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The Politics of Nomenclature:

An Analysis of Language in Government Speeches,

Laws and Popular Discourse in Argentina from 1976-2007

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Abstract

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By Nicole M. Díaz

This work examines the use of language in Argentina from the beginning of the military dictatorship in 1976 until the end of President Néstor Kirchner's term in 2007. I focus specifically on the words that were used to refer to the *desaparecidos*, a group of nearly 30,000 individuals who were kidnapped, tortured and murdered by the military government. In the first chapter, I analyze the speeches of various military generals in order to understand the terminology that the dictatorship developed to refer to the *desaparecidos* between 1976 and 1983. Language played a decisive role in the destruction and creation of knowledge about this group of people, and government speeches provide the most direct access to the kind of information that the Argentine public received during this time period. In the second chapter, I explore the changing language after the 1983 transition from a military government to a democratically elected one. The speeches of President Raúl Alfonsín supply key information about post-dictatorship nomenclature, and in this second chapter I also investigate the use of language in the "Nunca Más" publication of the CONADEP commission and the laws of *Obediencia Debida* and *Punto Final*. The third chapter delves further into the system of language during the presidency of Carlos Menem, who governed Argentina from 1989-1999. Among the sources analyzed in this chapter are Menem's speeches and the *Leyes de Indulto*. I focus in the final chapter on the use of language by President Néstor Kirchner between 2003 and 2007. I analyze the use of language in his speeches and broaden the scope of my work by analyzing the Supreme Court issues and laws emerging during this time. This work reinforces the importance of understanding language as a political tool that can shape how a society remembers (or forgets) its past.

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Contents

Introduction

The study of history frequently presupposes a linear continuity of events. Historians have approached their discipline as though it were a unified discourse of a series of descriptive statements. That is, historians have treated the historical document not as a sovereign entity but rather as evidence that can be integrated to construct history as a systematic discipline. Not only does this practice politicize the historical document by ignoring its discontinuities and inconsistencies but it also leads to the creation of a narrative that is dangerously reductive in its presentation. This is not to say that it is impossible to forge a decipherable trace in the historical narrative, but simply that it is unlikely that every event can be consolidated into the totality of a discipline. In studying the historical document, then, we must strike a balance between our need to understand its place in history and the document's own demand to exist independently of its context.

We are faced with still another challenge by adopting this paradoxical approach to the past. By acknowledging that any individual historical document cannot fit seamlessly into a narrative of history, we are forced instead to formulate a general theory of discontinuity to unify these documents.[1] In doing so, we construct history as an 'other' and silence the past by keeping its historical lessons at bay. But when the present requires a conversation with the past —when an event cannot be understood *unless* it is as part of a systemic account of history— the past ceases to be an 'other' and is integrated into our speaking present.

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[1] Michel Foucault, The Archaeology of Knowledge (New York: Irvington, 1972) 12. In his text, *The Archaeology of Knowledge*, Michel Foucault suggests that a general theory explaining the discontinuity of history is necessary, for "if the history of thought could remain the locus of uninterrupted continuities,…it would provide a privileged shelter for the sovereignty of consciousness" by allowing us to express our "particular repugnance to conceiving of difference, to describing separations and dispersions, to dissociating the reassuring form of the identical"

Keeping this theoretical framework in mind, this study analyzes the use of words in Argentina's laws, speeches and colloquial language between 1976 and 2007. These sources provide us with an understanding of the period in Argentina known as the 'Proceso de Reorganización Nacional' in Argentina —which occurred between 1976 and 1983. During these years, a military government was in power and undertook extensive measures to rid the country of anyone it considered a dissident and a threat to its political stability. These kidnapped, tortured and murdered people have come to be known as the *desaparecidos* of Argentina. Considering that the government's official speeches were widely heard and circulated amongst a large portion of the Argentine citizenry, they serve as a powerful tool to analyze and interpret the information that was reaching the public about the topic of the *desaparecidos*. During these years, the government also issued laws directly related to this issue, and these sources, along with an analysis of the colloquial language of the time, broaden the scope of my research on political nomenclature.

This thesis is the product of many months of research, and with it, I hope I can begin to fill the gaps that exist in the literature relating to the *desaparecidos*. There are countless texts that detail how the use of language distorted the public's understanding of the disappearances, but none that approach the issue from an institutional perspective. With this point in mind, this work attempts to study the terminology used during and by different governments to refer to the people that were 'disappeared' during Argentina's military dictatorship. I investigate the use of specific language as employed in the official speeches given during and after the coup of 1976 in order to understand how each president reconstructed this period in history.

I limit this investigation to a close study of popular nomenclature, laws and official government speeches addressing the *desaparecidos* between 1976 and 2007. I devote the majority of the first chapter to addressing this terminology as it emerged from the populace and the government itself, and the remaining chapters also thoroughly analyze the governments' official speeches and laws, focusing on the particular connection between the terms that they each employed to express and promote their political views to the Argentine citizenry. To exemplify the country's evolving political expression, I will thus study the popular terminology and the speeches of Argentine presidents from the military government up to the government of Néstor Kirchner.

In the first chapter, I analyze how the people of Argentina and the government discussed the *desaparecidos* between 1976 and 1983. It is important to note that people disappeared in Argentina as early as 1973 —before the military dictatorship took official control of the government— but large-scale disappearances became more commonplace after the 1976 military coup. This first chapter investigates the public configuration of language during these years, and the speeches of Jorge Videla and other military generals help us further explain how the terms referring to the *desaparecidos* operated from the beginning of the dictatorship, through the Malvinas War and finally at the moment in which the military government is forced to step down from power in 1983.

In the second chapter I embark on an analysis of the principal speeches given by Raúl Alfonsín, the president in power during the transition to democracy after the fall of the military government. I will attempt to explain how, when Alfonsín assumed the presidency in 1983, he employed intentional and specific language to refer to the

desaparecidos, and I will expand this analysis by clarifying the reasons Alfonsín had to communicate with his constituents the way he did. In order to fully understand the terminology employed by the Alfonsín government, it is important to explore two different avenues. I interpret the speeches he delivered to Argentina's legislature and citizens and also consider the laws of Punto Final and Obediencia Debida. These legal texts are as indicative of Alfonsín's commitment to re-appropriate the language of the military government as are his speeches.

The third chapter of this study investigates speeches and the legal avenue under the context of the presidency of Carlos Menem. The chapter analyzes several of Menem's speeches as well as the Ley de Indulto, which was a group of laws imposed by Menem in order to exonerate many of the people involved in the disappearances that occurred less than a decade earlier. Many of these people included military leaders who had been found guilty of committing human rights violations, but Menem also pardoned people who had pending cases to decide their involvement during the dictatorship. The fourth chapter tackles the treatment of the *desaparecidos* using as a primary source the speeches and legal measures of President Néstor Kirchner with the objective of analyzing the government's treatment of the issue. This chapter also investigates the way in which Kirchner's own desires were echoed by the Argentine Supreme Court. Ultimately, I hope to emphasize the changes in terminology that these governments employed as a means of providing evidence of the evolution of the discussion about what happened during the military dictatorship.

This investigation does not attempt to establish the many ways through which the Argentine state influenced the terminology of the people that it governed and vice versa, but it respects the fact that this is a complicated relationship that contributes to

our understanding of how and why a government's speeches can affect the collective memory of its citizens.[2] I address this connection in general terms in the conclusion, where I explore the discernible effects that these speeches had on establishing certain discursive regularities in popular nomenclature. This relationship serves as a way to gauge the country's understanding of its strained past, and as such, I will conclude my investigation with an analysis of how these issues are linked to the topic of collective memory.

While I recognize that the presidencies of Fernando De la Rúa (Dec 1999 – Dec 2001) and Eduardo Duhalde (Jan 2002-May 2003) represent significant moments in Argentine political history, neither president served a full term and was thus unable to significantly contribute to the formation of a collective memory about the era of military control. Neither government extensively discussed the issue of the *desaparecidos,* nor did they represent a notable shift from the stances of previous governments. Because De la Rúa and Duhalde did not complete their presidential terms, their ability to re-appropriate language to combat the effects of the military dictatorship was severely limited. For these same reasons, I do not examine the conversation about the *desaparecidos* during the first weeks of 2001, when, in the face of an economic crisis, Argentina experienced five presidents in less than two weeks.

With respect to the methodology of the selection of speeches used in this investigation, I present speeches that represent various important moments in the discussion related to the *desaparecidos* and that also reflect the most radical changes between the positions of a president and his predecessors. While writing this

[2] I differentiate *collective* memory from *individual* memory as a way to refer to a group of people who shares, passes on and constructs its recollection of an event.

investigation, I have consulted the National Library of Congress in Argentina as well as the libraries of several national universities and human rights organizations both in Argentina and the United States.

The legacy of the military dictatorship has weighed heavily on recent Argentine history. More than three decades after the coup, the issue remains alive in the country's memory, and while the friends and family members of the *desaparecidos* have long-since stopped searching for their loved ones, they have certainly not forgotten them. To this day, grandmothers continue to search for the grandchildren they never met after their son or daughter was disappeared, and stories of the effects of the dictatorship still litter national headlines. The people of Argentina are still struggling to consolidate their present knowledge with what happened more than thirty years ago, and it is for this reason that I have tried to construct a narrative that can begin to convey the idiomatic changes that took place in Argentina between 1976 and 2007.

Chapter One

The Speeches of the 1976-1983 Military Government

The Argentine nation was not taken by surprise when, on March 24th of 1976, the government found itself facing a military coup. The coup appeared to be an inevitable consequence of the instability that had plagued the country's government for decades. Tension remained after populist president Juan Perón was ousted from power in 1955, and subsequent governments tried to balance the popularity of Peronism against military hostility to this phenomenon. Perón returned from exile in 1973 and began his third term as president of Argentina, which he served until his death in July 1974. His third wife, also the vice president, took over the position and led the country for nearly two years as it descended further into chaos. A military junta comprised by General Jorge Rafael Videla from the Army, Emilio Massera from the Navy and Orlando Agosti from the Air Force deposed then-President Isabel Martínez de Perón and took control of the presidential palace, the Casa Rosada.

The coup was perhaps less surprising considering that, in February of 1975, Vice-President Ítalo Lúder signed a now-famous decree promoted by members of the military. Decree 261 ordered the military to "neutralize or annihilate" a "subversive" movement in Tucumán, a province in the northwest region of Argentina, and two civilian councils were established to lead the campaign against terrorism.[3] A year earlier, in November of 1974, President Isabel Perón had declared a state of siege because of the threat of terrorism in several Argentine provinces, and in October of 1975 she extended this decree to the rest of the country.[4] Ironically, these decrees also provided the military with enough justification to overthrow the government of Isabel

[3] Decree 261/275, Issued by the government of Isabel Perón.
[4] Iain Guest, Behind the Disappearances (New York: University of Pennsylvania P, 2000) 19.

Perón. The document has come to be of overriding importance for several reasons that will be addressed throughout this work. The term "subversion" appears for the first time in this document —signed by a democratic vice-president and addressed to the military— as a way to categorize civilian opposition. The decree is doubly significant because it lends to our understanding of Argentina's ensuing political struggles. In fact, the military would later use Decree 261 to argue that the government of Isabel Perón had requested their help, and by extension the coup, to put the country back on the right track. These military leaders wanted to relieve the country of the social and economic burdens that defined Isabel Perón's government, and they believed the only way to do this was by taking power forcefully. Under the name "Proceso de Reorganización Nacional," the new government directed its first speech on March 24th, 1976 toward the Argentine people, justifying their reasons for staging a coup.

With these first words, the military junta established its power and informed the Argentine public that they would "not permit corruption or dishonesty under any circumstance, nor any transgression of the law in opposition to the process of reparation henceforth initiated."[5] And while the speech does not mention Decree 261 explicitly, the term "subversion" reappears as a powerful appeal to the need for law and order in the country. With the purpose of restoring order and putting an end to "inefficient government, corruption and the unruly subversive," the military government embarked on its march toward national "reorganization."[6] This approach marked the seven subsequent years of military rule in Argentina, during which the military government would disappear an estimated 30,000 people.

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[5] Proclamation of the 'Proceso de Reorganización Nacional.' Speech by Jorge Videla, Emilio Eduardo Massera and Orlando Ramón Agosti, 24 Mar. 1976 (Buenos Aires, Argentina)
[6] *Ibid*.

The social context that influenced the military government's initial actions is evident in the speech given by the junta during its first day of power. The military generals asserted that they were taking an important and necessary stance with the goal of benefiting a country that was in the midst of a "tremendous power void," and they used political force to justify the subsequent actions committed against the Argentine people.[7] The idea that Argentina needed to rid itself of the people that were not in agreement with certain political ideals is also reflected in this first speech, and the generals carefully mark this ideological position with the language within which their rhetoric operated. They refer to the "unruly subversive" as a type of person that represents a threat to the stability and durability of Argentina's new government. Though within this first speech there is little detail about how the military generals define subversiveness, their subsequent actions and public pronouncements between 1976 and 1983 signal the use of a broad definition of the term.

In November of 1977, when the situation in Argentina was garnering international public attention, a group of English journalists asked General Videla about the disappearance of a disabled college student named Claudia Inés Grumberg, who was disappeared in the neighborhood of Belgrano in Buenos Aires. Grumberg, who from the age of five had suffered from arthritis in all of her joints and limped badly after being unable to walk for ten years, was kidnapped by a group of people dressed in civilian clothes. When the journalists asked Videla about the case, the General responded with a statement that sheds some light as to how the military government classified subversion:

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[7] *Ibid.*

> In the case of this girl you are referring to….I understand that she is being detained in spite of being disabled. But I repeat what I said at the beginning: a terrorist is not just someone with a gun or bomb, but also someone who spreads ideas that are contrary to Western and Christian civilization.[8]

This appears to suggest, then, that the military's definition of subversion is guided by the concept of opposition to their policies. Videla and the other generals conceived of subversion as a concept broad enough to encompass not only physical acts of opposition but also figurative ones. In this manner, Videla's military government is able to appropriate the terminology of subversion to condemn people that would not fall under the typical definition of terrorism. Under the vast space provided by this assertion of subversiveness, the military government succeeded in controlling the daily life, politics and economics of the country under what many have referred to as "state terrorism." It is important to note, however, that only a month later, Videla somewhat paradoxically refutes the reality of illegal detainments, saying the following during an interview with *Gente* magazine:

> I categorically deny that there exist in Argentina any concentration camps or prisoners being held in military establishments beyond the time absolutely necessary for the investigation of a person captured in an operation before they are transferred to a penal establishment.[9]

Interestingly, Videla does not unconditionally deny that people are being detained and disappeared, simply that they are being held only as long as is necessary to extrapolate any information they have and to ascertain their involvement in subversive acts against the government. In presenting his point to the Argentine public in the above manner, Videla tempers the terms with which he speaks and

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[8] Comisión Nacional Sobre La Desaparición de Personas, Nunca Más, (Buenos Aires: Danbury, 1986) 333. Videla's response to journalists in November, 1977.
[9] *Ibid*, p 53. Videla during an interview with *Gente* magazine, December 22nd, 1977.

makes a highly political issue appear less contentious. This strategy is consistent with the military's other speeches, and if we return briefly to the junta's first speech when they took power we recognize the same pattern. Rather than inflaming the public's sentiments, the military generals use broad, non-specific terms to refer to the *desaparecidos* and to further their views about the "unruly subversive." The strategy of indirectly alluding to the government's enemy was coupled with the re-appropriation of terms that the military manipulated to its favor.

Admiral Emilio Massera was the primary spokesman of the military government, and in a speech he made to the navy at the end of 1976 he acknowledges this tactic by saying that "we know that in order to repair so much damage we must recover the meanings of many embezzled words."[10] Massera and the other military leaders were aware that, "unfaithful to their meanings, words perturb our powers of reason," and in widely disseminated speeches they insisted that "the only safe words are our words."[11] The military government's manipulation of language was thus not an unintentional consequence of their power, but rather a calculated construction of the new regime.

Every speech was intended as a step to gain further political and social control in Argentina, and the military government achieved control through this subversion of language in several ways. Marguerite Feitlowitz outlines several of these methods in her book, *A Lexicon of Terror,* when she posits that the regime successfully created an "echo chamber" for the Argentine citizenry because it was able to "shroud in mystery its true actions and intentions; say the opposite of what it meant; inspire trust, both at

[10] Emilio Massera, from "La postergación de un destino" (Buenos Aires: El Cid Editor, 1979).
[11] Marguerite Feitlowitz, A Lexicon of Terror (New York: Oxford University Press, 1999) 19. Speech by Emilio Massera titled "The Quiet and Subtle Cyclone," given on Navy Day, 1977.

home and abroad; instill guilt, especially in mothers, to seal their complicity; and sow paralyzing terror and confusion."[12] She adds that the military government legitimated itself through its official rhetoric by employing tactics typical to authoritarian discourse, which included an obsession with the enemy, triumphant oratory, messianic slogans and an insistence on "absolute truth" and "objective reality."[13] The dictatorship treated the issue of the *desaparecidos* by shrouding the truth both to the citizens of Argentina and to other countries. In a memo to the American government, Raul Castro, the US Ambassador to Argentina, described his understanding of the issue on March 28th, 1978. Castro affirmed that "the conventional government explanation for these [disappeared] persons who have vanished without a trace is that they have gone underground, were terrorists who were killed by their companions, have fled the country, have been killed in battle and bodies were unrecognizable, or were victims of counter-subversive excesses."[14] He adds that "while we know that there are significant numbers in the first four categories, we are convinced that the majority fall in the fifth."[15] Purporting to help maintain the rule of law, the military junta was violating it, and ultimately, the military generals successfully drew from the existing fears and phobias of the international community and the Argentine people in order to create a public realm driven and maintained by its discourse.

I would be remiss to continue my analysis of the way the military configured its language in speeches to the public without a brief discussion of the state of Argentina before 1976. The end of Isabel Perón's government was marked by

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[12] Feitlowitz, 20.
[13] *Ibid.*
[14] U.S. Department of State: Argentina Declassification Project. "Argentine Junta Security Forces Killed Disappeared Activists, Mothers and Nuns." Selected and previously published by Carlos Osorio in the National Security Archive briefing book 77 (2002).
[15] *Ibid*.

anxieties over high inflation and economic pressures, and the rise of crime and acts of violence by groups like the Montoneros left the Argentine public concerned. For these reasons, opposition to the coup of 1976 was not as high as might be expected, and many Argentines hoped that the military could restore order and balance to the country. The military rode into the Casa Rosada on this wave of optimism, and they were able to inflame and transform the public's fears into initial support for their cause. It is not clear how quickly public support for the dictatorship eroded, but what is clear is that in 1983, as the military government finalized its descent from power and began paving the way for democracy, the Argentine people were ready for change. The lagging support for the military and its cause is in part due to the way that the junta discussed the issue of human rights —and specifically the *desaparecidos*— during its time in power.

For the most part, the military government treated its pronouncements of the *desaparecidos* in general terms so as not to have to categorize its actions under the appropriate language, that is, the language of state-sponsored terrorism. Despite this lack of open discussion, during the government of general Videla there were several instances during which the subject of the *desaparecido* was discussed explicitly. During a press conference in 1980, Videla expounds upon his government's vision, responding to a news reporter who asked about the state's actions against subversives by saying that:

> …with a Christian vision of human rights, the vision of life is fundamental, the vision of liberty is important, as is a vision of work, of family, of lifestyle, etc. Argentina attends to human rights with a meta-understanding of the term 'human rights.' But speaking in more concrete terms—because I know you ask me this question not with this meta-understanding in mind exemplified by the generic ideal of human rights

> referred to by the Pope, but rather more concretely as understood in terms of a man who is detained without legal recourse on the one hand, or the man who is disappeared on the other. If that man appeared, well, he would receive treatment X and if his disappearance resulted in the certainty of his death he would receive treatment Z. But while he is disappeared he cannot receive any special treatment, he is an unknown, he is disappeared, he has no age, he is not present. Neither dead nor alive, he is disappeared…[16]

In the above speech, Videla uses the sensibility of language —that is, he measures his choice of words— to hide the reality of what is occurring. He privileges the concept of human rights but re-defines it before using it in terms of his government's actions. He states that the military junta holds a general understanding of the concept of human rights, a statement that is likely in tension with a more narrow application of the same idea. In defending a specific definition of human rights —and in similarly rejecting some of the implications of the term— Videla tacitly accepts that the military government has not properly treated the issue of human rights. This statement also reflects how Videla and his government manipulated the language referring to their process of disappearances to imply various things. Videla refers to the Pope and the Christian religion as a base from which the military justifies and embarks upon its disappearances. This idea is consistent with previous speeches given by the military junta —like the one given on March 24th as they took power— because it also invokes the idea of the 'other' as someone who exists outside of the morality sanctioned by the state.

[16] Military Junta. Basic documents and political foundations of the armed forces in the "Proceso de Reorganización Nacional." Buenos Aires: La Junta, 1980.

It is useful here to refer to Ernesto Laclau's discussion on the *partisan,* an individual who, "given his political motivation, cannot be assimilated to a criminal, yet he has no definable military status."[17] Laclau's *partisan* is an irregular force as he is part of the civilian population but participates in the resistance against an occupying power. Argentina's *desaparecidos* can be considered to satisfy the four aspects that Laclau suggests comprise the *partisan* identity. The *partisan* identity is of irregular character and has no uniform. This first criterion is fulfilled by many of the *desaparecidos*, who came from different sectors of Argentine society and were not a unified group of people. Laclau's *partisan* is also politically motivated, and this motivation is the primary reason why an Argentine citizen was perceived by the military government to be subversive. Additionally, a *partisan* has a high degree of mobility but is rooted to the country by a telluric belonging, perhaps better explained as a sense of nationalism that compels him to challenge the status quo. Many of the *desaparecidos* exhibited these and other qualities that helped the military government to establish them as "unruly subversives" and by extension as 'others' who could not belong to the new social order.

This reprehensible 'other' can then be constructed as an enemy, who "has to be constantly constructed through the displacement and re-articulation of heterogeneous social elements."[18] The military government heightens the hazards this enemy poses to the country, and it is this intensification of hostility that promises the progression of the enemy as conventional, real and finally absolute. In Argentina, the military's fight against the absolute enemy structured the political space and converted the 'war of politics' into the 'politics of war.' By understanding the

[17] Ernesto Laclau, On Populist Reason, (New York: Verso Books, 2005) 2.
[18] Laclau, 9

subversives in Argentina within the definition of Laclau's *partisan,* we are also able to understand their place in the 'modern war.' This war is based on the hostility toward an enemy— in this case the subversive. While the modern *partisan* war requires the mobilization of a society's entire population, only one-tenth of the war "consists of an openly military confrontation."[19] This attests to the reality of the military government's strategy between 1976 and 1983, when many people were able to continue their daily lives without serious interruption. The remaining nine-tenths of the *partisan* war occurred out of the public eye in detention camps and military political meetings.

But the portion that remained visible to Argentine citizens came primarily from government speeches, and it comes as no surprise that they were significant in affecting how the public perceived the political situation at the time. Tacitly confronting the flaws in his government, Videla's continue his response to the journalist by describing what it means to be disappeared and he elaborates on the implications of this state of being. By using the word *desaparecido*, the military government allows neither the victim nor the people who committed the disappearance to face justice.[20] The word prohibits the subjectivity of the victim and by extension, the culpability of those in the military responsible for his disappearance. The treatment of a disappeared person's death depends on the knowledge of that

[19] Laclau, 4

[20] Laclau, 3: Laclau asserts that in this manner, "the partisan's presence is suspended between legality and illegality." He suggests that legal wars occur "between princes and armies," but that a partisan war involves different actors. For Argentina, these actors were the citizens themselves against their military government. The war suddenly ceases to be a legal one and becomes an 'illegal' war with the government pitted against its own people as an undefined, abstract enemy. For Laclau —and for Carl Schmitt, whose texts Laclau analyzes —the concept of legality is also linked with legitimacy. "In a republican regime," he says, "there is no other source of legitimacy than legality itself," and in conducting the partisan war outside of the realm of legality, Argentina's military government loses legitimacy as well. This loss of legitimacy is expressed clearly in the eventual demise of the military regime in 1983 after losing the Malvinas War and leaving the country in a dire economic situation.

victim's position, but because this position is defined precisely by a lack of knowledge, a disappeared person can never be treated as dead or as alive.

Argentina's *desaparecidos* are not alone in their historical anonymity. In examining post-Holocaust literature, there emerge direct parallels between the treatment of detained Argentines and those in concentration camps during World War II. Giorgio Agamben's discussion of "*der Muselmann*," literally "the Muslim," presents a term that evokes the image of a figure affected and transformed by the concentration camps of the Holocaust. The *Muselmann* is, for Agamben and others scholars, "a staggering corpse, a bundle of physical functions in its last convulsions" for whom "no one felt compassion…and no one felt sympathy." The *Muselmann* is neither dead nor alive, and he is defined by a loss of spirit and consciousness. He has lost his will to survive and is part of "an anonymous mass, continually renewed and always identical, of non-men who march and labour in silence" in the concentration camps.[21] Though Agamben notes that the origins of the term *Muselmann* are ambiguous, he adds that the expression was in common use in Auschwitz and other concentration camps.[22] Like the *Muselmann* of Auschwitz, the image of Argentina's *desaparecidos* is maintained necessarily in a position of ignorance, and it occupies an ambiguous location on the spectrum between life and death.

The effect of using the term *desaparecido* reflects the inconclusive position of the individual, dually exemplified by the lack of knowledge of the victim's

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[21] Giorgio Agamben, Remnants of Auschwitz (New York: Zone Books, 2002) 44.

[22] Agamben, 43: Agamben notes that there is little agreement on the origins of the term, but draws for his own work elaborations by authors who exercised its use. For more on a discussion of *The Muselmann,* consult Jean Améry's *At The Mind's Limit: Contemplations by a Survivor on Auschwitz and Its Realities* (Bloomington: Indiana University Press, 1980); A. Carpi's *Diario di Gusen* (Turin: Einaudi, 1993); Primo Levi's *Survival in Auschwitz and The Reawakening: Two Memoirs* (New York: Summit Books, 1986); and Zdzislaw Ryn and Stanslaw Klodzinski's *An der Grenze zwischen Leben und Tod, Eine Studie uber die Erscheinung des "Muselmanns" im Konzentrazionslager, Auschwitz-Hefte*, vol. 1 (Weinheim and Basel: Beltz, 1987).

whereabouts and the military's refusal to provide information. Like the term *Muselmann*, then, the term *desaparecido* is problematic because it imposes a blanket definition that blurs individual experience. In this way, both terms euphemize —or at least defer— the immediacy of the horrors committed upon the individual, both in the Nazi camps and the military detention centers. The language that developed around these two terms also diffuses the immediacy of the subjects they describe. There were many terms to refer to the *Muselmann,* who was called a 'donkey' in the concentration camp of Majdanek, 'cretins' in Dachau, 'cripples' in Stutthof, 'swimmers' in Mauthausen, and *Muselweiber* (female Muslims) in a women's camp known as Ravensbrück.[23] Testimonies given by Holocaust witnesses also reveal that the Nazi protection squadrons, the Schutzstaffel (or simply the SS) were to refer to the tortured bodies as *Figuren* (dolls), and never as "corpses" or "cadavers."[24] In Argentina during and after the military dictatorship, language with similarly weighty implications was coined to refer to the disappeared.

The work of J. L. Austin is particularly relevant to understanding the key function of the language disseminated by the military government during these years. In How to Do Things with Words*,* Austin posits that different types of words have different functions. He suggests a distinction between performatives —words that by their very utterance accomplish some action— and constatives, which are generally descriptive or indicative of some truth or falsity. Austin's discussion of the verdictive, a class that defines a kind of speech act whereby a judgment is issued, suggests that the power of language lies not only in its descriptive capacities, but also in its ability to deliver blame to a subject. Austin writes that verdictives consist "in the delivering

[23] Agamben, 44
[24] Agamben, 51

of a finding, official or unofficial, upon evidence or reasons as to value or fact, so far as these are distinguishable," and in many ways, the words used by the military government operated performatively as verdictives. [25]

The terminology employed during the first speech on March 24th, 1976, for example, portrayed those who opposed the government as "unruly subversives," rendering them guilty participants of seditious, anti-government acts. By its very utterance, the phrase issued a guilty verdict upon the disappeared victims and exonerated the military generals involved. The term *desaparecido* also operated as a verdictive, a function that is evidently reflected in Videla's response cited above. Defining the disappeared person as one who is radically absent does not suggest guilt, but the force of the term *desaparecido* pushes beyond the threshold of innocence and into the realm of a guilty verdict. When faced with the discussion of a possible list of disappeared persons, the military government denies the existence of such a list, saying that "the best thing is to forget them [the desaparecidos, because] they are disappeared and no one knows where they are."[26]

How the term *desaparecido* functions as a verdictive can be understood in part by the context in which the word was used. During the dictatorship, the term *desaparecido* became part of a family of words used to mask the reality of the situation. The military government constructed its use of the word *desaparecido* in order to imply that the person who was disappeared left willingly. In describing a father who disappeared, for example, the military would imply that he did so out of his own will. Thus, in shifting the blame from the actors (the military) to the victims

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[25] J. L. Austin, How to Do Things With Words (New York: Harvard University Press, 1975) 153.
[26] Eduardo Blaustein and Martín Zubieta, Decíamos ayer. La prensa argentina bajo el Proceso, (Buenos Aires: Colihue, 1998). Deposition of Suárez Mason and Menéndez, *Clarín,* 4 Feb. 1982 and 25 Feb 1982.

of the disappearances (the "subversives" in Argentina), the military government successfully defers its own involvement. This body of euphemistic words extends beyond the term *desaparecido* and far into the daily tactics of the dictatorship. When referring to a kidnapping, officers would talk about an *operación*, or an operation, which allowed many of them to ignore the details of the crime when they discussed it. They went even further, objectifying their kidnapped victims by referring to them as *paquetes* (packages) and *mercadería* (merchandise). Once detained in camps, officers would say that prisoners were submitted to *trabajo* (work) and to *tratamiento* (treatment), but never to torture.

There are still more examples of verdictives that the government used to refer to this void created by a disappeared person, including nouns like *trasladado*. In Spanish, to *trasladar* means to transfer or to move, and within the context of the military's tactics it referred specifically to the transferring of prisoners from one location to another. A survivor explained that "you were in the pit for only a limited period of time…the most terrible thing was that this period was indeterminate." He added that in a detention center, there were signs that a transfer would be happening soon, indicating that "a week before, there would be a lot more intelligence officers coming and going, filling out forms. Another sign had to do with women…pregnant women were usually not transferred…and there was a special crew" to perform the transfers.[27] As they were being transferred from one location to another, victims were often told that they had received their *boleto*, or ticket. The idea of a ticket, used in a predictably mocking manner, served to legitimate the victim's transfer and subsequent

[27] Feitlowitz, 52: Part of the testimonies of Oscar Alfredo González and Horacio Guillermo Cid de la Paz, who managed to escape from a detention camp on February 18th, 1979. Testimony obtained by Amnesty International in Buenos Aires in 1980.

murder. It is ironic that this term was used in part because the military did not often keep track of the transfer or killing of its prisoners, a fact which made it very difficult to trace the destinies of the thousands of disappeared Argentines. For those who survived the military camps, the word *trasladar* carries a heavy meaning, but it was an effective tool for the military to refer to its plans precisely because of the ambiguous connotations it evokes from the public. The word operates similarly to the term *desaparecido* by deferring the action from person to person. It remains unclear as to where a *trasladado* has been 'moved,' an idea that is reinforced by still another series of terms discussed below.

This powerful system of language maintained its verdictive force through its ambiguity, created a psychological distance between the doer and the recipient, and allowed the military junta to sustain its tirade against human rights. The military was so committed to maintaining this distance that on December 12th, 1976, the Army Chief Roberto Viola published a series of orders in a secret manual on the terminology that should be used by the military. Included in the manual are terms that are not to be used by officers, suggesting that guerillas be referred to as "armed bands of subversive criminals" and "subversive" *forces* as "subversive elements."[28] A guerilla that was taken prisoner was a "captured delinquent" and a guerilla base was a "criminal camp." The manual's insistence on using these innocuous sounding phrases is somewhat of an aberration when compared to the rest of the publication, which explicitly details how kidnapping, murder and corpses should be handled.

Though the words used by the government constitute the primary focus of this study, we must now discuss, at least in passing, the public's own verdictive reaction

[28] Feitlowitz, 50.

to the government's terminology. As the disappearances became more common during the military dictatorship, the Argentine people adopted their own terminology to refer to the *desaparecidos*. Some words ceased to exist simply within the military structure and found their way into the public's everyday conversations. A common term, first used by the military and later integrated into colloquial language, was *chupado*. The word, which literally means "to be sucked up," implied that a victim had been sucked into a void. When used by the public it could refer to a person who was kidnapped, disappeared or assassinated. The action suggested by the term *chupado* as adopted by the public, then, transforms the disappearance of a person from an act for which they are to blame to an act in which they are a victim. In using language to change the position of the disappeared person from actor to victim, Argentines somewhat reversed the blame from the people to the government. The word *chupado* could then begin to operate as a verdictive —a word whose very utterance, according to Austin, issues a kind of judgment. This word was one of many within a system of colloquial language that condemned the military government for 'sucking' thousands of people from their place in society.

Members of the military dictatorship often flouted outsiders' recommendations as to how they should proceed with the human rights issue, but under fire from the international community, the military took action. In 1979, aware of the impending arrival of members of the Interamerican Commission of Human Rights (CIDH), the Minister of Interior, General Albano Harguindeguy, issued a secret decree approving a nationalistic military campaign.[29] The campaign used public

[29] María Seoane, Clarín.com. "Somos derechos y humanos: como se armó la campaña." 23 March 2006. The secret decree 1695/79 authorizes the use of public funds and irrefutably proves that this was a government-sponsored campaign and not one initially promoted by the people of Argentina.

funds to print 250,000 adhesive stickers with the slogan "Los Argentinos somos derechos y humanos," [Argentines are right and human]. The slogan, a retort to those who criticized the government's human rights violations, re-appropriates the critics' own language and challenges its traditional usage. On each sticker, these words were printed over the image of the Argentine flag, and by appealing to the nationalistic sentiments of Argentine citizens the military intended to neutralize the negative publicity it had received from survivors of their clandestine torture centers and the victims' families. The adhesives, worn by Argentines to affirm their nationalism and implicit support of the government, deepened the illusory sensation that the Argentine government was functioning as a legitimate legal establishment. This term would later haunt Argentines as the truth of the military government's intentions and actions became public knowledge.

The term *Guerra Sucia* (or "Dirty War"), an expression which is used even today, comprises perhaps the most persistent verdictive that refers to the military's rule between 1976 and 1983. Supporters of the term insist that it reflects the tension between the public's interest and the government's actions during this era. For these proponents, the military government was waging a war on the Argentine people, and the term accurately reflects the dirty tactics with which this war was waged. For others, it is a highly politicized term that is reductive in describing a very complicated issue. Much of this criticism focuses on the word *war*, which implies organized offensives from both the military government's side and the Argentine people. Though there is disagreement on the accuracy of the term, however, what is indeed quite clear is its overall function in condemning the military government so that even

today, the expression connotes the public's negative attitude toward the fallen dictatorship.

Despite the specificity with which the military government and the Argentine people used (and perhaps still use) these verdictive terms, their discourse between 1976 and 1983 suggests that both groups are markedly aware of the ambiguities of their terminology. Language existed as a psychological barrier to the grim realities of the era, and it also served as a way of withholding the facts by alluding to them tangentially. This resulted in a lack of knowledge that in some way affected all of those involved, and a discursive narrative was never fully developed to explain the situation. The *desaparecidos* disappeared without an explanation, and the country would struggle for years to construct an account to vindicate their absence. Videla and the military generals recognized that a death not told is equivalent to a life not lived, and from this concept emerges the silence that would be maintained during the years of the military government's rule. In silencing significant opposition, the military junta affirmed its power over the Argentine citizenry. It further consolidated its power over the Argentine people by detaining those individuals who did not agree with them. These detainees were at the mercy of the military, which used physical and psychological control over them.

If the ultimate expression of power is the exercise of control over mortality, the Argentine military was in a privileged position. The people they detained and disappeared were most often not in control of their own fates, and the military was responsible for ending the lives of thousands. Achille Mbembe suggests that "in such instances, power continuously refers and appeals to exception, emergency, and a

fictionalized notion of the enemy." [30] This formulation describes the military's strategy quite effectively: in the name of putting Argentina back on track politically and economically, the military junta proceeded quickly in detaining and condemning thousands of people for *subversion*. In some cases, it exaggerated the threat posed by detainees, and this contributed to the notion of the *desaparecido* as the ultimate subversive. The generals of the military junta successfully politicized the concept of the "subversive", which became the central figure in the war the military government waged against its enemies.

The military government continually justified its war against its subversive enemies. The generals were aware of their power and responded unequivocally against suggestions that they should retreat and pave the way for a civilian government. Furthermore, they were convinced that this powerful position in which they found themselves would not erode. Asked by a journalist in March of 1981 about the need for an investigation into the problem of the *desaparecidos*, General Viola replied:

> I think you are suggesting that we investigate the Security Forces—that is absolutely out of the question. This is a war and we are the winners. You can be certain that in the last war [World War II] if the armies of the Reich had won, the war crime trials would have taken place in Virginia, not in Nuremberg."[31]

Viola's response definitively adopts the view that the military government is in a war against Argentina's subversive enemies. But just as war is a means of achieving sovereignty by obtaining the right to kill an enemy, the act of living can also be conceptualized as the ultimate manifestation of power. From this perspective,

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[30] Mbembe, 16
[31] CONADEP, 445

the production of general norms by a body made up of free and equal individuals, "posited as full subjects capable of self-understanding, self-consciousness, and self-representation," is the greatest pronouncement of sovereignty.[32] In this manner, the *desaparecidos* most effectively articulated their resistance to the military government by their very presence in the war against subversion.

Because the military government prevented Argentine citizens from discussing the issue of the *desaparecidos* by restricting the language with which they referred to them, they also limited the possibility of being charged for committing specific crimes. The Argentine people were also limited by the rule of law —or lack thereof. The disappeared people were not submitted to the legal process, and thus could not be treated as legal entities. The suspension of the rule of law presents what scholars have effectively termed a "legal civil war."[33] This war represents a tension between the rulers and the ruled and the system that maintains the relationship. This tension is inherent in a dictatorship, which itself presents a suspension of laws and a state of siege. Giorgio Agamben suggests that this "state of exception" renders inoperable a legal system with otherwise functioning judicial, executive and legislative branches. What is exempted in this "state of exception," then, is the relation that binds the living being to the law.[34] While the "state of exception" is not a special kind of law, it is, according to Agamben, a suspension of the juridical order itself.[35] The expansion of executive power as asserted by the first speech after the military coup represents such a suspension, and subsequent speeches reinforce the idea that Argentina's military

[32] Mbembe, 13
[33] Agamben, State of Exception, 2: on Schnur (1983)
[34] Agamben, State of Exception, 1
[35] Agamben, 4

dictatorship was willing to transform democratic institutions and suspend the rule of law.

There are different legal traditions that divide scholars between those who seek to include the "state of exception" within the sphere of the juridical order and those who consider it a primarily extrajuridical phenomenon, existing outside the rule of law. The prevailing ideology of the military dictatorship can be placed in the first group, because while the generals acknowledged that their government did not abide by the rule of law, they maintained that the state of exception was an integral part of positive law.[36] However, the military government inarguably exercised powers that existed outside of the axis of typical state control to repress and condemn those they deemed subversive.

In fact, the mere construction and use of the term "subversive" reflects the government's adherence to the extrajuridical process as a legitimate method of governing. To elucidate the discussion on the "subversive," we should consult Ernesto Laclau's notion of the *empty signifier*, which Laclau suggests is the essential term in his argument of how the identities of individuals and a group of people are constructed. For Laclau, individuals in a society constitute a "purely differential ensemble" whose totality —that is, whose differentiation as individuals— is created in each individual act of signification.[37] Before an individual can be constituted as such, the limits of this identity must be first grasped by differentiating the individual self from the *other*. The same construction of the *other* applies to a society, which must define its *inside* in terms of its *outside* influences. Argentina's military government demonized a section of the population by deeming them "subversives"

[36] Agamben, 23
[37] Laclau, 69

and was thus able to reach a sense of its own cohesion. According to Sigmund Freud's anticipation of this issue, he posited that a mutual identification between members of a group is possible if they can consolidate their efforts against a common hatred for someone or something. Laclau uses the term *hegemony* to refer to the taking up of a universal signification of the enemy, and it is the exercising of this hegemonic power over the constructed *other* that creates the *empty signifier*. He adds that "if the empty signifier arises from the need to name an object which is both impossible and necessary," the hegemonic operation will be defined by catachresis, a term in classical rhetoric which alludes to the use of a figural term which cannot be substituted by a literal one.[38]

The military government constructed its enemy as one that lived and disguised itself as part of Argentine society, so that the cohesion of the Argentine people against their military government was never fully possible. Anyone could be an enemy of the state, and this bred a culture of fear and suspicion amongst the people, so that the only institution that could be trusted was the government itself. In this way, the government used its rhetorical powers to instill fear among citizens, so that in fearing each other they would legitimate the government's control and actions.

Despite the fact that the military government disappeared many people that actively rejected its power, it is important to consider that among the 30,000 disappeared people there were also many people who were not actively opposing the government of the junta. The military government succeeded in dismantling groups like the Montoneros, a Peronist movement with violent branches whose actions promoted the public's support of the coup and included but were not limited to

[38] Laclau, 70

bombings, the kidnapping and subsequent assassination of former dictator Pedro Eugenio Aramburu, the for-ransom kidnappings of multinational corporation owners Jorge and Juan Born, raids on military bases and a general campaign to destabilize the military regime.[39] Among the people condemned by the government, on the other hand, were high school and college students, pregnant women, union leaders and members, and countless others. Argentina's intelligentsia, political groups, clergy and diplomats were under constant surveillance from the government, and these positions became what Marguerite Feitlowitz terms "categories of guilt."[40] The military persecuted them more vigorously than other groups, and even today it remains somewhat unclear how the rest of Argentine society was affected during this time.

While it is difficult to understand how such large-scale violations could go unnoticed by some, headlines published by the newspaper *La Prensa* suggest it could have been possible for some people to remain relatively uninformed of the truth. The newspaper, regarded during these years as the military junta's mouthpiece, published headlines that assured its readers that "Activity All Over the Country Is Normal." Though the effects of these headlines and government declarations that all was well cannot be negated, it is certain that the fear imposed by the military state —in part because of its silence on what it considered subversive— prevented the public from asking too many questions.

The military junta remained in power until a failing economy and worsening public opinion led the government to start a war against England to maintain its hold

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[39] Richard Gillespie's text, Soldiers of Perón, contributes to the understanding of the Montonero phenomenon. Gillespie discusses how a group of right-wing, nationalist Catholic men and women of middle-class origin grew to have thousands of members. They declared themselves to be the "soldiers of Perón" and served as one of Argentina's strongest forces of insurrectional violence during the 1970's and 80's.

[40] Feitlowitz, 10

of the Falkland/Malvinas Islands. Though tension had for years existed between Argentina and Britain over the fate of the territory, by early February of 1982, Argentina's dissatisfaction with the situation seems to have been fashioned into a diplomatic strategy which contained potential military threats against Britain. The newspaper *Convicción*, which also promoted the agenda of the dictatorship, released a statement on February 12th that Argentina would "set a series of pre-conditions before continuing talks with Britain on the future of the Malvinas/Falkland Islands" and that "if these conditions were not met, other forms of action, including recovery of the islands by military means would be considered."[41] By March, several publications in Argentina who were tracking the changing rhetoric of the military regime over the preceding months recognized that the officers "feared for their careers, given the political weight of the human rights lobby and the calls for an explanation made by the Church, the political parties and the trade unions."[42] Concerned that their rampant violations would be exposed by the ailing economy and their ever-decreasing public support, the military government waged a strategic but badly-planned war against Britain for control of the Falkland/Malvinas Islands. In doing so, they hoped to at least temporarily remove the issue of their human rights violations and the *desaparecidos* from the foreground of Argentine politics.

Instead of benefiting from a war's ability to consolidate nationalist sentiments amongst the Argentine people, however, the armed forces became even further despised, and the irresponsibility and ineptitude with which they approached the war led to a high human and economic cost for the country. The country not only lost the war, but it also conclusively lost the territory and the lives of nearly one thousand

[41] Makin, from *Latin American Weekly Report* (12 Feb 1982), 400
[42] Makin, from *Latin American Weekly Report* (26 Mar 1982), 401

Argentine men.[43] After the war the military no longer had the strength to defend itself against claims of human rights violations, and upon realizing that Argentina's loss in the war meant the loss of power for their government, the military generals agreed to a democratic transition, but not before passing a law granting themselves amnesty from future government condemnation. The law effectively absolved the generals from legal consequences from the disappearances and other crimes they committed.[44] Finally —and despite the junta's attempts of preventing later judgment— the issue of the disappearances became increasingly present as the transition to democracy was taking place. From this moment forward, I set out to evaluate the speeches referring to the military's human rights violations within the context of the demise of the junta and the democratic transition into the administration of President Raúl Alfonsín.

[43] For a detailed account of the origins of the Falkland War, refer to Lawrence Freedman's *The Official History of the Falklands Campaign*. For an explanation of how the governing model of the military junta led to the country's demise after its loss in the Malvinas War, refer to Alejandro Dabat and Luis Lorenzano's book, *Argentina, the Malvinas and the End of Military Rule.*

[44] Argentina's Military Junta. Ley de "Autoamnistía" (22.924). 23 Mar 1983. Also known as the ´Ley de Pacificación' or Law of Pacification.

Chapter Two

Rebuilding Democracy: the Government of Raúl Alfonsín

Raúl Alfonsín's path to the Argentine presidency is a noteworthy one. During the years leading up to his 1983 election, this leader of Argentina's Radical Civic Union party forcefully denounced the military government's actions and emphasized his commitment to a peaceful democratic transition if elected. After nearly seven years of military rule and a defeat in the Malvinas War, Argentines were more than prepared for the political tide to turn, and Alfonsín emerged as a promising figure of change and possibility. The military government acknowledged this and began a process of aperture, slowly yielding its power in preparation for the democratic transition. Alfonsín was elected in November of 1983, and took office only a month later. All eyes were set expectantly on the new president during his first day in office as the people waited for his plan to help the country move forward from its tumultuous past.

Even before being elected president, Alfonsín had established his opposition to the military government by condemning its actions. As the junta permitted the government's transition toward democracy, Alfonsín recited in his campaign speeches the Preamble from the national Constitution of 1853 to appeal to the Argentine people. The Argentine Constitution, which was modeled after the United States Constitution, served as a pronouncement of the people's commitment to form a national union, guarantee justice, and secure domestic peace among other factors. [45]

[45] Alfonsín recited the Preamble from Argentina's Constitution of 1853, which is as follows:
We, the representatives of the people of the Argentine Nation, gathered in General Constituent Assembly by the will and election of the Provinces which compose it, in fulfillment of pre-existing pacts, in order to form a national union, guarantee justice, secure domestic peace, provide for the common defense, promote the general welfare and secure the blessings of liberty to ourselves, to our posterity, and to all men of the world who wish to dwell on argentine soil: invoking the protection of

Alfonsín's use of the Preamble as a tool of rhetoric is of particular importance because it appeared during a time in which people were just beginning to invoke the power of the law as a way to combat the illegalities committed by the military government. Though the president's use of this legal document primarily appealed to this restoration of the rule of law in Argentina, it also implied that the process of transitioning to democracy would require looking outward to other countries whose governments continued to uphold the preamble of their own constitutions. Acknowledging the force of democratic discourse, and knowing that it would be well received by the Argentine people, Alfonsín condemned the military for violating basic rights and used the methods permitted by the language of justice to refer to the terrorism undertaken by the state under the power of the junta. Alfonsín's speeches during the beginning of his presidency are the ones that most forcefully condemned the military generals and their tactics of disappearances, and the use of the Preamble allowed Alfonsín to spearhead the fight against the military's actions.

For his first speech as president on December 10th, 1983, Alfonsín stood before the country's legislature and discussed the policies his government would adopt. Drawing on the popular tradition of his predecessor Juan Perón, he then directed himself to the balcony of the Casa Rosada, located in the central Plaza de Mayo and serving as the president's symbolic home while he serves his term. Alfonsín stressed, however, that "this time the impassioned speeches from the presidential balcony and the calls for public marches and demonstrations, all recalling

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God, source of all reason and justice: do ordain, decree, and establish this Constitution for the Argentine Nation.

Peron's style, were for the benefit of democracy."[46] In borrowing from Perón's demagogic style, Alfonsín was trying to garner a similar level of public support. Alfonsín's symbolic gestures, as well as the symbolic location from which he spoke, indicated to the Argentine people that the new president was committed to restoring and upholding Argentina's rule of law. As a result, Alfonsín takes a definitive step toward establishing his government's legitimacy and furthering its goals.

While Alfonsín uses his first speech as a symbolic gesture of the restoration of the rule of law, there are also explicit references to the principles he deems necessary to maintain a strong, independent democracy. The new president appeals to the support of the public and pledges to lead an administration that is committed to maintaining high ethical and ideological standards. In appealing to the public, Alfonsín revalorizes pluralism in post-military Argentine society and mobilizes the masses. It is this mobilization, according to Alfonsín's doctrine, that will allow a fully effective democratic transformation to occur.

In this first address on December 10th, Alfonsín shares with the Legislature his plans with respect to the new direction in which he hopes to lead the country. Acknowledging that many of Argentina's problems will not be easily resolvable, Alfonsín urges Congress to help him build a "decent government."[47] He addresses desired changes in public policies, economic strategies, national defense, labor relations, public health, social services and the education system. In order to improve the country's economic situation —at this point marked by inflation, low productivity and instability— Alfonsín argues that the economy will require "deep reform that

[46] Shirley Christian, "2 Winners in Argentina: Alfonsin and Democracy." The New York Times 21 Apr. 1987.
[47] Luciano de Privitellio and Luis Alberto Romero, Grandes Discursos de la Historia Argentina, (Buenos Aires: Aguilar, 2000) 396.

fulfills the greatness and prosperity of the country by converting it into an agile, lively and flexible organism with quick reflexes." [48] For Alfonsín, effectively managing Argentina's financial situation requires "the ability to detect and anticipate the appropriate way to bring harmony to the national economy."[49] To accomplish this goal, Alfonsín implements liberal economic reforms aimed at correcting weaknesses in the country's structures. These reforms included a general decentralization of the public sector and an eventual increasing of export taxes that he hoped would finance Argentina's fiscal debt-reduction plans.

In this speech to the Legislature, Raúl Alfonsín also discusses his plans for handling international policy by quoting ex-president Arturo Illia, who argued that for Argentina there should be "no country large enough to follow, and no country small enough to overtake; only human beings to whom we extend friendship without reservations."[50] Alfonsín's re-appropriation of the language of the past is an assertion of the individual who is worthy of the government's respect, and can be understood within the context of Alfonsín's place in Argentine history. He was elected president after a military dictatorship whose policies largely isolated it from significant interactions with the international community. Aware of the human rights violations that occurred during this time, Alfonsín appeals once again to the individual, and not just the government, in order to maintain strong democratic institutions in Argentina and throughout the world.

With respect to Argentina's universities, Alfonsín recognizes their fundamental role in the process of "creating a democratic consciousness," and he

[48] Argentine Presidential Messages, LANIC, 22.
[49] *Ibid*.
[50] Grandes Discursos, Raúl Alfonsín's Presidential speech to the Honorable Legislative Assembly, (10 Dec 1983) 395

refers indirectly to the students that were disappeared by the military government when he emphasizes that he will not "again take inventory of the many wrongs that the argentine university system has suffered in recent years."[51] The indirect way in which this new president deals with the issue of the disappeared, in terms of university students and other Argentine citizens, reflects an important aspect of the environment of the era. Though military control is nominally over, there are still threats to the burgeoning democratic institutions in Argentina, an issue that becomes particularly evident several years into Alfonsín's presidency when military generals threaten to overthrow him if they are not pardoned for the crimes committed during the dictatorship.

Alfonsín discusses many issues in detail during his speech to the Legislature on December 10th, 1983, but his speech to the Argentine people on that same day is much shorter. Standing on the balcony of the Casa Rosada, he calls for his "compatriots" to "initiate today a new stage in Argentina which will, without a doubt, be a difficult one, because we have the responsibility to ensure democracy and respect for the dignity of mankind here in Argentina."[52] Rather than weighing down his listeners with detailed plans of the challenges and goals of the new administration, Alfonsín tactically reintroduces the nation's solidarity with unifying language. He recognizes that Argentines are emerging from a period where neighbors and friends feared each other, and the ability to call each other "compatriots" again must not only be introduced, but also forged by the highest authority in the country. Herein lies the power of a president communicating with his people: his is a message that reaches the

[51] Grandes Discursos, 401
[52] Grandes Discursos, 402

ears and hearts of an entire country that can again begin to also think of itself as a community with common interests and goals.

Alfonsín's first speech to the Legislature and the Argentine people reflects an important difference between his rhetoric during the presidential campaign and his presidency. During the campaign, he effectively garnered support from the Argentine people by fervently opposing the military government's actions, but when he became president Alfonsín condemned the military government more implicitly. In his initial address, he uses general and less incisive language in order to appeal to a broader base of supporters. Alfonsín tells the Legislature that "those who think that the end justifies the means suppose that a wonderful future will erase the errors of their crimes and ethical breaches."[53] With these words, Alfonsín does not directly address the military, but he suggests that Argentina objects to the use of the violent methods they used to acquire and maintain power.

Alfonsín's silence during this first speech with respect to the wrongdoings of the military government is in part attributable to his desire to confirm the country's hopes of a new government that is fair and democratic. Rather than focusing on the errors of the past, Alfonsín's rhetoric reflects his hopes for the future. The lack of explicit discussion about the people disappeared by the military junta also stems from the fear that the government instilled in the people. This fear can be promoted when a government suspends or alters the rule of law and punishment occurs outside of the juridical order. The typical recourse for violations of the rule of law no longer applies, and under the control of a government like Argentina's military junta, people are afraid of the consequences of committing even the smallest infraction. This mentality

[53] Argentine Presidential Messages, LANIC, 5

certainly affected Argentine society between 1976 and 1983, and crime decreased significantly. These statistics can, in part, explain the initial satisfaction and relief some people in Argentina felt in 1976 when the military overthrew Isabel Perón. The military government instituted a curfew and managed civilian life in other ways, effectively controlling some of the crime plaguing Argentine society. Because of this, for much of the dictatorship public opinion remained relatively unpronounced, as some people felt the positive effects of increased government control counterbalanced the loss of freedoms. Some people were able to live their lives normally despite the dictatorship, and it was not until after the transition to democracy that many of them would acknowledge and condemn the military's tactics of disappearance.

But though the dictatorship's transition out of power occurred within the course of several months, the mindset of the Argentine citizenry did not change as quickly. People were still fearful of the government's control, and President Alfonsín's first speech reflects this idea precisely in the subjects it does not breach. His silence on issues like the *desaparecidos* indicates the military government's significant effect on the Argentine mindset and on the memory of the years between 1976 and 1983. So painful is the memory of the lost lives of the *desaparecidos* and of the terrorism of the time, so present is this issue in the minds of the Argentine people, that within this first speech Alfonsín is forced to deal with the topic only tangentially. It is important to recognize that the purpose of this first speech was to give hope to the new government officials and to the people of Argentina so that they could together embark on the journey of rehabilitating the country's institutions and memories. Not discussing the country's recent history in detail allows the memories of the disappeared victims to return without debilitating force. That is, the language that

refers implicitly to the *desaparecidos* is effective in invoking their memory but allows the issue to be treated with the distance required to prevent being immobilized by the traumatic event. Though he speaks elusively, Alfonsín also speaks frankly, admitting that the military government severely violated human rights, while he measures his words with respect to the specificity he divulges about these violations.

When Alfonsín finishes his speech to the Legislature, his opposition to the previous military government is obvious. While this opposition plays an important role in mobilizing Congress in favor of Alfonsín's policies, it also serves as a way to aggregate the support of a public who, until then, had been partially uninformed and largely immobilized in acting against the military government. By speaking the language of justice and legality—concepts that became foreign to the country during the military's rule—Alfonsín assures the nascent democracy and its people that he will not violate these principles. In this way, he is able to establish a sympathetic relationship with his country, a strategy that allows him to proceed with his plan of political, economic and social rehabilitation.

At this point in Argentine history in which a new president takes power and promises the return of democracy and the rectification of human rights, there is not yet a collective consciousness of what occurred during the dictatorship. The public's knowledge has not been consolidated and the democratic government has not conducted sufficient investigation into the events of those years. It is likely that the magnitude of state terrorism was not yet known, but Alfonsín would work throughout his term as president to bring it to light. During this time in which Argentina was experiencing a transition from a repressive dictatorship to an open democracy, the wounds of the past were still very present and the Argentine people had not begun to

heal. Alfonsín's government would attempt to alleviate this problem by acting in ways that would allow the country to consolidate its knowledge about its tragic history. The actions consequently taken by Alfonsín's government were an attempt to balance the realities of a tenuous but burgeoning democracy with the existing threats of derailment by military generals.

Less than a week after he speaks before the Legislature, for example, President Alfonsín signs a national decree requiring the indictment of the supreme council of the Armed Forces. In this decree—published on December 15th of 1983—Alfonsín condemns the military generals for their actions based on "manifestly illegal methods and procedures" that resulted in the death of people that were "illegally deprived of their liberties, [and] tortured and killed as a result of these procedures inspired by the totalitarian *National Security Doctrine*."[54] Condemning the disappearances and the military's treatment of "subversives," Alfonsín promotes "penal action against those responsible of approving and supervising the operations whose execution necessarily resulted in the fundamental violation of human rights."[55] Alfonsín thus procures that legal action be taken against those involved and assures the Argentine people that he will seek justice.

Only a few days after this initial decree, the Alfonsín government annuls the Ley de Autoamnistía that the military government passed just before leaving power. This "law of autoimmunity" allowed the military generals to exempt themselves from

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[54] Raúl Alfonsín, "Orden presidencial de procesar a las juntas militares", Decreto 158/83 (Buenos Aires, 15 Dec. 1983). The rationale behind the military government's actions was based on the *Doctrina de Seguridad Nacional*, which promoted national security through defense against external aggression and also against internal risks of communism and insurgency. The *National Security Doctrine* was also called for further economic development in the country and the restoration of Catholic values to society. With this doctrine in mind, Argentina's military government staged the 1976 coup and directed its efforts toward fulfilling these goals.

[55] *Ibid*.

the judicial processes and prevents future criminalization for their actions.[56] Alfonsín declares the law as categorically void, and he calls for the ex-generals to appear before a judicial tribunal within five days of the annulment of the law. The repealing of the Ley de Autoamnistía represents one of the first legal and institutional changes in the rhetoric dealing with the military dictatorship's actions. Alfonsín's previous speeches that condemn the torture and disappearances constitute only discursive changes, but taking legal action against military offenders represents the beginning of a long road of progress toward the restitution of a democratic system that acknowledges and corrects the mistakes of the past. This moment reflects how Alfonsín's discourse was intricately linked to the legal sphere upon which he was basing his actions. In his speeches, the new president promised to use legitimate legal avenues to bring the military to justice, and his first steps as president confirm that he will also take the actions necessary to do this.

Alfonsín promoted still another structure beyond the legal realm to try to help the country come to terms with the issue of the *desaparecidos* and the military government. His initial speeches refer to the dictatorship only ambiguously in part because he did not know the magnitude of the actions they committed. By the end of 1983, however, Alfonsín had formed CONADEP, the National Commission on the Disappearance of Persons, in order to investigate these events. The commission, presided over by Ernesto Sábato, was created to deal with various aspects of the military's legacy and was divided into five departments that would preside over the hearings of generals, gather documentation about disappearances and consolidate

[56] Raúl Alfonsín, "Ley que anula la ´autoamnistía´", Ley 23.040. (22 Dec. 1983)

general knowledge of life in Argentina during this time.[57] These five departments included the Department of Depositions, Documentation and Data Processing, Procedures, Legal Affairs, and Administration. Each of these departments supervised some aspect of the attempts by the new administration to bring to the foreground of Argentina's political arena the human rights issues left unaddressed by the dictatorship.

Alfonsín's government gave the CONADEP commission access to government facilities and the means to hire people and establish regional offices where people could come forward to give their testimonies. Because the commission was not given subpoena power to compel testimonies from military personnel and because it was widely known that any criminal activity uncovered by the commission was to be turned over to the authorities immediately, the ousted military government refused to cooperate and the voices of the victims were the only ones able to be portrayed. Despite being limited by a lack of cooperation by the military, CONADEP's final publication, *Nunca Más*, was and remains one of the most comprehensive texts detailing what occurred between 1976 and 1983 under the military's rule. The publication was delivered to Alfonsín on September 20th, 1984, and it includes hundreds of testimonies of disappearances and events during the military government. Attempts to make the *Nunca Más* publication even more exhaustive, however, have been unsuccessful, and there remain countless undocumented stories even today.

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[57] Ernesto Sábato was an Argentine novelist, essayist and physicist. He was born in Rojas, Argentina in 1911 and joined the Argentinean Communist Youth Federation in the early 1930's, breaking with the group several years later to study mathematics and science at the University of La Plata. In 1945 he made the definitive transition from science to literature when he published his first book of essays. Sábato's prestige as a writer and his reputation for political independence made him a wise choice for President Raúl Alfonsín when, in 1983, he was searching for someone to chair the CONADEP commission.

Despite its limitations, the Argentine public was able to begin to consolidate its memory of the disappearances in a more concrete way after the publication of the text. One of the many significant aspects of the publication of *Nunca Más* was that it provided enough evidence to hold some of the high-ranking military leaders accountable for their actions. Alfonsín initially permitted the military courts to handle the generals' cases, but when these courts failed to adhere to the rule of law and convict any of the generals, the cases were transferred to civil courts. As a result of the evidence produced by the lead prosecutor in these trials, Julio César Strasser and nine military commanders were tried, though after a complicated appeals process that lasted until 1985, only five were sentenced.[58] The courts acquitted former president Leopoldo Galtieri and members of his junta, but sentenced General Jorge Rafael Videla and Emilio Massera, the "grand orator of the regime," to life in prison.[59] Their very public trials increased public awareness of the human rights abuses which occurred during the military regime, and it also served as reinforcement to the Argentine people that Alfonsín's government would take only legal avenues to deal with past problems.

Perhaps the most important step taken by the Alfonsín government was its active search for an understanding of what happened between 1976 and 1983. Beginning with the publication of *Nunca Más* and continuing with the trials and convictions of junta members, Argentines slowly began to unearth their painful past and see justice being done. But while Alfonsín recognized that it was necessary to punish both state and subversive terrorism, he acknowledged limits to the

[58] Amnesty International, *Argentina: The Full Stop and Due Obedience Laws and International Law,* (UNHCR Refworld, 1 April 2003) 4.
[59] Feitlowitz, ix: Some of these sentences would be fully or partially reprieved under President Carlos Menem's presidential pardons, or his *Leyes de Indulto*. This will be discussed at greater length in Chapter Three of this work.

government's ability to hold everyone responsible. It was impossible to pursue and try all of those involved because of the nature of their organization. The terrorist groups that plagued the country before and during the dictatorship were loosely organized, and pursuing them to the full extent possible presented complications primarily because military members were active at all levels in their pursuit to squelch the unruly "subversive". The *Nunca Más* report describes as "systematic atrocities" the structure of repression employed by the dictatorship. In order to prevent only the highest generals from being tried, for example, the military rotated the roles of its members so that even the lowest-ranking officers were implicated in finding and torturing victims. Consequently, the sheer number of military personnel who committed human rights violations forced the Alfonsín government to establish limitations on the amount and type of responsibility required before an individual could be tried. This controversy later came to the forefront of the Alfonsín government's process of transitional justice under the Law of Due Obedience.[60] Though it would face challenges in the imminent future, by the end of 1985 the Alfonsín administration was on solid footing. By beginning a new dialogue and meticulously searching for the truth, the new government allowed the Argentine people to finally begin their long march toward consolidating a collective memory that would permit them to make sense of a painful and complicated past.

Over the next year, the Alfonsín government maintains its commitment to a peaceful transition and restitution of democracy. While military personnel continue to be tried for their crimes, the government takes on other challenges facing the country. In a speech on December 1st, 1985, speaking to Radical Civic Union party leaders,

[60] For more on the concept of "transitional justice," please refer to Priscilla Hayner's Unspeakable Truths (2001).

Alfonsín discusses these challenges, outlining the lack of advancement of Argentina's institutions, society and state, and proposing an ambitious plan to modernize the country. When the military junta first took power in 1976, it insisted that the sacrifices it was making and the human rights violations it was committing would be counterbalanced by the benefits of national progress and modernization. Aware of this failed promise, Alfonsín acknowledges that his government will not "embark on the path of modernization…by sacrificing the permanent values of our ethics."[61] He continues by affirming the idea that "only democracy makes possible the coexistence of [modernization and ethics]."[62] This speech comes six months after Alfonsín's announcement of the Austral Plan, which imposed wage and price controls, budgetary restrictions and the Austral—a new currency for Argentina. The plan was initially successful, but soon the government's fiscal discipline spiraled out of control and wages and prices soon followed.[63] High inflation again threatened the nation's stability, and economic progress, along with modernization, seemed farther than ever. Despite these challenges, Alfonsín's speech is marked by a hopeful tone as he looks toward Argentina's future. By 1986, however, military pressure continues to grow. These challenges in part forced him to reorder his priorities, focusing less on the country's progress and more on the mounting opposition.

Though Raúl Alfonsín consolidated the democratic transition in Argentina after the military government stepped down in 1983, the military's power did not dissolve concomitantly. The military forces, who had until this point tacitly accepted the trials of retired generals, expressed their growing dissatisfaction by issuing

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[61] Grandes Discursos, Raúl Alfonsín (1 Dec. 1985) 411
[62] *Ibid*.
[63] Colin M. MacLachlan and Douglas G. Brinkley, Argentina: What Went Wrong, (New York: Praeger, 2006) 156.

warnings and intimidating the administration with threats of outright rebellion. When they threatened to stage a coup, Alfonsín became more concerned that continuing to bring charges against military commanders would destabilize his administration. By the end of December of 1986, after only three weeks of debate in Congress, Alfonsín passed the Ley de Punto Final which established a date after which no more cases could be brought against the ex-generals. This law, the first of two decrees that would extend pardons to members of the military, gave Argentines sixty days to come forth with denunciations against the military, after which no new cases could be filed. The benefits of this "Full Stop" law were felt by some mid-ranking military officers who were not tried with their higher-ranking generals but were prominent enough not to slip through the legal cracks like their lower-ranked counterparts. The Ley de Punto Final not only limited the amount of time citizens had to bring charges against a military member; it also delineated the type of accusations the military could be charged for.[64] The first article of the law establishes that all penal action will cease "against those who may have committed crimes linked to the violent installation" of a new political system before December 10th, 1983.[65] This effectively halted criminal proceedings for many of the military members on trial, though it stipulated that trials should continue in the cases of those generals who staged the coup and others suspected of stealing children from the *desaparecidos*.

The government passed the Ley de Punto Final on December 23rd, 1986, a date with a doubly significant context. First, the law was passed the day after the Corte Suprema de Justicia de la Nación—Argentina's highest court—dropped charges

[64] Ley 23.492 "Punto Final"; signed on December 23rd, 1986 and enforced beginning on December 24th, 1986.
[65] *Ibid*.

against fifteen military personnel accused of human rights violations committed at the ESMA (Escuela de Suboficiales de Mecánica de la Armada, a school of mechanics for low-ranking naval officers). In a highly contested move by human rights organizations, the Council declared that there had been no detentions or tortures conducted at the facility, and the officers were released unconditionally.[66] In passing the law at the end of December, Congress was also fully aware that most federal judges took their vacations in January. Because there would be fewer judges to accept incoming filings, even fewer cases would be brought against military personnel. This plan backfired, however, when many judges postponed their holidays in order to process the new charges.[67] This resulted in nearly 500 new complaints against 300 military personnel and further angered the already-irate military sector.

In April of 1987, more than three years after becoming president, threats against the administration culminated when the military group *carapintadas,* or camouflaged faces, revolted under the name "Operation Dignity." Lt. Colonel Aldo Rico, the leader of the group, clarified the purpose of the group in September of 1987 when he said that "Operation Dignity is a response to the continuous aggression committed against the Argentine Army by those seeking a juridical and moral condemnation of the armed forces." The "dirty war," he added, was in fact "a just and necessary war to assure the historical continuity of the nation."[68] During the week of Easter in 1987, the *carapintadas* warned Alfonsín that the entire military sector was on the verge of rebellion. The *carapintadas* were threatening to forcefully remove Alfonsín from power and were angry that his administration continued to convict

[66] Thomas C. Wright, State Terrorism in Latin America: Chile, Argentina, and International Human Rights, (New York: Rowman & Littlefield, Incorporated, 2007) 154.
[67] MacLachlan and Brinkley, 155
[68] Alan Riding, "Argentina to Purge Officers in Effort to Buoy Democracy". The New York Times. 21 Jan. 1988.

members of the military. They sought pardons from the Alfonsín government and worked tirelessly to find or establish exceptions to the legal process under which they were being tried and condemned. And while the occasion riveted thousands of Argentines to gather in public plazas throughout the nation to assert their confidence in the burgeoning democracy, there were no soldiers willing to act against the *carapintadas.* Fearing yet again for the stability of his tenuous democracy, Alfonsín negotiated personally with the Colonel and promised a 40% wage increase for the military and changes in the leadership of commanding officers.[69] These appeasements temporarily lessened the pressure on the Alfonsín government.

While the president floundered in his attempts to integrate the military into civil society, he also became progressively less able to hold them accountable for their crimes. In light of these challenges, Alfonsín gives a speech to Congress on April 16th, and three days later he speaks from the balconies of the Casa Rosada to a crowd of thousands gathered at the Plaza de Mayo. In his first speech to Congress, he reasserts the country's adherence to democracy and tells them that:

> "Democracy means liberty, it means the guaranteed and unrestricted exercise of our inherent rights, and it also means abiding without exception to the juridical system…Some pretend that through their actions they will create a legislature that condones the impunity of those we have tried or condemned in connection to the human rights violations committed during the past dictatorship…But there is nothing to negotiate here, because the democracy of the Argentine people is not negotiable…Together we have walked a long path, we have shared too many joys and also too much suffering to take a step back now…"[70]

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[69] *Ibid*
[70] Grandes Discursos, Alfonsín to Congress (16 April 1987) 423

Even in the face of a coup, Alfonsín asserts his belief in democracy and Argentina's institutions, and he reiterates his commitment to maintaining respect for human rights. A discussion of human rights pervades the foundational essence of many of Alfonsín's speeches, and this one is no different. He condemns the human rights violations committed by the military dictatorship in very broad terms, but implicit in this rhetoric is the indignation he shares with the Argentine people about the *desaparecidos* and the country's most ignominious human rights violations.

We can better understand Alfonsín's reproof of the military government and its actions by characterizing his disapproving language. Though he never condemns the military explicitly, Alfonsín clearly expresses his opposition to their tactics. This approach, termed an "act-directed moral disapproval" by Elizabeth Beardsley, differs from an "agent-directed moral disapproval" where the actor is held directly responsible for the resulting act.[71] Instead of referring to the *carapintadas*, he tells the Legislature that "some pretend" to challenge democracy in Argentina, and he also refers to "those we have tried or condemned" for committing human rights violations.[72] In effect, Alfonsín condemns the disappearances, but in his speeches he does not overtly express disapproval against the actors, that is, the members of the military. Returning briefly to Austin's discussion of verdictive language in How to Do Things with Words, we can access still another level of Alfonsín's rhetorical tactics in this speech. What is being directly addressed is the condemnation of the act of disappearing people, but the speech's verdictive quality emerges from the unstated judgment of the *actors* who committed the disappearances. By extension, in

[71] Elizabeth Beardsley, "Moral Disapproval and Moral Indignation," (1970) 164
[72] Grandes Discursos, Alfonsín, 423

condemning the act he is condemning the actors, a safer political strategy than outright criticism of the still-powerful military establishment.

Even though the *carapintadas* did not stage a successful coup, this military opposition was powerful enough to affect the Alfonsín government. Its anti-military language, as reflected above, was somewhat mitigated, and its policies also reveal a certain level of fear of the military's retaliatory power. On Easter Sunday of 1987, Alfonsín speaks at the balcony of the Casa Rosada before thousands of people standing on the Plaza de Mayo. In this speech, the president defends the country's incipient democracy and tells the people that the *carapintadas* are no longer a threat because these "mutinous men have disposed of their attitudes."[73] In the following months, Alfonsín's assurance that "the house is in order and there is no blood in Argentina" would be seriously undermined by the legal steps taken by his government.[74]

The public remained wary but with the hope that the political situation was under control, but on June 4th, 1987, the government passed the law of Due Obedience with the purpose of limiting the number of military personnel who could be tried for their crimes. The text of Article 1 of the Due Obedience law "presumes without the admission of contrary evidence that those who at date of commission of the deed acted as subordinate officers, subordinate officials and troops of the armed forces…are not punishable for the crimes referred to by article 10, point 1 of law 23.049 [which modifies the Military's code of justice] because they acted in virtue of

[73] *Ibid*, 424.
[74] *Ibid*

due obedience."[75] The law essentially proposes that the acts committed by the lowest ranks of the armed forces are not legally condemnable because the lower-ranking personnel had acted only in "due obedience" of the orders that higher-ranked officers had passed down to them.[76] Article 1 of the law goes even further, establishing that "this same presumption will be applied to superior officials who had not acted as chief officers, chiefs of zones or as security, political or penitentiary chiefs, unless it is judicially determined, before the thirty days of the promulgation of this law, that they acted in decisive or participatory capacities in the elaboration of these orders." In such cases, the law continues, "it will be considered that the persons mentioned acted under coercion and by subordination of superior authority and in compliance with orders…"[77]

The language of the law is drastic, but its effects were even more appalling to the Argentine people. Under the guise of "due obedience," it granted amnesty to so many lower-ranking officers that it left only about fifty members of the military to be subject to prosecution. Critics of the law were further upset because it allowed the cessation of scores of ongoing trials and the immediate release of three officers being held on human rights charges.[78] Defending the law against criticism, Alfonsín said during a trip to the United States that he believed he had "acted as would a good father in thinking of the future…By being lenient instead of taking punitive measures, we have demonstrated that Argentines want peace, reconciliation and for all to live

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[75] Law 23.521, "Ley de Obediencia Debida" <http://www.nuncamas.org/document/nacional/ley23521.htm>.

[76] The "Due Obedience" law was signed on June 4th, 1987 and promulgated beginning on June 8th, 1987.

[77] Law 23.521, *Op. Cit* Article 1.

[78] William Smith and Gavin Scott, "Argentina Undue Obedience." Time Magazine. 6 July 1987. In criticizing the law, Hebe de Bonafini, the president of the Mothers of Plaza de Mayo, said she thought that "obviously there was an agreement with the military. I don't think the government is with the people. It's like a dictatorship. Everything is fixed."

together under democracy."[79] But while the laws of Punto Final and Obediencia Debida frustrated criminal proceedings against the military, the people of Argentina had certainly not turned their backs on their search for justice. Future presidents would continue to address the need for progress, often succeeding and sometimes, like Alfonsín, stumbling along the way.

[79] *Ibid*

Chapter Three

Carlos Menem and the Presidential Prerogative

Toward the end of Raúl Alfonsín's presidential term, Argentina found itself in the midst of a growing mountain of problems. The administration had been unable to fully address the humanitarian and economic challenges plaguing the country, and political stability appeared tenuous at best. Economic growth was at a virtual standstill and hyperinflation plagued daily life. In 1985, Alfonsín attempted to stabilize the economy via the implementation of the Austral Plan. The plan was negotiated with loans by the International Monetary Fund, and it aimed at reducing high inflation and lowering the country's deficit and unemployment. It combined tight fiscal policies and monetary restraint with wage and price controls, and it introduced a new currency, the austral, in order to achieve these ends. But while the program provided useful lessons about economic stabilizations efforts, it was met with limited success as inflation continued to soar and Argentina remained in a recession.[80] Furthermore, public dissatisfaction with the government's efforts to appease the insurgent military sector continued to affect Alfonsín's popularity, and frustrated by the worsening situation, the people of Argentina sought change in the political arena.

As the Austral Plan failed to produce desirable changes in the economy and Argentines continued to feel betrayed by the government's passage of Punto Final and Obediencia Debida, candidates for the 1989 presidential campaign adopted these issues hoping to garner enough support to win the upcoming election. A candidate from the leading Peronist party and third-term governor of the Argentine province of La Rioja, Carlos Saúl Menem rose as a promising new face in politics. After receiving

[80] For a detailed essay on the Austral Plan, please refer to Daniel Heymann's article, "The Austral Plan," in the American Economic Review. See bibliography for full citation.

his law degree in 1955, Menem began practicing in his native province, quickly moving through the ranks of local politics and being elected to the Peronist Party's provincial council. He ran for and was elected governor of La Rioja in 1973, but this first term was interrupted in 1976 by the military coup. In its attempts to squelch the remnants of Peronism, the military government detained Menem and other politicians it believed would threaten its welfare. Menem spent several years in prison and in exile within his own country, but in the gubernatorial elections of 1983 he again emerged victorious. After six years of political successes in his region, he positioned himself to run for the office of President of Argentina.

Menem's presidential campaign was successful in part because it was modeled around the popularity of his predecessor, Juan Domingo Perón. Perón's long-lived political career first soared during the 1940's when he garnered the support of Argentina's disenfranchised *descamisados*, or "shirtless ones." The core of the *descamisados* was working-class Argentine men who —on October 17th, 1945— gathered on a hot day in front of the Casa Rosada to demand Perón's release from prison. Because of the weather, many of these workers had taken off their shirts, and the term *descamisado* was coined by anti-Peronists to pejoratively refer to Perón's followers. The term was later appropriated by Perón himself, and the *descamisados* became the iconic heroes of Argentina's Peronist foundation. The date of October 17th, 1945 is a particularly important date because it marks the origin and consolidation of the movement that swept through the country and allowed its leader, Juan Perón, to become a figure of epic proportions. Throughout the years the Peronist movement grew beyond its creator and morphed into a populist ideology by and for the people.

Decades later, Peronist ideology still pervades the Argentine political arena, and the legacy of the movement can be understood as a symbolic combat about which group was most entitled to consider itself Peronist. The evolution of the movement was in part due to this tension as the different Peronist factions that emerged questioned whether Peronism belonged to the working people, to the marginalized, to organized laborers, or to the people of Argentina more generally.[81] It may seem somewhat surprising that such different groups felt that they could legitimately lay claim to the Peronist movement, and if we try to consolidate these varying interests by approaching Peronism as an ideological orientation we are sure to be overwhelmed by an avalanche of exceptions. Peronism, which is a subtype of more general populist discourse, can be more effectively understood as a *political logic*, a plurality of social demands articulated through a system of language.[82] This stylistic aspect of populism, and more specifically of Peronism, allows the movement to situate itself not "on the plane of the enunciator, but rather on the plane of the enunciation."[83] It is not what the speaker says, but instead how and why he says it, that characterizes populist and Peronist rhetoric.

If populist speeches are to successfully shape a group of individuals into a potential political actor, the speaker in power must form a frontier to divide himself from his listeners. He must distinguish between the ruler and the people, articulating a hierarchical structure while emphasizing his own solidarity with them. As the populist speaker relays his ideas to crowds of individuals, his style demands the emergence of a unified people. As a rhetorical phenomenon, then, Peronism is best explained as "a

[81] Mariano Ben Plotkin, El día que se inventó el peronismo: La construcción del 17 de octubre (Buenos Aires: Editorial Sudamericana, 2007) 16.
[82] Laclau, 117
[83] Silvia Sigal; Eliseo Verón, Perón o Muerte: Los fundamentos discursivos del fenómeno peronista (Buenos Aires, Editorial Legasa, 1986) 21.

dispositive manner of enunciation through which a speech is articulated, in a specific way, to the political camp as defined by democratic institutions."[84] It is this process of speaking and the manner in which it demands the listener's involvement that made Peronism so appealing and inspiring to the Argentine people.

The style and content of Perón's and Menem's speeches successfully adopts this populist structure, a similarity which underlies the core that drives both speakers to the political arena. Through his speeches, Perón came to represent the same marginalized group of people that had rallied behind the 19th century *caudillo* (a charismatic leader with populist appeal) Facundo Quiroga. Much like Quiroga, Perón garnered plebeian support by establishing himself in opposition to the ruling classes. His most powerful speeches affirm the constitution and unity of Argentines as a people, and they clearly delineate their intended audience. Upon returning to Argentina in 1973 after eighteen years of exile, for example, Perón gives his first speech on June 21st:

> I wish to begin these words with a very affectionate greeting to the people of Argentina [*el pueblo argentino*]. I come from the other end of the world with my heart open to a patriotic sensibility that only a long absence and distance can ignite…I speak to you, the people of Argentina, from the depths of my soul, and I hope you listen to me with that same fervor. I only ask that the Argentine people have faith in the [Peronist] government, because that is the point of departure for the long path before us…[85]

[84] Sigal and Verón, 21
[85] Sigal and Verón, 28: Juan Domingo Perón (21 June 1973), Radio and television address to the people of Argentina

The above words could very well have been spoken by Menem himself, who, riding the wave of Perón's popularity, relays the very same message to the people of Argentina during his inauguration speech on July 8th, 1989:

> I solemnly proclaim before my people that, as of this moment, the time has come for all Argentines to reunite. I wish for my voice to reach every house, inhabit every heart, and embrace each and every Argentine who at this hour lives through a difficult, dramatic, decisive and foundational moment in our history…[86]

In typical Peronist fashion, both Menem and Perón reach out to the "people of Argentina" and compel them to unite during a difficult time. Both men indicate that there is a difficult path ahead, and they appeal to the people's emotions and claim to speak from their hearts and souls. And while these similarities could perhaps be explained simply as politicians hoping to inspire their constituents, Menem draws other, more explicit parallels between himself and Perón, leaving no doubt that the similarities between Menem's speech and Perón's are intentional. Like Perón, Menem embodied the image of the modern *caudillo,* injecting his rhetoric with messages intended to stimulate the nationalist sentiments of the people and advocating specific ideas about the future of the country's foreign and domestic affairs. And though the speaking styles of Perón and Menem were drawn from their predecessor Quiroga, Menem undeniably appealed to the style of Quiroga in other ways as well. The fact that both men hailed from the same Argentine province of La Rioja was an unintentional similarity, but during his presidential campaign and early into his presidency, Menem even adopted the look of a 19th century *caudillo* like Quiroga. He dressed in ponchos and grew his side-burns, appearing a somewhat flamboyant figure

[86] Grandes Discursos, 427

in Argentine politics. This approach allowed him to distinguish himself and to strengthen his solidarity with his Peronist followers.

Despite this distinctive look, Menem further established his position as a Peronist president by adopting a political platform similar to Juan Perón's. Perón's political platform called for increasing wages and employment, strengthening Argentina's economic independence, and instituting sweeping social reforms. Similarly, Menem's 1989 campaign garnered significant approval from the core of the Peronist party by calling for a *salariazo,* or wage increase for the working classes. He further appeased this core constituency by promising a "production revolution," which he hoped would increase the number of jobs for workers by increasing industrial production within the country.[87] To allow the economy enough time to recover without extraneous economic burdens, Menem favored a moratorium on the country's international debt. With these economic concerns at the center Argentina's political scene, Menem's ten years as president were sure to be challenging.

During these ten years, Menem addressed the people of Argentina often and created the literary tradition which we now investigate. Within Menem's speeches, we can extract four primary themes that he addressed most often. The first two of these themes, reflected above, include an invocation of Juan Perón and his Peronist doctrine and allusions to the Argentine people. Two other significant aspects of Menem's rhetoric include his religious references to biblical narratives and the concept unión nacional [national unity].[88] These themes, presented as key aspects of Menem's speeches, are significant factors in understanding the rhetorical strategy that Menem

[87]Atilio Blet, "Menem defendió el modelo y habló de revolución productiva," Clarín, (9 Aug. 1998). <http://www.clarin.com/diario/1998/08/09/o-00401d.htm>
[88] Blet, 8

employed. All of these ideas were employed with a similar purpose in mind: chiefly, to bring the Argentine people closer to their leader and closer to each other. With regards to the content of his speeches, these four themes allow us to understand the kind of ideas Menem presented as the core of his politics. The structure with which Menem presented these themes, however, is also significant in understanding his speeches. Through the use of literary techniques including metaphors, analogies, repetition, alliteration and figurative speech, Menem enriched his rhetorical style and deepened the political resonances between himself and his predecessor, Juan Domingo Perón.[89] In fact, structure is inextricably connected to content in Menem's speeches, and combining the two facets leads to a deeper understanding of his messages.

Menem's first speech as president—directed toward Argentina's Congress on the 8th of July of 1989—reflects the type of rhetoric that would characterize his government for the following ten years. Upon beginning his speech, Menem asks the Argentine public to unite as he tells them that:

> Before God and before the testimony of history, I would like to proclaim: Argentina, stand up and walk. Argentines, stand to end our crisis. Argentines, open your heart and unite your wills. Brothers and sisters, speak with one voice to tell the world: A new nation is rising from the ashes. This government based on national unity that is born today is part of a basic premise, of a reality that we should all admit to be able to overcome: that all of us, in some way, are responsible for the failure of Argentina's current state.[90]

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[89] María Fernanda Arias, "Charismatic Leadership and the Transition to Democracy: the Rise of Carlos Saúl Menem in Argentine Politics," Teresa Lozano Institute of Latin American Studies (1995) 7: Arias conducts a thorough literary analysis of Menem's style in his speeches and posits that the above literary techniques are employed by the president during his campaign and his time in office.

[90] Grandes Discursos, 427: President Carlos Menem's speech before Congress (Buenos Aires: 8 July 1989).

When he references God, the President is appealing to the religious and biblical tradition that united the country for so many years. Menem's proclamation that Argentines should rise from the ashes, for example, is a direct reference the parable of Lazarus. In many of his speeches, Menem adopted the biblical tradition and even likened himself to Jesus. In the parable, Jesus resurrects Lazarus from the dead, and here, Menem is suggesting that he too can resurrect the people of Argentina. Menem's appeal to religion is, in part, a tactic to improve his own political standing. He was forced to counter claims that he was a Muslim, a fact that if true would have precluded him from being president of Argentina. To this day, the Argentine Constitution requires that the President be of the Catholic faith, and by asserting his Catholicism Menem was also asserting his legitimacy as President. In this initial speech to Congress and to the people of Argentina, the use of religion and the "testimony of history" also represent Menem's desire to restore a moral consciousness that had been lost during the military government's rule. That he felt a need to continue on the path of moral restoration attests to the fact that when Menem took office six years after the end of the dictatorship, the Argentine people had not fully consolidated this painful past. The nation was plagued not only with economic problems, but also with moral ones that weighed heavily on its national consciousness. The crisis to which he refers is not only an economic one; the new nation must also rise from the ashes of a country with a legacy of overt human rights violations.

Menem's comments are even more significant in the way that they reflect his populist appeal. The speech suggests his desire to attract the masses by unifying them through his speeches, and this same strategy had been used by Juan Perón more than

five decades earlier. It reflects how Menem used the appeal of populist discourse to garner support throughout the country. Discourse is the primary terrain for political pronouncements, which means that political speeches and writing operate in a relational structure between the speaker and the receptors, in this case the people of Argentina. In his text, On Populist Reason, Ernesto Laclau suggests that for Freud, political speech plays a foundational role in the instauration of the social bonds between people. What results to be characteristically "Populist" about Menem's (and Perón's) appeal is that it creates identification between those who are led and those who "have put one and the same object in place of their ego ideal and have consequently identified themselves with one another in their ego."[91] Consequently, Menem's rousing words serve a greater purpose than simply to inspire his listeners. The process of articulating his thoughts to the public serves to create the very "national unity" he aimed for. Menem's repetition of key words like "Argentines" and references to the people of Argentina as his "brothers and sisters" suggests that his government will foster the idea of "national unity" both in thought and in action.

Menem's idea of "national unity" becomes increasingly significant when understood in relation to references to the military government and to the *desaparecidos*. The concept of a "national unity" provided Menem with a way to suggest several important things about Argentina and its current (and future) state. The concept of "national unity" implies that Argentina is in some way divided and that there exist different groups that are not working together. More specifically, in trying to consolidate a "national unity," Menem is primarily referring to a division

[91] Laclau, 56

between the public and the military sector. During his first speech to Congress, he establishes this distinction and says that:

> Now is the time for a great national conquest…the days of "all against all" are over. Today is born a country where we all join together…Gone are the 'official' and the 'submerged,' the 'visible' and the 'actual' realities. I have come to unite these two Argentinas. I am here to fight for the unification of these two groups. I want to be the president of a united Argentina that can progress despite its idiosyncrasies.[92]

When Menem speaks about the official and the submerged country, he is referring directly to what happened during the military government. During this dictatorship, the "official" face of the country appeared to be guided by jurisprudence and democracy, but the laws were violated constantly and human rights were no more than a distant memory. In fact, when international governments and organizations tried addressing this issue with the military government, they were met only with mocking retorts. In this part of his speech, Menem condemns the covert actions of the military junta and by extension condemns what happened to thousands of disappeared Argentine citizens. He says that "after six years of democratic government we have not overcome the cruel confrontations that divided us more than a decade ago." But Menem call for national unity takes on physical proportions when he compels the citizens of Argentina to work together, because "the time has come for every Argentine to extend his hand to his brother, to make a chain stronger than hate, stronger than resentment, than pain, than death; stronger than the past."[93]

The "submerged history" to which Menem refers is also an important use of language because it reflects the new administration's recognition of the occult tactics

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[92] Grandes Discursos, 428: President Carlos Menem's speech before Congress (Buenos Aires: 8 July 1989).
[93] Grandes Discursos, 430

of its military predecessors. It is also an important use of language because it allows us to understand the way in which Menem established the issue of the dictatorship's legacy within a frame of implicit condemnation. He does not condemn the dictatorship directly in this first speech, but rather approaches the subject by using abstract terms that evoke rather than force the idea of the military's wrongdoings on his listeners, the people of Argentina. Menem's first speech establishes certain themes as the core values of his presidency and government, and he discusses the "submerged history" of the past to suggest that the Argentine public now holds the power to change the future of their country. That is, that while Argentines are responsible for their current situation, they are also responsible for uniting to overcome it. This strategy is reminiscent of Alfonsín's approach to the issue, but while the two presidents similarly treated the issue of the *desaparecidos* and took similar political recourse, Menem's presidency was also markedly different with respect to this important aspect.

A brief comparison of the speeches of Alfonsín and Menem is now in order so that we can disentangle the overt idiomatic changes from one government to the next. The most significant difference that should be noted is found in the style of their speeches. With respect to the legacy of the *desaparecidos* and the Proceso de Reorganización Nacional as implemented by the military junta in 1976, it appears that at least in theory both men agreed on how to handle the situation. Alfonsín was committed to finding out what happened, and Menem was similarly unwilling to compromise the search for the truth. During an October, 1982 interview, for example, a reporter asked Menem to respond to those men who proposed that the country forget "everything about that part of its past." To this Menem responded that "you cannot

negotiate with criminals," adding that he is not calling for extra-legal avenues. "We only want the application of our basic Bill of Rights," he said, "We don't want special tribunals or investigative agencies."[94]

Alfonsín's gestures, including his support of CONADEP and other measures to secure the country's memory of the *desaparecidos,* often highlight the lack of progress made by Menem's administration on the issue. Menem's government represents a 'cold' period with its handling of the issue of the illegal detention, torture, and execution of Argentine citizens during the period between 1976 and 1983, but this perspective does not consider the few speeches when Menem did, in fact, acknowledge the *desaparecidos* explicitly.[95] Toward the end of his second term Menem met with his German colleague, Roman Herzog, to discuss the issue of German citizens who had been disappeared during the dictatorship. Herzog expressed his concern for the well-being of his people, to which Menem responded "I understand your concerns perfectly because eighty percent of the *desaparecidos* were Peronists."[96] What is most significant about this response is not the interesting statistic it reveals about the kind of people that were disappeared most often, though that is certainly important, but rather the explicitness of Menem's response. He addresses the issue of the *desaparecidos* by name, a distinct shift from the treatment adopted by his predecessor Alfonsín and a shift from his own policies as president.

Ultimately, during Menem's government an intense search for justice and truth about the crimes committed by the military state remained notably absent from the political agenda. Through his silence, Menem contributed to erasing the memories of

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[94] Interview of Carlos Saúl Menem, October 1982. Extra Magazine. Volume 18, Issue 208. <http://www.bernardoneustadt.org/contenido_437.htm.> Accessed February 5th, 2009.
[95] Estela Schindel, Desaparición y Sociedad: Una lectura de la prensa gráfica argentina (1975-1978), Chapter 7, 303.
[96] Ana Gerschenso, "Menem promote ayuda en derechos humanos." Clarín, (3 Mar 1999)

political terrorism, but his words also compromised the consolidation of the country's memory of the dictatorship and the disappearances. In 1992, for example, Menem warned a group of students and protestors that the threat of violent politics still existed and that the "exaggerated use of liberty" had the potential to create another wave of "subversion" and "another contingent [like the Mothers] of the Plaza de Mayo demanding their children."[97] In 1994, Menem was expelled from the Permanent Assembly on Human Rights after praising the armed forces for their fight against "subversion."[98] Less than a year later, in 1995, the ex-Montonero and journalist Horacio Verbitsky interviewed the first military general who confessed to participating in systematic death flights. Adolfo Scilingo confessed that during these death flights, he and other generals would push *desaparecidos* out of planes and into the Rio de la Plata River in Buenos Aires. Responding to this confession, Menem told the people of Argentina that the country should "not rub salt in old wounds."[99]

Like Alfonsín's administration, Menem's words and actions reflected the tensions that existed between the president's political agenda and the realities of his governing situation. The actions Alfonsín took with respect to the *desaparecidos,* for example, were in conflict at times. On one hand he sanctioned CONADEP to commemorate the victims, but on the other hand he passes the laws of Punto Final and Obediencia Debida to absolve many of the military generals from receiving legal repercussions. Menem, on the other hand, used his speeches to encourage the people of Argentina to move forward and come to terms with their past, but he was also pressured by the ex-military generals to lessen their punishment for crimes

[97] Diana Taylor, Disappearing Acts: Spectacles of Gender and Nationalism in Argentina's 'Dirty War,' (Duke University Press, 1997), 15.
[98] *Ibid*, 15
[99] *Ibid*, 15

committed. As a consequence of Alfonsín's laws pardoning the military, an avalanche of demands for government protection of the military's past actions flooded Menem's desk.

Throughout his campaign and during his early years as president, Menem affirmed his belief in *pacificación* (appeasement) of the armed forces in order to "definitively close old wounds, as has been done in other parts of the world."[100] As a result of the extraneous pressures placed on Menem by ex-military generals, specifically after military attempts to overthrow Menem's civilian government, he exercised one of his presidential prerogatives and pardoned many of the people involved in the disappearances, effectively exempting them from legal procedure and condemnation.[101] As late as August, 2008, Menem continued to assert that he used his power of presidential pardons in order to lessen the rifts in Argentine society for its own good, but Menem's presidential pardons ultimately represented a step back in terms of the actions undertaken by his government as they relate to the *desaparecidos*.

According to section 6, article 86 of the National Constitution, the president of the Argentine Nation has the right to pardon and annul punishments of crimes subject to federal jurisdiction. Menem takes advantage of this ability at two points during his presidency. He passes the first set of decrees on October 7th, 1989 and a second set on December 29th, 1990. In sum, these decrees affected as many as 1,200 people, including the high-ranking military officers that had not fallen under the pardons of Alfonsín's laws of Punto Final and Obediencia Debida. The pardons also benefitted ex members of the military junta, many of those condemned for their role in

[100] Marga Lacabe, "Menem critica los juicios contra represores y vuelve a defender sus indultos," 6 Aug. 2008.
[101] Menem's decrees that pardoned members of the military: Decretos 1002, 1003, 1004, 1005. 7 Oct. 1989 y Decretos 2741, 2742, 2743. 30 Dic. 1990. 25 Mar. 2008.

strategizing the Falklands War, and a group of citizens accused of "subversion," including some dead and disappeared victims. Included in the first set of decrees were presidential pardons for 220 military leaders and 70 civilians, among them members of guerilla groups and all of the *carapintadas* who participated in the 1987 rebellions during the week of Easter in 1987. Also pardoned were ex-members of the Junta of Commanders, including Leopoldo Galtieri, Basilio Lami Dozo and Isaac Anaya, all of whom were condemned for crimes they committed during the Falkland/Malvinas War.

The second wave of *indultos*, or pardons, extended legal protection to those members of the military command that had been tried and found guilty in the trials of 1985. These included key players in performing and sustaining the military coup, and among them were Jorge Rafael Videla, Emilio Massera, Orlando Ramón Agosti, Roberto Viola and Armando Lambruschini. This second set of laws also pardon Mario Eduardo Firmenich, the leader of the guerilla organization Montoneros, which, during the dictatorship, often resorted to tactics just as violent as the military government's. Even the ex-Finance Minister of Argentina under the military government, José Alfredo Martínez de Hoz, received a presidential pardon from Menem in 1990. Menem's pardons reached nearly all of the high-ranking generals of the dictatorship, and they also affected others that had publicly announced their involvement during the military's "Process of Reorganization."

Opposition to the Laws of *Indulto* led the public to begin calling them the "Laws of Impunity," embodying the perspective that the laws were a result of the state's failure to bring the military perpetrators to justice. This opposition led to the massive "No to Impunity" rally in Buenos Aires in 1990, where thousands gathered to

express their dissatisfaction with the Menem pardons. The Argentine Constitution did not permit people with pending court cases to be granted a presidential pardon, and in order to defend the legality of several decrees that did this, Menem averted this legal requirement by simply changing the make-up of the Supreme Court. In a court-packing scheme, he added four new justices to the bench, and with these justices he was able to create a court that would assent to his policies. The court grew from five to nine justices and gave Menem an "automatic majority" to support his constitutional reforms.[102]

Even after an unsuccessful attempt to run for a third term as President in 1999, Menem continued to assert that the country needed to move forward to avoid re-experiencing another wave of military governments and citizen disappearances. Though his policies had for some time ameliorated the economic situation in Argentina, by the end of his presidency unemployment rates grew beyond twenty percent of the population and the combination of fixed-rate convertibility of the Argentine peso to the dollar was proving unsustainable. In 1999, at the end of his ten years as President of Argentina, Menem left the next president with many, if not more problems than he himself faced during his first term. Fernando de la Rúa handily defeated Buenos Aires governor Eduardo Duhalde in the 1999 elections. He quickly began working on the economy, refusing to revalue the peso against the dollar, a decision which sharply limited the country's ability to boost exports and emerge from its economic tailspin. When matters worsened, de la Rúa invited Menem's former minister of the economy, Domingo Cavallo, to set the country's economy back on track. Cavallo approached the problem by reducing the government's budget deficit

[102] Jorge Bercholc, "La independencia de la Corte Suprema a través del control de constitucionalidad: respecto de los otros poderes políticos del Estado," (Buenos Aires: Ediar, 2004) .

by cutting spending and salaries in the public sector, a measure which only increased the country's levels of unemployment and frustration. In the face of this chaos, President de la Rúa was forced to resign.

The country experienced five presidents within the course of two weeks, and the political and economic stability forced Argentines to the streets in protest. Thousands of people staged a protest during the financial meltdown of 2001 in which they all chanted *que se vayan todos*, essentially requesting that all of the country's politicians leave office. This drastic request stemmed from the public's belief that the country's problems would not be solved unless the political arena experienced a complete overhaul. Though he was no longer president, Menem's policies were in part responsible for this meltdown, and the former president reemerged to warn protesters that their attitude could threaten democracy and result in an authoritarian government like the one that came after the 1976 coup. Menem likened the public's request for politicians to leave to the coup of 1976, when democratically-elected politicians were forced out of power. Frustrated with the situation, Menem told the people that the politicians "all left in 1976, and [the military] took many of us to jail and others did not live to tell the story. What do you want? Do you want us to leave so that what happened in 1976 can happen again? So that there can be more *desaparecidos* and tortured people?" Needless to say, Menem's impassioned retort to the frustrations of the Argentine people, the *pueblo Argentino* he had for so long championed as the unsung heroes of his political successes, caused many to turn against him.

The public was still forging a tenuous relationship to the military process and disappearances, and the economy was on the brink of collapse. In part because

Menem withdrew from his political rhetoric almost all references of state terrorism and in part because he compromised the process of the consolidation of memory by pardoning many of the people involved in the process of systematic disappearances, the issue of the *desaparecidos* remained mostly inactive in government policy during his two terms. As knowledge about the period between 1976 and 1983 grew, and with the revelation of the existence of detention centers within the city of Buenos Aires, the issue regained new publicity and it became a renewed interest in the political sphere.[103] In the end, it was not Menem's speeches that reinvigorated the *desaparecidos*, but rather the Argentine public itself who recognized the need to confront its painful and complicated past.

[103] Schindel, 304

Chapter Four

Questioning the Past: Néstor Kirchner and the Supreme Court

The financial meltdown of 2001 left Argentina in economic uncertainty, and between December 19th, 2001 and January 2nd, 2002, within a span of just two weeks, the country experienced five presidents. On January 2nd, in the midst of protests and political instability, the Legislative Assembly appointed Eduardo Duhalde to complete the last two years of Fernando de la Rúa's incomplete term. Duhalde stayed in office until the 2003 elections, and he spent this time trying to alleviate the economic situation by ending the peg of the Argentine peso to the US dollar and confirming Argentina's defaulted loans on foreign debt. With nearly twenty-five percent of the population unemployed and nearly fifty percent living under the poverty line, the winner of the 2003 elections would have a heavy load to bear.[104]

President Néstor Kirchner's took on the challenge, allowing Duhalde's Economic Minister, Roberto Lavagna, to stay in his post. With Lavagna, Kirchner and the administration staged an aggressive plan to revitalize the economy and they encouraged import-substitution industrialization with hopes of expanding production.[105] Kirchner, who was also a member of the Justicialista (Peronist) party, set aside large amounts of money for social welfare, restructured Argentina's debt and

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[104] Clarín.com. "Afirman que bajaron la pobreza y la indigencia." 26 Jan. 2007. <http://www.clarin.com/diario/2007/01/26/elpais/p-01801.htm> Published in 2007, this article from one of Argentina's leading newspapers, Clarín, traces the percentage of Argentines living below the poverty line and below the ''extreme poverty" line. In May of 2001, for example, nearly 40% of Argentines were living below the poverty line while 14% lived under conditions of extreme poverty. Toward the end of 2002, however, the graph shows the highest rates of poverty at nearly 60% of the population and the percent of people living below the line of extreme poverty at almost 30%. The graph tracks these figures through the end of 2006, revealing a steady decline in both indigence and general poverty levels.

[105] Import-substitution industrialization, or ISI, is an economic model promoted in Latin America from the 1930s to the 1980s. Its focus is on attempting to reduce a country's dependency on foreign industrialization by increasing local production. In order to expand and revive its economy, Argentina hoped that increasing local industrial production would allow it to export more than just raw goods.

tried to reduce inflation rates to more sustainable levels. As the economy slowly began to emerge from the depths of the crisis, Kirchner was able to direct his attention to other issues facing the new administration. Like Alfonsín and Menem before him, Kirchner had the daunting responsibility of helping the country come to terms with the legacy of the military dictatorship. Unlike his predecessors, however, Kirchner approached the issue in a very different way.

Néstor Kirchner's government represents a marked difference from the way previous governments treated the subject of the *desaparecidos* because it actively worked to consolidate the country's memory. Though Alfonsín and Menem gave speeches that mostly condemned the generals implicitly, their actions in the legal realm halted much of the progress that had been made in other avenues. This is not to suggest that these two presidents did not address the issue as best they felt they could, but there is a key distinction between Kirchner's and his predecessors' approaches. Alfonsín and Menem were restricted by a still-active military sector which could, and several times did, challenge the burgeoning civil democracy. By 2003, however, the military had been out of power for twenty years and they had less of a stronghold on the Argentine political system. Néstor Kirchner was able to give speeches that fiercely and unequivocally opposed the military's tactics. These speeches, along with legal action taken by Kirchner's government, reflect the President's desire to overcome the country's tragic history. The joining of governmental policy with the people's desire to support these policies established an environment in which Kirchner's government was able to promote Argentina's recovery and understanding.

Kirchner's first speech as president, given to Congress on May 25th, 2003, is in many ways reminiscent of Perón's and Menem's styles. It is, of course, highly

optimistic and full of promising rhetoric, but the similarities to Peronism are more explicit. Kirchner, like Menem, is a Peronist, and from the very beginning of his Inauguration speech, Kirchner appeals to "Argentine society" so that they can know:

> …where we are going as a country, and so that each person can, in his or her own way, contribute their collaboration to obtain the ends that we Argentines should strive for, beyond any partisan divisions.[106]

Much like Perón, Kirchner also employs the tactic of portraying himself as the "outsider" who returns to the country with a broader perspective of the world. Sigal and Verón suggest that this "general model of arrival" that is typical to Perón manifests itself in a discursive/rhetorical production, allowing the politician to endlessly make a grand re-entrance to the political stage.[107] Interestingly, Néstor Kirchner uses this same strategy as he enters the national political scene as President of Argentina when he tells his listeners that he comes "from the southernmost part of the world."[108] While Kirchner hails from Santa Cruz, one of the southern provinces in Argentina, and Perón came back into the country after eighteen years of exile in Spain, it is not the distance, but rather the concept of the 'other' that emerges into the political scene that makes this discursive tactic so politically effective. It allows the speaker to attribute his return to his dedication to his people and helps him to consolidate the public's collective identity with his own.

Much of the force of Kirchner's speeches comes from his use of history to appeal to the collective consciousness of the Argentine people. In a speech presented on May 25th, 2006 —the country's holiday commemorating the May Revolution that initiated the formation of the Argentine state in 1810— Kirchner speaks at the Plaza

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[106] Néstor Kirchner. Presidential Acceptance Speech, Buenos Aires. May 25, 2003.
[107] Sigal y Verón, 29
[108] Néstor Kirchner, Presidential Acceptance Speech, Buenos Aires, May 25, 2003.

de Mayo and chronicles some of the events that have occurred at the plaza throughout Argentine history. With his Peronist ideology at the heart of this speech, he finds inspiration in the lives of Eva Perón and the Mothers of the Plaza de Mayo, who march in memory of their lost loved ones. Kirchner's connection to these figures is key to understanding his Peronist rhetoric. Unlike his older predecessor Carlos Menem, Kirchner is from a generation that idolized Eva Perón as the true revolutionary force behind Peronism. This generation of Argentines, many of whom belonged to the Juventud Peronista (Peronist Youth Party) during their younger days, was shunned by Juan Perón when he returned from exile. In a speech on May 1st, 1974, when he stood before the people of Argentina in the Plaza de Mayo for the first time in eighteen years, Perón angrily rejected the support of Kirchner's generation, calling them *estúpidos imberbes* (stupid and beardless) to suggest he did not want the callow youth of Argentina as his followers. As a result, these young Argentines rallied instead behind the figure of Eva Perón (whom they endearingly called Evita) as a symbol of the possibilities of the Peronist movement. Kirchner's generation shared many common ideals with the Mothers of the Plaza de Mayo, for many of them were part of the same generation as the sons and daughters of these mothers. Ultimately, Kirchner's reference to Evita and the Mothers of the Plaza de Mayo is not just an appeal to history; it is also an embrace of the ideals that they represented. By alluding to these figures, Kirchner hoped to align himself with them and revive the ideals of the Juventud Peronista.

This strategy reconfirms his efforts to aid the nation's process of recuperation and he refers specifically to the need to overcome a painful past through memory. During the May 2006 speech at the Plaza de Mayo, he tells listeners that:

> My dream is to help build an increasingly pluralistic Argentina, an Argentina that consolidates its reconstruction efforts; an Argentina where all of the free forces of society can build the space that we need. We need to recover this call for change, this call that has lay inactive for so many years in Argentine society. We have recovered the value of memory, the value of Justice, the value of social inclusion, the value of equality and the decision to build a country for all Argentines.

The recovery of the things lost during the dictatorship appears as the main message of Kirchner's speech. Twenty years after the fall of the military government, the country is finally on the path toward building its understanding of the past. The speech ultimately reflects that Kirchner's administration values precisely those rights which the military government violated, and memory, justice, social inclusion and equality have a privileged position in this new government. Kirchner refers to the divisions that exist within Argentine society and says that constructing a space where all Argentines can unify is key to allowing the country to move forward. We can understand the desire for national unity in relation to Menem's own use of the term. Politically, a call for national unity is an appeal to the core of populist, and specifically Peronist, ideology. More broadly, however, Kirchner's use of the term is simply a way to introduce the issue of collective memory. The citizens of Argentina shared a similar history during the dictatorship, and it is their responsibility to incorporate this legacy into their own understanding. The concept of a "nation" cannot exist without people to uphold it. In some sense all politicians must be aware of the tension between an individual's experience and the collective experience of a country's people. But when these individuals experience different aspects of an event larger than they are, they can and must incorporate their stories into what becomes the

country's collective history. Through this process, it is then possible to create a cohesive narrative that supports the progress toward overcoming a traumatic past.

Kirchner's administration acknowledged and stressed the concept of collective memory in several ways. In 2002, for example, Congress promulgated law 25.633 which created an annual "day of memory," a national holiday to be observed every March 24th to commemorate the victims of the military dictatorship. Kirchner also began proceedings for the creation of the Museo de la Memoria, a museum placed within the walls of the ESMA in the city of Buenos Aires.[109] Other changes that affected the consolidation of collective memory during Kirchner's government occurred in the legal realm. Kirchner worked toward obtaining enough support to enact a judicial reform that would allow him to repeal many of the legal structures that had legitimated the actions of the military years before. He was determined to overturn the laws of Punto Final, Due Obedience and Menem's presidential pardons because they presented resistance from within the legal realm to Kirchner's hopes of ridding the government of its last vestiges of military influence. All three of the laws were passed after military pressure forced Alfonsín and Menem to appease the armed forces, and their existence attested to the idea that post-dictatorship democracy for Argentina was only an illusion.

Frustrated with the realities of the illusion, Kirchner requested that the Supreme Court justices that had joined the court during Menem's 'automatic majority' step down from office.[110] The chief justice of the court, Julio Nazareno,

[109] For more information about the ESMA (Navy Sub-officers School of Mechanics) please refer to the first chapter of this work. The ESMA will be open for public visitation as early as 2010 as part of the Museo de la Memoria.

[110] Menem's automatic majority in the Supreme Court was a result of his court-packing plan, during which he appointed 6 new justices, a tactic which would shift the balance of the court in his favor and

refused to quit, and the president responded by accusing Nazareno of pressuring the government when what it really needed was "the support of a unified people." The change in the structure of the Supreme Court, according to Kirchner, "should not only affect the military officers," but it should also be a "conceptual" change perceivable by the Argentine people.[111] The president threatened to instigate legal action against Nazareno and any judge who refused to step down from the bench, but despite these challenges, by 2006 Menem's judges were no longer a part of the Supreme Court.

Kirchner was able to continue with the next stage of his plan, which involved the annulment of what he called the "laws of impunity," specifically the laws of Punto Final, Obediencia Debida and Menem's *indultos*. In 2003, Congress overturned the remaining vestiges of Alfonsín's response to military influence, and judges began to retry cases that had been closed by the laws of Punto Final and Obediencia Debida. On June 15th, 2006, the Supreme Court held that Menem's indultos were unconstitutional, and in the 2006 "Simon" case, [112] the Supreme Court upheld Kirchner's annulment of these laws.[113] Argentina had finally shed its outdated system that protected the perpetrators who committed the largest-scale human rights violations in the country's history.

Kirchner continued to allow prosecutions of generals accused of partaking in the illegal tactics of the dictatorship. But despite the military's subservient position in Argentine politics, skirmishes between military and civil society still occurred. During

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allow him to pass the Laws of Indulto which pardoned hundreds of military personnel who were involved in enacting the plans of the dictatorship.

[111] People.com. "Kirchner pidió remoción de jueces de Corte Suprema." 5 Jun. 2003. <http://spanish.people.com.cn/spanish/200306/05/sp20030605_64823.html> Accessed February 19, 2009.

[112] Julio Simón was a recognized torturer and was responsible for the kidnapping of two individuals and a child.

[113] Florencia Stero, "Corte al Punto Final y Obediencia Debida," Diario Judicial, 14 Jun. 2005, "Article 75, inc. 20 of the Argentine constitution maintains the Legislature's power to dictate general amnesty."

the December 2006 trial for former military senior political officer Luis Abelardo Patti, witness and Peronist activist Luis Gerez disappeared for several days. Gerez claimed to have received threats since his testimony a few months earlier, and his disappearance incited anger from the people of Argentina because they feared the military was again trying to interrupt the judicial process. Kirchner and his administration interpreted Gerez's kidnapping as a sign of dissatisfaction from the military sector, clearly upset by the reopening of cases once protected by the "laws of impunity." On December 29th, 2006, Kirchner publicly discussed the issue when he gave a speech which was disseminated on public radio and television channels. In it, he told Argentines that:

> All signs indicate that the perpetrators were individuals with paramilitary or para-political interests who want to intimidate us and achieve their objective of maintaining impunity. We are dealing with the same methods used against the historic trials against the military junta: extortion to obtain impunity. At that moment the impunity resulted from the laws of Obediencia Debida and Punto Final. Now, the actors are different but the beneficiaries are the same. We know, and recent history supports it, that any concession is unholy and ends by throwing dirt over any progress that has been made…sacrificing justice to the hands of impunity disguised as reconciliation.[114]

This very publicized and direct speech is an affront to the government's opposition, and it serves as an indication that the Kirchner administration would not waver in pursuing action against those who threaten the stability of the judicial process. The president acknowledges the disappearance of the witness Gerez but goes further by denying the kind of response previous administrations had had to this challenge. He denounces the "laws of impunity" and affirms his commitment to the legal system. It

[114]Nestor Kirchner, Message to the Nation (Buenos Aires: 29 Dec 2006).

is no surprise, then, when Gerez appears only a day later. The details of what happened during his disappearance are perhaps less important than the message that Kirchner conveyed during his speech. In fact, Kirchner uses this speech as a way to discuss other, related issues currently facing Argentina. He says that:

> We know that in order to overcome the objective difficulties we are facing in the process of investigating and preserving security we must continue to produce profound changes. We know that the Armed Forces, the security forces and police implicated in the violation of human rights, must follow a long path to overcome the decomposition that resulted in their participation in illegal repression…They should behave like institutions that must evolve, and they should fervently compromise themselves to the rule of law. These are the objective difficulties of which I speak.[115]

Kirchner views the kidnapping of Gerez and other witnesses not as an individual violation within a case, but rather as a symptom of a larger problem that remains to be solved in Argentina. This problem, as he sees it, is a commitment from all institutions in society to the rule of law. Without this commitment, Kirchner argues, Argentina will be unable to produce the profound changes it needs to overcome the challenges posed by its painful past.

Kirchner's decision to repeal the "laws of impunity" had a significant and immediate effect in allowing the formation of a legal structure which could handle the violations committed by the dictatorship. After this decision, there came a flood of new cases against military generals who had previously been covered by the umbrella of jurisdiction of Alfonsín and Menem's laws. One of these cases was that of military general Alfredo Astiz, who had publicly declared his involvement in the disappearances of many perceived 'subversives' during the military junta's time in

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[115] *Ibid.*

power. As a result of the annulling of the "laws of impunity," Astiz and other high-ranking generals like him were found responsible and were sent to prison more than twenty years after committing their crimes.

The case of Miguel Etchecolatz represents the first trial and prosecution of a member of the military after the repeal of the "laws of impunity." Etchecolatz, who was sentenced to 23 years in prison in 1986, was spared by Punto Final and Obediencia Debida, and was re-tried in 2006 after Kirchner repealed these laws. Even during his trial, more than three decades after the fall of the dictatorship, Etchecolatz justified his actions and refused to acknowledge the legitimacy of the court in which he was being tried. He also threatened authorities, telling them that even if he were condemned to jail, there were others who would take revenge on his behalf. In fact, Jorge Julio López, a witness in Etchecolatz's trial, was seen for the last time in September of 2006. López, who had himself been a disappeared victim during the dictatorship, was to testify at the trial. His untimely kidnapping alarmed Argentines who feared that he was the first *desaparecido* since the fall of the military government. In October of the same year, thousands of people gathered at the Plaza de Mayo to demand his reappearance, but to this day López has not been found.

Despite these obstacles, Kirchner adhered to the idea that obtaining justice through the legal system is the most effective way of resolving the trauma caused by the legacy of the military government. The impact of the declaration of the unconstitutionality of the laws of Punto Final, Obediencia Debida and Menem's presidential pardons was also important for the consolidation of the relationship between the Argentine people and their government. Kirchner's government helped the Argentine people come to terms with a long era of political betrayal. His policies

and speeches reflect a liberty of sentiment that had not been seen in many of Alfonsín's and Menem's speeches. Kirchner was able to speak without the intrusion or fear of military coups to threaten his power, and for this reason his government represents a new stage and an important change with respect to the issue of the military government and its legacy in Argentina. Critics of Kirchner's approach to Argentina's legacy of military rule often suggest that the government has perhaps gone too far in addressing the issue. Though to some degree the process of remembering the past allows us come to terms with it, these critics insist that Kirchner's policies force Argentines to dwell on the past and prevent them from moving forward. Kirchner did often refer to the *desaparecidos* and invoked their memory as a way to remind the public of what happened. Whether he invoked the presence of the past too often, however, Kirchner forced open a new door of dialogue about a past that the country had been forced to repress for nearly two decades. Perhaps the most enduring aspect of Kirchner's actions and words, then, is that they reflect the force with which memory persists throughout the years. Though thousands of people perished during the military dictatorship, the country's memories continue to draw them forward from the past into the present, propelling an entire society into a more positive future.

Conclusion

Only twenty six short years have passed since the end of the military dictatorship. Within the course of history, these nearly three decades have been but a fleeting instant, but the people of Argentina have spent twenty six long years remembering and twenty six long years trying to forget. During this time, they have seen the restitution of a democratic order and have experienced the challenges of maintaining it. They have gathered by the thousands in the Plaza de Mayo in support of democracy and they have gathered in even greater numbers to protest against members of a frustrated military sector. The people of Argentina have, whether by desire or by necessity, become inextricable actors in the battle between the political and the personal.

A fair assessment of this position requires a scope and depth much greater than has been allotted to this work, but we shall here be satisfied with the assertion that it is for and because of the citizens of Argentina that this battle occurs at all. A government's main responsibility is to gain the respect of its people; when this is lost, the people can, and should, question the legitimacy of the power structure under which they live. Rejecting this structure, however, is never a purely political decision. The political is necessarily personal, but that which is personal should not always be politicized. It is precisely this issue that is at the heart of the problem of creating a collective memory of what happened between 1976 and 1983.

In referring to "collective memory," I draw from Maurice Halbwach's own notion of the term, which differentiates individual memory from a collective memory that can be shared, passed on and constructed by a group of people. The individual memory remains personal, but collective memory is at once a personal and political

construction. It is many personal stories, as in the case of the *desaparecidos*, that are integrated into a larger system of similar experiences. When these individual stories become an issue of political import—when they are debated and discussed in the public realm—the power structure that defines the political begins to affect the construction of an individual memory. This is not to say that any one individual memory is completely engulfed by the larger political context in which it is understood, but rather that there is a force that pushes the personal into the realm of the political.

For the last twenty six years of Argentine history, this force has been language itself. The language that arose during the years of the dictatorship, along with the speeches and laws of subsequent presidents, naturalized the individual stories of disappearances so that they became part of the country's collective rhetoric. As a result, the people of Argentina and the international community today evoke the memory of the *desaparecidos* as a collective whole. The term *desaparecidos* itself reflects this collective approach to the nearly 30,000 victims of the dictatorship. It does not single out any one disappeared person in particular, but instead it objectifies the experience of what it means to *be* disappeared. This inevitable result of language draws the individual memory, the personal, into its larger political structure: collective memory.

The language used by the military government to refer to their own actions created a discursive void that hindered the consolidation of individual and collective memory. These generals used language that dehumanized the *desaparecidos* and promoted collective forgetfulness, and their speeches promoted an absence that could be overcome neither discursively nor literally. During the government of Raúl

Alfonsín, with the creation of CONADEP and its final publication "Nunca más," a collective memory about what happened during the military's rule began to be consolidated. Alfonsín spoke implicitly about the *desaparecidos* and he condemned the dictatorship for its actions, but he also passed the Laws of Punto Final and Obediencia Debida in order to avoid further conflict with the armed forces. These laws in many ways vindicated the military's actions and inhibited the process of the consolidation of individual and collective memory. The administration of Carlos Menem suffered from similar setbacks, and though this president also condemned the dictatorship in his speeches, he exempted more than 1,200 members of the military from criminal proceedings. With Menem's *indultos*, the process of consolidating individual and collective memories was frustrated yet again.

During Néstor Kirchner's presidency, the topic of the *desaparecidos* and the military dictatorship took on a new national importance. Kirchner promoted the creation of a Museum of Memory and gave economic remuneration to many of the victims' families. He spoke clearly about the need to try to understand Argentina's traumatic past. Kirchner's approach of forcing these memories to reemerge in the political sphere may have been an ambitious ploy to force the country to heal the injuries it has for so long suppressed, but the effects of this strategy could run counter to its intentions. Kirchner's government has been criticized for overly politicizing the issue, a fact that could prevent the people of Argentina from effectively overcoming the individual traumas they experienced. The government cannot force what is personal to become political without the full support of its citizens. Kirchner's administration, like Alfonsín's and Menem's before him, struggled to find the best approach to discuss the issue of the dictatorship and the *desaparecidos*. It would be

easiest to categorically reject all of these approaches as ineffective, but what is perhaps a better and more accurate assessment is that the consolidation of a collective memory of the deaths and disappearances of more than 30,000 people will take the country many years to achieve. Each administration is limited by factors beyond its control, and future presidents of Argentina must, much like their predecessors, tread the very thin line between fostering remembrance and allowing the past to remain in its rightful place.

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