación* also point to this notion in limiting the progression and scope of the trials through the administration’s stated strategy. Specifically, one of Alfonsín’s ministers of defense, Raúl Borrás expressed in an interview the necessity at some point “to put a final end to the continuation of subversion... the country cannot remain in ‘aeternum’ with an open wound” while highlighting the three levels of responsibility to respond to this issue.<sup>97</sup> Additionally, newspaper articles and editorials expressed their preoccupation and cynicism for eventually passing an amnesty law. These concerns became more frequent beginning with the trials even though some of the Ministers and Alfonsín issued contradictory statements by denying a possible amnesty law but cautioning the public to be prepared for difficult decisions ahead. In these articles, the persistence of the authoritarian tradition is evident, especially in some of the messages that Alfonsín gave reassuring the public that there was no threat of another golpe during this period.<sup>98</sup> In one article, Alfonsín condemned those “who prognosticate chaos and anarchy” on the eve of the junta trials.<sup>99</sup> In addition, Alfonsín began to receive harsh critiques about the trials from differing members of military. In particular, an ex- Alfonsín Army Chief of Staff, General Jorge Arguindegui criticized the methodology of the trials by stating, “some of

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<sup>96</sup> Alfonsín, “The Transition toward Democracy,” in *After Authoritarianism*, ed. Daniel K. Nelson, 24.

<sup>97</sup> “Borrás habló de la lucha antisubversiva,” *La Nación*, April 3, 1985 and Pion-Berlin, *Corridors of Power*, 92.

<sup>98</sup> “El Presidente denunció un posible golpe de Estado,” *La Nación*, April 22, 1985.

<sup>99</sup> “Alfonsín: denuncia y convocatoria,” *La Prensa*, April 22, 1985.

the measures taken were favoring the reorganization of certain cells and would become viable centers of subversion.”<sup>100</sup> Thus, the trials became a point of contention between the presidential administration and the military. The trials were one of the first issues that the Alfonsín administration bargained with the military in order to achieve a balance of power. Consequently, as Alfonsín noted, the president and his ministers accepted this position of negotiation by creating a framework that encouraged future policy to placate the military. These two issues-- the beginning of the change in the relationship between the President and the military and a fear of military resurgence-- greatly impacted the continuing progression of formulating human rights policy.

The passage of the Punto Final law on December 24, 1986 also indicated the shifting relationship between the military and the President. Alfonsín set forth the law in early December 1986 and Congress subsequently passed it. After the trials of the junta leaders, the military had been receiving serious backlash for their involvement in the human rights atrocities. The trials substantiated victims’ claims of human rights abuses, which allowed for more individuals of the armed forces to face prosecution for their involvement. The armed forces became targets of media persecution while more charges were being brought against the different ranks of personnel. The courts were being overwhelmed with new cases each day. Resistance and opposition to public policy among middle and lower ranking servicemen were growing.<sup>101</sup> Alison Brysk notes that as many as 3,000 new charges were filed by mid-1986 in the military courts alone.<sup>102</sup> In addition, the jurisdiction of these charges was an issue. The convictions of the junta leaders had

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<sup>100</sup> “Arguindegui criticó la metodología del juicio a los ex comandantes,” *La Nación*, April 7, 1985.

<sup>101</sup> Pion-Berlin, *Corridors of Power*, 96-98.

<sup>102</sup> Brysk, *Politics of Human Rights*, 80-81.

such an overwhelming effect that the military and civilians courts were unprepared to deal with the upsurge of new charges. In attempts to deal with this, Alfonsín proposed Punto Final, which effectively served two purposes. Primarily, it allowed for previously filed charges to continue their course in court. Secondly, it put a sixty-day limit on new indictments; those who were not charged would be free from prosecution.<sup>103</sup> President Alfonsín justified this measure as an attempt to maintain the military's loyalty to the government. As suggested before, Alfonsín and his ministers already planned to impose limitations on the ongoing trials. Military officers threatened Alfonsín "that they would be unable to control the army if nothing were done"; thus giving him a greater motivation to be proactive in resolving the problem.<sup>104</sup> The growing criticism and pressure from the military pushed him to propose Punto Final to Congress.

The passage of Punto Final had the opposite desired effect that Alfonsín anticipated. Rather than issuing a degree of amnesty to officers suspected of human rights abuses, the bill had a "boomerang" effect because it gave a greater impetus to victims and their families to bring accusations against military and police personnel.<sup>105</sup> This wave of new accusations further angered some middle- and lower- ranking officers who, without the passage of Punto Final, may not have faced charges if not for their accusers being compelled to formally denounce them in court. Many of the plaintiffs, who previously had been fearful to formally accuse agents of the police or army, viewed the bill as their last option for seeking justice and thus were persuaded to act. As a result of this strategy,

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<sup>103</sup> Pion-Berlin, *Corridors of Power*, 98-99.

<sup>104</sup> McSherry, *Incomplete Transition*, 211.

<sup>105</sup> *Ibid.*, 212.



the military uprising of April 1987 exemplified the crumbling relations between the presidential administration and members of the military.

After the military uprising in the spring of 1987, Alfonsín proposed the project that was premised on the Due Obedience clause. It was passed a few weeks later in Congress on June 4. The Obediencia Debida (Due Obedience) law effectively stated that lower ranking officers were “following orders” from their superiors and therefore could not be held responsible for their actions. Additionally, the law narrowed the definition of “atrocious and aberrant acts” to exclude murder and torture but still allowed prosecution for the crimes of rape and child-theft.<sup>106</sup> As Daniel Schwartz notes, “the law imposed an irrebuttable presumption that any military officer not commanding a territorial division or subdivision believed that he was acting legally when torturing or killing detainees.”<sup>107</sup> Prior to the passage of the law there were an estimated 450 pending cases; after Obediencia Debida, only 50 remained, according to human rights organizations’ estimates. For example, in the province of Entre Rios, there were 40 prosecutions prior to Punto Final that were reduced to 7, and after Obediencia Debida, none of them remained.<sup>108</sup> The progress of the first half of the transition was officially over as Alfonsín’s successor, Carlos Menem, would eventually pardon all officers, including the convicted junta members. From the perspective of Alfonsín and his advisors, Obediencia Debida was a measure to re-establish good relations with the military, despite going against their initial policy objectives. By this point, the president and his ministers had

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<sup>106</sup> Brysk, *Politics of Human Rights*, 82-83.

<sup>107</sup> Daniel K. Schwartz, “Rectifying Twenty-Five Years of Material Breach,” *Emory International Law Review* 18 (2004): 333.

<sup>108</sup> Brysk, *Politics of Human Rights*, 83-84.

effectively pushed the country toward the recurring issue of impunity. The deteriorating relationship between these parties helped to consolidate amnesty.

### The Military: Internal Conflict

After the failure of the Guerra de las Malvinas in 1982, the military witnessed a shift in power during the first half of the Alfonsín administration that initially favored the civilian government. However, the negotiation and concession policies that the Alfonsín administration implemented in the first few years allowed the military to regain some of the institutional and political power it lost during the last part of the dictatorship and early transitional period. Additionally, the conflict among state members extended to members of the military, specifically between the higher ranking officers and lower to middle ranking officers. Therefore, the tension within the military complicated how the military as a whole dialogued with the other sectors of the state. This tension was demonstrated in the three military uprisings in 1987 and 1988.

Part of Alfonsín's transitional policy was to set in motion several military reforms. Economically, the military reform targeted budgetary issues, which cut defense spending from 4.39 percent of the gross national budget in 1983 to 2.84 in 1985.<sup>109</sup> The purpose of the reforms was to weaken the institutional size, power and influence of the military. The military became subject to the larger economic austerity programs initiated under Alfonsín. The new economic and financial policy was a departure from the previous period when the military government placed a higher priority on these issues. As David Pion-Berlin specifically states, "Although on average the deepest cuts were made

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<sup>109</sup> McSherry, *Incomplete Transition*, 119-120.

in operations and equipment, army salaries were also down considerably.”<sup>110</sup>

Institutionally, these reforms also served to transition the military from its anti-subversive capabilities to focus on issues of national defense. The greatest challenge that the military and Alfonsín faced was the immense size of the military. Additionally, due to the structure of the junta, the military also needed to centralize itself into becoming a more cohesive institution. For example, many of the provincial police and intelligence agencies that had been incorporated into El Proceso were demilitarized and reinstated to their pre-dictatorship posts.<sup>111</sup>

Secondly, Congress amended the Military Code of Justice to include several new clauses. First, it established separate military jurisdiction for crimes like human rights violations. It also established the three-tier hierarchy of responsibility, which also has been known as the “due obedience” clause, since it acknowledged that those who followed orders and did not exceed them were in a complicated situation to obey their superiors.<sup>112</sup> The legal reform of the military further complicated the presidential administration-military relationship because the terms of the Code were at times vague and allowed for differing interpretations. This ambiguity was exhibited during the uprisings.

The issue of due obedience created several problems among members of the military. By creating a hierarchy of responsibility, the due obedience clause consequently created a division within the military. Instead of building a united front to address the issues of truth and reconciliation, it created a concern for those members within the

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<sup>110</sup> Pion-Berlin, *Corridors of Power*, 117.

<sup>111</sup> “Será desmilitarizada la policía de Buenos Aires,” *La Nación*, December 16, 1983.

<sup>112</sup> McSherry, *Incomplete Transition*, 120.

military to identify their own involvement in the violence. The distinction between the subordinates who *obeyed* their orders and those who *exceeded* them largely created a dilemma. This issue also entailed the idea of *plausible deniability* from the dictatorship. Since these acts were planned in a decentralized manner, it could be difficult to distinguish between soldiers who did as their superiors ordered and those who went too far in their actions. Many of those soldiers who felt that they “followed orders” viewed their actions with sincere conviction, which is a related point to the role and duty of the soldier. Therefore, in hearing Alfonsín’s initial plan (via the due obedience clause) to limit the trials to the superiors who gave the orders and those who exceeded them caused concern among those who complied with such orders. J. Patrice McSherry notes the preoccupation and frustration with accountability, “Due to the actions of civilian sectors and democratic institutions, the issue of military accountability escaped the control of the executive and the armed forces felt betrayed.”<sup>113</sup> They feared retribution for following the commands of their leaders because the distinction was ambiguous.

Moreover, some of these officers felt betrayed by their superiors for subordinating the institution to civilian power. Some of the senior ranking officers expressed their respect for democracy and thus the military would comply with the government mandate. In one article, the army Chief of Staff, Ríos Ereñú, stated, “the Armed Forces show their total subordination to the political power and understanding of this new period in the country.”<sup>114</sup> To the other ranks of officers, this was a sign that some initially loyal to the military had shifted to supporting the civilian government, rather than privileging the

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<sup>113</sup> McSherry, *Incomplete Transition*, 124.

<sup>114</sup> “Ríos Ereñú: Nunca más vamos a actuar en la política,” *La Prensa*, December 2, 1986 and “Ríos Ereñú: El Ejército está sujeto al poder político de la Nación,” *La Prensa*, April 18, 1986.

military as the most important institution. Some of these soldiers who had followed the orders witnessed their superiors supporting the same government that was in charge of the trials and prosecution. From the perspectives of some of these soldiers, they had fought on behalf of the Argentine people in the anti-subversive struggle and the “enemies” that they previously had fought against were now the “victims.” These frustrations fomented into the emergence of a faction within the army that challenged the civilian government as well as the military as a whole. McSherry notes that some members of the factions were “of the authoritarian-nationalist current of the armed forces; many had participated in commandos carrying out counterinsurgency operations and human rights abuses.”<sup>115</sup>

The military reforms also failed to purge the army, navy and airforce of “dirty warriors.” A complete institutional transition and dismantlement of human rights violators in the military was not fulfilled. Specifically, a retired colonel, Gustavo Cáceres, proposed a plan that would purge the army of known human rights violators. However, the president and his ministers believed that an internal purging was the duty of the military itself and outside of the scope of his government. The measure was left to the discretion of the military. The military never acted upon this “self-cleansing” procedure thus allowing those lower and middle ranking officers who participated in the violence to remain in the armed forces.<sup>116</sup> This fatal error was a contributing factor to the military uprisings during the second half of Alfonsín’s term. Alfonsín did, however, reappoint the higher ranking officers of the military, specifically the army Chief of Staff Jorge Arguindegui, and his successor, Hector Ríos Ereñú, among others.

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<sup>115</sup> McSherry, *Incomplete Transition*, 134.

<sup>116</sup> *Ibid.*, 121.

The military rebellions of Semana Santa, Monte Caseros and Villa Martelli signaled the military's favored power shift and the increasing tensions within the military. The Semana Santa rebellion began in April 1987, when a middle ranking officer, Ernesto Barreiro, refused to appear in court to testify about his involvement in human rights abuses during the dictatorship. Barreiro then sought refuge with the army regiment Regimiento 14 de Infantería Aerotransportada in Córdoba province.<sup>117</sup> After the soldiers there refused to hand him over to "government-loyal" forces, the rebellion broke out into other *focos* (centers). Most specifically, the rebellion soon became focused in the army barracks of Campo de Mayo and was led by lieutenant colonel Aldo Rico and his mutineers.<sup>118</sup> The crisis continued throughout the Easter week with the president and Rico meeting privately to negotiate an end to the rebellion.<sup>119</sup>

Aldo Rico also led the Monte Caseros rebellion in January 1988. Rico was initially placed under house arrest for his previous involvement in the Semana Santa insurrection. However, the charges against him changed and he subsequently was ordered to be taken to prison by "government-loyal" troops but before he was placed into protective custody, he escaped house arrest.<sup>120</sup> Rico then fled to the Regimiento 4 barracks in Monte Caseros in the northeastern province of Corrientes.<sup>121</sup> Shortly thereafter, Rico and some 100 officers declared themselves in rebellion, which caused other *focos* of rebellion to break out throughout Argentina. The crisis ended after loyalist troops stormed the compound, forcing the surrender of Rico and his troops. Around 300

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<sup>117</sup> "Huyó Barreiro; está rodeado en Campo de Mayo un foco rebelde," *La Nación*, April 18, 1987.

<sup>118</sup> "El desarrollo de los sucesos en Córdoba," and "La crisis, hora por hora," *La Nación*, April 18, 1987.

<sup>119</sup> "Llamamiento de Alfonsín a los rebeldes," *La Nación*, April 19, 1987 and "El grupo insurrecto se rindió al Presidente, Campo de Mayo," *La Nación*, April 20, 1987.

<sup>120</sup> "Crónica de los episodios que protagonizó Rico," *La Nación*, January 19, 1988.

<sup>121</sup> "Rico se estableció en Monte Caseros," *La Nación*, January 17, 1988.

men were arrested, 60 of them were officers and 222 were lower-ranking officers from different barracks for their involvement in the insurgency.<sup>122</sup>

The Villa Martelli rebellion began in December 1988 when a group of 50 elite squadron members of the Albatros unit in the Prefectura Naval (Navy) disappeared from their base at Olivos in Buenos Aires province.<sup>123</sup> At the same time that these young officers disappeared, two other regiments in La Plata and La Tablada attempted a rebellion. Among them was Rafael Videla, the son of the former junta leader Jorge Videla.<sup>124</sup> The Albatros officers soon reappeared in the army garrison, Villa Martelli and were led by Rico's former superior, Mohamed Alí Seineldín. Fortunately, loyalist troops put down the mutiny even though many of these troops were unwilling to use force to quell the uprising as demonstrated through intentionally obstructing some efforts to stop the revolts.<sup>125</sup>

The military insurgencies in 1987 and 1988 demonstrated the strained relationship between the military and the state and the emergence of an extremist factional movement within the army, the *carapintadas*.<sup>126</sup> Initially, the movement materialized due to several factors. Semana Santa specifically was a response to the ongoing trials and the unexpected effect of the Punto Final law. The rebels wanted a definitive end to the trials. This is supported in Barreiro's refusal to appear in court thus giving other military men in a similar position a motivation to revolt. Barreiro's action also supports a second notion.

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<sup>122</sup> "Hay 60 oficiales y 222 suboficiales detenidos por actos de rebelión," *La Nación*, January 20, 1988.

<sup>123</sup> Norden, *Military Rebellion*, 131.

<sup>124</sup> "El Vuelo de los Albatros," *Página 12*, December 2, 1988.

<sup>125</sup> Norden, *Military Rebellion*, 132, and "El juego del gato y el ratón entre los 'leales' y los 'rebeldes'," *Página 12*, December 4, 1988.

<sup>126</sup> The term *carapintadas* refers in English to "the ones with painted faces" because the soldiers in this movement painted their faces with camouflage.

He represented one of the many soldiers who, from their perspective, had served and protected their country during the anti-subversive struggle and followed the orders of their superiors. The trials were “an injustice”.<sup>127</sup> It also was a response from lower and middle ranking officers towards their superiors who, they felt, had abandoned them in order to yield to the democratic order (Alfonsín) rather than maintain their fidelity to the military. As Rico said, “we are seeking a political solution to a political problem.”<sup>128</sup> Among the other demands was the forced retirement of the Army Chief of Staff, Hector Ríos Ereñú, who had been a supporter of Alfonsín and the trials. Additionally, these revolts were not seeking to necessarily overthrow the Alfonsín government, but the rebels had demands that they wanted to be met. In order to maintain control, Alfonsín complied with some of the demands of the rebels, including the forced retirement of Ríos Ereñú and the proposal of the Obediencia Debida law as an offering for negotiation. The *carapintadas* movement evolved throughout the last half of the mandate. Deborah L. Norden supports this, “Bureaucrat lines of division had faded, while ideological and political content had matured.”<sup>129</sup> Finally, the evolution of the movement and its ideology demonstrated the persistence of authoritarian and conservative principles.

### The Courts and Congress: The Intermediary Sectors

The other sectors of the Argentine state, the Courts and Congress, played an important role as the mediators in the conflict between the president and the military. Throughout this period, the courts experienced some autonomy in terms of creating

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<sup>127</sup> “Barreiro siempre dijo que no había que presentarse ante el juez,” *La Nación*, April 16, 1987.

<sup>128</sup> “Aprestos para reprimir al grupo rebelde,” *La Nación*, April 18, 1987.

<sup>129</sup> Norden, *Military Rebellion*, 125.



human rights policy, while still making concessions to placate either the military or Alfonsín. This was exemplified in the jurisdiction of the junta trials and the trials themselves, as well as the courts challenging some of the legislation that the President and Congress passed into law. The Argentine Courts played an irreplaceable role in regards to truth telling during the trials.<sup>130</sup> Congress, too, mediated between the military and the President. Specifically, party politics within Congress influenced the direction of human rights policy.

The issue over the jurisdiction of the junta trials posed one of the biggest challenges to the courts in achieving human right policy. In addition, it also positioned the courts as the intermediary between the military and the executive branch. After Alfonsín issued the warrants to arrest the leaders of the dictatorship and guerrilla groups, the issue of whether the trials would take place in a military or civilian court presented itself. At issue was whether soldiers should be tried as civilians or military men subject to civilian authority. As Pion-Berlin describes the situation, “Article 108 of the Argentine Code of Military Justice, prior to its modification by civilians in 1984, gave the military courts jurisdiction over members of the armed forces who had committed infractions while on active service, whether in times of war or peace.” As he also notes, if the law was still valid, then allowing the soldiers to be tried in civilian courts violated their constitutional rights.<sup>131</sup> Therefore, the Military Supreme Council was given jurisdiction to initiate the trials. Yet by June 1984, it was evident that the military courts were not going to pursue any indictments or convictions. The military courts were initially given a 180

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<sup>130</sup> Alfonsín appointed the six new Supreme Court Justices and they assumed control on December 23, 1983. “Asumen los nuevos jueces de la Corte Suprema de Justicia,” *La Nación*, December 23, 1983.

<sup>131</sup> Pion-Berlin, *Corridors of Power*, 81.

day limit to render verdicts and later extended it to 90 days. However even after the extension, the military courts refused to convict any of those accused. As a result, the Federal Court of Appeals assumed jurisdiction over the trials in October 1984 and the trials were scheduled to begin in April 1985.

The trials themselves proved to be the courts' greatest contribution to human rights policy. After the issue of jurisdiction was resolved, the courts experienced some autonomy in pursuing justice. The trials were led by the head prosecutor, Julio Strassera. By mid-1984, victims and the families and friends of victims brought forth approximately 2,000 complaints in the plaintiff-complaint system (*querellante*).<sup>132</sup> Strassera took the case to trial in April 1985 and he chose 709 crimes among the thousands that were initially filed. His strategy was to prove that the military government engaged in a planned and intentional warfare against the Argentine population. In doing so, he demonstrated that there were identical attacks committed all over the country and that it could not be the "coincidence of a few deranged soldiers," as the defense argued. As Strassera argued, though the junta members themselves may not have committed the atrocities, they did, however, provide "general instructions calling for extraordinary measures to be used against all subversive elements."<sup>133</sup> In implementing Strassera's strategy during the trials, the court played an integral role in truth telling by proving that the violence was part of a larger conspiracy.

The passage of the Obediencia Debida law posed another obstacle for the courts in agreeing whether the law was constitutional or not. This specific instance demonstrated

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<sup>132</sup> Kathryn Lee Crawford, "Due Obedience and the Rights of Victims: Argentina's Transition to Democracy," *Human Rights Quarterly* 12 no. 1 (Feb. 1990): 23.

<sup>133</sup> Pion-Berlin, *Corridors of Power*, 82-83.

the court challenging the civilian government for the justification and passage of the law. While the court initially critiqued the constitutionality of the law, it ultimately sided with the Alfonsín government and upheld the decision. Prior to the passage of the law, the court ratified Article 11 of Law No. 23,049.<sup>134</sup> However, the 1987 Obediencia Debida law forbade courts from reviewing evidence that identified whether the accused knew or should have known the legality of his actions. In effect, the Article 11 had no merit because the Obediencia Debida law provided full protection for subordinate servicemen. The majority of the judges ruled that the law was constitutional. Consequently, the court acquitted three lower ranking officers and reduced the sentences of the two former police chiefs in Buenos Aires, Ramón Camps and Ovidio Pablo Riccheri.<sup>135</sup> However, some of the judges disagreed on several points of the law. One point of contention that some of the judges cited was the separation of powers among the different branches of the law. The court stated that Congress has the legislative power to amend certain criminal laws. The court also stated that it “cannot obstruct Congress when it is seeking legitimate policy objectives.”<sup>136</sup> The majority judges provided two premises for this justification. Primarily, the court cited that Congress shall not pass a law that infringes upon the right of a citizen who already is protected by another law. Secondly, Congressional policy must be followed by “reasonable means.”<sup>137</sup> However, some of the dissenting judges provided

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<sup>134</sup> Law 23,049 was passed in February 1984 and effectively gave jurisdiction to the Consejo Supremo de las Fuerzas Armadas (Supreme Council of the Armed Forces). Article 11 stated that subordinates who held no “decision-making power” and acted within the scope of their orders were presumed to be mistaken. However, the clause did not protect those who were capable of exercising a measure of discretion and committed abhorrent acts. Plaintiffs were also allowed to provide evidence to support this claim. Crawford, *Due Obedience*, 24; and “Posible inconstitucionalidad,” *Página 12*, May 27, 1987.

<sup>135</sup> Crawford, *Due Obedience*, 31.

<sup>136</sup> *Ibid.*, 33.

<sup>137</sup> *Ibid.*, 32-33.

several counter-arguments to those of the majority. Judges Petracchi and Bacque argued that the “power to decide facts and declare applicable laws is reserved to the judiciary...the due obedience law prevented judges from deciding whether the circumstances described in the law actually occurred.”<sup>138</sup> These two judges continued on to emphasize the unconstitutionality of the law because it favored the personal quality of the soldiers’ rank rather than the suspected committed act.<sup>139</sup> The provincial court in Bahia Blanca followed the Supreme Court in challenging the law but ruled that the law was unconstitutional.<sup>140</sup> Despite strong arguments against the constitutionality of the law, it was upheld until being repealed some years later.

In addition, Congress played an essential role as the other intermediary during the redemocratization period. The Congressional elections of 1983 signaled a change in party politics.<sup>141</sup> The two major parties, the Radical Civic Union (UCR) and the Justicialistas (Partido Justicialista, PJ) greatly influenced human rights legislation under Alfonsín. However, differing opinions existed within these two major parties in regards to human rights legislation. The tension between the parties began with the 1983 elections; the UCR obtained 52 percent of the popular vote for the presidential election, and 48 percent for the national Diputados representatives. The PJ received 38 percent for the Diputados representatives. The UCR also gained a slight majority in the Cámara de Diputados (Chamber of Deputies) with 129 representatives out of the total 254. The PJ gained a plurality for the Senadores (Senators) by having 21 out of the 46 possible seats as well as

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<sup>138</sup> Crawford, *Due Obedience*, 33.

<sup>139</sup> Ibid., 34.

<sup>140</sup> “En Bahia Blanca, otro ‘no’,” *Página 12*, July 16, 1987.

<sup>141</sup> The Argentine Congress is bicameral and divided into the Cámara de Diputados (Chamber of Deputies) and the Senadores (Senators).

obtaining a veto power. The UCR held its majority in the 1985 elections as well. The 1987 provincial and national legislative elections proved to be a disappointing loss for the UCR majority; it decreased from 129 to 113 seats in the Cámara de Diputados.<sup>142</sup> This struggle between the two major parties for control over Congress affected how human rights legislation passed. This is especially clear with the passage of the Punto Final and Obediencia Debida laws.

One of the first issues that Congress addressed was overturning the Ley de Amnistía (Amnesty Law) the junta passed in September 1983.<sup>143</sup> As part of the legislation Alfonsín initiated in the first few weeks of his administration, he sent a bill to Congress to overturn the law. It was first introduced to the Diputados on December 16, 1983 and was approved with some modifications the following day. The Diputados agreed that the law was “unconstitutional and completely null.”<sup>144</sup> As one Radical Diputado commented on the law, “the violence wasn’t individual, but it formed part of an international plan of dominion and was accompanied by an economic plan of devastation.”<sup>145</sup> The Senate as well passed the resolution to overturn the law on December 23, 1983 although there were some disputes between the different party members on the priority to rapidly overturn the law in order to move forward.<sup>146</sup> The

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<sup>142</sup> Ernesto Cabrera, “Multiparty Politics in Argentina? Electoral Rules and Changing Patterns,” *Electoral Studies* 15, no. 4 (1996): 478-479.

<sup>143</sup> The Ley de Amnistía o Pacificación is also known as the Self-Amnesty Law. It established amnesty for crimes committed during the “Dirty War” for all those to committed, assisted or covered up such crimes. For more information see Paul Lewis, *Guerrillas and Generals: The Dirty War in Argentina* (Westport, CT: Praeger Series, 2002).

<sup>144</sup> “La Cámara de Diputados aprobó la derogación de la ley de amnistía,” *La Nación*, December 17, 1983.

<sup>145</sup> “Un embate común contra los años del proceso militar,” *La Nación*, December 17, 1983.

<sup>146</sup> “Quedó derogada la llamada ley de ‘pacificación’,” *La Nación*, December 23, 1983.

repealing of the Ley de Pacificación/Amnistía was one example of Congress supporting the Alfonsín government's early attempt to seek redress against the military.

The Punto Final law exemplifies Congress's role as being the intermediary. In addition, it demonstrated the factionalization within the major parties by the different Diputados and Senadores' opinions on the law. From the beginning, Alfonsín and his ministers wanted Congress to become involved in the process by lobbying for the two chambers and other politicians' support. The Secretary of Defense Alfredo Mosso signaled the president and the ministers' desire to include Congress in the project in an interview with *La Nación*, "He (Mosso) will inform the representatives of the political parties so that they also can fulfill their contribution."<sup>147</sup> However, Alfonsín's move for the early cessation of the trials was unpopular with the public and its representatives. Pion-Berlin notes that changing policy was difficult nor did it guarantee success.<sup>148</sup> This is evident in the numerous criticisms found in the newspapers by different Diputados and Senadores. Various representatives from opposing political parties expressed differences in ideology and political principle. For example, one anonymous Diputado cited that "a number of Diputados would help in refusing the project's approval."<sup>149</sup> In an article from *La Prensa*, the Partido Intransigente (Intransigent Party) criticized the project for "committing a gross inequality with the law which favors the military," and that "it makes the state of law vulnerable and seriously compromises the process of

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<sup>147</sup> "Sería enviado a extraordinarias el 'punto final'," *La Nación*, November 25, 1986.

<sup>148</sup> Pion-Berlin, *Through Corridors of Power*, 103

<sup>149</sup> "Controversia acerca del proyecto de ley sobre el 'punto final'," *La Nación*, November 27, 1986.

consolidation.”<sup>150</sup> Some Congressional members denied the criticisms that the project was a “blanket amnesty” or that it signals a change in government policy.<sup>151</sup>

However, different members of Congress, like some of the Radicals, supported the project. For example, the president of the Cámara de Diputados, Juan C. Pugliese (UCR), expressed his support, which reflected many of Alfonsín’s sentiments about the project. In *La Nación*, Pugliese noted that “there was an armed subversion and irrational repression, and to condemn one and forget the other isn’t just nor convenient for the reconciliation of the country,” and that “people are confusing the project with amnesty, and it’s not.”<sup>152</sup> In his interview with *La Prensa*, Pugliese commented, “the Armed Forces cannot be permanently in limbo.”<sup>153</sup> Pugliese had met with the President the day prior to the interview with the newspaper to discuss the project. Despite these criticisms, Congress did pass the project into law even though it was a difficult task initially gaining support. Pion-Berlin describes this, “It was only through the President’s last-minute personal appeals to Radical Party deputies, his rallying of Peronist and provincial party votes and his pledge to absorb all the political costs for the decision that he was able to garner the necessary votes.”<sup>154</sup>

Punto Final represents Congress’s role as the intermediary to formulate human rights policy and it shows individual representatives’ concern for principle and not necessarily politics. That is, different members of Congress viewed the project as an issue of principle to achieve democratic reconciliation and the consolidation. While some

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<sup>150</sup> “Los intransigentes se oponen al ‘punto final’,” *La Prensa*, December 2, 1986.

<sup>151</sup> “Punto final,” *La Nación*, November 30, 1986.

<sup>152</sup> “Pugliese: deben terminar los juicios a militares por excesos,” *La Nación*, December 1, 1986.

<sup>153</sup> “Formuló precisiones el Dr. Juan C. Pugliese,” *La Prensa*, December 5, 1986.

<sup>154</sup> Pion-Berlin, *Through Corridors of Power*, 103.

members followed their parties' lines on the issues, the articles demonstrate that some Congressmen were concerned as to the project's effects on the process of truth and reconciliation.

The Obediencia Debida law was another example of Congress emerging as the intermediary. Additionally, the debate over the project was especially evident after the resolution of the Semana Santa rebellion. Thus, Congress was positioned between the President and his ministers who wanted to maintain control over the military and lower the threat of a coup d'état. One Justicialista Diputado, Carlos Grosso, supported this in saying that "there exists a strong psychological action concerning the probability of an overthrow that has pressured legislators to vote affirmatively for the project."<sup>155</sup> The project was first sent to the Diputados on May 15, 1987 and passed the following day with 119 affirmative votes, 69 against and 75 absences.<sup>156</sup> Radical Senadores then met with Alfonsín on the 18<sup>th</sup> to discuss the strategy for passing the legislation through the Senate without making modifications.<sup>157</sup> Additionally, the Secretary of Justice, Ideler Tonelli spoke to the Senadores in an effort to promote the project.<sup>158</sup> The different *bloques* (blocs) of the Senate debated the project before finally approving it, with modifications, on the 29<sup>th</sup>. The project went back for the Diputados to debate on the new modifications, and passed on June 4<sup>th</sup>. Some of the Senate's modifications were in Articles 1 and 3. Specifically, in Article 1, the presumption of innocence now applied to those who had not acted as commander in chiefs, chiefs of zone or sub-zones, or heads of

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<sup>155</sup> "Obediencia debida: siguen las opiniones disímiles," *La Nación*, May 18, 1987.

<sup>156</sup> "La votación en Diputados sobre obediencia debida," *La Prensa*, May 17, 1987.

<sup>157</sup> "Obediencia debida: inquietud radical," *La Prensa*, May 19, 1987.

<sup>158</sup> "Obediencia debida: Tonelli informará hoy a senadores," *La Nación*, May 27, 1987.



security forces.<sup>159</sup> As was the case in Punto Final, members of Congress had differing opinions of the project. One PJ Senator, Eduardo Menem who voted against the Obediencia Debida, called the project “a lamentable law.”<sup>160</sup> Conversely, a Bloquista, Leopoldo Bravo, commented on the need “to avoid mistakes like those that provoked the Semana Santa crisis (he) noted that ‘we should take responsibility of pointing out to the country a solution and avoid a civil war.’”<sup>161</sup> Both Punto Final and Obediencia Debida demonstrate Congress’s desire to mediate between the President and military.

### Conclusion

Formulating human rights policy during the first years of redemocratization in Argentina proved to be a daunting task. In some way, the president and his advisors, the military, the Argentine Courts and Congress played significant roles in developing policy. Each contribution affected the development of the relationships within the state and more generally human rights policy. In analyzing the relationships individually, it is easier to understand how these events developed. The most significant problem that emerged during this period was the tension and disconnect within the different ranks of the military. The effect of this disconnect was the lack of consensus within the military. Consequently, this complicated the military’s dialogue with the Alfonsín government. At the beginning of the transition, the president and his ministers decided on a policy of negotiation in order to maintain the military’s loyalty. As a result, these policies affected the balance of power, thereby fulfilling Alfonsín’s expectations of the military to assert

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<sup>159</sup> “Vuelve a Diputados la obediencia debida,” *La Prensa*, May 30, 1987.

<sup>160</sup> Eduardo Menem is the brother of President Carlos Menem (1989-1999).

<sup>161</sup> “Obediencia debida,” *La Prensa*, May 30, 1987.

its power. Thus, each member influenced the action of the other. The role of the Court and Congress was to be the intermediary for this tension. Finally, each action represented the continuing influence of authoritarianism and military interventionism. The best examples of this are Alfonsín's lack of confidence in the system and the military's justification and conviction of the anti-subversive struggle.

## CHAPTER 3: CIVIL SOCIETY UNDER ALFONSÍN

### Introduction

Human rights organizations (HROs) played a significant role in the truth and reconciliation process from 1983 to 1989. As expressed by many human rights organization interviewees, the transition to democracy was a new opportunity to have the HROs' demands met after having waited so long for democracy to return.<sup>162</sup> Other interviewees expressed a great happiness and relief when describing the tremendous success of the transition. In general, the human rights groups shared a similar desire to effectively contribute to the truth and reconciliation process by working as a collective group in the interests of civil society. However, differences in strategy and objectives arose among the HROs during this period. This was most evident in the split of the Madres de Plaza de Mayo into different factions. Despite this, the human rights movement evolved throughout the period into becoming an important voice for human rights policy. Due to the historical significance of the Madres in the larger human rights movement, I focus on this group in order to analyze the Madres' contributions during this time. Therefore, the HROs' strategies, objectives and goals for the truth and reconciliation process evolved throughout the period and this evolution reflected the changing relationships within civil society immediately following the Dirty War.

### The Beginning of the Transition (1983-1984)

During the initial years of the transition, many HROs were concerned with the issues of the *desaparecidos* and the truth commission, National Commission for

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<sup>162</sup> Different members from Madres de Plaza de Mayo-Línea Fundadora and Familiares de Desaparecidos-Detenidos por Razones Políticas, interviews by author, Buenos Aires, August 2008.

Disappeared People (CONADEP). In general, each of the groups employed differing strategies when contributing to human rights policy, while still maintaining similar goals and objectives of understanding the question of the *desaparecidos*. That is, many of the groups agreed on desiring truth and justice as their larger goals and objectives but at times, used different strategies to attain such goals.

The Madres de Plaza de Mayo's main goal during the first years of the transition focused on finding out if there were any *desaparecidos* and where they were. As Jo Fisher explains, the Alfonsín government sent out letters and made phone calls to family members insinuating that their loved ones were still alive.<sup>163</sup> These letters served as a greater impetus to locate more *desaparecidos*. One Madre noted, "Now that we already had a democratic government, why didn't they put an end to our uncertainties and why did they keep up the leaks and the extra-official messages? Why did the mystery have to continue? Why did the members of the families have to continue to search on their own?"<sup>164</sup> The Madres also met with Alfonsín to discuss this issue during the first few weeks of his presidency. The Madres used the slogan "Aparición con vida" to characterize their demands for the government to bring their children back alive as well as "Con vida los llevaron y con vida los queremos."<sup>165</sup> The Madres claimed that as late as December 1984, there was proof that there were *desaparecidos* who were still alive.<sup>166</sup>

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<sup>163</sup> Jo Fisher, *Mothers of the Disappeared* (Boston: South End Press, 1989), 127.

<sup>164</sup> Matilde Mellibovsky, *Circle of Love Over Death: Testimonies of the Mothers of the Plaza de Mayo*, trans. Maria and Matthew Proser (Willimantic, CT: Curbstone Press, 1997), 161.

<sup>165</sup> The slogan "Aparición con vida" in Spanish roughly translates to "Return them alive" and "Los llevaron con vida y los queremos con vida" means "They (military) took them (desaparecidos) alive and we want them back alive."

<sup>166</sup> Princeton University Libraries Latin American microfilm collection, Supplement 1, Human and civil rights in Argentina, "¿Dónde están los desaparecidos?" December 1984 (Princeton, NJ: Princeton University Libraries, 1993). Henceforth, the term "Princeton Pamphlet-Madres periodicals" will be used to refer to this particular microform.

These objectives dated back to the dictatorship and the Madres continued to demand the whereabouts of *desaparecidos* that were still being detained throughout the initial transition.

By the same token, the courts began to order the exhumations of unmarked graves in cemeteries. These exhumations were a point of contention for the different human rights groups, including the Madres. As the Madres argued, the exhumations closed the issue of the *desaparecidos* because if the bodies were identified, then their fate was no longer unknown; the *desaparecidos* were no longer disappeared, but dead. One Madre poignantly explained,

We don't agree with the exhumation of the bodies. With the exhumations, they want to eradicate the problem of the disappearances, because then there are no more *desaparecidos*, only dead people. From what the Mothers of Mar del Plata have told us they have returned people who disappeared from the street, or from their houses, saying they'd died in '*enfrentamientos*' (armed conflicts). If you accept this, in your desperation to have the remains of your loved one, you lose all your rights. We don't want the names of the victims. We know who they are. We want the names of the murderers. We want them to tell us what happened. They have to explain what they don't want to explain. This is the meaning of *aparición con vida*. We respect those Mothers who want the exhumations of course, but we don't, as an organization, agree with it.<sup>167</sup>

Despite the Madres' objections, the exhumations continued throughout the transition and therefore were a central topic for the Madres' strategy in achieving human rights policy.

A third matter for the Madres during this period was the creation of National Commission for Disappeared People (CONADEP) and its report, *Nunca Más*. The Madres, like many other HROs expressed their desire for a legislative bicameral commission to investigate the *desaparecidos* and the repression during the military dictatorship. However, Alfonsín and his ministers decided against these suggestions and

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<sup>167</sup> Fisher, *Mothers of the Disappeared*, 129.

created CONADEP instead. One of the Madres' criticisms was that *Nunca Más* did not list the names of the human rights violators. The purpose was to investigate the events of the dictatorship rather than determining responsibility, which was a demand of the Madres.<sup>168</sup> The Madres stated that while they supported the commission's delegates, they did not support the Commission itself because it was not bicameral and had no power to enforce any propositions since its main purpose was only to receive and compile testimony.<sup>169</sup> Hebe de Bonafini criticized the creation of the Commission because "it wasn't elected by the people."<sup>170</sup> Even though the organization as whole denied participating, some interviewees said that they presented testimony anyway.<sup>171</sup>

Unlike the Madres, some human rights organizations did participate in the Commission despite their initial objections. In general, the HROs demanded a bicameral commission, yet when it became clear that this was not an option, some afectados and non-afectados decided to participate since this was their only option for investigation. Groups like the Asamblea Permanente por los Derechos Humanos (APDH) and the Centro de Estudios Legales y Sociales (CELS) played an integral role in compiling testimonies, archives and other information about the events. Some members of APDH and CELS were staff and commission members on CONADEP. As Brysk describes, Alfonsín appointed ten public figures to serve on CONADEP, several of whom were important HRO figures: Carlos Gattinoni (Movimiento Ecuménico por los Derechos

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<sup>168</sup> Princeton Pamphlet-Madres periodicals, "CONADEP: Los desaparecidos no se archivan," December 1984.

<sup>169</sup> Alison Brysk, *The Politics of Human Rights in Argentina: Protest, Change and Democratization* (Stanford, CA: Stanford University Press, 1994), 70.

<sup>170</sup> "Cuestionan la comisión nacional sobre la desaparición de personas," *La Nación*, December 18, 1983.

<sup>171</sup> Members of Madres de Plaza de Mayo-Línea Fundadora, interviews by author, Buenos Aires, August 2008.

Humanos, MEDH), Gregorio Klimovsky (APDH), Marshall Meyer (APDH, Movimiento Judío por los Derechos Humanos), Ricardo Colombres (APDH), and Jaime de Nevares (APDH).<sup>172</sup> In addition, APDH member Graciela Fernandez Mejide and CELS' Raul Aragon played integral roles as heads of departments within the Commission. An APDH document detailed the organizations' involvement in CONADEP by specifically describing how numerous members of the HROs throughout the country collected the denouncements, testimonies, and other archives. Groups like the Movimiento Ecuménico por los Derechos Humanos, la Liga Argentina por los Derechos del Hombre, CELS and Familiares de Desaparecidos-Detenidos por Razones Políticas participated in analyzing and producing reports to be incorporated in the final report.<sup>173</sup> In one interview, a member of Familiares said that the great majority of Familiares collaborated and participated in CONADEP.<sup>174</sup>

CONADEP exemplified the differing strategies that arose between some of the non-afectados (like CELS, APDH) and the afectados (like Madres). This disagreement represented how some groups continued to work with the government versus those who would continue to work outside of that political institution.<sup>175</sup> Despite the characterizations of the human rights groups as non-afectados and afectados, the groups' ultimate action was based on their own goals and objectives. This is best shown in the case of the exhumations where the Madres (afectados) adamantly opposed these

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<sup>172</sup> Brysk, *Politics of Human Rights*, 69.

<sup>173</sup> Princeton University Latin American pamphlet collection, Human rights in Argentina, (Princeton, NJ: Princeton University Libraries) Asamblea Permanente por los Derechos Humanos. July 1985. Henceforth, the term "Princeton Pamphlet-HROs publications" will be referred to for this particular collection.

<sup>174</sup> Member of Familiares de Desaparecidos-Detenidos por Razones Políticas, interview by author, Buenos Aires, August 2008.

<sup>175</sup> Brysk, *Politics of Human Rights*, 70.

measures while the Abuelas de Plaza de Mayo (afectados) viewed the exhumations as a crucial strategic step in order to achieve their larger goals and objectives.

A second afectado group, the Abuelas de Plaza de Mayo were instrumental in their role with the exhumations. As the courts issued the exhumations, it became necessary to identify bodies. The Abuelas viewed this as a significant opportunity because it allowed them to have more answers about the fate of their grandchildren. Unlike the Madres, who viewed these exhumations as “killing” the *desaparecidos* by identifying their corpses, the Abuelas’ concern was to learn what happened to their grandchildren. These women were initially Madres but were also compelled to search for their missing grandchildren. The initial stages and processes of the exhumations made identification and the subsequent collection of information nearly impossible. In early 1984, the Abuelas met with members of CONADEP to urge them to contact forensic scientists, like Eric Stover of the American Association for the Advancement of Science (AAAS) for help.<sup>176</sup> In an earlier trip to the United States in October 1983, the Abuelas had met with several geneticists and forensic scientists to discuss the possibility of a “grandparentage test” that would test the blood of the grandparents with that of the proposed grandchild. The Abuelas and these scientists developed a strong bond and devised a test that would confirm grandparent-hood. So, in June 1984 the AAAS sent a delegation of scientists to assist and provide further recommendations for the exhumations. However, the Abuelas disagreed with the members of CONADEP as to the role that the scientists played, since CONADEP had already made its own suggestions for the experts. Eventually, the Abuelas’ demands were met and geneticist Mary-Claire King

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<sup>176</sup> Rita Arditti, *Searching for Life: The Grandmothers of the Plaza de Mayo and the Disappeared Children of Argentina* (Berkeley, CA: University of California Press, 1999), 71.



of Berkeley, California joined the team, along with Dr. Ana María Di Lonardo, of the Durand Hospital in Buenos Aires.<sup>177</sup> As Rita Arditti notes, Lonardi and her Argentine team just completed the case of eight year-old Paula Logares who was living with a policeman, “Through genetic testing and by applying the new mathematical formulation, it was established with 99.9 percent certainty that Paula was indeed the granddaughter of Elsa Pavón de Aguilar. She was the first kidnapped child identified through genetic testing.”<sup>178</sup> These genetic tests and the Abuelas’ work on the exhumations became some of the most important contributions from the period because it helped to reunite separated families; thereby proving to be one of the most effective strategies of the human rights movement during this period.<sup>179</sup>

At the beginning of the transition, groups like Madres and Familiares utilized the slogan of “Aparición con vida” to demand the return of detained-disappeared persons. This slogan also describes a fundamental objective of many of the HROs at the time; that victims taken alive should also be returned alive; if for some reason the victims are dead, then those responsible must provide a reason as to their fate. This slogan was routinely used throughout the period in attempts to pressure the Alfonsín government and military to take accountability. It also points to an issue related to the exhumations. That is, members of the HROs knew *who* were disappeared, but they wanted to know *how* they were forcefully disappeared and *who were responsible*. As a result, this strategy demanded accountability and truth. A second related slogan that many groups utilized

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<sup>177</sup> Arditti, *Searching for Life*, 70-72.

<sup>178</sup> Ibid., 71.

<sup>179</sup> The 1985 film, *La historia oficial* (The Official Story) describes the story of a couple living in Buenos Aires at the end of the dictatorship. The wife learns that the couple’s young adoptive daughter may be the child of a *desaparecido* couple. The drama explores the issues related to the girl’s true identity and the problems that arose during this realization.

was “Juicio y castigo a todos los culpables” (Trial and punishment for those responsible). More specifically, the organizations wanted every accused person to be tried in a courtroom and be legally punished, like any other criminal. Lastly, the slogan “Libertad de todos los detenidos por razones políticas” (Freedom for those detained for political reasons) supports many of the organizations’ demands that those who are still being held in detention centers be set free; they argued that peoples’ political views are not a legal reason to be imprisoned.<sup>180</sup> This slogan is especially characteristic of the first years of the transition, when many groups still believed that the *desaparecidos* were alive, and therefore lobbied for the release of *desaparecidos-detenidos*.

#### The Middle Transition (1985-1987)

The transition’s middle years proved to be some of the most difficult years for the human rights organizations. The two amnesty laws and the Madres’ split in 1986 are some examples of the obstacles at that time. Moreover, the differences in strategy among the human rights groups were more evident in this period due to the more numerous issues. Other issues that the HROs addressed were the continuation of the exhumations, the junta trials, and impunity. Despite these emerging differences, the human rights organizations still maintained some similarities in their goals and objectives. Each organization contributed significantly to the evolution of the movement as well.

By this time in the transition, the Madres de Plaza de Mayo were some of the harshest critics of the Alfonsín government’s human rights policy. The Madres continued their criticisms of the exhumations and CONADEP. Many of exhumations

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<sup>180</sup> Princeton pamphlet- HROs publications, Familiares de Desaparecidos y Detenidos por Razones Políticas, March 5, 1983.

provided the cause of death of the victims as “enfrentamientos”. Consequently, the Madres countered this claim and it became a central contention to the exhumation issue. As they claimed, “We want true justice, and this isn’t when the death certificates say ‘died in combat’... this constitutes a crime because we know that they were murdered and this wasn’t investigated.”<sup>181</sup> The Madres first wanted the deaths to be investigated by focusing on *who* murdered the victims and not on the *identification* of the victims. Therefore, they pushed for investigations based on *accountability* and *punishment*. In regard to CONADEP, the Madres criticized the *Nunca Más* report for trying to show that the *desaparecidos* were dead and effectively *encerrar el pasado* or burying the past.<sup>182</sup> In both instances, the exhumations and CONADEP, the Madres continued to keep the *desaparecidos* alive (as a group) in order to argue against the ideas of national reconciliation and moving forward. As they argued, these ideas fostered *el olvido* (forgetting) and by “forgetting” there would be no desire for truth and justice.

The junta trials also were an important part of the Madres’ strategy. Much like they did at the beginning of the transition, the Madres had high hopes for the junta trials. Despite the initial setbacks of CONADEP and the exhumations, the trials held a historical and political significance. The Alfonsín government held the junta leaders accountable for their involvement in the atrocities. In addition, the prosecutor proved that a planned, anti-subversive offensive existed; thus vindicating the Madres and other human rights groups’ claims. On the eve of the trials, the Madres acknowledged the importance, “The historic value of the trial is undeniable. Not as much for the final result, but for the

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<sup>181</sup> Princeton pamphlet- Madres periodicals, “Exhumaciones, no: Justicia,” March 19, 1985.

<sup>182</sup> Ibid., “Las trampas del ‘Nunca Más’,” January 1985.

political debate that has been opened.”<sup>183</sup> Nevertheless, in the same article, the Madres demonstrated a latent distrust of the system: “The 22 of April may become a historic date for Argentina. But, it also may end by being a date of ignominy if this judicial process culminates with a broad and generous amnesty.”<sup>184</sup> The Madres foresaw the trials’ impact on the progression. As Guzman Bouvard describes, “The results of the trials were a particularly bitter pill for the Mothers and would turn them into radicals. Though they had greeted the coming of democracy with enthusiasm, they now felt betrayed and no longer believed it was possible to hope for redress from the political system.”<sup>185</sup> The trials were an important turning point as to how the Madres viewed human rights policy in the future. The Madres described this change, “When horrendous crimes are not punished, their replication is promoted and with the passing of time one becomes accustomed to and then justifies these crimes.”<sup>186</sup> This perspective reflects the Madres’ acknowledgement of the necessity to adapt to the new political settings and that their initial hope to work within the system changed.

In early 1986, the Madres split into two different associations, the Asociación de Madres de Plaza de Mayo, led by Hebe de Bonafini, and the Madres de Plaza de Mayo-Línea Fundadora.<sup>187</sup> The Línea Fundadora was formed by about 12 Madres; many of whom were the original 14 members and were led by Renée Epelbaum, María Adela Antokoletz and Matilde Mellibovsky. Elections were scheduled for January 1986, which

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<sup>183</sup> Princeton pamphlet- Madres periodicals, “El valor de la memoria,” May 1985.

<sup>184</sup> Ibid.

<sup>185</sup> Marguerite Guzman Bouvard, *Revolutionizing Motherhood: the Mothers of the Plaza de Mayo* (Wilmington, DE: Scholarly Resources, Inc. 1994), 160.

<sup>186</sup> Princeton pamphlet- Madres periodicals, “De sentencias y puntos finales,” January 1986.

<sup>187</sup> The translations for the two groups are the Association of the Mothers of the Plaza de Mayo and the Mothers of the Plaza de Mayo-Founding Line/Group, respectively.

were the first elections for the organization during the democratic period.<sup>188</sup> Two separate lists for the different positions were turned in.<sup>189</sup> Tensions were so great that the dissenting group of Madres left in the middle of the elections and later formed their own association. Matilde Mellibovsky described this situation, “First we tried to start a parallel group but unfortunately we were forced to start the new association to which I belong: Mothers of the Plaza de Mayo- Founding Line.”<sup>190</sup> Many interviewees described the immense pain and difficulty during the separation.<sup>191</sup>

The reasons for the split ranged from discrepancies of strategy and policy as well as leadership and organizational issues. Many interviewees from the Línea Fundadora cited issues of leadership, especially with Hebe de Bonafini as a main cause for the split.<sup>192</sup> Some interviewees described the lack of consensus and Bonafini’s authoritarian nature as a cause for the split. Additionally, scholars cite three issues that contributed to the split. Primarily, the different groups disagreed on the issue over exhumations and whether an individual mother has the right to claim the remains of her child. Mellibovsky argued, “The Founding Group maintains that the decision to recover the remains of disappeared family members in those cases in which they are scientifically identified is very personal... But the group that Hebe de Bonafini leads absolutely rejects these exhumations.”<sup>193</sup> Secondly, the Madres disagreed on political stances on the democratic

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<sup>188</sup> Guzman Bouvard, *Revolutionizing Motherhood*, 163.

<sup>189</sup> Ulises Gorini, *La otra lucha: Historia de las Madres de Plaza de Mayo Tomo II (1983-1986)* (Buenos Aires, Argentina: Grupo Editorial Norma, 2008), 525.

<sup>190</sup> Mellibovsky, *Circles of Love*, 178-179.

<sup>191</sup> Members of Madres de Plaza de Mayo-Línea Fundadora, interviews by author, Buenos Aires, August 2008.

<sup>192</sup> Members of Madres de Plaza de Mayo-Línea Fundadora, interview by author, Buenos Aires, August 2008.

<sup>193</sup> Mellibovsky, *Circles of Love*, 179.

government. Specifically, some of the more radical Madres felt that there was no distinction between the military dictatorship and the new democratic government. This group, the Asociación, sought a complete separation from the political institutions of the state. Other Mothers (Línea Fundadora), acknowledged the disappointment with the trials, CONADEP and the cause of the *desaparecidos*, but realized that these would not have been possible under the dictatorship. Therefore, these Madres were more willing to work with state institutions in order to achieve their broader goals and objectives. Nonetheless, they did not always agree with the policies of the democratic government. Lastly, the Madres disagreed on political memory. As Cynthia Bejarano notes, the Línea Fundadora cited “the need to preserve memory and maintain historical perspectives” as a key premise. The Asociación viewed memory in more strategic terms by “linking their individual experiences with that of a broader project.”<sup>194</sup> These differences between the two groups shaped their individual policies and goals throughout the transition.

Despite the separation of the Madres into the two associations, the Línea Fundadora formed close alliances with other HROs, working along with groups like Familiares, CELS, Abuelas and Federación Latinoamericana de Asociaciones de Familiares de Detenidos-Desaparecidos (FEDEFAM).<sup>195</sup> Initially, the Línea Fundadora’s offices were set up in the Movimiento Ecuaménico’s (MEDH) offices until they were able

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<sup>194</sup> Cynthia Bejarano, “Demonstrating resistance: Politics and participation in the marches of the Mothers of the Plaza de Mayo,” *European Journal of Anthropology* 50 (2007): 87.

<sup>195</sup> The organization FEDEFAM is best known by its acronym. The full name in Spanish is “Federación Latinoamericana de Asociaciones de Familiares de Detenidos-Desaparecidos” and in English, “Federation of Families of Detained-Disappeared in Latin America. The Federation was founded in the early 1980s and serves as a non-governmental organization and support group throughout Latin America and the Caribbean for countries and regions experiencing forced disappearances. Relatives of detained-disappeared persons founded the organization. The Argentine membership was founded in 1983 by a desaparecido-aparecido (a forced disappeared who was set free), Patricio Rice.

to find their own “Casa.”<sup>196</sup> Many interviewees described their involvement and close relationships with other human rights organizations prior to and after the split.<sup>197</sup> For example, one Madre was one of the founding members of CELS and continued to participate with both groups.<sup>198</sup> This signals that although the separation was devastating for those involved in the split, it did not have a similar effect for the relations with the rest of the movement since the contacts were already initiated. Finally, a main objective of Línea Fundadora centered on the preservation of memory and consequently shaped their policy.

Furthermore, the two amnesty laws, Punto Final and Obediencia Debida, served to radicalize the Madres by demonstrating that legal retribution against the accused would be difficult. After Punto Final, judges began to demand that the disappearance of a person did not automatically mean that the person was dead and therefore, there was no crime. It placed the burden on the plaintiffs and family members of the victims to prove that a crime had been committed. Often, judges required an identified body as proof that a homicide had been committed but the Madres argued these acts were genocide and not individual acts of homicide. In addition, the Madres still did not want to establish the deaths of their children by having to provide physical evidence. As they argued, the Madres were fighting for all the 30,000 *desaparecidos* and they could not privilege their

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<sup>196</sup> The Movimiento Ecueménico por los Derechos Humanos (MEDH) translates to the Ecumenical Movement for Human Rights and forms part of the non-afectado group that promotes human rights from a religious perspective; The Madres often referred to their office as their “casa” or “home” in English to further denote their role as the “mothers of all the desaparecidos” which created a welcoming environment for those who shared similar desires. Guzman Bouvard, *Revolutionizing Motherhood*, 163-164.

<sup>197</sup> Madres de Plaza de Mayo-Línea Fundadora, interviews by author, Buenos Aires, August 2008.

<sup>198</sup> Madre de Plaza de Mayo-Línea Fundadora, interview by author, Buenos Aires, August 2008.

own desires for seeking justice for their children.<sup>199</sup> The second impunity law, Obediencia Debida, became a second reference point for human rights groups like the Madres that criticized what they saw as the continuity of authoritarianism in Argentina. At this point, it was clear to the Madres that the democratic government's main concern was to maintain its control over the military and that there would no longer be any push to seek redress for the human rights violations during the dictatorship. The Madres remained critical of this policy by continuing the marches in the plaza and passing out leaflets condemning the two amnesty laws. One Madres slogan was "Against Military Civil Authoritarianism."<sup>200</sup> These laws marked a critical point in the Madres' strategy because the Madres viewed the democratic government as a product of the violent dictatorship.

Moreover, groups like the Asamblea Permanente, CELS, Abuelas and others experienced a similar evolution in their strategies during the middle years of the transition. Most specifically, the Asamblea expressed its support for the trials in 1985. The APDH served as an important witness for the prosecution by testifying and presenting proof of the military's organized terror against the Argentine population. In one document the APDH states, "The APDH has maintained in its diverse testimonies during the trial by formulating denouncements and providing proof of the political character of the responsibilities of the accused."<sup>201</sup> The APDH also set forth three central principles for the organization. First, APDH stated that without the full force of the laws and institutions of the constitutional order, human rights cannot be recovered and

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<sup>199</sup> Guzman Bouvard, *Revolutionizing Motherhood*, 165-166.

<sup>200</sup> Guzman Bouvard, *Revolutionizing Motherhood*, 169.

<sup>201</sup> Princeton pamphlet- HROs publications, Asamblea Permanente por los Derechos Humanos.



therefore they insisted on a democratic institution. Secondly, as they state, “human rights constitute an indissoluble unity: the guarantees and individual rights, social-economic rights and the peoples’ right to self-determination are mutually defined, demanded and reinforced.”<sup>202</sup> Human rights were also defined in terms of culture, education, work, and related to health and shelter. Lastly, the APDH stated that the people (civil society) are the true source and guarantee for democracy and that the people’s mobilization would defend the restoration of a permanent democracy.<sup>203</sup> These principles demonstrated the APDH’s willingness to work with the government and democratic institutions in order to realize its objectives.

On a related note, Familiares characterized the *desaparecidos* and the rights of political prisoners as integral issues during the middle years. Much like the other organizations, Familiares focused on the *desaparecidos* but as the transition progressed, their objective broadened to fighting political persecution. This is especially evident in their slogans, “Por la vida y la libertad” (For life and liberty), “Juicio y castigo a los culpables” (Trials and punishment for those responsible), “Libertad a todos los presos políticos” (Freedom for all political prisoners) and “Basta de persecución política” (No more political persecution). Familiares understood the larger issue in ensuring political tolerance during a democracy in order to avoid the repetition of human rights violations. Ending political persecution was a broader human rights strategy and was especially important in a country where opposing political perspectives had not been tolerated. In a report dated in April 1985, Familiares stated, “In Argentina there are political prisoners... because the existence of persons being detained for political reasons is incompatible with

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<sup>202</sup> Princeton pamphlet- HROs publications, Asamblea Permanente por los Derechos Humanos.

<sup>203</sup> Ibid.

a constitutional government... we reiterate publicly our decision to fight for those being persecuted for professing and defending a political idea.”<sup>204</sup> While other human rights organizations fought against political persecution, it was a central objective for Familiares.

Punto Final posed as a serious problem to Familiares for several reasons. Primarily, they argued that a project such as Punto Final would condition forgetting the past, which was a concern for an organization that focused on maintaining memory, like the Madres-Línea Fundadora. In response to a quote supporting the project for having a “national response for solidarity to the institutional system without forgetting the point,” the organization argued, “That is the point, not forgetting the past.”<sup>205</sup> As Familiares viewed the issue, the only way to continue forward as a country was to punish those guilty of violations and in doing so, the nation would attain true reconciliation. In order to construct “una gran nación” (a great nation), it is first important to meet the needs and demands of civil society by fighting for truth and justice. A second related issue pointed to a “political sentencing” of those responsible. To Familiares, the people through their representatives in Congress should try those responsible for human rights violations and pressure to address the continuing economic and social issues like hunger, foreign debt, high illiteracy, and unemployment. This strategy encouraged popular mobilization because human rights issues were broadened from those of genocide and political violence to economic and social issues. It is this way that Familiares linked their strategy

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<sup>204</sup> Princeton pamphlet- HROs publications, Familiares de Desaparecidos y Detenidos por Razones Políticas, April 1985.

<sup>205</sup> Princeton pamphlet- HROs publications, Familiares de Desaparecidos y Detenidos por Razones Políticas, July 1985. The document does not explicitly state who originally argued that “the project was a national response for unity.”

of opposing Punto Final to their broader objective of protecting and fighting for basic human rights.

Familiares continued to pressure the government on the issue of the *desaparecidos*. Primarily, the organization cited that CONADEP had already established that 340 clandestine detention centers existed and that thousands of men and women passed through these places. For Familiares, it was inconceivable that given all of the information collected throughout the past years, that so many questions were still present as to the exact fate of the *desaparecidos*. As they claimed, “El gobierno nos debe una respuesta” (The government owes us a response).<sup>206</sup> Familiares argued that because the head of the armed forces was the President, it was his duty to pressure the military to answer these questions. As such, President Alfonsín repeatedly claimed that in order to know the fate of each *desaparecido*, the issue should be appealed through the law. As the organization argued, the President should lead the initiative to achieve this goal. However, passing impunity laws like Punto Final and Obediencia Debida, thwart this progression, as they argued. Secondly, Familiares maintained the slogan “Aparición con vida” in order to demonstrate their desire to demand the return of the *desaparecidos*. As a result, the continuing exhumations served to help answer the questions of “who killed the victim, why, when, how and where.” As they stated, their work did not consist of “the search for cadavers”, rather how the exhumations and identified bodies will help to answer the former questions.<sup>207</sup>

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<sup>206</sup> Princeton pamphlet- HROs publications, Familiares de Desaparecidos y Detenidos por Razones Políticas, March 1987.

<sup>207</sup> Princeton pamphlet- HROs publications, “Sobre exhumaciones,” *Clarín*, May 12, 1986.

In addition, the Abuelas continued their work of searching for missing children during the middle years. They built on their earlier work by creating a genetic database to store the genetic information of the families; they called it the National Genetic Data Bank. For many years, they had lobbied for the creation of an agency to compile and store such information and after an initial meeting in February 1986 with Alfonsín to discuss the possibility, Congress finally approved the project into law in May 1987.<sup>208</sup> The purpose of the law was to solve “any type of conflict that involved issues of affiliation, including cases of disappeared children,” as Arditti states.<sup>209</sup> The law stipulated several specifications. Primarily, the services were free to the relatives of the disappeared. It also established that every court “perform the studies of genetic markers on any child with doubtful affiliation.”<sup>210</sup> The law created guidelines for those relatives who were living abroad and wanted to utilize the data bank’s services. Lastly, it stated that any failure to submit to genetic tests would be considered as complicity in the kidnappings.<sup>211</sup>

This process of identification had a larger symbolic goal that the Abuelas termed “restitution.” That is, through the process of identification these children experienced a *vuelta a la vida* (return to life) because their true origins and identity were revealed through the reunion with their biological families.<sup>212</sup> As Arditti notes, “Restitution is not simply an act by which a child meets with her or his family. It is a complex process

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<sup>208</sup> Arditti, *Searching for Life*, 72.

<sup>209</sup> Ibid., 72.

<sup>210</sup> Ibid., 72-73.

<sup>211</sup> Ibid., 72-73.

<sup>212</sup> Ibid., 103.

requiring attention at all levels: individual, familial and social.”<sup>213</sup> The Abuelas recognized the emotional and psychological effects of restitution and for that reason they often consulted with psychologists, counselors and physicians to guide the individuals through the process. However, restitution provided several obstacles and problems for those involved, as Arditti explains. For example, a child’s loss of identity not only represented their own misconceptions but also their connection with the rest of society. In order for them to reconnect with society the children must understand the social context in which their identity was distorted.<sup>214</sup> A second concern occurs after the location of a child; the process of negotiation between the two families began. The most difficult of these obstacles was the legal aspect. That is, legal proof of the child’s identity must be provided in order for a judge to settle on an agreement. However, many of the judges during this period were appointed during the dictatorship and therefore, their objectivity and fairness was questionable.<sup>215</sup> Despite these obstacles, the Abuelas were successful in their endeavors to identify and locate missing children with their rightful families.

The Abuelas’ ideas may be understood through their slogans. In particular, the slogan “Identidad, familia y libertad” (Identity, family and freedom) best demonstrates the broader objective and goals of the Abuelas. In addition, the slogan “Buscamos dos generaciones” (We are looking for two generations) describes the initial origin of many of the Abuelas as Madres but their objectives evolved into seeking answers for the many children who were kidnapped from their biological families. The slogans “Niños desaparecidos” (Disappeared children) and “¿Dónde están los centenares de bebés

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<sup>213</sup> Arditti, *Searching for Life*, 103.

<sup>214</sup> Ibid., 107.

<sup>215</sup> Ibid., 107-109.

nacidos en cautiverio?” (Where are the hundreds of babies born in captivity?) both represent the deep roots of the violence during the dictatorship as well as the complexity of the issue. Specifically, the violence against the victims had an impact on those who surrounded them, including their children. In times of conflict, children are often spared the violence however this was not the case in Argentina, which signals the obstacle for achieving truth and reconciliation.

Moreover, CELS acted as an important part of the non-afectados coalition for several reasons. The head of CELS, Emilio Mignone, indicated that as part of their plan in 1985, the organization would continue to pressure for a parliamentary commission to reinvestigate the events during the dictatorship. As he argued, CONADEP did not achieve all of the necessary goals; its most specific flaw was that it only collected the testimonies of the victims and their families instead of questioning members of the armed forces. CONADEP was unsuccessful in doing so because the military refused to cooperate and the commission had no enforcement powers. Consequently, Mignone argued that a parliamentary commission would have such power and therefore would be more effective in the investigations. Secondly, he discussed CELS’ growing concerns for the pacification of the military: “I believe that there is a political decision of the government to sanction the commanders but I also think afterwards there will be an enormous need for amnesty of a national law of pacification.”<sup>216</sup> Despite his optimism for justice, Mignone acknowledged the flaws of obtaining justice within the political institutions of the state. Additionally, he explained that it was not enough to punish the leaders. Mignone argued that in order to avoid the repetition of the prior events, it was

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<sup>216</sup> Princeton pamphlet- Madres periodicals, “Debe crearse una comisión parlamentaria, ya,” March 1985.

essential for “a society emerging from state terrorism must seek the punishment of those responsible. Political and legal circumstances permitting, human rights organizations can play a fundamental role in this pursuit.”<sup>217</sup> He also clarified the platform for the organization was to fight against all abuses and discriminations based on sex, race, culture and religion, even if under democracy these continue to occur. His main argument centered on “fostering a campaign and promoting concrete cases to eradicate police torture.”<sup>218</sup> The organization’s second objective focused on the issue of the *desaparecidos* and condemning those responsible for their disappearances. Mignone stated that the lawyers working for CELS had classified more than 40,000 files on the topic, which included credible newspaper clippings and other reports.<sup>219</sup> Lastly, Mignone promoted an effort for raising consciousness about Argentina’s “inclination towards authoritarianism” and the lack of respect for human rights and dignity. He proposed that only through a “tenacious educational effort will it be possible to internalize respect for the dignity of all people.”<sup>220</sup> Mignone viewed this as an important role for the human rights organizations to facilitate.

Finally, the human rights groups Movimiento Judío and la Liga Argentina focused on justice and the amnesty laws. The Sub-Director of Movimiento Judío, Hernan Schiller, expressed the organization’s desire to try and condemn all military personnel: “The Armed Forces as an institution are the ones with the bloody hands, from the Commander in Chief that gave the order to the idiot chauffer that drove the Falcon in the kidnappings.

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<sup>217</sup> Princeton pamphlet- HROs publications, Emilio Mignone, “Human Rights Organizations in Periods of Transition to Democracy,” trans. John M. Walsh, November 26, 1987: 1.

<sup>218</sup> Princeton pamphlet- Madres periodicals, “Debe crearse una comisión parlamentaria, ya,” March 1985.

<sup>219</sup> Ibid.

<sup>220</sup> Princeton pamphlet- HROs publications, Emilio Mignone, “Human Rights Organizations in Periods of Transition to Democracy,” 1.

All of them should be brought to trial through civilian courts.”<sup>221</sup> Schiller expressed his support for the Madres: “for this reason we fight alongside the Madres.”<sup>222</sup> On a related note, la Liga Argentina supported this notion in criticizing “any type of amnesty that can institutionalize impunity for the Armed Forces.”<sup>223</sup> The amnesty laws demonstrate a common cause for the human rights group. These groups viewed legal reparations as the key factor in the truth and reconciliation process.

### The End of the Transition (1988-1989)

In the last few years of the transition, many of the human rights organizations experienced frustration and disappointment with the unraveling of the earlier successes. Some interviewees expressed their disenchantment with the end of the Alfonsín era because they felt that the transition to democracy would allow them the opportunity to redress the human rights violations.<sup>224</sup> Yet, the amnesty laws were a detriment to continuing the process of truth and reconciliation. This was in stark contrast to the beginning of the transition, when many of these organizations felt a degree of optimism and hope. In addition, this period was also characterized by some of the organizations’ goals broadening to include economic and social rights as an integral part of their more specific strategies and objectives. This policy broadening began in the years prior but became more focused as the transition winded down and there were less controversial events like CONADEP and the amnesty laws in which to react. Human rights groups also

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<sup>221</sup> Princeton pamphlet- Madres periodicals, “Votamos para que se hiciera justicia,” April 1985.

<sup>222</sup> Ibid.

<sup>223</sup> Princeton pamphlet- Madres periodicals, “Saldremos a la calle al menor indicio de amnistía,” August 1985.

<sup>224</sup> Members of Madres de Plaza de Mayo-Línea Fundadora and Familiares de Desaparecidos-Detenidos por Razones Políticas, interviews by author, Buenos Aires, August 2008.



criticized the government for the consolidation of impunity. This was a central theme to their critique at the end of the transition. The initial successes of the period subsided thus evolving into an important strategy for the movement. Consequently, the momentum of the earlier years slowed as the country began to look forward to the democratic period under Carlos Menem.

From 1988 to 1989, the Madres expressed their dissatisfaction with the state for its failure to successfully address the events of the prior government. The Madres especially continued to pressure the Alfonsín government to meet their demands. In an open letter to Alfonsín, the Asociación de Madres articulated their frustrations, “The 30,000 disappearances of our children still unresolved, the kidnappings and assassinations since you assumed power, political prisoners, the laws that confirmed freedom for those who committed genocide and censorship for spreading our fight for life and justice, we are obligated to write you this letter,” the Association said.<sup>225</sup> By enumerating their standing demands, the Madres reiterated the importance of truth and justice, which were minimally achieved during the transition. These demands also demonstrate the change in language from the earlier years of the transition since Alfonsín’s mandate was coming to a close. The period began with the Madres, among other groups, demanding answers about the *desaparecidos* and calling for “Juicio y castigo” and it was now ending with them continuing their many demands partially met or not at all. Additionally, they continued to oppose the language of reconciliation because it allowed for negotiation and ignoring the past, which could culminate in a pardon for those suspected of human rights violations. It was also a concern because the

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<sup>225</sup> Princeton pamphlet- Madres periodicals, “Carta Abierta de la Asociación de Madres de Plaza de Mayo al Dr. Raúl Alfonsín,” February 4, 1988.

Madres worried that this would give more power to the armed forces and make it more difficult to continue the process. As Guzman Bouvard describes, “They also worried that it would pave the way for the armed forces to increase their space in the political arena. They therefore staged a daily round of marches.”<sup>226</sup> As part of their broadening policies, they condemned Alfonsín for applying the economic policies of the juntas. They argued that the same government “that forcefully disappeared 30,000, executed more than 15,000 and implemented Martinez de Hoz’s economic policies is the one that you and your team are now pardoning those in charge of killing, torturing, raping and robbing our children.” They also stated that the Argentine people are now burdened with paying the external debt from the dictatorship.<sup>227</sup> Again, the Asociación de Madres linked their own experiences and demands with those of the Argentine people.

The military rebellions in 1988 provided further cause for the Madres and the other human rights groups to fight. The continued rebellions and military challenging the constitutional government showed the growing cracks in the institutions. In addition, the increasing militarization and repression were key related issues for the Madres. To illustrate some of their demands they used the slogan, “Resistir es combatir” (Resisting is Fighting).<sup>228</sup> In an announcement for a popular demonstration with other human rights groups, the Madres listed several important strategies, “We denounce the military criminals that vindicate state terrorism; We resist political complicity because it condemns hunger, misery and impunity; No to the militarization of the country; We fight

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<sup>226</sup> Guzman Bouvard, *Revolutionizing Motherhood*, 200.

<sup>227</sup> Princeton pamphlet- Madres periodicals, “Carta Abierta,” February 4, 1988.

<sup>228</sup> Princeton pamphlet- Madres periodicals, “Terrorismo del estado: ‘en el marco de la democracia’,” February 1989.

and resist- corruption, amnesty. With unity, with popular organization for liberation.”<sup>229</sup>

During the Villa Martelli crisis, the human rights movement went to the plaza to denounce the rebellion by claiming, “Dictatorship or democracy! Prevent the return of terror!”<sup>230</sup> Finally, the rebellions represented much of what the Madres and the other groups had feared. Their reasons for seeking justice at the beginning of the transition foreshadowed what the rebellions represented. As a result, these events were even more frustrating to the human rights groups since many had warned of the resurgence of military power in the country.

During the last part of the transition, the Abuelas had an essential role in influencing the development of an international statute that focused on the rights of the child. In 1985, the Argentine government presented to the United Nations Working Group a position paper on the rights of the child with regards to adoption and identity. As a result, the Convention of the Rights of the Child took place in November 1989 and the Argentine government subsequently ratified it into law. The Abuelas’ contribution in all of this was writing Article 8, which preserved the right of the child as well as introducing international standards for adoption. Article 8 stated that “States must respect the right of the child to preserve his or her identity, including nationality, family relations as recognized by law without unlawful interference,” as well as ensuring that the “State provide appropriate assistance and protection with a view to speedily re-establish his or her identity” when their right to identity has been reproached.<sup>231</sup> The Abuelas’ success in

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<sup>229</sup> Princeton pamphlet- Madres periodicals, “Terrorismo del estado: ‘en el marco de la democracia’,” February 1989.

<sup>230</sup> Brysk, *Politics of Human Rights*, 102.

<sup>231</sup> Arditti, *Searching for Life*, 144-147.

gaining international recognition for their cause was an important step forward amidst the regression of other policies.

### Conclusion

In conclusion, the evolution of the human rights organizations strategies, goals and objectives reflected the development of human rights policy and the truth and reconciliation process. Moreover, these groups worked as a cohesive front in order to represent the interests of society. In doing so, they were more capable to articulate their demands despite not having achieved all of them. As Mignone stated, human rights groups can play an integral role in democratic transition. Another key point reflected that truth and reconciliation are a process and because of this the groups responded as such in order to progress. Lastly, many human rights organizations deeply understood the importance of justice before reconciliation. That is, one of the central and perhaps more profound policies of the movement was justice and punishment for all those responsible. The human rights groups did not view the issue the way that the government did in establishing a hierarchy of responsibility.

## CHAPTER 4: DISCONNECT BETWEEN THE STATE AND CIVIL SOCIETY

### Introduction

The initial truth and reconciliation process from 1983 to 1989 proved to be a daunting and complex task for the sectors of the state and civil society. This relationship was complicated and, at times, contradictory. Each sector experienced much adversity throughout the period. The process of truth and reconciliation regressed significantly due to the setbacks of the late Alfonsín years. These policies fostered the growth of impunity of subsequent years. It is important to note that truth and reconciliation is a process and not an outcome.<sup>232</sup> Therefore, I argue in this chapter that the relationship between the state and civil society complicated the truth and reconciliation process due the lack of consensus within the state and within civil society, the persistence of authoritarianism, and the politics of memory in Argentina.

### The Politics of Memory: One Discourse or Ten?

The issue of memory presented the greatest obstacle to the consensus of a human rights policy between the actors of the state and civil society. That is, each actor experienced the events of the dictatorship differently, therefore creating these divergent memories. This caused problems for creating a human rights policy because each member elaborated a different discourse, and rooted in those discourses were differing opinions on human rights policy. In addition, these discourses were also fluid and often changed depending on the objective of the elaborator. In a way, these discourses justified a certain path, thus causing the problem for the truth and reconciliation process since

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<sup>232</sup> Lessie Jo Frazier, *Salt in the Sand: Memory, Violence and the Nation-State in Chile, 1890-Present* (Durham, NC: Duke University Press, 2007), 3.

there was no unified discourse, or *official memory* on the preceding events. Elizabeth Jelin describes this by stating that the subject constructs *narrative memory* giving meaning to the past.<sup>233</sup> Moreover, memory of the past can be influenced by the present experience. Specifically, one may remember a single event differently based on his or her present experience because it may serve a certain purpose in the present. In contrast, one may also choose not to remember a specific event. As a result, the actors of the state and civil society constructed multiple discourses and these discourses fostered their stance on human rights policy. This is why it was so problematic; if the state and civil society did not share a discourse, they could not agree on the proper steps to address the events and effects of the dictatorship. Jelin identifies this as “memory entrepreneurship” in that every individual attempts to further their own memory for their own personal, social and political reasons.<sup>234</sup>

Similarly, historian Steve Stern categorizes several different types of memory in his discussion of the Chilean experience with dictatorship. First, he terms “heroic memory” to describe how one group of people viewed the military’s intervention as salvation; “one person’s criminal is another person’s hero.”<sup>235</sup> This group of people justified the human cost of the dictatorship to argue that it would have been worse if the military had not intervened. Stern supports this, “the direct perpetrators of ‘radical evil’ used memory as salvation, and the denials of human rights violations embedded in early versions of such memories, to cover up the state’s violence and to legitimize their

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<sup>233</sup> Elizabeth Jelin, *State Repression and the Labors of Memory*, trans. Judy Rein and Marical Godoy-Anativia. (Minneapolis, MN: University of Minnesota, 2003), 16.

<sup>234</sup> Ibid., 33-36.

<sup>235</sup> Steve J. Stern, *Remembering Pinochet’s Chile: On the Eve of London 1998* (Durham, NC: Duke University Press, 2004), 7.

political project.”<sup>236</sup> Stern also identifies two related types of dissident memory: memory as rupture and memory as persecution and awakening. These two types of memory conflict with the former memory. He uses the analogy of an “open wound” to describe memory as rupture. It is the memory that many struggled with because it describes the moment where life changed as well the continued struggle of family and friends of the victims to “honor and maintain the memory of the missing.”<sup>237</sup> Stern argues that memory as rupture does not always imply that people are reduced to being only victims. He argues that this memory allows people affected by political violence to search for answers. Stern also describes memory as persecution and awakening as people’s personal exposure to political violence and systematic repression. Additionally, after this exposure a person “awakens” to see the events surrounding him; where he describes this by saying “the times of persecution were also times of a more positive awakening- a strengthening of one’s social commitments, a reawakening and validation of one’s identity and values.”<sup>238</sup> Lastly, he categorizes indifferent memory to describe “a will to forget” in that it entails a “social agreement that some themes and some remembrances were so explosive- conflictive and intractable- that little could be gained from a public opening and airing of the contents inside.”<sup>239</sup> This type of memory was selective and voluntary. Even though Stern focuses explicitly on Chile, the similarities of memory politics are evident in the Argentine experience. Each of these types of memory and remembrance are applicable to Argentina during the truth and reconciliation process.

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<sup>236</sup> Stern, *Remembering Pinochet’s Chile*, 31.

<sup>237</sup> Ibid., 49.

<sup>238</sup> Ibid., 59.

<sup>239</sup> Ibid., 89.

The military's discourse and subsequent policy affected the truth and reconciliation process because it was one of the main counter-arguments for different constituencies of civil society. The discourse that the military propagated throughout the dictatorship and the transition period entailed that it had acted in self-defense on behalf of the nation-state against the subversive and communist threat. The military justified its actions within the context of a real communist and guerrilla attack. Additionally, members of the military used the "saving the nation" discourse to appeal to their claims of protecting the Argentine way of life. In general, there was a strong conviction and support for the actions that members of the military took because the end result of purifying and sustaining the nation justified the means in doing so. The military used strong nationalist language throughout this period to garner support for its actions.

Given these conditions, many members of the military did not support retribution; however, there are a few instances of cooperation from the higher-ranking officers. The specific groups like the *carapintadas* (military personnel during and after the military dictatorship) represented the best example of defiance. Due to the weak reform of the military, *focos* (centers) like these remained in power under Alfonsín. Consequently, they adamantly opposed any form of retribution due to the strong belief in their actions during the dictatorship. This was evident in the military rebellions of the *carapintadas*, who demanded an end to the trials since they viewed them as punishment for defending the country from subversion. In particular, an article in *La Nación* citing General Ramón Camps demonstrated the persisting discourse.<sup>240</sup> Camps made a special call to the

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<sup>240</sup> General Ramón Camps was a general in the Argentine Army as well as the head of the Buenos Aires Provincial Police during the dictatorship. He is best known for his participation in the "Night of the Pencils" kidnapping, detention, torture and murder of high school students in La Plata and the kidnapping



Argentine people following his conviction, “We must rescue hope and galvanize the depressed collective energy. The Argentine nation cannot die and it is up to us, it is in our hands to not let her die,” he then made a call for unity against “the Marxist aggression that is advancing.”<sup>241</sup> Likewise, one Alfonsín-era Army Chief of Staff, José S. Caridi vindicated the military’s actions at the 1987 Army Day ceremony by saying, “The annihilation of the guerrillas was the only alternative,” and that he “recognized errors on part of the Armed Forces and asked for a definitive political solution.”<sup>242</sup> Consequently, many members of the military opted for reconciliation that consisted of admitting the “excesses” of the past in order to continue forward. There was little support for legal retribution. This was evident in Ríos Ereñú’s comment on the Punto Final law contributing to reconciliation, “It’s necessary to search for the path that permits reconciliation of the institutions and that allays the anxieties, the insecurities and permanent questions.”<sup>243</sup> As many members in the military viewed the issue, it was important to acknowledge the “mistakes of the past” but not to become too preoccupied with legal action. Rather, they opted for a collective forgiving.

Alfonsín and his ministers presented a more nuanced discourse as it evolved through the period. This is important because it demonstrated that memory was subjective and was a process constructed over time, serving different purposes at differing times for different constituencies. Alfonsín ran a political campaign based on championing human rights and seeking justice for the atrocities during the dictatorship.

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and torture of the Jewish journalist Jacobo Timmerman. He was convicted on December 3, 1986 for his involvement and given 25 years in prison. His message to the public followed the next day.

<sup>241</sup> “Nota del Gral. Camps,” *La Nación*, December 4, 1986.

<sup>242</sup> “Reivindicó Caridi la Guerra antisubversiva,” *La Nación*, May 30, 1987.

<sup>243</sup> “Es necesario buscar el camino que permita la reconciliación,” *La Prensa*, November 27, 1986.

He also was a founding member of the Asamblea Permanente por los Derechos Humanos (APDH). He worked closely with human-rights groups in order to gain their support. In a letter to Alfonsín, the Madres described this, “During 1983, you Dr. Alfonsín, like the candidates of your party used the flag of human rights and of the Madres de Plaza de Mayo to gain votes.”<sup>244</sup> However, throughout the transition this discourse changed into adopting the “theory of two demons.” The theory of two demons stated that the actions of the military were a response to the real threat of the actions of the guerrillas. It also stated that the military’s use of violence was comparable to that of the guerrillas. Alfonsín admitted that the guerrilla groups were threatening the country’s security and that the military government responded to this. However, the key phrase that changed in the president’s discourse was the clause that “the military committed excesses.” This implied the need to seek legal action and justice since the military’s actions were not justified- a point that was reminiscent of his government’s earlier years. However, by the end of the transition, this clause was missing from the President and his ministers’ discourse. This was evident in more than one instance. Primarily, the President’s Minister of Defense Raúl Borrás stated that, “there will not be democracy nor a republic that is constructed with revenge, hate and persecution.”<sup>245</sup> He made the comment prior to the junta trials in 1985 and demonstrated the President’s change from his earlier stance on human rights policy. Secondly, in a Madres editorial, the organization cited the numerous issues that the President changed his policy on, beginning with CONADEP. They claimed, “This year of government has demonstrated that there is no clear political decision to try and

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<sup>244</sup> Princeton pamphlet- HROs publications, “Carta Abierta de la Asociación de Madres de Plaza de Mayo al Dr. Raúl Alfonsín,” February 4, 1988.

<sup>245</sup> “Borrás habló de la lucha antsubversiva,” *La Nación*, April 3, 1985.

condemn assassins.” By changing the historical discourse of the events during the dictatorship, Alfonsín and his administration allowed for inconsistencies in their human rights policy, thus causing tension between the other institutions of the state as well as with the constituencies of civil society.

The agents of civil society constructed two conflicting discourses. The key difference between these discourses was the issue of the victim. As Jelin states, “The memories of the oppressed and marginalized and the memories about oppression and repression emerge, usually with a double intent, that of asserting the ‘true’ version of history based on their memories, and that of demanding justice.”<sup>246</sup> A second contingency was based on the degree of subversion and the profile of the subversive individual. According to the constituencies of civil society, the two main historical discourses were from the human rights movement and the victims and family members of subversion, specifically the organization Familiares y Amigos de Muertos por la Subversión (FAMUS).<sup>247</sup> Each group viewed themselves as the victim based upon their experiences and memories from the dictatorship and therefore would use these memories to formulate the appropriate stance for the truth and reconciliation process.

The human rights movement maintained that in the years prior to the dictatorship, Argentina suffered from state-sponsored terrorism. The victims and their families categorized this as genocide and stated that there was no justification for the military government’s actions. Many victims and their families claimed that they had no ties to subversion. However, some Madres specifically admitted that their children “militaron”

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<sup>246</sup> Jelin, *State Repression*, 29.

<sup>247</sup> Familiares y Amigos de Muertos por la Subversión is known in English as Family Members and Friends of Victims of Subversion. It is commonly referred to by its acronym, FAMUS.

(were politically active). The term *militar* had varying degrees of interpretation.<sup>248</sup> Some Madres used it to describe their children's ties to actual guerrilla groups while others described their involvement as merely political. These individuals were community organizers, political activists or admirers of revolutionaries like fellow Argentine Ernesto "Che" Guevara. Members of human rights groups argued that the victims were targeted due to their political and ideological perspectives, a claim they argued was not just reason for the fate of the *desaparecidos*.<sup>249</sup>

Despite these discrepancies, members of the human rights movement still firmly considered the actions as genocide. As such, these groups took a strong policy for absolute accountability and responsibility to all those involved. Their policy is evident in the slogans, the yearly "Marchas de Resistencia" as well as the weekly *rondas* since they are the most public manifestation of the human rights movement.<sup>250</sup> In one specific march, the March of Repudiation in April 1985, the Madres commemorated the *desaparecidos* on the International Day of Youth. The purpose of the demonstration was "a full demonstration of the validity of history."<sup>251</sup> The Madres used public space to validate their narrative memory and discourse and in doing so they continued the work of their children.

A second important issue for the Madres was the preservation of memory in order to continue their demands for accountability and retribution. They continued to challenge

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<sup>248</sup> The Spanish verb *militar* translates to signify "to serve (military), to be active (politics), to fight against/for (cause, purpose)."

<sup>249</sup> Different members of Madres de Plaza de Mayo-Línea Fundadora and Familiares de Detenidos-Desaparecidos, interviews by author, Buenos Aires, August 2008.

<sup>250</sup> The *rondas* refer to the Madres' weekly marches around the Plaza de Mayo and the Marcha de Resistencia (March of Resistance) is led by the Madres with the participation of other human rights organizations.

<sup>251</sup> Princeton pamphlet- Madres periodicals, "Marcha de repudio: un grito a la libertad," April 1985.

the discourses that the military and the President proliferated throughout the transition. This was evident in several instances. Primarily, the Madres problematized the military and Alfonsín's discourse when noting, "In the path opened by Ríos Ereñú and followed by Alfonsín, in the search of a generalized amnesty for middle ground, there is another argument: in Argentina there was a war. This is the same theory that was employed by the nine tried for genocide."<sup>252</sup> The Madres challenged this by responding that a war only exists when there are two consenting sides and they contested that was not the case in Argentina. The Madres and other human right groups continued to use the term genocide to categorize the military's atrocities and to challenge the state's discourse. Similarly, in an open letter to Alfonsín, the Madres denounced "the theory of two demons" when arguing, "But being in a democracy and denouncing violence doesn't mean accepting the theory of two demons. This 'theory' tends to throw shadows on the action of the *desaparecidos*, converting them automatically into terrorists."<sup>253</sup> The Madres stated that they maintain their discourse by demanding that they learn what happened to each *desaparecido* and every person responsible for the kidnappings, tortures and murders be held responsible.

Conversely, another group in civil society experienced the dictatorship differently than that of the human rights movement. As a result they perceived a contrasting course for the truth and reconciliation process. This group identified itself as the victims of the subversive struggle and challenged the discourse of the other constituencies of civil society. The group, Familiares y Amigos de Muertos por la Subversión (FAMUS) represented the interests for the victims and family members and friends of victims of

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<sup>252</sup> Princeton pamphlet- Madres periodicals, "Amnistía: la decisión ya está tomada," August 1985.

<sup>253</sup> Princeton pamphlet- Madres periodicals, "Cara abierta al Dr. Raúl Alfonsín," October 1985.

subversion. This group countered the claims of groups like Madres and supported the military's initiatives. As a result, FAMUS and its supporters argued that the military saved Argentina from a communist takeover. In one instance, FAMUS held a memorial ceremony shortly after Alfonsín's inauguration in 1983. The mass was held at the Iglesia Nuestra Señora del Carmen. During the homily, the priest Daniel Zaffaroni stated in reference to the victims, "their blood constituted the Red alert that woke us from the false pacifism disguised as humanitarian intentions." He goes on to say "We don't think that there was an error in combating subversion since we opposed a just war to a dirty war."<sup>254</sup> Additionally, members of FAMUS argued that the human rights groups' discourse were distorting the national history of Argentina. In one article, it expressed that "the hate and wishes for vengeance of a few have confused the many and important minds... the assassins of yesterday are the heroes of today and the victors of tragic yesterday are those sitting in the benches of those accused in the present."<sup>255</sup> FAMUS called this a "distortion of history" because they argued that they were the true victims of the period.

The opposing stories from members of FAMUS and the human rights movement represented the conflict for the control over memory. After years of repression, these groups emerged to tell their stories. Yet, they viewed repression and victimization in different ways. This created problems during the truth and reconciliation process because they didn't agree on the discourse on the past, and therefore, agreeing on reconciliation was complicated.

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<sup>254</sup> "Misa por víctimas de la subversión," *La Nación*, December 22, 1983.

<sup>255</sup> "Crítico FAMUS una 'distorsión histórica'," *La Prensa*, April 16, 1985.

### Lack of Consensus

The sectors of the state and civil society experienced poor consensus during the transition. Most specifically, the internal conflict within the state posed a great obstacle for these sectors to overcome. As a result, the state as a whole was incapable of effectively dialoging with civil society in terms of agreeing on human rights policy. Additionally, the state was unwilling to meaningfully collaborate with the human rights groups of civil society throughout the truth and reconciliation process. The disconnect was due to the conflicting views that the policies should reflect the experiences and events during the dictatorship of the state and civil society.

The internal conflict within the state seriously compromised the state's ability to dialogue as a whole with civil society. This is most evident in the relationship between the President and the military. This relationship was the most contentious of the period. Due to each of these members' experience during the dictatorship and their role during the transition, each group viewed human rights policy differently. The tension between the two was most evident in the military uprisings where the *carapintadas* pressured the President to reevaluate his policy by seeking a political solution to a political problem. The amnesty laws that Alfonsín sent to Congress were his attempt to quell the situation. These moves were widely criticized by civil society, thus placing more tension on the relationship. The members of the state were incapable of agreeing on the proper steps during the truth and reconciliation process and thereby deepening the disconnect with civil society.

A second related issue that contributed to the lack of consensus during the process was the state's failure to effectively collaborate with civil society. In periods of

transition, all agents of the nation-state should carry out the process of truth and reconciliation, especially when the state was responsible for the political violence. This did not necessarily happen in Argentina because the state and civil society embarked on their own paths with little convergence. The state should function as the facilitator to seeking justice and truth, with civil society forming the essential role in articulating the necessary demands. As evidenced throughout the period, members of the HROs met with different sectors of the state to discuss policy. However, these groups rarely agreed on the proper action. There were several occasions that demonstrated the disconnect between these two groups.

From the beginning, the human rights groups articulated their preoccupations and opinions on human rights policy. Yet within the first few weeks of the transition it was becoming evident that Alfonsín was less inclined to work with these groups. In the early transition, the human rights groups met with Alfonsín to discuss their concerns on issues like the Military Reform Code and Comisión Nacional sobre la Desaparición de Personas (CONADEP).<sup>256</sup> In this meeting, they requested that Alfonsín form a bicameral commission to investigate the disappearances. Additionally, members of the Centro de Estudios Legales y Sociales (CELS) signaled their preoccupation that the due obedience clause would foster impunity.<sup>257</sup> Yet Alfonsín did not take the advice of the CELS members and form a bicameral commission, which caused conflict between the state and the human rights groups.

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<sup>256</sup> “La investigaciones serán exhaustivas,” and “Hubo discrepancias y coincidencias,” *La Nación*, December 22, 1983.

<sup>257</sup> “Hubo discrepancias y coincidencias,” *La Nación*, December 22, 1983.



In a second instance, the Madres attended a public hearing during the trial of the juntas.<sup>258</sup> The Madres clashed with members of the Court. Upon entering the building, Hebe de Bonafini was asked to remove her white *pañuelo* (head scarf) from her head to which she eventually complied. A few moments later she put the *pañuelo* back on her head, which caused a reaction from the other members of the audience. She was again asked to remove the head scarf or remain in the hallway; she decided to stay with her head uncovered. This caused a problem because the Court had previously established that attendees “could not exhibit emblems, flags and any other element that identifies whatever orientation of the attendee.”<sup>259</sup> This instance was significant because the Court was the intermediary within the state, and also played the intermediary on behalf of the state with civil society. The Court regulated appropriate behavior during the trials in attempts to placate the different groups involved in the trials.

On another occasion, members of the human rights movement reached out to dialogue with the state regarding ongoing issues related to human rights policy. Members of the Asamblea Permanente por Derechos Humanos (APDH) met with the Secretary of Justice, Ideler Tonelli to discuss their concerns over Punto Final prior to being sent to Congress. They maintained that rather than creating a time limit, “it would be more convenient to accelerate the trials giving instructions to the federal prosecutors.”<sup>260</sup> The delegates that attended the meeting with the secretary were Simón Lazara, Graciela Fernandez Mejide, Juan José Prado, Jaime Shmirgeld and Oscar Gitidice Bravo. They expressed to Tonelli that their proposals deserved to be seriously considered and

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<sup>258</sup> “Hubo dos incidentes con Hebe de Bonafini,” *La Nación*, April 23, 1985.

<sup>259</sup> Ibid.

<sup>260</sup> “Declaraciones del secretario de Justicia sobre el ‘punto final’,” *La Prensa*, November 27, 1986.

analyzed. Additionally, the delegates expressed to the Secretary their “disapproval of a possible measure of exception for those involved in abhorrent crimes” and based their position on political, moral and legal fundamentals.<sup>261</sup> This meeting was one example of the members of the human rights groups reaching out to agents of the state to collaborate on human rights policy. The suggestions of APDH were not considered in the final Punto Final project. Lastly, the human rights groups publicly showed their disdain for the project. Members of groups like Familiares marched outside the National Congress building to demonstrate against the project prior to its final passage by the Senate.<sup>262</sup> In a related instance, the Madres appeared in Congress to speak with a Senator about Punto Final.<sup>263</sup> However, they were asked to leave after shouting during the parliamentary session.

Although the government seldom appealed to the HROs for policy formation, it often attempted to garner support from the HROs for events like the trials and the rebellions. The government wanted the HROs’ backing only when it was critical. As previously discussed, the government did not always encourage the HROs’ participation on such policy issues as the Military Reform Code and the amnesty laws. Yet it did *llamar al pueblo* (call to the people) when it needed backing during the uprisings (especially Semana Santa) or the trials. The HROs often complied as evident in the large mobilization of eight human rights groups prior to the trial. The purpose of this demonstration was to show their support for the prosecution of the nine junta members as

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<sup>261</sup> “Declaraciones del secretario de Justicia sobre el ‘punto final’,” *La Prensa*, November 27, 1986.

<sup>262</sup> “Manifestaciones frente al Palacio Legislativo,” *La Prensa*, December 23, 1986.

<sup>263</sup> “Desalojaron de la barra a ‘Madres de plaza de Mayo’,” *La Prensa*, December 23, 1986.

well as publicly reiterating their demands of “Juicio y castigo” and being “against blanket amnesty laws.”<sup>264</sup>

One of the largest demonstrations in support of the government was during the Semana Santa uprising. Even though Alfonsín made a similar appeal in the other crises, the civilian response was not as overwhelming. In an address to Congress, Alfonsín called on political and labor leaders, businessmen and other entities for their support. As a result, a group of around 80,000 converged in front of the National Congress.<sup>265</sup> The participants of this mobilization were politicians of all parties, independent citizens, human right organizations, or unionists. This type of relationship was problematic because it was based on necessity; the government wanted the HROs to participate only when they supported the measures and didn’t criticize them. Additionally, the relationship functioned when the HROs were not included in policy formation.

The most convincing failure of the state to collaborate with constituencies of civil society was evident in the relationship between the President and the Madres de Plaza de Mayo. These two groups disagreed on many different issues related to human rights policy. Throughout the transition, both parties were critical of the other’s actions. In a Madres article from their monthly periodical, Hebe de Bonafini was quoted, “Alfonsín has the government and the Armed Forces have the power.”<sup>266</sup> The article continued, “The elected path by the government, since the 10<sup>th</sup> of December (1983), was condemned

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<sup>264</sup> “Movilización por los derechos humanos,” *La Nación*, April 4, 1985 and “Se impedirán frente a Tribunales concentraciones multitudinarias,” *La Nación*, April 20, 1985.

<sup>265</sup> “Huyó Barreiro; está rodeado en Campo de Mayo un foco rebelde,” *La Nación*, April 18, 1987 and “Masivo respaldo de la ciudadanía a la convocatoria,” *La Nación*, April 18, 1987.

<sup>266</sup> Princeton pamphlet- Madres periodicals, “Un año de agravante silencio del gobierno,” December 1984.

to failure.”<sup>267</sup> After the Madres’ December 1984 March of Resistance, Alfonsín said he “did not agree with the political objectives with the March of Resistance and that these (objectives) do not coincide with national interests,” and went on to call the Madres “anti-national.”<sup>268</sup> In response, the Madres noted, “these are the same sentiments that the military assassins expressed when they were being asked about the human rights violations in Argentina.”<sup>269</sup> These few exchanges demonstrated the tension between the Alfonsín administration and the Madres. This was problematic because as the leaders of the state and human rights movement, respectively, they were incapable of cooperating with one another. As Guzman Bouvard explains, “The attitude of President Alfonsín toward the Mothers betrayed his campaign promises and was an important factor in alienating them from the political system.”<sup>270</sup> The relationship between the Alfonsín government and the Madres represented how the evolution of each group’s demands impacted the dialogue between the two.

### The Persistence of Authoritarianism

The relationship between the state and civil society was strained due to the issues rooted in the authoritarian tradition and continued to be problematic during the truth and reconciliation process. This was evident in the continued use of political violence. As a result, constituencies of civil society mistrusted the government and its effectiveness to

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<sup>267</sup> Princeton pamphlet- Madres periodicals, “Un año de agravante silencio del gobierno,” December 1984.

<sup>268</sup> Princeton pamphlet- Madres periodicals, “¿Quién está contra la nación?” January 1985.

<sup>269</sup> Princeton pamphlet- Madres periodicals, “Alfonsín atacó a las Madres al estilo militar,” January 1985.

<sup>270</sup> Guzman Bouvard, *Revolutionizing Motherhood*, 200.

protect human rights and seek redress for violations during the Dirty War. These factors alone culminated in a culture of impunity that continues today.<sup>271</sup>

Even though democracy returned to Argentina in 1983, many terrorizing and intimidating practices characteristic of the military dictatorship continued to affect different actors of the state and civil society. This signaled the weak institutionalization and reform of the old security and other enforcement agencies.<sup>272</sup> The persistence of these groups provided a further justification for human rights groups to pressure the government to address the human rights issues facing the country. Congressman Raúl Rabanaque Caballero described these events in 1985: “Deeds such as these demonstrate that the paramilitary and parapolice apparatuses have not been dismantled in Argentina. The repressive apparatus keeps acting in the full light of day, with an unknown face, and this situation reminds us of the worse methodology used during the military dictatorship.”<sup>273</sup> J. Patrice McSherry details many of the persisting “dirty tactics” utilized by such apparatuses by specifically discussing kidnappings for ransom, political intimidation, assault, bombings and death threats. She describes one instance of intimidation and threats: “One human rights organization compiled a list of 300 acts of terrorism and violence in 1984 alone by right-wing groups with apparent links to the security apparatus.”<sup>274</sup> The trials also were a reason for commando groups and security forces to show their disdain for the democratic process. In one instance, one woman was kidnapped and burned with cigarettes shortly after her husband testified in the trial of the

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<sup>271</sup> The Punto Final and Obediencia Debida laws were overturned in 2005.

<sup>272</sup> I use the term institutionalization to describe the dismantling and reform of the old regime, which in this case refers to the political institutions of the military dictatorship.

<sup>273</sup> McSherry, *Incomplete Transition*, 173.

<sup>274</sup> *Ibid.*, 175.

juntas. After her disappearance, a car began to follow her husband.<sup>275</sup> Often, judges and prosecutors involved in the military trials received death threats and were intimidated by commando groups.<sup>276</sup> McSherry notes, “On September 16, 1985 alone, fourteen clandestine groups sent death threat letters to the prosecutors and judges.”<sup>277</sup> These are a few examples of the continued use of political intimidation that was rooted in the military junta.

Another event echoed similar repression under the democratic government. In July 1987, the Madres were attacked by mounted police officers in the Plaza de Mayo. They were beaten with nightsticks and several Madres were injured and arrested. One of the Madres’ journalists photographed the entire attack. The Madres sent a letter of denouncement and the pictures to the minister of the interior; the government never replied.<sup>278</sup>

These events are important for the consensus between the state and civil society because it was evident that even under the banner of democracy, Argentina was not exempted from its past. That is, those fearful of the past repeating itself saw instances that mirrored those of the dictatorship. While not all of these events were necessarily linked to the democratic government and military, their existence was a result of the state ineffectively dismantling them in the early years of the transition. This created a problem between the state as a whole and civil society because it proved to members of the human rights groups that democracy did not guarantee respect for human dignity. The continued

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<sup>275</sup> McSherry, *Incomplete Transition*, 177.

<sup>276</sup> Ibid.

<sup>277</sup> Ibid., 178.

<sup>278</sup> Guzman Bouvard, *Revolutionizing Motherhood*, 200-201.

use of terror to influence political action was one example of the persistence of authoritarianism from the earlier periods of the dictatorship.

Secondly, members of the human rights organizations demonstrated a latent mistrust and lack of confidence in political institutions. Particularly, they consistently articulated their concern of amnesty long before it was part of popular discussion. In one interview, some members of Familiares expressed their frustration with democracy claiming that while the country has three branches of power, it is military that has the power over them by “putting conditions on each branch.”<sup>279</sup> In this sense, Familiares recognized the precariousness of Argentine democracy and its institutions. This perspective influenced how these groups interacted with the state. The Familiares slogan, “Basta de persecucción” represented one HRO’s lack of confidence in the system because as previously shown, this type of repression persisted during the democratic transition. Moreover, during the trials there was evidence that the government would not allow the trials to run their course by indicating a “final end.” Hebe de Bonafini responded to this comment by claiming, “the only final end is when the *desaparecidos* reappear alive and that all those guilty are tried and punished.”<sup>280</sup> She stated this after the Defense Minister Raúl Borrás indicated a necessity to put an end to the theme of human rights violations.

On a related note, one of the underlying problems contributing to the disconnect between the state and civil society corresponded to the issue of impunity in Argentine history. Throughout the twentieth century, both democratic and military governments used oppression as a means to control the population. Even though political violence and repression was the most insufferable during the military dictatorship of 1976 to 1983, the

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<sup>279</sup> Princeton pamphlet- Madres periodicals, “Con este gobierno todo sigue igual,” February 1985.

<sup>280</sup> “Duras réplicas originaron las declaraciones de Borrás,” *La Nación*, April 4, 1985.

Uriburu, Juan Perón, Onganía and Isabel Martínez de Perón governments all used similar tactics to control and manipulate the population. These governments were never punished for their actions against the population, which consequently created a culture of impunity. The period under Alfonsín was no exception. As a result, civil society anticipated problems with seeking justice since, historically, governments did not attempt to reconcile their predecessors' violence. As a result, Argentina has had a troubled history with sustainable democracy and justice. This created a deep schism between the state and civil society since members of civil society did not always feel that they would be protected against state aggression. An example of this was evident on the eve of the junta trials. Alfonsín made a public appearance on national television to denounce and reassure the Argentine people that there was no threat of a *golpe de estado* (coup d'état) despite rumors to the contrary.<sup>281</sup> In his appearance, he claimed that the Armed Forces were completely loyal to the Constitution and the democratic government. This indicated the idea of the "revolving door" that describes the tendency for military intervention in politics. Even though the country was embarking on an important path, the concerns for derailing this progression were rather legitimate when considering the country's history.

## Conclusion

The development of human rights policy during the transition was seriously compromised by the state-civil society relationship. Primarily, conflicting memories presented the greatest problem because individuals like President Alfonsín, the military, FAMUS and the Madres all remembered and experienced the military dictatorship

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<sup>281</sup> "El Presidente denunció un posible golpe de Estado," *La Nación*, April 22, 1985.



differently, thus influencing their view of what the truth and reconciliation process should have been. It was clear that memory evolved and changed throughout the period in order to fit into the larger project of the nation-state. Secondly, the lack of consensus within the state and specifically the tension between the President and the military affected how the state as whole dialogued with civil society. Their interaction was often contradictory and complex. Additionally, the persistence of the authoritarian tradition impacted the relationship on several levels. This was first evident in the continuation of forms of political violence, which was a direct result of the weak military reform. Lastly, the period under Alfonsín encouraged the proliferation of a culture of impunity, which subsequently produced a lack of confidence in the political institution.

## CONCLUSION

President Alfonsín's recent death reminds us of the importance of analyzing truth and reconciliation on different levels. His demise also demonstrates the role of memory in the truth and reconciliation process because his legacy is now shaped by current events. In addition, it points to the notion that the truth and reconciliation process still continues today and that the events of the Dirty War are lasting.

This study has analyzed the varying levels of the state-civil society relationship and their impact on the development of human rights policy from 1983 to 1989. As we have seen, Argentina's history with authoritarian regimes and military interventionism dates back to the September Revolution of 1930. These governments profoundly influenced the state-civil society relationship through the use of political violence in order to control the population. The Dirty War represents the worst example of this violence.

Secondly, different sectors of the state played an essential role in the development of human rights policy. However, formulating this policy was a daunting task for these institutions. The greatest problem during this period for the state was the complicated relationship between the president and the military. The lack of consensus within the military impacted how the military as a whole dialogued with the president and his administration. Early on, the Alfonsín government carefully negotiated to ensure the military's loyalty, which consequently allowed for the change in the balance of power to favor the military. The Court and Congress assumed the role of intermediaries. The different tensions and conflicts among the political institutions of the state illustrate the persisting tradition of authoritarianism as evident in the resurgence of military power and continuation of conservative ideology.

In general, the human rights groups worked as a cohesive movement throughout the transition in order to articulate their demands. However, their work was not without complications. This was evident by the split of the Madres in 1986, thus showing the nuanced layers within the movement. The Madres' split was rooted in strategic issues as well as leadership and structural differences. Additionally, the HROs' strategies, objectives and goals evolved throughout the period as a response to the policies of the state. The movement consistently maintained their desire for accountability and punishment for human rights abusers. The Madres continue their struggle today.

The state-civil society relationship was fraught with enough complications that the truth and reconciliation process was nearly impossible under Alfonsín. The relationship was primarily complicated by the conflicting memories between the state and civil society, which consequently created problems for a consensus on human rights policy. Moreover, the state and civil society were unable to connect in a meaningful and productive way. This was heavily influenced by the persistence of authoritarianism because some agents of the state, specifically the military, retained authoritarian views of human rights policy. Lastly, the Alfonsín era encouraged the culture of impunity that began with the preceding governments.

The process of truth and reconciliation was achieved in limits. The best way to understand the successes and failures of the process are to address what "truth" and "reconciliation" meant under Alfonsín. In this case, truth signifies the act of sharing and dialoging about the events of the dictatorship. The best examples of truth telling were the truth commission, Comisión Nacional sobre la Desaparición de Personas (CONADEP) and the 1985 junta trials. Both instances allowed all those affected a chance to share their

experiences from the military regime. However, narrative memory discourse has been a contested issue and although there are disagreements as to the exact events of the dictatorship, the truth prevailed. Truth telling is an important step in overcoming the effects of political violence but it is something that is easier to identify through a truth commission report, or seeking legal justice for example. All these have a certain symbol or marker attached to them that reminds people of what happened. Thus, achieving the truth in certain instances is a more tangible goal in the broader process.

Yet, reconciliation is something that cannot be measured because it is an open-ended and continuing process. Regardless of the symbolism of the trials and CONADEP, the *desaparecidos* are not returning to their families and friends and the wounds of torture and detained victims persist today. Thousands of lives were forever changed during this period. The effects of the violent dictatorship are limit-less. Again, reconciliation and healing need time and a definitive end does not necessarily exist. This was the most daunting goal to overcome because it is often unknown and slow moving. Therefore, collective forgiveness wasn't possible in Argentina under Alfonsín because forgiveness depends on the individual and occurs in layers rather than on a national scale. This is represented in the weekly *rondas* (marches) of the Madres de Plaza de Mayo. Despite their split in 1986, both groups, the Asociación and Línea Fundadora, continue to march every Thursday at 3:30pm in the Plaza de Mayo in front of the Casa Rosada. These groups quietly and separately march around the Plaza carrying the *pancartas* (placards) and photos of the *desaparecidos* and wearing the white *pañuelos* with their children's names embroidered. The Madres have been marching in the Plaza de Mayo

demonstrating and protesting against the government's human rights policy for 32 years; 26 of those years have been under democracy.

The violence of the military dictatorship has deeply affected Argentine society. This is the epitome of an understatement and there are no fitting words to describe the experience of hearing their stories. The victims live on through family members and loved ones' memories. Some of them were detained and tortured and have to live with those scars for the rest of their lives but I will always remember their stories. So in this way, truth prevails but reconciliation for them, is illusory.

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