

THE WALLS OF THE LABYRINTH: IMPUNITY, CORRUPTION, AND THE
LIMITS OF POLITICS IN CONTEMPORARY ARGENTINA

by

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*para Ash, Céu, y Leticia, por hacérmelo posible.
y para Pipe, por sostenerme.*

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Abstract

This dissertation looks at contemporary forms of social protest in Argentina. The ethnographic focus is on two groups. One of these is Memoria Activa, which developed following the 1994 bombing of an important local institution, the Argentine Jewish Mutual Aid Society (AMIA). Their demands center on the need for a serious investigation and justice in the attack, which remains unresolved. The other group I discuss is the Cooperativa BAUEN. Part of a broader phenomenon known as the recuperated businesses movement, this workers' cooperative was formed by a set of former employees from a central Buenos Aires hotel after its closure in 2001. The cooperative, which took control of the installation and reopened its operations under their own direction, remains engaged in a prolonged struggle with opposing economic and political forces over the legitimacy and effects of their actions.

In looking at these groups, I consider the ways that notions of impunity and corruption permeate and structure their demands. I illustrate how these notions have developed out of a particular cultural and historical context, and have come to serve as a source of conceptual unity among and across a number of groups working for social change. I also consider the practical and strategic constraints they face in engaging with national and international legal and political systems. In doing so, I show how differing assessments of appropriate forms of engagement with established institutions and centers of power tend to serve as a source of division for groups with highly similar aims. Ultimately, this dissertation demonstrates how these groups, through asserting and working to achieve their demands, at once conform to and challenge codified forms of institutional practice. They engage with a labyrinthine system of public administration in what is fundamentally a mutually transformative process of continual generation that defines and redefines the limits and boundaries of political action.

Chapter 1

Introduction, or Into the Political Labyrinth

En América Latina hubo un tiempo en que la política significó lucha de clases. Luego se convirtió en lucha de frases. Hoy, en lucha de disfraces... La acción política en gran medida es el poder.

(In Latin America, there was a time when politics signified a contest between classes. Later this changed into a contest of words. Now, it is a contest of disguises... Political action is in great measure an issue of power.)

--Dr. Elias Neuman, cited in Melamed 2000:83

This dissertation looks at contemporary forms of social protest in Argentina.¹ In constructing this study, I chose to focus in particular in two groups engaged in making demands upon the state in ways that propose redefinitions of the notion of citizenship. These redefinitions challenge the ways in which the idea of citizenship was promoted by dominant sectors of the media and the Menem administrations during the era of neoliberal politics in the 1990s, which worked to reduce the role of the citizen to being primarily based on individual insertion in the market. One of the groups I consider is the grassroots movement Memoria Activa, which developed out of the Buenos Aires Jewish community following the 1994 bombing of the Argentine Jewish Mutual Aid Society (AMIA) building, an important local community institution. This group, along with a number of other organized groups of family members of victims from this attack, has spent the years that have followed demanding a serious investigation and justice regarding the bombing, which remains shrouded in a cloud of uncertain accusations and evidence of state-sponsored cover-ups. In doing so, they insist on the role of Argentine Jews as full citizens within the nation, embodying the right to difference in contrast to both historical pressures for cultural assimilation and in reaction to a recent spate of limited inclusionary politics of the kind referred to by Charles Hale as “neoliberal

¹ All photos and translations throughout this work are by the author, unless otherwise noted.

multiculturalism.” They also draw on the rhetoric and practices of other Argentine human rights organizations in asserting justice as a fundamental right of citizenship.

The other group I consider is the Cooperativa BAUEN, a workers’ cooperative formed by former employees following the closure of the Bauen hotel. This 4-star installation located in the heart of Buenos Aires was originally built using state credit under the last military dictatorship in preparation for Argentina’s hosting of the 1978 World Soccer Cup. When faced with the closing of the hotel following the economic crisis of 2001, and in a context of widespread unemployment, a group of former employees organized the cooperative and reopened the hotel. I take into account both the actions and demands of the BAUEN Cooperative specifically, and their role within the broader recuperated businesses movement and its organized manifestations in Argentina and across Latin America. In this regard, I am interested in how they bring to the fore the idea of work as a central right of citizenship and propose cooperativism and collective benefit as a counterlogic to the ethics of individualism as promoted by neoliberal capitalism.

My research with these two groups thus set out to understand how they conceptualized and perceived ideas and practices of citizenship, in contrast to definitions promoted by the state during a particular historical period. In doing so, I found that the demands and actions by these groups tended to operate on two distinct registers simultaneously. One of these articulated a set of ethical claims about these rights of citizenship, in a strong oppositional rhetoric that openly condemned state practices. In this ethical register, demands made upon the state were couched in an antagonistic language of moral right and social necessity. The street was the main arena for the presentation and assertion of these demands. Furthermore, these claims were filtered through a set of key terms that had particular relevance and resonance in contemporary Argentina. The most important of these are the ideas of impunity (and its related perceived antonym of justice) and of corruption. Each of these terms is understood and deployed in particular ways, and this both influences and limits the possibilities for definition and action by the groups in working to achieve their goals.

However, this ethical register does not reflect the whole picture of these groups’ political action. Rather, their demands are also made at the level of practical challenges

to the status quo, working both within and at times against institutional bodies in order to achieve their objectives. In this register, members of these groups both learned to move through and ally themselves to the world of political practice and at times sought to expose and denounce the operations of this world. I term this sphere the practical register, using the dual connotations of the word practical to encompass both the nature of this register as a realm of action and that of a negotiated acceptance of the limits of the possible. In this dissertation, I argue that accounting for this register as well as that of ethical challenges is essential in understanding these organizations and their role in shaping the landscape of state policies and social debate in contemporary Argentina. Much scholarship on organizations demanding social and/or political change, whether conceived of in terms of social movements, civil society organizations, or groups engaged in collective action, tends to characterize these as oppositional. This treatment misses the multiple and contradictory ways in which these groups often move through, reinforce, and challenge existing practices in the focused attempt to achieve their goals.

In making this conceptual distinction between the ethical and practical spheres, I do not mean to indicate that what I am calling the ethical sphere is devoid of action, nor that the practical sphere operates in ways antithetical to ethical considerations. Rather, I seek to distinguish between actions that are designed to communicate a kind of rhetorical opposition to policies or discourses put forth by the government and/or other power-wielding sectors of society, on the one hand, and the realm of practical engagement, where groups working for change in society utilize established channels of action in interacting with institutions or structures in working towards their goals, on the other. I highlight how in their interactions on this realm of practical engagement, they often choose or are required to conform to habitual modes of operation. In this way, they find themselves making calculated decisions on how to proceed within pre-existing structures whose organizing principles or actual modes of operation do not necessarily conform to those held or proposed by the groups themselves. This is in many ways akin to the kind of strategic amorality of dealing with immediate situations argued for by Machiavelli in his revealing commentary on political machinations among the powers battling for control of the 16th century Italian landscape [see Machiavelli 1952 [1513], esp. chapter

15, p.22]. While elements of this kind of a hyperpracticality that can subsume ethical considerations are apparent in some ways, I also show here how these groups enter into calculated practical operations but also inflect them with their own sense of reason.

This study is significant in that it shows how these groups operate on both the ethical register, relying on and contributing to a set of key idioms that hold widespread currency in contemporary public discourse in Argentina, and the practical register, working both within and against established codes of political practice. My analysis of these cases illustrates how it is not enough to look at either the practical actions of groups involved in working for social change, or their discursive challenges, but that we must look at both in order to understand what is happening and the ways in which change occurs. Furthermore, as this dissertation demonstrates, an understanding of these two registers and the relationship between them provides us with a framework for understanding why those involved in social protest in Argentina as subject to what others have called “tend[ency] to dissolve into extreme factionalism.”² Using the examples from my research, I argue that the tendency towards division and against unified action among highly similar groups in Argentina revolves in large measure around the extent to which the contradictions between the ethical and practical registers are perceived and interpreted by participants. My research with Memoria Activa, the BAUEN Cooperative, and their related groups reveals how it is precisely differing assessments of how to manage and engage in action on the practical register that leads to the divisions between groups with highly similar aims.

Theoretical Considerations

In the first part of this Introduction, I trace the outlines of some of the major themes that run throughout the dissertation. These include an unraveling of how certain key terms, like impunity and corruption, are understood and used in the context of Argentine protest organizations. I also consider ideas of politics and the entanglement of these to the understandings and actions of these groups in working to achieve their goals.

² For example, Hinton 2007: 192, also Bonner 2007. The divisions among Argentine organizations with similar interests and goals is widespread and widely noted. Affected groups include human rights organizations like the Mothers of Plaza de Mayo, piqueteros and other associations of the unemployed, the family members of Cromañón victims, feminist and women’s organizations, and organizations from the gay, lesbian, and transgendered community.

I begin with a consideration of the idea of citizenship as an important lens for considering the actions of these groups. I explore the concept as a theoretical category in general, and its particular manifestations within Latin America and especially within Argentina.

Citizenship

In recent years, the idea of citizenship has become increasingly set off as an analytical category to be considered. Of particular interest have been its limitations and exclusions, and the struggles undertaken on numerous fronts around the world in attempting to challenge the borderlands of its definitions [Holston 1999; Solinger 1999; Warren 1998; Yashar 2005]. In this section, I describe in detail the notion of citizenship as used and understood within this dissertation, making explicit the foundations on which my theoretical considerations build. First, I take as a starting point the idea that citizenship, conceived of as the set of rights and responsibilities understood as pertaining to members of a national community, is subject to multiple manifestations both within a single national community and across different countries.³ Subsequently I consider how, as a malleable rather than objective category, notions of ‘citizenship’ are inherently the stuff onto and through which political (and often cultural, racial, and other) ideologies are inscribed and enforced [Ong 1996; Corrigan and Sayer 1985]. Finally, I consider in detail the ideas of citizenship promoted and enshrined in Argentine law and politics during the era of neoliberal reform.

The Multiple Manifestations of Citizenship

The Enlightenment ideal of citizenship conceived of an independent and free individual able to participate in the political life of the nation. The spread of the liberal democratic model of the nation-state to widely varying contexts around the world has been accompanied by multiple expressions of this ideal of citizenship, both in its intended application and actual forms. This wealth of manifestations have led to anthropologists becoming increasingly interested in the ways different cultures construct and interpret ideas of citizenship [Caldeira 1996, 2000; Feldman 2007; Gohn 1995; Goldstein 2003;

³ Caldeira and Holston define citizenship as “prerogatives and encumbrances of membership in the modern political community” [1999:693].

Hart 1999]. Work from around the world has provided evidence that ideas of citizenship must be understood as they are conceived and practiced locally, often in hybrid ways that combine responses to social and cultural conditions with adherence to abstract political ideals. For example, Akhil Gupta has shown how a discourse of corruption in India functions to both allow people to symbolically construct the state and to define themselves as citizens, not only in the sense of belonging to a marked territorial domain, but also as possessing a particular set of rights and obligations, in a way that puts limits on and resists the Enlightenment-based concept of citizenship as enshrined in the Indian Constitution [Gupta 1995].

Much of the recent literature on citizenship that accounts for its multiple manifestations in a variety of national contexts builds off T.H. Marshall's seminal work on the topic in the 1950s. Marshall defined the notion of citizenship as comprised of three main components: political, civil, and social rights. He considered the political element to include the right to participate in the exercise of political power. The civil element is composed of the rights necessary for individual freedom, including the right to justice. The social element covers a wide spectrum, but is fundamentally based on the right to economic welfare and security and social support, such as education, 'necessary for sharing in the full social heritage of the society' [Marshall 1950]. Working out of a Latin American context, Teresa Caldeira and James Holsten add cultural rights to Marshall's typology, and develop the idea of 'disjunctive democracies', in which the different rights of citizenship do not all develop at the same rate nor always appear as equally distributed across all citizens [1999]. Such 'uncivil political democracies', as they name them, suffer from delegitimation and lack of faith in their ability or right to serve as representatives of the populace. As developed throughout this work, such a lack of legitimation and disenchantment with the system of representative democracy as practiced has been a key factor in defining the terms of debate and spheres of action in Argentina in the past three decades.

Moving beyond Marshall's typology, Charles Tilly argues that citizenship must be understood not only as composed of rights and obligations, but also as a set of particular collective memories about what these rights and obligations can and should be [1994]. Referring specifically to the right to justice, he proposes three main ideas: 1)

that definitions of justice are culturally and historically specific; 2) that people have a choice between the mnemonic and moral frames adopted in pursuing justice; and 3) that an observer cannot account for the shared interest of people (a prerequisite for collective action) without looking at available mnemonic and moral frames. The relationship of memory to practices of citizenship, and the theme of justice as a central component of these, is developed in Chapters 3 and 4.

Citizenship as Ideological Practice

Beyond the recognition of the need to consider citizenship not solely as a universal category but also in its local expressions, this dissertation also builds off of the insights of scholars who have noted how this category becomes a key site for the exertion of power. For example, Aihwa Ong highlights the role of the state in constructing and controlling ideas of citizenship and citizens. Drawing on Corrigan and Sayer's seminal work on the state as cultural formation, she argues for the way states undertake projects of moral regulation designed to condition and universalize citizens [Corrigan and Sayer 1985: 4-5; Ong 1996: 738]. As such, citizens are created and homogenized in quotidian practice by the state through their ascription into definitive roles, such as students, workers, consumers, and patients.

These general observations on the nature of state control over citizenship become even more acute in contexts of authoritarian rule, when the very notion of 'citizenship' is drastically undermined (though often, as in the case of Argentina, still appealed to by the ruling powers). The legacy of authoritarianism in Argentina has left an obdurate impression that citizenship is a condition ultimately controlled by the state, both in its unilateral ability to bestow (and impose) the benefits and obligations that accompany this status. The most recent military dictatorship (1976-1983) retained the daily technologies of control practiced by democratic as well as authoritarian bureaucratic agencies to enforce the sensation that the state remains the ultimate arbiter of citizenship status and benefits, from architectural and spatial organization to the arbitrary and instrumental inefficiency of bureaucratic institutions designed to process the numerous forms of obligatory civilian registration. Beyond this, the military dictatorship also expressly used the status of citizenship as a political weapon. When journalist Jacobo Timerman

published in exile the influential *Preso sin nombre, celda sin número* (*Prisoner Without a Name, Cell Without a Number*) about his detention under the military regime, he was summarily stripped of his Argentine citizenship.

The impression that it is the state that maintains control over citizenship and defines its rights and responsibilities is one that is often carefully cultivated by those in power. Nonetheless, directing too much focus onto the state as the ultimate controller of citizenship misses the way this concept is itself the site of a continuous process of contentious construction between multiple forces representing varying sets of interests. As Aihwa Ong also notes, "...citizenship [is] dialectically determined by the state and its subjects" [Ong 1996:738]. My research takes an in-depth look at the way ideas of citizenship are being recrafted in contemporary Argentina, through the practices of groups like Memoria Activa and the BAUEN Cooperative.

Recently, a number of scholars have applied this interest in citizenship to an analysis of the ways in which the concept has been understood and created in Argentina throughout its history. Hilda Sabato provides cogent insight into the nature of political practice and theories of citizenship as conceived and practiced in Buenos Aires in the late nineteenth century [1992, 2004]. This was a critical era in the formation of civic life and citizen-state relationships in Argentina, in a period of prolonged struggle between classical liberalist thinkers and conservative forces. Sabato argues against focusing solely or even primarily on electoral practices as a means for understanding how citizens were defined and influenced national life in this period. She contends that models of political practice that assume a linear development in the progressive accumulation of political rights to a wider body of individuals and groups, when applied to the Argentine case, "...fail to account for the complex links established between civil society on the one hand and political power and the state on the other, particularly during [this] formative period of the modern political system in Argentina" [1992:140]. Instead, she directs attention to a number of different areas, including community associations, the press, and public spaces in understanding how citizenship was practiced in this period.

This insight is also observed by Inés Dussel, in her perceptive and persuasive work on the making of citizens through the regulation of the body in early 20th century Argentina. She argues that viewing citizenship in terms of voting or the expressing of

opinion in political matters is a particular historical articulation of the concept (and one that I would add is itself infused with an hegemonic exclusionary ideology). Rather, she asserts, "...it encompasses a variety of practices in which one relates to others as a public self; communitarian actions, collective groupings, even consumption" [2005:109-110]. Focusing specifically on the use of white smocks in public schools beginning in the early 20th century, Dussel shows how policies such as dress codes functioned to implement Enlightenment principles of egalitarianism while taking care to discipline and define the emerging citizenry. With the passage of the Saenz-Peña law in 1912, which extended suffrage rights to all white males, new masses of people, many of them recent immigrants, were coming to understand and view themselves as citizens of the Argentine nation. Concern over the habits and political participation of these new masses engulfed not only the conservative opposition but also those who supported egalitarian principles. "The principle of equality," Dussel argues, "had to navigate turbulent waters, and a safe port could only be reached if self-discipline and enlightenment were generalized and the enlightened citizens participated in public government" [2005: 109]. As Donna Guy has also shown, the body became a central focus for attempts to mold this new citizenry [Guy 1991, 1992]. The use of basic white smocks was designed to at once provide a release from the markers of difference and to educate citizens as modern "enlightened consumers", able to pick democratic, healthy, and affordable dressings, monitoring bodies in ways that readied them to act as producers in the emerging form of capitalism.

The emergence of Peronism in the 1940s redefined the relationship of the populace to the state and incorporated masses of Argentines into the political machine in ways unseen previously. New articulations of the role of the state and what the citizen could and should hold as their own rights and responsibilities as participants in the national community emerged, and political parties gained relevance in the daily lives of an increasingly large sector of the population. An important body of scholarship has explored the legacy of these changes and the persistence of certain patterns of clientalism and patronage through established political channels [ex., Auyero 2001; Levitsky 2004; Levitsky and Murillo 2005]. However, in recent years much attention has been focused on the breaks away from these "traditional" forms of doing politics. Recent scholarship highlights what are often referred to as "new practices of resistance" ("*nuevas prácticas*

de resistencia”), or new forms of political participation that arose surrounding the economic and political crisis that peaked in December 2001 [Dinerstein 2004; Mato 2004; Svampa 2005a, 2005b]. While this body of work provides important information on the nature of contemporary forms of political practice and ideas of citizenship in Argentina, I contend that the tendency to view these developments as “new practices of resistance” overemphasizes the break with the past and fails to give sufficient attention to the ways in which the groups involved conform to and work within the structures of politics as practiced within Argentina. Furthermore, in this dissertation I consider the ways in which assertions as to the rights of citizenship respond specifically to the historical moment that led to their emergence, in ways that both draw upon and diverge from previously established practices and ideas of citizenship. In particular, I show how these assertions arose as a direct challenge to the specific ideas of citizenship promoted during the era of neoliberal reform in Argentina. I turn now to a consideration of these idea and their effects.

Neoliberal Citizenship

“Neoliberalism” is a shorthand term used to denote a particular set of economic and political policy proposals that had widespread adherence among economic elites and the major Washington-based international economic regulatory agencies, such as the IMF and the World Bank, from roughly the late 1970s through the late 1990s. These proposals include what has come to be known as the “Washington Consensus,” and advocate a decreased role for states in controlling or regulating economic activity. They encourage free trade, privatization, reduced government spending, and deregulation of capital flows.⁴ Such policies, when applied to Argentina under the Menem administration, included vast cuts to the size of state institutions, widespread privatizations of state-controlled resources, and severe reductions in social services like education, health care, and transportation networks. It is important to note that many of these policies have roots prior to the 1990s; indeed, many trace the beginnings of these patterns back to the dictatorship or even further. However, it was during the 1990s that neoliberalist policies became openly and whole-heartedly embraced and promoted by the

⁴ On neoliberalism, see Harvey 2005, Saad-Filho and Johnson 2005; Touraine 2001.

national government as the way to stabilize the nation's economy and lead the country out of the hyperinflationary spirals that had plagued the previous Alfonsín administration.

However, neoliberalism was more than just an economic and political program, but carried with it an inherent ideological predisposition towards the construction of a certain notion of citizenship, to control and divert public participation in political life [Assies, et.al. 2000; Hale 2002]. This included a number of different elements. Neoliberalism as implemented advanced a new kind relationship between the state and civil society. This minimalist conception of the state and democracy and the reduction of the political domain and its appropriate participants removed citizens from meaningful participation in political life. Rather, participation in the public sphere was (somewhat paradoxically) based on individual integration into the market, where citizens could voice their opinions and exercise their freedoms through the power of consumer choice. Furthermore, citizens were now expected to be self-responsible for social obligations, including the provision of basic and necessary services previously provided by the government [Alvarez, et.al. 1992].

Neoliberalism was developed in the Global North and had a distinct flavor even in its different expressions therein, whether through US Reaganomics or Thatcher's Great Britain. Its manifestations in the Global South, where it was introduced through a coordination of international agencies and local elites, was inflected in even more locally specific ways in the different places in which it was applied. Maristella Svampa delineates three figures of citizenship that she argues were developed during the 1990s in Argentina, in relation to its own version of neoliberalism [2005:280-285]. The first of these she denominates "patrimonial citizenship." This model has as its basis the idea of citizen as owner and controller of their property and resources, with individual autonomy as an overriding principle. The commercialization of social services, such as education, health, and security, has led those financially able to provide for themselves to embrace the "improvements" to such services brought about by the increased reliance on options within the private sector. This model, which Svampa argues has seen widespread expansion throughout the upper middle and ascendant classes in recent years, has its ultimate example in the rapidly growing number of gated communities (known as "*countries*" in Argentina), which often function as complete independent neighborhoods,

including stores, health services, and schools within its barriers.⁵

The second model identified by Svampa is that of the citizen consumer. The idea of the citizen consumer is based on the inclusion of the individual in terms of their consumption and use of the goods and services provided by the market. The centrality given to this model during the 1990s was so great that the rights of the consumer as social actor and the obligations of the State towards these were included as Article 42 in the 1994 reform of the Constitution. The figure of the citizen consumer was based on a notion of individual advancement and an acceptance of the logic of the market that was promoted by the state as the new unifying values that could guide the nation towards stability and prosperity.

The third model of citizenship that Svampa sees as operative in Argentina during the era of neoliberalism is that of community assistance/participation. This model was applied to the increasing number of those otherwise largely excluded from the other two models, and consisted of a kind of low-intensity, restricted citizenship, to be operative under the watchful eye of the state and through the constant control of international lending and development agencies [284]. This model advocated the development of community support networks to cover the survival needs of those left out of the formal economic system. In this way, "...those paradigmatic expressions of Latin American social cooperation (like survival networks and the informal economy) that had for decades been seen as obstacles to modernization...were reinterpreted in terms of 'social capital,'" a term that she says serves as "an ideological nucleus of the neoliberal model" [284].

These, then, were the models of citizenship offered, promoted, and enshrined by the state during the 1990s and into the 21st century. In the chapters that follow, I show how the terms and consequences of these models are being challenged and reworked by those who refuse to accept the limitations these models present. First, having traced the outlines of the ideas of citizenship and their relationship to social, political, and economic climate in Argentina during the period of my research, I turn now to a consideration of some of the major concepts that structure both the language used by the groups I worked with and, as a consequence of this, the focal points of my analysis.

⁵ For more on gated communities, see Caldeira 2000; Low 2003; Svampa 2001.

Politics

The word ‘politics’ is perhaps so broad as to preclude maintaining usefulness as an analytic term. Nonetheless, I think it is possible to provide a working definition of the word that can allow it to serve as a general referent for a feature of human social relationships that holds a great deal of relevance for understanding the issues I explore. In generic terms, politics here refers to the way people move through and manage interpersonal relationships of power. As such, my use of the word ‘politics’ encompasses but extends beyond the sphere of electoral practices and institutional operations. That some or all of the actors in these relationships can rely upon the resources of organized or institutionalized bodies constitutes a factor in the kinds of power that each of the actors holds and has at their disposal. My proposed definition of politics provides a way to usefully discuss the features I wish to highlight analytically. Beyond this, the definition also approximates and is based upon some of the senses in which the term was used by those who formed part of the groups I studied.⁶

In conceptualizing the way politics works within and between the groups that I study in this text and their relationship with a myriad of individual state actors and institutions, I find it useful to consider the works of a number of theorists who have considered the issue specifically within the Argentine context. Mercedes S. Hinton provides a valuable framework for considering the effects of state-level political practice in contemporary Argentina in her book, *The State on the Streets: Police and Politics in Argentina and Brazil*. As the title suggest, she focuses specifically on the police, as state institutions that necessarily operate not independently but embedded within the relationships of power between national and local governmental organizations.

Her analysis, in being designed to contribute insight into the issue of state reform, considers these relationships specifically in terms of obstacles to effective and transparent functioning of the police institutions. This focus on offering programmatic strategies

⁶ Argentine sociologist Maristella Svampa takes politics as “...the sphere of deliberation and participation, the space of dispute and conflict, concerning the different existing models of society” [see Svampa 2005a:273-274]. Though her definition well serves her analysis of how different positions came to be expressed and channeled during the last 20 years of electoral politics, I find it overly limiting for my purposes. My experience is that the word ‘politics’ (*la política*) as used in Argentina encompasses not only debates over “existing models of society” but also the calculated consideration of personal or other interest and the relevant relationships of power in determining courses of action.

unfortunately prevents her from effectively exploring the nature of these relationships of power themselves. However, she does provide a useful description of some of the factors that influence the ways in which decision-making occurs and the conditions for the implementation of intended or attempted reforms. She sets out the idea of the “Argentine political game,” which she uses to refer to the intersections of personal and institutional interests within codified political behaviors. These behaviors, she argues, are shaped by “...an enduring ethos shaped by historical, cultural, and institutional factors that continues to permeate every aspect of national life [2006:75].”

In further describing the “Argentine political game,” she lists a number of factors that she sees as key in the functioning and propagation of politics as practiced in contemporary Argentina. These, she argues, are key in understanding why political attempts at reform continue to falter. In her words, “Shaped by cultural toleration for corruption in public office, low accountability, impunity, and destructive competition, the political game in Argentina...is consumed by an overriding interest in self-preservation and predicated on an insular form of governance that primarily befits particularistic interests” [2006: 192]. I find her description of the Argentine political game compelling, particularly for the way it is able to trace in detail the kinds of multiple intersections of subject positions and accepted or expected methods of maneuvering that affect the implementation of policy directives. Furthermore, it emphasizes the codified ways in which these relationships of power tend to function, and the ways in which interactions with(in) these state institutions are channeled through these patterns. However, part of the work of this dissertation has to do with unraveling precisely how concepts like impunity and corruption are deployed within Argentina, and how this interrelates with the ways they are applied and interpreted by international observers or organizations, something that Hinton takes for granted.

While Hinton focuses on the nature of political practice within and between state institutions, Javier Auyero’s work on political participation in the city and province of Buenos Aires is primarily concerned with how the operations of politics outside of governmental institutions. An important distinction that can be gleaned from Auyero’s treatment concerns the differences between actual interactions between actors and the bureaucratic production of documents that may (or may not) accompany it, on the one

hand, and the perception and interpretations of the idea of politics as held by those who engage in its practice, on the other. In his book *Routine Politics and Violence in Argentina: The Grey Zone of State Power*, Auyero writes:

Countless times during the course of our fieldwork, we heard the expression, “It’s all politics. What can we do? It’s all about politics.” When discussing the distribution of welfare in the neighborhood or the kind of food provided by communal soup kitchens, when chatting about police actions during the lootings or about the rising incidence of crime in their neighborhoods, even when talking about their future (individual and collective) prospects, residents in Moreno and La Matanza expressed their views in the language of politics. They were not, however, referring to a joint transformative capacity nor to a collective struggle for resources. They were certainly not referring to specific public policies nor to debates in Congress. “Politics” (as in the expression “It’s all about politics”) connotes something profoundly disempowering for them (What can we do?). When speaking about politics, they refer to something coming from above, something beyond their control – sometimes they hint at a sort of conspiracy, but most of the time they use a language of politics to talk about how impotent and vulnerable they feel. Their moral universe is infused by politics, and this is the source of the (mostly bad) deeds that they do not fully comprehend and about which they are powerless [2007:148].

Auyero’s work is important in providing a deeper understanding of how the idea of “politics” is felt and perceived by those who inevitably live under the conditions of its consequences. However, in focusing mainly on the disempowering effects of unequal political relationships, this treatment risks diverting attention away from the ways in which the codified conditions of these relationships influence and direct the courses of action undertaken by these individuals and groups when they chose or are forced into interaction with government authorities. This idea of politics as a level of interaction that is both an unalterable reality and a source of practical effects in their daily lives is based on and exists alongside the actual practice of politics in everyday life, a feature that Auyero’s research in fact powerfully highlights.

In thinking about the way politics, understood in the broad sense proposed above, works within contemporary Argentina and particularly in how this affects the actions and possibilities for groups interested in influencing state policies in order to achieve a set of goals, I draw on the imagery proposed by one of my field informants as he reflected on his own experiences in navigating the Argentine political game, that of a labyrinth (*laberinto*). And in this, I had a choice. Others had proposed to me the image of Argentine politics as a “swamp” (*pantano*). And while this is undoubtedly an accurate expression of the frustration they felt when facing state institutions, I found it did not reflect the hope, however, dim, that was necessarily a part of their continued collective action. For total despair is incompatible with the amazing resilience and endless

creativity shown by the organizations I worked with. Instead, I have chosen to adopt the image of the political labyrinth for the conceptual possibilities it contains. First, a labyrinth, however impenetrable, forever holds the chance of being successfully traversed. Secondly, a labyrinth demands choice, and a constant rethinking of strategy. In this, it reflects the ways in which the organizations I worked with continuously consider and adjust the situation they are in, viewed from the particular and unique point at which they find themselves. Finally, while joined into a unified whole, the different parts of a labyrinth hold no necessary connection to one another in terms of form, structure, or content, which I argue is an important point to keep in mind whenever one attempts to talk about the “state”, composed as it is of a myriad of often conflicting institutions.

But it is not simply the idea of political practice as equivalent to negotiating the halls of a labyrinth that I hope to provide in this work. Rather, I propose that the work of the groups I discuss is engaged precisely in demystifying the labyrinth as they traverse it. For these actors, the deeper in they get the more they have struggled to climb up onto one of the walls and see the whole so delicately obstructed from view. Thus, in the very act of facing the labyrinth, they have also sought to deface it, by revealing and denouncing its nature [cf. Taussig 1999]. This occurs both within the terrain of engagement with the political, in which the workings of the system are exposed even as these groups move within them, and in the more daily carrying out of the groups’ actions. As we will see, for Memoria Activa this is centered around what is held as an active practice of memory. In the case of the BAUEN, it is on the operation of the cooperative itself. As a figurehead of another recuperated business closely allied with the BAUEN has remarked, “Beyond the specific functioning of each [recuperated business] experience, what has provoked [the managing business and political elite] is that it has been possible to demonstrate that workers can concretely manage factories and businesses. Years ago to have even said this seemed like a utopia. But it has been demonstrated that the reverse is true; the king has been left naked.”⁷

My discussion of politics has been primarily concerned with setting the stage for

⁷ Raúl Godoy, of FaSinPat. Cited in “*El strip-tease de los reyes: ¿Cuenta regresiva para Zanón?*,” published by lavaca at www.lavaca.org, 20 November 2007.

understanding how these groups operate on the practical register in interacting with the state. I turn now to a discussion of two of the key terms that are used by these groups in making their demands on the ethical register.

Corruption

corrupto, ta – adj. 1) Que se deja o ha dejado sobornar, pervertir, o viciar; 2) Dañado, perverso, torcido.

corrupción – s.f. 1) Acción o efecto de corromper; 2) Alteración o vicio en un libro o escrito; 3) Vicio o abuso introducido en las cosas no materiales. Corrupción de costumbres, voces; Der. 4) En las organizaciones, especialmente las públicas, práctica consistente en la utilización de las funciones y medios de aquellos en provecho, económico o de otra índole, de sus gestores.

-- Real Academia Española, 22ª edición

corrupt (selected definitions) – adj. 1) guilty of dishonest practices, as bribery; lacking integrity; crooked; 2) debased in character; depraved; perverted; wicked; evil; 3) made inferior by errors or alterations, as a text; 4) infected; tainted; 5) decayed; putrid...v.--7) to lower morally.

corruption (selected) – n. 1) the act of corrupting or state of being corrupt...3) perversion of integrity; 7) a debased form of a word; 8) putrefactive decay; rotteness; 9) any corrupting influence or agency

--Random House Dictionary of the English Language, 2nd edition⁸

One key idiom that these groups use in defining the nature of the problems they face and which structures the way in which they frame their demands concerns the idea of corruption (*corrupción*). In talking about corruption, I build off the interventions of recent anthropologists in disputing the treatment of this concept as an objective phenomenon, as often assumed or proposed in academic or prescriptive literature [see, for example, Eigen 2002; Goldsmith 1999]. This position is epitomized by the global monitoring and advisory agency Transparency International. This organization was founded by lawyer and World Bank development worker Peter Eigen in 1993, and has been fundamental in promoting the vision of corruption as the key obstacle to achieving

⁸ Both the English and Spanish versions share a common etymology with the Latin words **corruptus**, **corruptio**, to break in pieces.

From the 1550s to 1870, when the law was abolished, ‘corruption of blood’ was the term in English law used to designate the impurity before the law that resulted from a person being sentenced to death or outlaw status. This involved the loss of all civil rights, including the ability to inherit, retain, or bequeath lands or interests in lands. The fact that this measure was often and notoriously abused, to allow for the ‘legal’ appropriation of property, though tangential to this text, adds yet another level to the perpetual entanglement of corruption and politics, with accusations of corruption deployed as a political weapon.

economic and political stability in “developing” countries by eroding civic trust, decreasing governmental legitimacy, and inflating the cost of business transactions [Muir 2008].⁹ However, the idea that corruption is a readily definable and understandable social phenomenon concerned primarily with embezzlement, bribery, or nepotism extends well beyond the sphere of development agencies. Indeed, the perception of “corruption” as an universal category of a distinct set of social actions is frequently adopted both in popular usage and across a broad set of scholarly disciplines, including political science, international relations, economics, and sociology.

However, recent ethnographic work from around the world suggests that what is perceived as corruption needs to be itself an object of study, and that such perceptions rely heavily on cultural influences [Hasty 2005; de Sardan 1999]. This operates in at least two ways. On one level, what is perceived as ‘corruption’ depends on culturally recognized registers of appropriate behaviors. What may be considered ‘corrupt’ dealings by an outside observer could be locally interpreted as the appropriate behavior for the actors involved. However, in contradistinction to the divisions often posited in these treatments, Sarah Muir argues that, “The Argentine case disallows a too-hasty distinction between bureaucratic and cultural ethics, demanding instead an analysis that can grasp corruption as a folk category of moral critique” [2008]. Along these lines, my research demonstrates the way ‘corruption’ becomes a catch phrase to designate morally condemnable behavior and social ills.

On another level, the way in which international development agencies and their promoters use the word corruption, or, more exactly, the kinds of actions defined as corrupt by these agencies and the way the word ‘corruption’ becomes a signal for the inability of local institutions to properly behave according to international standards of modern bureaucratic statehood, becomes locally applied and interpreted by different groups in different ways. As noted above, Ahkil Gupta has argued that, in India, “the discourse of corruption turns out to be a key arena through which the state, citizens, and other organizations and aggregations come to be imagined.” Arguing against those who would treat corruption as “a dysfunctional aspect of state organizations,” Gupta sees

⁹ Arthur Goldsmith claims that the idea behind Transparency International is “to spotlight corruption the way Amnesty International has publicized human rights violations” [1999:865].

corruption as “a mechanism through which “the state” is discursively constituted” [Gupta 1995:376].

Despite a number of important differences, in Argentina “corruption” has similarly come to serve as a lens through which the proper role and ethical basis for governance comes to be asserted. Used nearly ubiquitously to describe the era of neoliberalist politics, the idea of corruption as permeating Argentine society has gained a powerful interpretive force as a shorthand way of describing the local “source” of the nation’s difficulties. As anthropologists Haller and Shore have noted in their recent edited volume on the subject, “Corruption typically functions as an idiom through which people try to make sense of the political world they inhabit. In this respect, discourses of corruption...are not only powerful tools for constructing social facts, they also provide a lens for exploring disputes, contested meanings and the structure of social relations” [2005:21]. Not only are the politicians who held power during the 1990s widely seen as having engaged in multifarious “corrupt” practices, but the actions of community leaders, state workers, union bureaucrats, judges, businesspeople (*empresarios*) and many others are all considered to have been complicit in this ‘era of corruption.’

This sense of corruption defies a simple interpretation. I have included the definitions of the term in both languages at the beginning of this section not only for the facility of the reader but also precisely because of the way the word has circulated within Argentina. In this sense, though the word itself of course bears relationship to its etymological history and usage in Spanish, the way the word has come to be used and understood in Argentina relies as much upon an interaction with understandings of the word within the context of international lending organizations and government pressures emanating from the Global North. The circulation of the term ‘corruption’ in Argentina during and in describing this era undoubtedly owes much to the international discourses on corruption discussed above that were becoming increasingly influential in this time period. The idea that corruption was a serious problem that must be remedied was replacing the “functional theory of corruption” that had previously held sway among the intellectuals whose theories formed the basis for the policy decisions coming out of Washington and its economic institutions, and which had argued that corruption in developing countries held macro-level economic and political benefits [for discussion,

see Merton 1968]. This ‘narrative of corruption,’ to use a phrase coined by Gupta, has in fact become a primary basis of the neoliberal agenda:

Striped to its basics, the neoliberal thesis holds that since corruption is primarily a pathology of the public sector, the solution lies in reducing public spending and rolling back the frontiers of the state. Shrinking the public sector, so the argument goes, reduced the scope for public officials to engage in malfeasance. It also subjects public officials to the regulatory disciplines of the market, to cost-consciousness, and to entrepreneurial business ethic [Haller and Shore 2005:18].

The formation of an Ethics Committee by the second Menem administration showed their sensitivity to the new restrictions being placed by international lending agencies on developing countries “where fraudulent activities have significant macroeconomic implications.”¹⁰ Other events, like the 1996 signing of the Inter-American Convention Against Corruption, certainly placed this particular notion of corruption in the public eye.

The protest groups I study here operate within the context of widespread circulation of this notion of corruption as deployed in by international lending institutions and widely disseminated through the mainstream media. While they certainly do accept the idea that corruption is a major element in contemporary Argentine society, the way the word was used within the Argentine protest organizations and among the alternative media seems to hold to a different definition of the term. A number of scholars have noted how the discourse of corruption that emanates from the Global North rests on an inherent public/private dichotomy, clearly delineated in the definition of corruption by the World Bank as “the abuse of public office for private gain” [Haller and Shore 2005:2-5]. However, in Argentina, I argue, the emphasis is placed not on a public/private dichotomy, but on a difference between individual and collective benefit. In this context, a ‘corrupt’ act is quite specifically one that places personal interests above the public good. Noteworthy perhaps is the fact that, despite listing some 14 different definitions for the term, neither English nor Spanish dictionaries mention corruption as having to do with putting individual interest above collective good. This limited and specific usage is what allows its application across such a broad sector of society, indicting all those who hold positions of power and are expected to act for collective benefit. In the case of public officials, whether of the state or in the private sectors, it is those who have been entrusted with the care of the collective who are seen as defrauding this trust. In Chapter

¹⁰ This was the criteria applied, for example, by the IMF.

4, I discuss in detail the both state and Jewish community officials are seen as ‘corrupt’ for their failure to protect the interests of those they are supposed to represent, reasserting the rights of citizens and members to protection under their leaders. Concerning the business sectors, those accused of corruption are seen as having failed in their moral obligation to work for the benefit of the business they run. In Chapter 6, I take up specifically the way in which the logic of capitalism and the primacy given to an ethics of (individual) fiscal gain is contrasted by the workers’ assertions of the owners’ ethical obligation to act for the benefit of the business as a productive unit, one that includes the workers.

Throughout this work, I show how the notion of corruption functions as a fundamental part of the confrontational language and assertions of legitimacy on which the groups I discuss base their ethical challenges to the state. However, even while accepting the transnational interpretation that ‘corruption’ is a major cause of social malady in contemporary Argentine society, they adopt this interpretation without ascribing to its definitions. In this dissertation, I show how they use this assertion to challenge the precepts of neoliberal discourse.

Impunity

impunidad – s. 1) falta de castigo
from the Latin *impunitas*, *-ātis* -- freedom from punishment; safety

--Real Academia Española, 22^a edición.¹¹

The other key idiom through which the groups I discuss structure their demands and understandings is that of impunity. I propose that impunity holds a similar interpretive value as corruption throughout broad sectors of Argentine society, and serves as the basis for much public discourse. This terminology first gained widespread usage in the context on the struggles to bring legal action against perpetrators of the brutal repression that occurred under the last military dictatorship (1976-1983), but has since broadened to include a lack of legal prosecution for post-dictatorship police brutality, repression of public protest, politically motivated murders like that of investigative

¹¹The Random House Dictionary of the English Language, 2nd edition defines *impunity* as 1) exemption from punishment; 2) immunity from detrimental effects, as of an action.

reporter José Luis Cabezas, and the widespread violation of contract and labor laws across the business sector. Chapter 3 shows how this idea of impunity gained force in reference to the unpunished designers and perpetrators of state violence during the Dirty War. I show how groups like Memoria Activa and the other organized groups of family members of AMIA victims see themselves as forming part of a larger struggle against impunity for those involved in planning or implementing acts of violence. However, I also show how this notion of impunity has taken on a broader significance in Argentine society, and is widely used as an interpretive trope for understanding the cause of social ills, the self-interested behavior of government officials, and the inefficiency of both state and non-state public institutions. In this way, it becomes tied to the idea of corruption, and has become so widespread as for some to assert the equation of power with impunity [Cernadas de Bulnes 2005: 131n30].

The idea of impunity as used in contemporary Argentina is related to understandings of corruption in at least two ways. The first of these concerns the idea that members of the business elite and state actors can commit corrupt acts and get away with it. In this sense, corruption is seen to be fed by the shield of impunity, with those in power feeling confident that their actions will remain unpunished and free of negative legal consequences. Furthermore, the idea of impunity is linked to that of corruption in that it is widely believed that acts defined as criminal, such as the AMIA bombing or violations of labor and business laws for the Bauen, remain unpunished as a consequence to the webs of relationships and interests that defines the workings of politics. That is, the corrupt relationships that operate as the basis of politics inhibit the resolution of these (illegal) acts, thus creating a self-perpetuating climate of impunity.¹² As shown in later chapters, the AMIA investigation spent years directed towards Buenos Aires police officers as major accomplices in the execution of the attack, only to have it later revealed that this accusation was based primarily on the political interests that lay in the discrediting of this institution and of its recognized leader Eduardo Duhalde, a major

¹² This linkage of corruption with impunity is not exclusive to Argentina, and can be commonly heard throughout other Latin American nations as well. To cite just one recent example, Brazilian writer Frei Betto recently asserted, “If corruption exists this is due to a single cause: impunity.” [*Tarjetas: dinero “de nadie”*], published 10 March 2008 on <http://alainet.org>]. In this dissertation I am particularly concerned with how the meanings and interpretations given to these terms emerge in a mutually constructive dialogue with recent and historical events and perceived patterns.

political figure embroiled in a battle for control of the Peronist party. In the case of the Bauen, we will see how workers' rights were systematically violated during the 1990s, and how attempts to halt the tide of these violations are subject to a delicate balance of interests and forces between traditional union structures, business interests, and newly organized workers' groups.

Apart from this interrelation of impunity and corruption, I want to delve further for a moment into other aspects of this idea of impunity. As noted at the beginning of this section, the word "impunity" is essentially based in the idea of exemption from punishment. However, in Argentina the word has come to denote fundamentally the lack of legal justice. In this way, it is tied in a quintessential way to the notions of democracy and the rule of law, institutionalized in an effective and independent branch of government. It is the perceived lack of this feature of national life that is being principally lamented in the condemnation of what is seen as the endemic problem of impunity. This contrasts, for example, to the use of the term in contemporary Spain, where '*impunidad*' is used to refer to the failure by the State to dismantle the legal structures and sentences of the War Councils and special tribunals put in place during the reign of Franco, i.e., to a lack of rectification of juridical forms and decisions perceived as illegitimate.¹³

This bond to a notion of legal justice has conditioned both the ethical demands asserted by the groups I discuss in this dissertation and their choices and possibilities for action within the legal sphere. While demands for an effective, transparent, and politically neutral judiciary is at the core of these groups rhetorical demands, in practice they have had to learn to navigate the judicial system in its current manifestation, even while maintaining pressure on the Executive Branch to provide solutions that could circumvent it. This is made difficult by a number of factors. This sensation of justice as something that remains always out of reach is enhanced by the way it is commonly talked about in Argentina. The general term "*la Justicia*" is used in news media and common speech to refer to the entire Justice System, in many cases with no further specifications.

¹³ Ricard Vinyes of the Universitat de Barcelona, speaking during the opening ceremonies for the *Coloquio Internacional centrado en Políticas Públicas de Memoria* (October 17-20, 2007) has argued that the Law for Historical Memory recently passed in Spain constitutes "a social metaphor that expresses moral disagreement and an ethical insurrection against this model of impunity."

To give just one example, when a major television news channel covered the opening of a new subway line in Buenos Aires in 2007, they noted that, "*la Justicia define si da lugar a una denuncia por falta de seguridad*" (**the justice [system]** is in the process of defining whether or not to accept an accusation for lack of security.") [From Noticias TN, emphasis mine]. I argue that such usage further alienates most Argentines from the workings of the institutions of justice that are available to them and/or to which they are subject, by failing to provide basic information on which particular facet of this huge and labyrinthine branch of government is involved.

Perceptions of the justice system in Argentina became increasingly negative during the era of neoliberal reform.¹⁴ While the Supreme Court provided perhaps the most extreme example of executive intervention and control, the system as a whole was and remains widely considered as being inefficient, nepotistic, and subservient to political interests.¹⁵ While certain reforms undertaken by the administration of Néstor Kirchner were designed to improve this image and the functioning of the system, others, such as the widely criticized reform of the Magisterial Council (*Consejo de la Magistratura*), continued to locate this institution as among the most problematic in public perception, and the ability of the Judicial Branch to function independently of political pressures remains limited.¹⁶ A survey from July of 2004 still located the Justice System as the institution with the worst image, with only 18% of respondents granting it a positive rating, while 78% said they viewed it negatively. This same survey saw only 23% of those surveyed holding a positive image of the Supreme Court.¹⁷ Reflecting on the recent naming of a new Justice Minister, the well-known judicial correspondent for a

¹⁴ See, for example, *Informe Latinobarometro 1995-2005: 10 años de opinión pública* (www.latinobarometro.org).

¹⁵ Cf, for example, to the situation in Chile, where judicial independence and unwillingness to be seen as operating "politically" held even during the long years of dictatorship. See Hilblink 2007 for a recent treatment of the Chilean judicial system and its history of "independence."

¹⁶ The Executive Branch retains considerable control over numerous administrative aspects of the Justice System. Among these, the most cited include its influence over the naming of judges, requisites for their appointment, and fiscal control over not only the amount of money the system receives but also the way in which it can be distributed. For an insightful recent article on the challenges of judicial independence in Argentina, see Chávez 2007.

¹⁷ This survey was conducted by Analogías, directed by Analía del Franco. Reported in *Página 12*, "Encuesta sobre imagen de sectores del país," 11 July 2004. However, and arguably reflecting a degree of renewed confidence following the Kirchner administration's directed reforms, the numbers cited here for the 2004 survey were in fact better than those of the previous year, when the Supreme Court had garnered only a 9.5% approval rating, and the judicial system as a whole had received only 4%.

major newspaper wrote:

The Justice System tends to hold an embattled position in the political agenda. It is most often the territory of slow and tedious transformations, when there are transformations. Or else drastic measures are undertaken, like the refounding of the Supreme Court or the polemical reductions in the Magisterial Council. In the last few decades, [the Federal Ministry of Justice] has always ended up stuck onto some other ministry, like Education or the Ministry of the Interior, or associated with some other specialty, like Security. Is this for [the Justice System's] (earned) fame of being an impenetrable caste? Or for the threat of its ever latent power? Because it has become an unmanageable labyrinth? Or to be able to control it?¹⁸

The realities of the structure and operations of the legal system has led to these groups simultaneously working within the system in serving as plaintiffs (in the AMIA case) or filing judicial petitions (for the BAUEN), pressuring for its reform, and demanding that the Executive Branch circumvent the justice system through issuing decrees favorable to the groups' interests or pushing through new laws to restructure the system according to their needs. Their attempts to change the system, often by any means necessary, is seen as essential in improving the quality of Argentine democracy and society, in accordance with the ideas of the reformulated ideas of the rights of citizenship that they espouse.

The Limits of the Political: Case Background and the Emergence of the Ethnographic Moment

The walls of the labyrinth are constructed from many elements, and while each group may encounter a particular set of these, all are ultimately influenced by the structure of the whole. Throughout this dissertation, I consider different aspects of these constraints and their historical development within the particular political and socio-cultural context of Argentina. In this section, I briefly trace some broad outlines of the conditions within which these groups operate.

Each of these sets of groups emerged within a context in which the notions of impunity and corruption held significant interpretive force. These use of these notions and the sets of practices which they are used to describe create a particular climate which is shared by the organized groups of family members of victims of the AMIA bombing and the recuperated businesses movement. Their adoption of these notions as ways of

¹⁸ Hauser, Irina. "Los desafíos del nuevo ministro de Justicia," *Página 12*, 18 November 2007.

defining the problems they face and the nature of the political institutions with which they engage reflects their placement within a shared social context. Here in this Introduction and throughout the dissertation I show how these notions are affected by the organizations that adopt them as interpretive and assertive frames.

Furthermore, it is the City of Buenos Aires, with its particular economic and political history, that forms the background and the arena for the actions and assertions of both of these groups. The geographic proximity of the Hotel Bauen, for example, to the Plaza Lavalle means in practice that the actors involved in both *Memoria Activa* and the Cooperative bodily traverse the same streets on a regular basis, as I did in working with each of them [see Picture 1.1-1.2]. This is not to say that each individual experiences or imagines these shared spaces in the same way. Yet it was the same landscape that contained and delimited the physical concretization of their spheres of action.

The possibilities for their action and the responses they received also emerged within a shared set of historical circumstances.¹⁹ Early in the 20th century, Argentina enjoyed a degree of economic stability it has never since been able to replicate. The economy was largely focused on the exportation of grain and cattle produced on large latifundias controlled by the local oligarchy and worked by an influx of mostly European immigrants. As refrigeration and canning technologies improved, the profits brought by the cattle industry increased even more. Industry began to develop, largely due to foreign investment, and Argentina began to cultivate a privileged relationship to Great Britain in both infrastructure development and trade. This state of affairs remained for the most part intact through the Radical Governments of 1916-1930, when the world economy was drastically altered by the effects of the Depression and the military's irruption into Argentina's government changed state economic policies.

The so-called Conservative Restoration of the 1930s saw a closure of the economy, in reaction to the increase in protectionism in European and North American markets. Import substitution industrialization grew, as did state intervention in the economy. The conservative government's harsher policies towards union and labor activism increased popular unrest, and arguably set the stage for the emergence of the

¹⁹ For a useful overview of Argentine political and economic history in the 20th century, see Romero 2002. My discussion in this section, though far too brief to adequately encompass the complexity of the issues mentioned, is much indebted to Romero's insightful treatment.

Peronist movement in the 1940s.

The first Peronist administration enjoyed the high prices of meat and grains that followed the destabilization that World War II brought on European food production and populations. However, by 1949, prices were returning to normal and an increasingly industrialized Argentine economy had become dependent on imports for fuel, machinery, and intermediate goods. The crisis in foreign trade was aggravated by drought, and the early 1950s marked a change in state policy. The government began to actively encourage foreign investment, in a fundamental departure from Perón's earlier emphasis on economic independence. However, the attempts to redirect the economy did not lead to stability, and another military coup in 1955 sent Perón into exile.

Fluctuations in the world economy continued to cause dramatic effects in the Argentine economy throughout the politically volatile years that followed. The next two decades saw a great increase in foreign investment and an even greater increase in the influence foreign capital was able to exercise. This influence took the form of transformation of services (and in the marketing practices that accompanied them) and in pressure towards the government for the maintenance of state intervention in the economy. This pressure was designed to guarantee the continuation of the special treatment that had served to stimulate the initial investment. In a move that would prove to be a continuing source of detriment for many years, the state ultimately failed to effectively limit the conditions or duration of this special treatment.

The rise to prominence of dependency theory during this era provided a tool for describing the constraints that policy makers in countries like Argentina faced. Yet even as recognition of the continuing domination of society by problems of development and imperialism increased across many sectors, the governments that held power during the turbulent years that followed Perón's removal from office implemented decisions that only increased Argentina's dependence on foreign capital and its stagnation under the weight of a growing foreign debt. The possibilities for a state directed policy that could address these problems were further reduced by the climate of competition and shifting alliances between ruling economic interests that dominated the era. As Luis Alberto Romero has written:

It was a game without logical or predictable rules; no sector could impose rules on the rest. Although the state's actions were of paramount influence, the state did not design policies

autonomously but was at the mercy of those who could capture the state for the moment and use it to take as much advantage as possible [2002:157].

Many held hope that Perón's return to power would serve as a route to the liberation of the nation from its dependence on the foreign and local elites that dominated the nation's economy and absorbed the lion's share of its wealth. The violent years of political unrest that had led up to his return had also left many seeking a figurehead capable of controlling and striking a balance between the numerous opposing forces that threatened to drive the nation into destruction. The passion play of competing interests included factions within the military, unions, non-unionized workers recently engaged in new forms of social protest, industrialists, landowners, and, of course, foreign interests. Perhaps inevitably given the circumstances, the return of the leader in 1973 failed to bring about fundamental changes in the structure of the economy.

The military junta that seized power in 1976 immediately concerned itself with economic reform as a necessary part of political stabilization. The architect of the dictatorship's economic program was the US-trained José Alfredo Martínez de Hoz, who served as Economics Minister under Videla. His assessment was that state intervention in the economy and the establishment of the welfare state had been principal cause of Argentina's problems since the 1930s. The market was proposed as "the instrument capable of equally disciplining all the social actors, rewarding efficiency, and discouraging unhealthy interest-group behavior" [Romero 2002: 221]. The reforms he implemented functioned to concentrate economic power into an even smaller number of hands. By the end of the dictatorship in 1983, changing international conditions and a severe banking crisis had sparked massive capital flight and the foreign debt had risen to an unmanageable \$45 billion USD.

Pressure from foreign creditors and international lending institutions limited the options for newly elected Radical president Raúl Alfonsín. Locally, the major economic powers located in the GEN (*Grupos Económicos Nacionales*), the military, and the unions all exerted pressure on the new government in attempts to secure concessions to their interests. Despite launching a new currency plan known as the Austral, Alfonsín's years as president were characterized by a rampant permanent inflation that drastically limited the state's ability to govern.

These were the conditions that set the stage for the era of neoliberalism ushered in by Menem in the 1990s that forms the backdrop for the formation of the groups I discuss in this dissertation. The AMIA bombing occurred as the first wave of neoliberal economic reforms was beginning to wane. The recuperated businesses movement was born and gained strength as the neoliberal model and the severely unsustainable economic programs that characterized its implementation in Argentina began to wear themselves out. Throughout this dissertation, I show how the groups organized around these events are responding to the specific conditions created by this economic and political history.

Beyond these national economic considerations, the groups also shared a local context subject to constant change. The ceaseless flow of events, each of which played a role to a greater or lesser degree in setting the political stage for the City of Buenos Aires, forces these and all other groups to constantly reconsider and adapt to new circumstances. The case of the Cromañón nightclub fire, explored in Chapter 7, serves as a demonstration of how events not directly related to a group's demands can drastically affect the conditions of their situation.

Each group also circulated within a shared international context that both limited and conditioned their possibilities for action, though they drew their points of connection in different directions. On the one hand, this moment was characterized by an increasing acceptance within Argentina of the idea of the nation as having been or having become "latinamericanized." This idea, which began to gain force following the 2001 economic and political crisis, increasingly replaced the lingering idea of Argentina as somehow different from the rest of Latin America in allegedly maintaining ethnic and economic affinities more in line with the community of "First World" nations than with its geographic neighbors. Embracing the idea of Argentina as an integral part of distinctly Latin American historical and economic trajectory, the BAUEN Cooperative actively worked to establish and accept allegiances with worker-led businesses throughout the continent. During my research, representatives of the BAUEN Cooperative attended an international event on recuperated and worker-managed businesses in Caracas, sponsored by the Venezuelan government, capitalizing on the desire of the Chávez administration to be seen as promoting these kinds of initiatives.

The organized groups of family members from the AMIA bombing were also affected by changes in the international alliance of interests, particularly after the events of September 11, 2001. The AMIA and Embassy bombings were quickly recodified by the Kirchner administration and the institutions of the collectivity, and to a lesser extent by the organized groups of family members, in the language of the war against terror. The ability to place their case within a historical trajectory of terrorism lent increased visibility to their claims, even as it became fuel for the allies of the Bush administration in their invectives against Iran in ways that ultimately structured the only “advances” that have yet to be made in the case, explored further in Chapter 4.

All of these conditions ultimately affected the ways in which these groups and the institutions they appeal to were willing and able to enact changes. This dissertation demonstrates the connection between the actions and demands of groups engaged in working for social change and the fluctuating historical, cultural, political, and economic conditions that structure the moment of their operation. By considering both of these sets of groups in conjunction, I am able to provide a much fuller and more rounded picture of this context and the conditions that structure the nature of contemporary Argentine politics and society than I could by focusing solely on one or the other.

Research Methods and Organization of the Text

Reflections on Research Methods

This dissertation is based on ethnographic field research that I conducted in a number of research sessions Buenos Aires, Argentina between 2000 and 2006. However, my initial contact with Argentina on a personal level came in 1992, when I spent six months in a small town by the name of Reconquista, nestled on the banks of the Paraná River and surrounded by the *pampas santafesinos* (grasslands of the Province of Santa Fe) in the country’s geographic center. In addition to providing me with trial-by-fire experience learning to manage the local language and cultural habits, this formative time also provided me with a lasting emotional connection to a place I find myself linked in a cycle of continuous return. I returned to Argentina in 2000, and then 2001, for two brief eight-week fieldwork sessions in which I explored the public performance of memory and practices of monumentalization, including the way monuments functioned and

affected the experience of public spaces [cf. James 2000, esp. Ch 1]. This research led me into contact with the group Memoria Activa, and during my 2001 field session, I attended a number of their public events and organizational meetings, and conducted interviews with members of the directive board.

These initial research sessions in Buenos Aires laid the foundation for my extended period of field investigation, which I conducted between October 2004 and March 2006. I also maintained an active research agenda in between these sessions and afterwards, through continued personal communication via letters, email, and phone conversations with individuals, and through careful attention to local developments through newspaper and other media sources. My work with Memoria Activa and the other groups of family members of AMIA victims included participation at public and private events, semi-structured and open interviews with participants, hundreds of informal conversations with individuals and groups of individuals in coffee houses, restaurants, plazas, theaters, and private houses, and a careful (and, in my field informants' eyes, perhaps leaning towards obsessive) collection of published and printed documentation of the group's activities and the many facets of the AMIA case.

In addition to my work with Memoria Activa and the other groups, I was also interested in working with organizations engaged in making demands upon the state concerning economic rights, to complement my research on the issue of justice as a right of citizenship. A participant in Memoria Activa provided me with an introduction to leading members of the BAUEN Cooperative, not long after their reopening of large portions of the hotel. After conducting a number of initial formal interviews, I began to participate in activity of the hotel as an English teacher. My research with the cooperative included in-depth participant observation in the most literal sense of the term, encompassing, among other things, attendance and participation in cooperative organizational meetings, observation of daily life within the hotel, being present at numerous protest marches, and working with their internal press committee on the translation and distribution of their press releases. I also conducted semi-structured and open interviews with individuals and small groups of cooperative members and state officials, and archival research on the hotel. In addition, I reviewed the extensive legal documentation surrounding different aspects and legal entanglements of the hotel's

construction, ownership, and operation, as well as following the various court cases that arose concerning the cooperative's possession and habilitation of the establishment, and their interactions with state officials concerning these cases.

While undertaking this fieldwork, my daily life in Buenos Aires was often so contradictory as to be disorienting. Coming as I did to my anthropological research not only as a scholar but also as a mother and member of a family, my circle of contacts extended well beyond those with whom I conducted research. In an ill-informed decision we later regretted, my partner and I placed our two sons in a specialized private school whose educational orientation focused on the arts. Our ignorance as to the real cost of living in Buenos Aires (not aided by the porteño tendency to exaggerate their expenses) led us to the initial belief that the school was directed mainly at middle-class Argentines. The reality proved different, with the vast majority of students coming from the upper classes. This decision thoroughly penetrated our living experience, putting us in daily social contact with members of the porteño elite. Thus, for example, on a Monday, I would find myself at 8am dropping my sons off at school and engaging in small talk with the parents of their classmates fresh out of their gated communities, at 9am heading to the Plaza Lavalle for a memorial-protest by the middle class members of Memoria Activa, and by 11am in the Hotel Bauen, joining local *piquetero* groups in helping to block off Corrientes Ave. to traffic in protest of the latest judicial finding against the BAUEN Cooperative. I would complain to my partner that I never knew how to dress when I got up. No matter what clothes I chose, I would be drastically out of place at some point in the day.

Nonetheless, this diversity in experience allowed me to maintain constant awareness of the very real divisions and diversity within Argentine society. While not a deliberate part of my research design, the extended contact with such diverse sectors of society deeply informed my understanding of the multiple perspectives that exist and directly affect public debate and political practice in contemporary Buenos Aires.

Overview of Chapters

In this opening chapter, I have intended to provide an overview and a foreshadowing of the major conceptual themes taken up throughout the text. I presented

an examination of ideas of impunity, corruption, and citizenship both as conceived in theoretical considerations spanning several disciplines, and as understood in Argentina through a comparison of these ideas with both scholarly and direct accounts of their use and deployment in other geographical and historical contexts. I also offered a selective review of literature on the practices and workings of politics in Argentina and particularly in Buenos Aires, considered in relation to a larger Latin American context. In doing so, this first chapter introduces the major themes as they are developed throughout the work as a whole. For the remainder of this introduction, I put forth a brief description of each of the remaining chapters and their relation to the development of the central argument.

The body of the dissertation is divided into two parts. The first of these focuses on the organized groups of family members of AMIA victims and different aspects of their modes of articulation with national and international politics. In this section I also consider the relationship of these groups to one another, to the operations of the federal justice system, and their connection to international codes of justice. Chapter 2 takes up the way the practices of resistance used by these groups respond to political and cultural visions concerning the positions of Jews within the imaginary of the nation. After providing an overview of the attacks on the AMIA Building and the Israeli Embassy and the ensuing legal investigations, I argue that Memoria Activa in particular is simultaneously discursively advancing a pluralistic vision of the nation that contradicts the cultural politics of homogenization and ideal of assimilation prevalent throughout much of Argentine history. I show how in doing so, they are also combating a common image of Jews as marginal citizens and a less prevalent but existing latent (and sometimes active) anti-Semitism in Argentine society. However, I argue that while this vision draws on and in some ways conforms the “neoliberal multiculturalism” advanced by the state in the 1990s, the actions of Memoria Activa should not be seen as a simple acceptance of these terms. Rather, this chapter demonstrates how they in fact contain a critique of the promotion of these notions within the political sphere, highlighting the disjunctions between discourse and action in national politics. The assessment of the government and the leadership of the Jewish collectivity as corrupt and plagued by impunity leads to a rejection of the terms of this neoliberal multiculturalism.

Chapter 3 turns specifically to a discussion of these notions of impunity and

corruption within the context of human rights movements in Argentina. In doing so, I focus on the way the notion of impunity is considered and utilized within these groups, and I also show how this use of impunity is intricately interconnected to ideas and practices of memory. I show how the notion of impunity acts as a frame and a lens around and through which historical and current events are understood, and is held in a dialogic opposition to the neoliberal era politics of forgetting. In the second half of the chapter, I draw specifically on my research with Memoria Activa and the splinter group Citizens of the Plaza, showing how they draw upon the use of memory by earlier counterimpunity organizations in working to establish an ethics of remembrance that includes a notion of the remembering as an active practice and a central component of citizenship. In doing so, I demonstrate how this ethics of remembrance and the understandings of the rights and responsibilities of citizenship that accompanies it appeal to both moral and religious precepts. Furthermore, I show how this practice of memory is specifically and deliberately configured as an occupation of public space.

While Chapter 3 focuses most directly on non-institutional channels utilized by Memoria Activa and others in pursuing their objectives, Chapter 4 turns to a consideration of some of the ways in which Memoria Activa have interacted with local and international judicial bodies. I consider in particular the stance of Memoria Activa in asserting their demands in front of an international regulatory body, and consider the assumptions this appeal to a universal discourse of human rights rests upon, and the cultural disjunctions its usage engenders. This chapter also explores the ideas of knowledge and justice as understood and deployed by each of the three main organized groups of family members of victims. While Chapters 2 and 3 focused directly on the ethical grounds on which family members of AMIA victims have asserted their demands, Chapter 4 turns to a consideration of the practical register, and the ways in which Memoria Activa and the other groups relate to various state institutions and actors. This analysis sheds light on the divisions between the groups of family members, and argues that these divisions rest in large measure upon the different senses of justice and interpretations and constructions of citizenship and the varying conceptions of the state and democracy that underlie them.

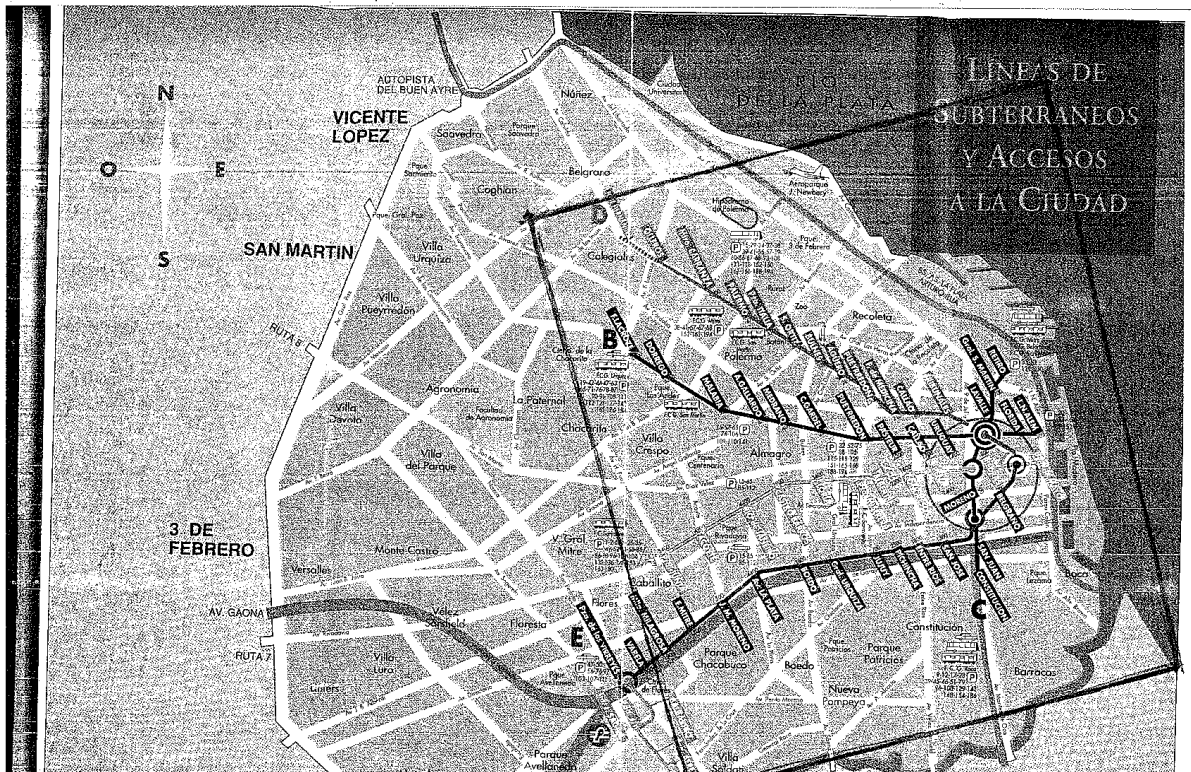
The second part of the dissertation focuses on the BAUEN cooperative and the

recuperated businesses movement. My research found that, much as in the case of Memoria Activa, ideas of impunity and corruption form the foundation of the workers' claims to the legitimacy of their actions in taking over control of their source of labor. In exploring these aspects, I look at the BAUEN and the recuperated businesses movement through two lenses. In Chapter 5 I consider the ethical and practical considerations that arise in relation to the notion of cooperation as espoused by these groups. I argue that the recuperated businesses movement that arose in Argentina in the late 1990s presents a challenge to the neoliberal attempt to define citizenship according to individual insertion in the market, by working to recreate the notion of the worker as a political actor, based around a logic of cooperativism. The ethnographic data that I observed in my research in the Hotel Bauen reveals how this site came to hold a central and symbolic location for the idea of cooperativism and its practice within this movement. After reviewing the historical development of cooperativism in Argentina, I discuss three aspects of the logic of cooperativism as expressed by the BAUEN Cooperative, arguing that its current manifestation is substantially distanced from earlier and other contemporaneous expressions. In tracing these three key aspects of cooperativism, I make an analytical distinction between formal and affective cooperativism, or *compañerismo*. By formal cooperativism, I refer to the association of workers into legal or otherwise formalized cooperatives, as a means of organization of management and production within the workplace. By affective cooperativism or *compañerismo*, I refer to the way in which the notion of cooperation has been adopted as a cornerstone of the cultural challenge to neoliberalist ideas of work and the citizen, specifically the individualization and valorization of "freedom" and "independence" that accompanied programs of neoliberal reform. The third aspect of cooperativism that I consider involves the relationship of the cooperative to the broader community. In tracing these three elements, I look at evidence from the process of recuperation and the ensuing battle for the right to operate the hotel. I conclude that for those most directly involved, the struggle to hang onto to the recuperated business has gone beyond the protection of one's source of labor. Rather, I show that it has become an issue of defining the fundamental rights and responsibilities of citizenship, in a critique that relies heavily on a discourse of corruption and impunity within the business political sectors.

Chapter 6 continues the exploration of the BAUEN cooperative, but focuses on another aspect of the recuperated businesses movement. I demonstrate the how the reactions and defenses that they have designed represent a challenge to the neoliberal idea of citizenship on yet another front from that discussed in the previous chapter, namely through fore fronting the idea of the right to work and that of collective wellbeing over the property rights. In doing so, I discuss the ethical and practical considerations of the politics of engagement undertaken by these groups in their struggle to gain and maintain the legal right to operate. The chapter is centered around a discussion of some of their formal interactions with different state institutions, and the multiple ways in which they both confirm to and challenge these institutions themselves in navigating the political landscape. I consider how their challenge on ethical grounds is simultaneously an argument for legitimacy, a legitimacy based on its contrast to the imputed impunity and corruption of their opposition. In the end, I show how the divisions that have arisen between the different factions of the recuperated businesses movement, like those of the Jewish collectivity, are based not on differences in their assertions in the ethical register, even to the extent that these do differ, but on perceived differences in the proper forms of formal engagement with governmental and other institutions.

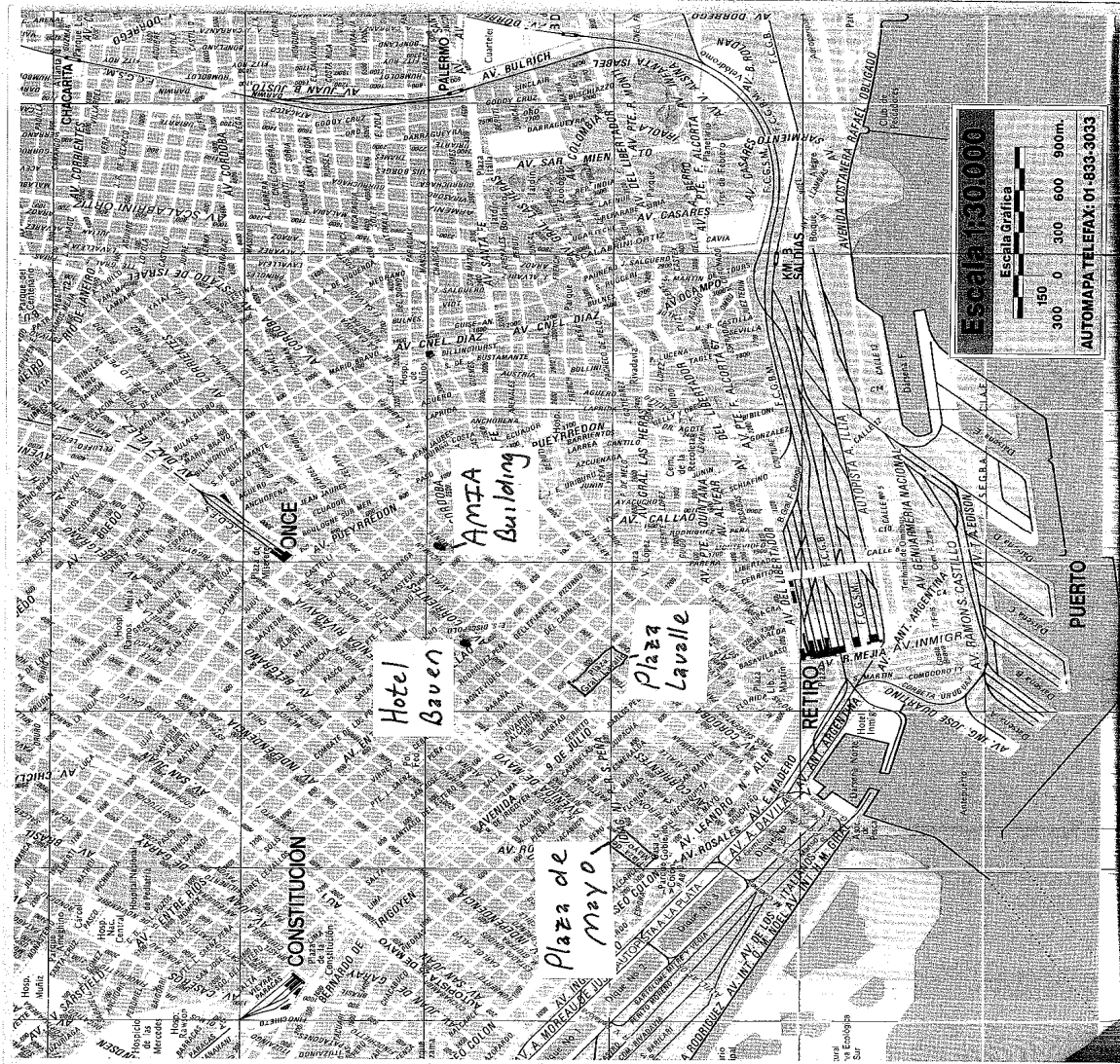
The dissertation ends with a brief conclusion integrating the major themes and pointing towards the direction in which this research suggests current developments in Argentina may be heading. In doing so, it brings in the example of the December 2004 nightclub fire in Buenos Aires that killed 194 young people, as a key moment that drew upon and put forth these notions of impunity and corruption in ways especially significant in understanding the ensuing political events in the City Government.

Picture 1.1



Buenos Aires, Capital Federal

Picture 1.2



Detail of boxed area, with key sites labeled

Chapter 2

A Place in the Nation: The Politics of Cultural Citizenship and the Argentine Jewish Collectivity

Introduction

To try to explain what happened in the 1992 and 1994 bombings in Buenos Aires is an exercise in futility. By this I mean not only the simple admission that senseless violence makes no sense. When over 100 people die and hundreds more are wounded in deliberate flashes of blind destruction, responding to some distant logic the victims had nothing to do with, any attempt at “explanation” in the sense of revealing meaning is necessarily doomed at the outset. But there is an even more perverse element at play here, undermining my capacity to relate what happened. For both of these attacks, the basic “facts” remain uncertain and disputed. Official reports, where they exist, have been inconsistent, and a myriad of provocative statements made by high-ranking politicians, security force officials, and individuals close to the investigations have either been later retracted or remain unsubstantiated. To describe either attack, then, requires deliberate selection from among contradictory pieces of information.

Why is this the case? How *could* we ever know what happened in such moments of anonymous, orchestrated violence? What would we need in order to feel we have a certain “knowledge”? Who is responsible for providing that “knowledge”? Part of the work of this chapter and the two that follow is concerned with unraveling how each of the three organized groups of victims’ family members, *Memoria Activa* (Active Memory), *Familiares y amigos de las víctimas del atentado a la AMIA* (Relatives and Friends of the Victims of the AMIA attack), and APEMIA (*Agrupación para el esclarecimiento de la masacre impune de la AMIA*, or the Association for the Shedding Light on the Unpunished AMIA Massacre), and the informal group *Ciudadanos de la Plaza* (Citizens of the Plaza), deal with these questions, and how their answers inform and structure their demands for what needs to be done.

My attempt here to relate a brief and partial history of the events and the subsequent investigations carries within it the inconsistencies left behind by conflicting interpretations of evidence and their selective disseminations. *But this is intrinsic rather than contrary to an understanding of the nature of these attacks and their aftermath.* What has developed is a haze of (mis)information that only grows denser the further back in history the attacks fall. This is not accidental, and speaks to the way in which the attacks and their understanding derive from and respond to their use in different and ambiguous ways by an uncountable number of personal and political interests. To the extent possible, then, the information I have chosen to present here is that which is agreed upon by most journalistic, investigative, and judicial sources. Additional information is presented in the context within which it is claimed.

The Embassy Bombing

Shortly before 3 pm on March 17, 1992, the Israeli Embassy on the corner of Suipacha and Arroyo Streets in central Buenos Aires exploded, leaving perhaps 29 people dead (the number of fatal victims is still debated) and more than 200 injured. The attack was investigated by teams from at least six countries, principally the local intelligence service (*Secretaría de Inteligencia del Estado*, or SIDE), Israeli intelligence (MOSSAD), and the US Department of Alcohol, Tobacco, and Firearms Control. These agencies report that the blast was produced when a truck loaded with explosives pulled up in front of the Embassy building and detonated. However, this international assortment of intelligence teams presented different conclusions on the type of explosives used and whether they were manufactured within Argentina or brought in from the exterior, along with other aspects. A communiqué issued by an organization calling itself Islamic Jihad claimed responsibility for the attack shortly after it happened, saying it was in retribution for Israel's assassination of Hezbollah leader Sheikh Abbas al-Musaw on February 16, 1992. However, this claim was quickly retracted, and Hezbollah denies any involvement.¹ Pressure fell on the Argentine government to actively participate in uncovering the details of the planning and execution of the bombing. This was especially urgent given the

¹ See, for example, <http://www.lebanon.com/news/local/2003/3/20.htm>; “Hezbollah niega” in *Página 12*, 27 August 2006.

mounting suspicion that Argentine nationals and officials may have been complicit in the attack. Reasons for this suspicion included the rumor that three of the four federal police officers assigned to be on guard at the Embassy were missing from their posts at the time of the explosion. One of the three claims to have been accompanying the Ambassador Yitzhak Shefi, but the Ambassador has refuted this. The other two officers are reported to have walked off the scene five minutes before the explosion.²

Due to jurisdictional considerations, with the Israeli Embassy being officially Israeli territory, justices from the Argentine Supreme Court (rather than the federal circuit) headed the national judicial inquiry into the bombing. This inquiry, which failed to lead to any prosecutions or arrests, also failed to arrive at conclusions as to the origin or type of explosive used, the provenance of the truck-bomb, or whether the truck had been detonated by a suicide bomber or remotely. Nor did it shed any light on possible local knowledge of or involvement in the execution of the attack. After seven years without results, in 1999 the Court abruptly pronounced the unsubstantiated claim that Imad Mughniyah and Islamic Jihad had been responsible for the bombing. Mughniyah, an elusive Lebanese national, is cited on the FBI's most wanted terrorists list as the head of the security apparatus for Hezbollah and was "indicted [by the United States] for his role in planning and participating in the June 14, 1985, hijacking of a commercial airliner", TWA Flight 847.³ He is also alleged to have participated in numerous bombings and kidnappings throughout the 1980s and 1990s.⁴ The assignation of responsibility to such a well-known foreign suspect led many to dismiss the court's findings as too convenient, and perhaps as a way to avoid the need to take responsibility for further action. As one observer remarked, "The Supremes might as well blame the devil, for all we Argentines can do."⁵

The Argentine Supreme Court already had a reputation as an institution particularly subject to political manipulation. The body has held limited independence from the executive branch since at least the 1940s. Throughout the twentieth century,

² See Feitlowitz 1998:271 [footnote 35].

³ <http://www.fbi.gov/wanted/terrorists/termughniyah.htm>.

⁴ Mughniyah appeared on George Bush's list of 22-most wanted terrorists in October 10, 2001. He was murdered on February 12, 2008.

⁵ Cited in Kiernan 2000. The Supreme Court, after its renovation under President Kirchner, later ruled that the case be revisited. In 2005 a new prosecutor was assigned to the investigation. As of this writing, practical advances remain elusive.

Argentine politics consisted of unstable periods of democratic rule punctuated by a series of military coups. In this context, it became common practice for military leaders to appoint Supreme Court justices who would legitimize their seizure of power. The return to democracy would then bring a renewed opportunity to remove and appoint justices to the Court, often resulting in near complete renovations.⁶

Negative public assessments of the Supreme Court only increased in the 1990s, as public confidence in the legal system, and particularly the Supreme Court, reached a low point. When Carlos Menem assumed power at the end of 1989, he enlarged the Supreme Court from 5 to 9 justices, allowing him to stack the Court with his political allies and thus form what quickly became known as the “automatic majority.”⁷ Accordingly, public polls from throughout the 1990s consistently rated the Supreme Court and the judiciary in general as among the least respected Argentine governmental and social institutions.⁸ For example, a poll taken by a leading domestic polling firm in November 1991 found 70% of the public expressing little or no confidence in the judiciary.⁹ By March 1997, the same polling firm found that 93% of lawyers and law students considered the Supreme Court to be completely or largely dependent on the Executive branch.

It was this Court of the infamous automatic majority that was called upon to investigate the attack on the Israeli Embassy. This has deeply undermined the sense that a full investigation following every probable lead was ever carried out, especially as it is now largely suspected that this attack and the AMIA bombing were at least in part the result of failed political machinations by Menem and his government. For example, many still voice doubts concerning the “Syrian connections,” a body of evidence that seems to

⁶ Gargarella provides a useful chronological summary of this complicated history. President Juan D. Perón removed three out of five judges from the Court in 1946-7; the military government that overthrew him replaced the whole Court in 1955; President Arturo Frondizi (1958- 1962) attempted to enlarge the Court from five to seven members, but a military coup took power before he could do so; the brief democratic government of Arturo Illia (1963-1966) also tried to enlarge the Court, but the military regime that came to power in 1966 simply removed all of its previous members. Those justices that it appointed to the bench resigned with the restoration of democratic rule in 1973. The military junta that took power in 1976 appointed a whole new court that year, and all its members resigned in 1983 when democratically elected President Raúl Alfonsín took office, who, eventually, appointed all the Supreme Court Judges. Carlos Menem enlarged the Court from 5 to 9 members in 1990. See Gargarella 2004:196. My thanks go to Leticia Barrera and her work on the Argentine Supreme Court for drawing my attention to this source.

⁷ In addition to the four new members, 2 Supreme Court justices resigned, one in protest over the new plan, allowing Menem to hand pick 6 out of 9 justices.

⁸ See Miller:371, 433 [footnote 19]

⁹ Polling done by Graciela Romer y Asociados, cited in Barrera 2005:11 [footnote 35].

indicate the involvement of some of Menem's close relatives and allies in the cover up following the attacks, as well as their suspected implementation by Syrian nationals. Some argue that evidence which seemed to point in this direction was deliberately left aside and not investigated. Others allege that the bombings were the result of unfulfilled pre-election promises that Menem had made in exchange for financial support for his campaign, or due to the involvement of Argentina in the 1991 war against Iraq.¹⁰ During the event held in 2005 in commemoration of the Embassy Bombing, frustration with the lack of government efforts into a full investigation of the bombing was evident. I approached the site, held outside the Plaza Seca that replaced what had once been the facade of building, accompanied by Juan, a member of the group Memoria Activa. This man, now in his early 70s, never ceased to reiterate during our conversations his contentment that all of his children had successfully established lives for themselves and their families outside of Argentina. For this retired engineer, the endemic "problem" with Argentina was its lack of effective institutions, and the government's unwillingness and inability to sufficiently resolve the Embassy bombing was just one more effect of the lack of strong and trustworthy political and legal systems.

It was a hot late summer day, with a relentless sun beating down on the thousands who had assembled. Security was tight, both approaching the site and once inside the police cordons. This was undoubtedly in part due to the general security measures taken at any "Jewish" event (the monthly commemorations held in front of the AMIA had sharpshooters placed at intervals in neighboring windows), and in part due to the presence of high level government and international officials, including then-Senator and first lady Cristina Fernández de Kirchner and Israeli Ambassador Rafael Eldad. I left Juan with the directive board of Memoria Activa, and went to greet some from other groups that I knew. I tried to stay close to acquaintances and contacts, both as socially appropriate behavior and to hear their reactions to the speeches, but eventually found myself traveling from one spot to another, as much in search of respite from the relentless heat as to get a better sense of who was in the crowd and why. A number of local Jewish youth groups were present, wearing identifying T-shirts and carrying signs that accused the Kirchner government of continuing the impunity installed under Menem and carried

¹⁰ See, for example, Gurevich 2005.

on by successive administrations. Though those assembled overall listened quietly and respectfully to the line of official speakers, it was clear that few held faith that their renewed promises to uncover the “truth” and bring justice in the case.

The AMIA Attack

The sense that official Argentine investigations were under pressure to deliver suspects to society, even without an accompanying body of credible evidence, was to overhang the investigation of the second attack as well. Two years later, on July 18, 1994, another building exploded in Buenos Aires. This time the building belonged to the AMIA, or the *Asociación Mutual Israelita Argentina* (Argentine Jewish Mutual Aid Association), and held the central offices of both the AMIA and DAIA (*Delegación de Asociaciones Israelitas Argentinas*, or Delegation of Argentine Jewish Associations), constituting the core of Jewish organizations and services in Buenos Aires. 85 people were killed and over 300 injured in the blast, which destroyed the entire front portion of the building and knocked out glass windows throughout several city blocks. Striking early on a Monday morning, the attack claimed a wide range of victims engaged in their routine weekday activities.

The legal investigation fell to the young Federal judge Juan José Galeano, whose turn in the rotation it happened to be at the moment of the attack. Galeano had no experience with cases of this kind or magnitude. He had only recently acquired his post, some claim due to an aunt’s political connections, others emphasizing his close ties at the SIDE, whose head, Hugo Anzorreguy, was known to pull the strings of the Federal judicial circuit during the Menemist decade. Galeano’s investigation was plagued by inconsistencies and accusations of poor conduct nearly since its inception. To follow each bit of information that has been produced would be a vast and consuming undertaking, and numerous books, reports, articles, and pamphlets have been written which take up elements of the investigation and the various persons involved in producing or covering up information.¹¹

¹¹ These include Caballero 2005; Goobar 1996; Lanata 1994; Levinas 1998; Poritzker and Salgado 2005; Salinas 1997. See also the websites of Memoria Activa (www.memoriaactiva.com) AMIA (www.amia.org.ar) and the DAIA (www.daiia.org.ar) for documents listing the differing allegations of irregularities that these organizations have made over the years. The DAIA website also includes video and

This official investigation into the AMIA bombing provides an illuminating site for exploring the slippery realm of political intrigue and the real workings of politics throughout the three main branches of government over a decade of Argentine history. Below, I note only a few aspects of the investigation which, while not representative, should give the reader a sense of how it proceeded, some of the problems both those conducting it and those following it faced, and the difficulties and frustrations it posed and poses for those most profoundly affected by the attack.

Counting the Dead

For years, the number of dead was said to be 86. However, in 2000, one of those listed as killed in the AMIA was discovered to be alive, even though compensation had been paid on his behalf. According to reports from the Argentine judiciary, the remains of this individual were recovered from the rubble. The passage reads “Patricio Irala. Paraguayan. According to the statement made by his life partner he had begun to work in the AMIA as a driver that same day. **Only remains were found**” (emphasis added).¹² This particular error may have been due to sloppiness rather than intentionally, and Galeano himself was partially responsible for uncovering the fraud perpetrated by the woman who received the compensation. As such, members of the family organizations often hold it up as speaking to the carelessness with which the investigation, including the technical examinations, were carried out and the desire to affirm definitive “facts” about what had happened, even lacking actual supporting evidence.¹³ Diana Malamud, whose husband Andrés was killed in the attack, expressed the pain and frustration that this kind of disregard for something as highly significant to family members as bodily remains caused: “So, did they find remains or not, whose were they, who ran the tests [on the remains] that should have been run, maybe the prosecutors made a mistake, or maybe they were trying to cover [something] up, or maybe just nobody cared. All of this

press archives of media coverage of the attacks and the trial. In English, the American Jewish Committee put out a series of yearly reports on the investigation and trial, written by Sergio Kiernan and available at www.ajc.org.

¹² Patricio Irala. Paraguayo, según denunciara su concubina había empezado a trabajar como chofer de la AMIA ese mismo día. Solo fueron encontrados restos. From the presentation of Fiscales Mullen and Barbaccia, number 64579. Mullen and Barbaccia were later removed from the trial for their alleged complicity in the illegal procedures used by the investigating judge, Juan José Galeano.

¹³ See *Clarín*, 20 April 2001, “Fraude con la tragedia de la AMIA”.

is just one more sign of the atrocities committed during this investigation that those of us in Memoria Activa have been denouncing.”¹⁴

The 400,000 pesos

Perhaps the most widely known irregularity in the investigation are the 400,000 dollars/pesos¹⁵ that Judge Galeano agreed or was ordered to have paid to the principal accused in the first and only case to be brought to trial over either of the attacks. This trial began on September 24, 2001, and involved some 15 defendants accused of having handled or participated in the preparation of the vehicle that would later be used in the AMIA attack. The longest in Argentine history, the trial finally concluded nearly three years later with a resounding verdict that absolved the defendants of all charges related to the AMIA bombing. A cornerstone of the verdict was an accusation of Judge Galeano for having been responsible for many irregularities and illegal actions in conducting the investigation, most importantly (if not most seriously – other charges involved kidnapping and torturing of witnesses) the payment of these 400,000 pesos in exchange for (false) testimony. The three presiding judges, in their extensive final sentence, signaled that the investigation had been oriented towards “constructing an incriminatory hypothesis, with the intention of responding to society’s demands, while satisfying the shady interests of unscrupulous governing officials.”¹⁶ This verdict also called for the investigation of a number of top-ranking government officials, including the head of the SIDE, for their suspected role in orchestrating the cover-up.

The hypothesis that had been advanced by the prosecution in the trial, based on Galeano’s investigation, had revolved around the provenance of the van, a Renault Trafic, that this trial verified was used as a car bomb in the attack on the AMIA.¹⁷ This

¹⁴ Entonces, se encontraron o no restos, a quienes pertenecían, quién hizo las pruebas que debieron hacerse o tal vez los fiscales se equivocaron, o tal vez se intentó encubrir o tal vez a nadie le importó. Todo esto es un indicador más de las atrocidades cometidas en esta instrucción que desde Memoria Activa venimos denunciando.

¹⁵ 1USD = 1 Argentine peso throughout the 1990s.

¹⁶ The original reads: “[Galeano] orientó su actuación en “construir” una hipótesis incriminatoria, pretendiendo atender, de eso modo, las lógicas demandas de la sociedad, a la vez que satisfacer oscuros intereses de gobernantes inescrupulosos” From the press release of the TOF 3, causa n° 487/00, 496/00, 501/01, 502/03, origen Jdo. Fed. n° 9, sec. n°17, registro n° 1/04, 2 September 2004. See the complete verdict of the judges of the Federal Justice at <http://sursur.com/files/veredicto%20AMIA.pdf>.

¹⁷ As with the Embassy bombing, the claim that the explosion was the result of a car bomb remains

van was traced back to Carlos Telleldín, who was well known by the local police for his illegal activities preparing and selling totaled and stolen cars. Arrested soon after the bombing, Telleldín admitted to having bought the Traffic from a local dealer after it was declared a loss by an insurance company, following an accident. Telleldín rebuilt the car, placing it inside a different frame whose serial number had been altered, and then placed an ad in the paper in order to sell the reconstructed vehicle. The attack happened on July 18, 1994. As of July 10, Telleldín accepts that the Traffic that would soon become a mobile explosive device was still in his possession.

But what happened after that is where things begin to get complicated. For over a year after his arrest Telleldín apparently said little about who took the Traffic from there. According to a video tape made by Galeano and later stolen from his office and leaked to the press, in 1996 Galeano met with Telleldín and offered to pay him if he would testify that he had turned the Traffic over to a group of officers from the Buenos Aires Provincial Police Force. One theory holds that, as the second anniversary of the attack was approaching, Galeano was under pressure to produce results. This group of officers, under Commissioner Juan José Ribelli, had extorted money and goods from Telleldín before, thus allowing him to maintain his lucrative illegal operations while themselves maintaining their status as the highest yielding corruption ring in Buenos Aires.¹⁸ In paving the way for this particular accusation, Galeano seems to have become trapped within the intrigues of the political forces that governed at the time. The Buenos Aires Provincial Police Force was under the control of then-Provincial Governor Eduardo Duhalde, President Carlos Menem's chief political opponent within the Peronist party. Implicating the *bonaerense*, as the police force is known, in the AMIA attack was in the political interests of Menem and his Interior Minister Carlos Ruckauf, and would serve to deflect any investigation away from the previously mentioned "Syrian connection," the

disputed, and conflicting reports of evidence and its interpretation serve to confound rather than clarify the event. Recently, the theory of the car bomb was verified by the TOF3, and confirmed by the Court of Appeals that upheld the sentence. For Memoria Activa, this evidence was decisive, and their faith in the careful application of legal principles allowed them to feel secure on this point, at least. But critics remain, citing contradictory evidence and laboratory reports that indicate otherwise. This provides an example of the way 'facts' and 'knowledge' are produced, "verified," and accepted by different actors, a point explored further in Chapter 4.

¹⁸ The mafia-like operations and structure of the Provincial Police force is considered common knowledge in Argentina. Recent treatments include Caballero 2005; Hinton 2007. The 2002 film by Pablo Trapero, *El Bonaerense*, provides a compelling cinematographic account,

line of investigation surrounding the attack that uncovered uncomfortable information and implicated Menemist allies in a number of scandals.

It seems that Telleldín obliged, as his female companion was paid his \$400,000 asking price in two installments. The money came from the SIDE, and though Galeano later insisted that the payment fell under the rubric of the reward for information that that was being offered by the government, the judicial commission that eventually removed Galeano from his post concluded that the payment had been done illegally and outside of the channels that the reward payments needed to follow. In addition, the leaked videotape seemed to show Galeano instructing Telleldín on what to say, not offering payment for information the accused provided. Based on his testimony, Ribelli and several other officers stood trial along with Telleldín. On average, they each spent eight years in prison awaiting resolution of the case. In the end, the trial judges decided that, though the defendants were undoubtedly guilty of many crimes, there was no proof that could link them with the AMIA attack, and that the manner in which the case had been conducted necessitated their absolution. Furthermore, they found that Galeano had, “engaged in behavior contrary to the law, behavior in which he had the collaboration, by action or by omission, of several organs in the three branches of government that gave him political support and cover for his irregular and unlawful acts.”¹⁹

Victims of Politics

I selected these two examples by way of illustration, though they fall far short of encompassing the dozens of serious “irregularities” noted by family members of victims and judicial tribunals. However, they do provide a look at the way clandestine relationships and competing political and personal interests conditioned the handling of the AMIA investigation from its inception through its only judicial prosecution to date.²⁰ Furthermore, they illustrate the way ‘corruption,’ here taken as a fore fronting of personal

¹⁹ From the verdict of the TOF 3, causa n° 487/00, 496/00, 501/01, 502/03, origen Jdo. Fed. n° 9, sec. n° 17, registro n° 1/04.

²⁰ Retired police commissioner Carlos Casteñeda was eventually sentenced to serve four years in prison for his role in the destruction of some 60 audio recordings of wire-tapped phone lines made as part of the AMIA investigation. This conviction, upheld by the Court of Appeals in October 2007, marked the first criminal conviction in any AMIA-related case. Nonetheless, even this landmark case was concerned only with cover up that accompanied Galeano’s investigation and not with the attack itself. Casteñeda was neither tried nor is suspected to have had any role in the planning or execution of the bombing, only with having failed to preserve evidence that fell under his jurisdiction.

political interests over the effective execution of tasks on behalf of society as a whole, came to be considered as a principal factor in the lack of acceptable resolution in the case.

The family members of the AMIA victims have played a key role in constructing and publicizing the debates over the government's conduct in the AMIA investigation. Later in this chapter, I explore the positions taken in particular by the group Memoria Activa. Comprised around one section of the family members of victims killed in the AMIA, Memoria Activa formed immediately after the bombing to demand that the perpetrators be brought to justice. As soon became clear, they would dedicate much of their energies to disentangling the misinformation and obstruction surrounding the investigation. The mounting evidence that Galeano's investigation responded more to political interests than concrete evidence led to an increased sense of deception and inefficiency of the government investigation into the AMIA bombing for many of the family members of victims. For more than a decade, Memoria Activa held weekly public protests demanding a full and impartial investigation into the AMIA and Israeli Embassy bombings. The organization, which also acted as a plaintiff in the criminal trial, was instrumental in drawing and maintaining attention to the irregularities in the official investigation, and ultimately pushing forward the removal of Judge Galeano from the case and his eventual disrobing. Tracing the way in which family members of victims related to the process of the investigation provides a window on the way ideas of corruption, institutional inefficiency, and impunity figure as central notions in their assessment and considerations of the organization and workings of state political institutions. This in turn becomes constitutive of their decisions for action in continuing to advance their calls for justice. The way that these perceptions intersect in a mutually formative relationship with particular discourses of impunity and corruption across Argentina during the 1990s and early 2000s is a central theme developed throughout the dissertation. Unraveling how each of these notions are defined, understood, and used by different individual and group actors within the Argentine Jewish community and beyond reveals a careful balance of interests and relationships between community actors and the political system.

The nature of the attack, directed against an Argentine Jewish institution, places

this debate within the field of the relationships between Argentine Jews, Jewish institutions, and various institutions of local, national, and international governance. The history of these relationships, particularly within the national realm, has been complex and varied over the long decades of its history. Nonetheless, certain patterns have often been identified as formative of the histor(ies) of Argentine Jews both in terms of internal organization and in relation to the broader society. Here, I provide some background on these patterns before turning to a discussion of how they are discussed, utilized, and reformulated by different actors in contemporary Argentina, particularly around the defining moments of the two bombings.

Jews in the Nation: Integration and Marginalization

The history of the Jewish collectivity in Argentina has been inextricably bound to the political and ideological currents that have affected the formation and historical development of the nation since its inception.²¹ Much of the early political and social history of the Argentine nation as a constructed entity was consumed with a bitter struggle between what Nicolas Shumway has referred to as competing “guiding fictions” [Shumway 1991]. Proponents of these two ideological currents fought over the direction and nature of the Argentine nation under formation. Broadly speaking, this struggle divided proponents of “liberalism” from a set of oppositional viewpoints that could be grouped under the rubric of “nationalist.”²² The immigration of Jews to Argentina, the history of the Argentine Jewish collectivity, and the possibilities and limitations to Jewish life developed within a context profoundly conditioned by these two divergent traditions. The idea of a national imaginary as fundamental to the formation and development of the modern nation-state was proposed by Benedict Anderson in his seminal work, *Imagined Communities*. In it he traces how the modern nation came to be understood as an

²¹ I have adopted the common practice within Argentina of using the word “collectivity” (*colectividad*) in regard to Argentine Jews. This term is generally used to denote the diverse organized Jewish religious, social, and political organizations and their members, while at once recognizing the differences in attitudes and perceptions that exist among these. I have chosen to use the word “community” to refer to the broader set of all self-identifying Argentines of Jewish descent, whether or not these have any participation in organized Jewish life. In Argentina, what I am calling ‘community’ is often referred to as the ‘*calle judía*’, or the Jewish street.

²² As Shumway also notes, the terms “liberalism” and “nationalism” are used to label ideological currents that held influence within Argentina during the 19th century, as described here, and need to be understood within that context. They are not to be considered as necessarily the same as “liberalist” or “nationalist” traditions operative in other places or at other times.

“imagined political community...both inherently limited and sovereign” through the use of new mechanized technologies by institutions of power, including printing, counting (of populations), and mapping [1991: 6]. A number of scholars have critiqued Anderson’s treatment of the formation of the nation as too centered on the literary (i.e., elite, male) class, and for ignoring the way in which these ideas existed within a field of power relations that extended beyond these privileged enclaves [see Guha 1985; Skurski 1996]. While not disputing these important critiques nor contending that this national imaginary was necessarily compelling for all groups across Argentine society, here I want to draw on Anderson’s insights in focusing on the way in which specific formulations of a national imaginary in Argentina have operated in conjunction with competing political philosophies in influencing public policy in practice.

After the fall of Juan Manuel de Rosas in 1852 and the abandonment of an official stance that embraced religious and national exclusivity, immigration began to be encouraged as a means of modernizing the nation. The rise to political power of the liberalists led to the implementation of economic incentives specifically for European immigration. Domingo Sarmiento’s characterization of Argentina as the battleground for the forces of civilization against the powers of barbarism influenced many of the political elites of his time, and led the way for the vision that the nation would be built through the influx of (preferably Northern) Europeans, who would come to outnumber and override the “racial backwardness” of the gaucho and Native American populations. Disparaging of the country’s Spanish heritage, which they saw as full of “stultifying piety,” Catholic superstitions, and bereft of industrial capacity²³, thinkers within this strain believed that an influx of Northern European immigrants would prove the key to the successful development of the nation as an agricultural and industrial power.

To this end, the government instituted several constitutional clauses that opened the door for the immigration of non-Catholics to Argentina, including Jews. The relatively high degree of separation of church and state made Argentina a more attractive option to would-be Jewish immigrants than many other Latin American destinations.²⁴

Nonetheless, few Jews came to Argentina before 1889. By this time, state education had

²³ Alberdi 1852: 236, cited in Shumway 1991:138.

²⁴ See Avni 1991, 2005 for a detailed history of Jewish immigration of Argentina.

been created for all residents, and laws had been passed allowing marriage, birth, death, registries outside of Catholic ritual traditions.²⁵ These laws formed part of a broad set of policies that were the codification of the liberalist ideology of equality. While this “equality” was limited by numerous cultural preconceptions, including the racial typologies mentioned above, it did open the way for broader popular participation in national life.

While Sephardim immigrants were the first to come in any numbers to Argentina, overall the majority of Jewish immigrants to Argentina were Ashkenazim. These came in two waves, the first being between 1889 and 1914. During this period over 100,000 Jews came to Argentina. Some found their way to Argentina through the help of the Jewish Colonization Association (JCA), created by the philanthropist Baron Mauricio von Hirsh with the aim of bringing Jews to found and work on agricultural colonies in the fertile pampas. These immigrants became the “*gauchos judíos*,” or the Jewish cowboys whose lives are commemorated in Alberto Gerunchoff’s collected stories, first published in 1910.²⁶ The JCA sponsored this rural immigration under an ideology of assimilation, combining “the rural romanticism of Thomas Jefferson which extolled the virtues of farming, with view that Jewish engagement in manual labor and material production (as opposed to trading and money lending) would bring about a decline in Anti-Semitism” [Humphrey 1998: 176-177]. Humphrey notes how, as part of this ideology, the JCA undertook scrutinizing of prospective immigrants and denying embarkation to those who would not shave their beard or earlocks [177]. Many of these colonists later came to settle in the major cities, joining those immigrants who had stayed in Buenos Aires.²⁷ In 1894, 85 of these Jewish *porteños* founded the *Jevrá Kedushá Ashkenazí* burial association, which would later become the AMIA.²⁸

²⁵ Law 1420, which made the provision of universal, compulsory, free, and secular education the responsibility of the provincial governments, was passed in 1884. The laws allowing secular registration of birth, death, and marriage acts was passed in 1888. Religious education would be reinstated in 1943 under the dictatorship of Pedro Pablo Ramirez, and upheld by Perón later that year. Perón eventually revoked this decision, though not until 1955.

²⁶ See Aizenberg 2000; 2002 for analysis and a powerful retranslation of Gerunchoff’s work.

²⁷ For information on early Jewish immigration to Argentina, the JCA, and the Jewish agricultural communities, see Elkin 1998; Feierstein 1999. For a useful review of literature on Jewish Latin America, see Elkin and Sater 1990.

²⁸ The tragic irony that 85 people signed this founding charter in 1894 has been noted by a number of observers. It was 100 years later, almost exactly to the day, that 85 people would die in the AMIA

Jews were not alone in this wave of massive immigration. Overall, Argentina saw an influx of 2.5 million immigrants in the period from 1888-1913.²⁹ Over half came from the Italian Peninsula, another 20% from Spain, and the rest from France, Germany, Great Britain, and other Latin American nations.³⁰ Many of these immigrants would also organize to form societies and associations along national, regional, or ethnic lines, sponsoring events and often publishing their own newspapers in their native languages and dialects.³¹ All of the new immigrants were, however, affected by the ideas and policies operative within the national climate. As noted above, the liberalist tradition that then held sway in Argentina included an ideal of assimilation as a means to equality. This assimilation, while working to provide equal rights to the new members of the nation, carried the attendant implication of homogenization and minimization of difference.³² To this end, there were approved lists of names under which children born in Argentina could be named, to facilitate their easy pronunciation and understanding. Beginning in the first decades of the 20th century, children were required to wear standardized *guardapolvos* or smocks at school, to minimize the appearance of difference. Inés Dussel argues that this move spoke, “...of a particular construction of the nation, a construction that equated homogeneity with democracy, and equality of people with equal, identical appearances” [Dussel 2005: 101-102, and see Introduction to this dissertation].³³ Proponents of assimilation endorsed a new national identity based on a melting pot model of culture (*crisol de razas*) similar to that once promoted in the United States. However, as in the US, ultimately only certain immigrant cultures were

bombing.

²⁹ Statistics from Dirección General de Estadística, República Argentina. Cited in Feierstein 1999: 399.

³⁰ Newer immigrations to Argentina from the later 1980s onward have been mainly comprised of populations from the surrounding Latin American nations, and Asians, mostly from Korea or China. See, for example, Courtis 2000.

³¹ See Sabato 2004, esp. Ch. 2.

³² Cogent and concise discussions of ideas of cultural homogeneity and difference in 20th and 21st century Argentina can be found in Grimson 2006, and in an interview with sociologist Lucas Rubinich [Halperin 2008]. That these two texts appear in popular rather than academic media outlets demonstrates the interest in these ideas throughout Argentine society and the degree of visibility and public attention given to this kind of academic research.

³³ Mariano Ben Plotkin provides an enlightening discussion of the use of the educational system “to instill patriotic feelings in the children of immigrants”, throughout the first half of the twentieth century [2003:85]. This included the creation of national rituals and the standardization of the teaching of national history under Dr. José María Ramos Mejía, president of the Consejo Nacional de Educación from 1908-1913. Plotkin goes on to focus on the use of the educational system in the process of “political socialization”, particularly during the first presidency of Perón.

recognized as formative of this new cultural mix, with “undesirable” groups often seen as foreign and inassimilable by certain influential sectors of society.

In addition, assimilationist measures could not fully discourage the assumption and stereotyping of difference of and among the nation’s inhabitants. In their early history in the city of Buenos Aires, the image of the immigrant Jewish community came increasingly to be linked with organized prostitution. Legalized prostitution in Argentina captured the imagination of European society already predisposed to see the shores of Latin America as a debauched and treacherous place. The involvement of a small number of Jewish immigrants in a highly publicized white slavery ring made the association of Jews with prostitution a convenient way for those concerned about the city’s image to displace its undesirable traits onto a marginalized minority.³⁴

By 1919, the “liberal consensus” had begun to crack.³⁵ A reactive nationalist sentiment had developed against the growing tides of immigrants and the policies of Radical president Hipólito Yrigoyen (1916-1922 and 1928-1930) that benefited the urban working and middle classes.³⁶ In particular, conservative elites feared the spread of communist and anarchist ideologies, and led media campaigns focusing on the influence of Jewish (Russian), Bolshevik, and Catalonian immigrant activists on national destabilization. Violent labor disputes within Argentina resulted in the identification of Jews in general with certain sectors of the workers’ movement. This culminated with the *Semana Trágica* or Tragic Week of January 1919. The *Semana Trágica* came when President Yrigoyen backed away from his earlier support of labor’s demands, and sent police and military forces to break an ironworkers’ strike. This sparked a wave of anti-immigrant and anti-Semitic sentiment, and murderous bands incited by the ultra-

³⁴ See Guy 1991, 1992; Moya 2004 for a history of these events. While the Jews involved in prostitution comprised only a small percentage of Jewish immigrants, some scholars argue that they did represent a dominant percentage of pimps in the city. José Moya estimates that, according to a 1893-1894 police file, between 74% and 92% of pimps operating in Buenos Aires were Jewish [Moya 2004: 21]. However, Moya does not account for the way that these police files may have disproportionately focused on Jewish offenders. Judith Elkin alleges that, “...the majority of slavers were of other nationalities” [Elkin 1998: 97]. Donna Guy also brings up the mixed role that the Zwi Migdal (an association in which these slave traders had a prominent role) played in society, which included, for example, the promotion of Yiddish theater and the construction of synagogues [1991].

³⁵ I have adopted the term “liberal consensus” from Mariano Ben Plotkin.

³⁶ Yrigoyen would serve part of a second term, from 1928-1930, but by this time he had largely abandoned the working classes and struggled to maintain support even among the urban middle class, his traditional base. He was disposed by a military coup on September 6, 1930.

nationalist *Liga Patriótica Argentina* (Argentine Patriotic League) rampaged through Jewish and Russian shops and neighborhoods, leaving some 850-1,000 people dead and thousands wounded.³⁷ Judith Elkin has argued that this event, though rare in the history of Argentine Jews, left the community with an ever-present sense that the actions of individual Jews can have detrimental effects upon the entire community [1998: 99-100]. As we will see below, this has affected the structure and attitudes of the major Jewish organizations.

The tide of immigration was halted by the outbreak of the First World War, but picked up again in the inter-war period, when another estimated 100,000 Jews made Argentina their home. Many of this era chose Argentina as their destination due to the constricting immigration patterns being imposed by the U.S., the explosion of small nations and consequent restrictive policies imposed on Jews in many parts of Europe following its post-war geographical adjustments, and the rise of fascist ideologies.

Nonetheless, immigration of Jews to Argentina became severely restricted following the 1930 military coup bringing a premature end to Yrigoyen's second term as president, the first in a long series of such coups in Argentina history. The tide in favor of ideologies of cosmopolitanism and modernization that justified liberal immigration policies had definitively shifted, and nationalist ideologies that stressed traditional *criollo* social and cultural values and cultural homogeneity gained the power of state enforcement. This led to a blocking of nearly all legal immigration for a number of groups, including Jews, who were still pigeonholed as anarchist agitators and viewed as socially and racially inferior. As Nancy Stepan writes in her important work on eugenics in Latin America:

Already in the 1920s, as new cultural mores, democratic demands, and labor unrest challenged the traditional political system, the elites had hardened their attitudes toward immigration. They expressed cultural nostalgia for their "Hispanic" past and resisted various classes of immigrants as putative carriers of strange cultural mores and unfamiliar diseases...The 1930s were marked by weak political parties, fraudulent elections, antiforeign sentiment, and hostility to "alien" peoples and cultural practices. Old and new nationalisms came together in a shared dislike of liberalism,

³⁷ See Mirelman 1975; Feierstein 1999:197-203 on the *Semana Trágica*; Moya 2004 for a discussion of the association of Jews with anarchism in the early 20th century. Moya makes the argument that this association, which led to the martyrization of one Jewish activist imprisoned for the assassination of a police chief infamous for his repression of popular mobilizations, contributed to the low levels of anti-Semitism among the working class during this era.

democracy, and foreign capital. The church, whose influence in education and in the traditional sphere of marriage had been limited by the secular legislation introduced in the second half of the nineteenth century, began to stage a comeback... [Stepan 1991: 59-60].

The 1920s has also been noted as a time when Argentine Jews were undertaking a change in emphasis in advancing their cultural legitimacy, in an attempt to accommodate this move towards a Hispanic nationalist political sentiment. While in earlier decades *Los gauchos judíos* had served as the book through which “Argentine Jews acquired their citizenship papers,” based on a rural ethic of cultivation, urban Jews were at this time beginning to draw lines to a historical connection between Jews and Hispanic-Iberian culture, in arguing for their inherent similarity to the broader Argentine culture [Humphrey 1998].

This climate of officially sanctioned hostility during the 1930s also provoked the formation of the umbrella organization, the DAIA, founded with the express purpose of countering Anti-Semitism. The DAIA, which defines itself as “the representative entity of the Jewish community,” expresses its overriding mission as a “permanent commitment to Jewish dignity.” Traditionally, the organization’s leadership has understood this to mean presenting itself as the political voice of the community, and the adoption of a strategy of mediation and non-confrontation with the political powers of the moment. Throughout its history, the DAIA has sought to maintain good relations with the ruling governments, even when this went against the sentiment or needs of many in the Jewish community. This desire to protect the community and its interests, even at the expense of action on the part or on behalf of individuals, has structured the nature and character of the organization since its inception, and has been a divisive source of criticism. Jeffrey Marder [1995, 1996] has studied how the DAIA achieved and maintained a positive relationship with Perón during his 1946-1955 presidency, even in spite of his conflicting responses to a wave of Anti-Semitic policies and activities from 1943-1947. Marder argues that “although the DAIA may have thereby protected the community, its failure to represent majority Jewish opinion underscored a weakness in the organization’s structure” [1995: 125]. Later, the DAIA would be sharply criticized for its largely passive reaction during the 1976-1983 repression by the military dictatorship, when Argentine Jews would be disproportionately represented among the victims of state

terrorism.³⁸

This relationship between Perón and the Argentine Jewish collectivity is contentious and complex. A skilled politician, Perón managed to maintain a positive affiliation with sectors of the Jewish community even beyond the DAIA, largely through its organized representation and the formation of a pro-Peronist competing organization, the *Organización Israelita Argentina*. Nonetheless, after the fall of Perón in 1955 the Argentine Jewish community would once again find itself definitively on the defensive. On May 30, 1960 Israeli agents kidnapped Adolf Eichmann off a Buenos Aires street. Eichmann had been among a number of Nazi leaders who had been admitted to Argentina by Perón after the war. The popular equation of Argentine Jews with the State of Israel led to some people congratulating Jews on the street for the successful Israeli operation. However it also sparked a wave of anti-Jewish sentiment, based in part on the indignation felt by those who believed that Israel had violated Argentine sovereignty [Elkin 1998: 234].

This era included the formation and violent actions of several ultra right-wing organizations, most notoriously the *Movimiento Nacionalista Tacuara* and its splinter group, the *Guardia Restauradora Nacionalista* (GRN), which espoused nationalist, Catholic, anti-Semitic, anti-communist, and anti-democratic ideals. Admirers of Hitler and Mussolini, the latter organization required its members to be of European descent with five generations of residence in Argentina. The stated principal objectives of Tacuara were the restoration of religious education in schools, re-abolished by Perón in 1955, and fighting leftists and Jews, equated in their minds and rhetoric. In a climate of increasing political bloodshed, these two groups carried out several infamous acts of Anti-Semitic violence, including the 1962 abduction and brutal torture of a teenage girl.³⁹ By this time, the model of assimilation as the basis of modern Argentine society was being challenged. I have shown how Argentine Jews held a precarious relationship to the idea of a *crisol de razas* (melting pot) that held that original cultural difference would be erased through adaptation to life on Argentine soil. By the 1960s, a model of “cultural pluralism” began to emerge, based on an assumption of the enduring nature of cultural

³⁸ Elkin 1998: 98-100.

³⁹ See Gutman 2003; “Tacuara salió a la calle,” *Página 12*, 15 May 2005 (<http://www.pagina12.com.ar/diario/elpais/1-51068-2005-05-15.html>); Rein 2001.

identity. This notion was and tends to remain in Argentina a conflictual combination of acceptance of difference with a certain degree of racial typologizing. While a degree of acceptance of some indigenous groups as a valuable and inherent part of the Argentine nation has begun to emerge, these are still generally considered as relevant only in the outlying geographical regions. Other racial groups, from Asians to Afro-Argentines, remain stigmatized as fundamentally external to the national body. However, the idea of cultural pluralism in any form, which I will return to below, remained subdued throughout the tumultuous political events of the next two decades.

Argentina in the 1960s and early 70s was fraught with political violence and social unrest. The return of Perón in 1972 only exacerbated the fighting, which encompassed factions within his movement and their political and ideological opponents. The coup of 1976 once again left a military dictatorship in control of the country, and the security forces quickly and mercilessly pursued their opponents in a *guerra sucia* or Dirty War that left an estimated 30,000 victims. Survivors of the clandestine detention camps report on special abuses committed against Jews during their illegal and unacknowledged incarceration. And while Jews at the time constituted between one and two percent of the population of Argentina, they are estimated to comprise nearly ten percent of the victims of the repression.⁴⁰ Officially, the ruling military juntas were careful to avoid the adoption of anti-Semitic policies or the appearance of State-endorsed anti-Semitic activities. Such action would have brought international condemnation, especially from the Carter administration of the United States, and have endangered the lucrative weapons trade with Israel from whom the dictatorship imported a considerable number of the arms used in the repression. Within the detention centers, however, anti-Semitic language and images were symbolically manipulated to terrorize the prisoners. Reports detail tapes of Hitler's speeches being blared throughout some of the detention centers, and of the military personnel who worked in the centers wearing swastikas and hanging portraits of Hitler on the walls.⁴¹

⁴⁰ Statistics for both of these issues are considerably unreliable, yet it is clear that Jews were represented in disproportionate numbers among the disappeared. While some of this over-representation may be the result of a demographic tendency for Jews, especially young Jews, to be involved or associated with leftist organizations, the symbolically charged treatment of Jews in the detention centers demonstrates the Anti-Semitism predominant among the military class. See Timerman 1981.

⁴¹ Feitlowitz 1998:106. The majority of the sources that discuss the political repression during the Dirty

Thoroughly discredited by its disastrous handling of the economy and its deliberate spread of misinformation throughout its failed attempt to reclaim by force Argentine sovereignty over the Malvinas Islands, the military dictatorship finally ceded to elections in 1983. Under the new government of Raúl Alfonsín, the notion of human rights as a subject of state policy would begin to take hold. The idea of cultural pluralism first began to emerge as part of the official discourse in this era, couched within this language of human rights. However, the return to nominal democracy would be dominated by an uneasy balance of power between the Alfonsín administration, the military, and the unions, with the major economic powers located in the GEN (*Grupos Económicos Nacionales*) seeking to increase its wealth and influence through supporting legislation and policies that protected and benefited their interests. While the Alfonsín administration was able to take steps towards democratic consolidation and political inclusion, including for Argentine Jews, the possibilities for action would be severely limited by pressure from the military to counteract the legal prosecutions against its members for the Dirty War repression and the tensions between these competing economic and social interests [see Tedesco 1999; Melamud 2000]. Ultimately, Alfonsín's presidency would be overshadowed by the economic instability he inherited. Spiraling inflation reaching to over 1000% led to the transfer of power to president-elect Carlos Menem in late 1989, six months ahead of schedule.

Argentina on the cusp of the bombings

While alarming moments of Anti-Semitic actions still occasionally dot the news headlines [see picture 2.2], the long record of Jewish presence within and contributions to Argentine society were by the 1990s generally recognized by the majority of non-Jewish Argentines. Two days after the Embassy bombing, 90,000 Argentines, Jews and non-Jews, poured into Avenida 9 de Julio to repudiate the attack on the Embassy.⁴² After the AMIA explosion, another demonstration, this time of over 150,000 people, gathered in front of the Congress Building in denunciation of the violence, with banners that read “*Hoy somos todos judíos*” [“We are all Jews today”] hanging across streets. A survey

War and many survivors' testimonies mention the especially harsh treatment of Jewish prisoners.

⁴² The figure 90,000 is given in *Noticias*, 22 March 1992, p74. Other sources estimate the number to be between 80,000 and 150,000.

conducted at the request of the *Instituto Nacional contra la Discriminación, la Xenofobia y el Racismo* (Inadi), or National Institute against Discrimination, Xenophobia, and Racism, in December 2006 found that, while those surveyed reported being aware of discriminatory attitudes towards Jews, only 17.6% identified Jews as a principal category subject to discrimination, far behind the 52.3% who believed that Bolivian immigrants would be most likely to face such attitudes and practices. Overall, in the perception of the interviewed, discriminatory attitudes were most often directed based on socioeconomic class rather than any other consideration.⁴³

Yet anti-Semitism has continued to be entrenched in powerful institutions in Argentine society, especially the military and the police. There have been very few Jewish officers in the Argentine military, even in comparison to other predominantly Catholic countries such as Chile, and the presence of anti-Semitic attitudes entrenched in the cultural milieu of the security forces remains well-documented.⁴⁴ For example, in 1990 one notorious military colonel and *carapintada* leader publicly remarked, “I know neither any green horses nor any decent Jews.”⁴⁵ While the police force is notoriously lacking in its ability to increase the sense of public security among the populace,⁴⁶ this is compounded for Argentine Jews, particularly those with lesser economic resources.

More pervasive than this entrenched Anti-Semitism, however, is a general tendency among many non-Jewish Argentines to perceive Argentine Jews as marginal population, at once a part of yet separate from the “true” Argentines. This view has remained formalized in certain significant legal formulations, such as the law that, until the constitutional revision of 1994, stipulated that the president and vice-president of the

⁴³ The survey was conducted by Ricardo Rouvier & Asociados, between 18 and 30 December 2006. The fact the vast majority of respondents felt that discrimination in Argentina was based on economic rather than racial or religious grounds should not be taken as evidence of a lack of these kinds of discrimination against marginalized groups. However, it is strongly indicative of the way discrimination is considered and discussed in Argentina.

⁴⁴ The DAIA’s Center for Social Studies (*Centro de Estudios Sociales*) compiles yearly reports on Anti-Semitism in Argentina, available on their website at www.daia.org.ar. They also include a list of all reported instances of Anti-Semitism in Argentina, including press coverage. In addition, see Luvovich 2003; Senkman 1989, 1995.

⁴⁵ Cited in Feierstein 1999: 363. The *carapintadas* were a rebellious faction of the armed forces that staged a number of uprisings during the democratic regimes of Raúl Alfonsín and Carlos Menem. The pressure they exerted, and the fear of destabilization they inspired, helped stall the legal prosecutions of military members accused of committing human rights abuses during the Dirty War and limited military reform.

⁴⁶ See Hinton 2006, Kalmanowiecki 2000 for analysis of the Argentine police forces. Hinton in particular argues that the inability to reform the police forces according to the principles of democratic policing has had negative implications on public security in recent years.

nation be communicants of the Catholic Church.⁴⁷ The idea of Jews as marginal results in part from the still prevalent idea of the Argentine nation as culturally homogeneous and has ramifications for all Argentine minority communities, including the expanding Korean, Bolivian, and Paraguayan immigrant communities.⁴⁸ Federico Pablo Feldstein and Carolina Acosta-Alzuru, in a comprehensive textual analysis of the mainstream newspaper coverage of the bombing of the AMIA building, demonstrate how the press reflected this view, by employing discursive strategies that effectively distanced Argentine Jews from non-Jews [2003]. With public attention being so forcibly directed towards the Jewish collectivity following the AMIA explosion, the mass media coverage of events often depicted Argentine Jews as foreigners or Israelis.⁴⁹ Feldstein and Acosta-Alzuru also found that the press consistently presented the attacks as being against Jews, who were said to ultimately bear the blame for their problems, rather than as against “Argentines,” thus implicitly defined as not Jewish. Some of the bleakest moments in this coverage included the news articles and television reporters who lamented the deaths in the bombings of both “*judíos e inocentes*” (‘Jews and innocent people’).⁵⁰ This phrasing carries the implication that Jews killed in the attack were intrinsically connected to the precipitating causes of such violence and thereby not “innocent.” In the words of Ricardo Feierstein, “How is it still possible – when the Argentine Jewish institutional presence has just celebrated its 100th year – [for there to be] a confusion between “us and the others,” “Jews and Israelis,” “foreigners and non-foreigners,” citizens of the same country?” [Feierstein 1999: 428].⁵¹

⁴⁷ Menem, who converted to Catholicism while pursuing his career in politics, pushed the revocation of this article of the Constitution upon coming into office. This Constitution still stipulates in Article 2 that the State upholds the Roman Catholic Faith.

⁴⁸ See Courtis 2000 for a discussion of the semantics of discrimination in relation to the Argentine Korean community. Also interesting in this regard is the work by Jeffrey Lesser on the Brazilian Jewish community, including his provocatively titled 2004 article, “How the Jews became Japanese and other Stories of Nation and Ethnicity,” in which he explores the ways in which categories of sameness and difference get deployed in relation to considerations of ethnicity within the context of Latin American racial classifications [Lesser 2004, 1995].

⁴⁹ This interpretation is subtly aided by the confusion arising from the way the term ‘*israelita*’ is commonly used to mean Jew in Spanish, dating back to well before the establishment of the modern nation-state of Israel. In contrast, the term ‘*israelí*’ is the Spanish word for an inhabitant of the modern state of Israel.

⁵⁰ Many others have also noted this aspect of the media coverage, which was present in not one but across several news agencies, including Elkin 1998: 265, and Alejandro Doria in his contribution to the film 18-J.

⁵¹ ¿Es todavía admisible – cuando acaban de cumplirse cien años de presencia institucional judeoargentina – la confusión entre “nosotros y los otros”, “judíos e israelíes”, “extranjeros y no extranjeros” ciudadanos

These attitudes are supported at least in part by the continued force of political ideologies that uphold the ideal of social unity through social (and cultural) equalization, in particular some manifestations of Peronism and traditional leftist parties. I encountered this enduring emphasis on cultural homogeneity many times during my fieldwork. One example is the reaction I would get when I would explain to non-Jewish Argentines what I was doing in Buenos Aires. As soon as I mentioned the Jewish community I would be interrupted by my listener, anxious to provide their own opinion. A typical example of this kind of comment (and the lack of variation in the responses is noteworthy) was, “I’ll tell you what the problem with Argentine Jews is. They never wanted to become part of society. They always wanted to keep their differences. They didn’t want to be like us.” (*Yo te digo el problema con los judíos en la Argentina. Es que nunca querían formar parte de la sociedad. Siempre querían mantener sus diferencias. No querían ser como nosotros.*) This type of response is also interesting in the weight it gives to integration into the group (assuming this desire for difference as a “problem”). I come back in later chapters to the way ideas of the social and group formation operate in Argentine society, in contrast to the valorization of individualism often embedded in both legal and moral transnational discourses. Here, however, I want to draw attention to the way cultural pluralism remains a difficult notion within Argentina society, a feature noted by other groups arguing for the right to difference (for example, in the challenges faced by indigenous populations or the Argentine GLBT movements).

Claiming cultural citizenship

As Rogers Brubaker has argued, “Debates about citizenship, in the age of the nation-state, are debates about nationhood – about what it means, and what it ought to mean, to belong to a nation state’ [1998: 132]. In the next section of this chapter, I explore the ways in which the actions of Memoria Activa work to call into question the location of Argentine Jews as marginal citizens. Using evidence collected from my attendance at events held by the group, interviews with participants, and published and unpublished documents produced over the course of the group’s 13 year history, I show how, through their actions and communicative forms, they respond to the cultural

del mismo país?

marginalization of Argentine Jews by establishing their struggle for justice as pertaining to the nation as a whole, while simultaneously drawing on and employing the strength of highly symbolic religious elements in a public affirmation of the right to difference. Sonia Alvarez, Eva Dagnino, and Arturo Escobar's have argued that social movements can serve as sites of expression for alternative conceptions of society and the social order, working to reconfigure the cultural field through the expression of their demands. As they contend, "social movements...have struggled to resignify the very meanings of received notions of citizenship, political representation and participation, and... democracy itself...[Doing so] entail[s] the enactment of "cultural politics" [Alvarez, et. al. 1998: 2].

I argue that the actions of Memoria Activa work towards a reconfiguration of the national imaginary, by advocating their right to a kind of "cultural citizenship." This concept has been defined by Renato Rosaldo in his work on Latinos in the United States as, "the right to be different (in terms of race, ethnicity, or native language) with respect to the norms of the dominant national community, without compromising one's right to belong, in the sense of participating in the nation-state's democratic processes [1994: 57]. However, I hope to show how these claims to cultural citizenship do not occur in isolation, or originate solely from within the community. Rather, I follow Aihwa Ong's observations on cultural citizenship as being at once "a dual process of self-making and being made within webs of power" [1996:738]. Specifically, I show how Memoria Activa's claims to cultural citizenship develop within a context of "neoliberal multiculturalism," whereby powerful political and economic actors embrace a certain politics of cultural difference in specific ways that work to limit and contain its effects [Hale 2002].

Placing Jews in the Nation

The 1992 and 1994 bombings, coming nearly a decade after the return to democracy, were pivotal moments in the history of Jews in Argentina. In spite of criticisms of the leaders of the AMIA and DAIA organizations, they remained the principal organizational pillars of the collectivity.⁵² The AMIA has continued to provide

⁵² These criticisms and the contentious history of the internal workings of the Jewish collectivity are taken

a host of social services to the Argentine Jewish community in the over a hundred years since its foundation. Alongside many offices and social programs, including the coordination of the city's Jewish cemeteries and schools, the AMIA building also housed the largest Judaica library in South America. More than half of its collection was destroyed in the 1994 attack, including many books salvaged from Europe and the fires of the Nazis. Also lost were countless irreplaceable documents attesting to the over 150-year history of Jewish immigration and life in Argentina.⁵³ The loss was expressed by the library's novegenarian founder Samuel Rollansky: "Our history is burned without even a war. We are witnessing an act of Inquisition."⁵⁴ This phrase points the way the AMIA bombing was felt by members of the Argentine Jewish community. The destruction of the AMIA/DAIA building was a devastating moment, a direct assault on Argentine Jewish civilian and religious life.

A full analysis of the weekly protest/memorials or *actos* held by Memoria Activa, as an articulation of this sentiment, is taken up in Chapter 4. Here, I focus on those aspects of Memoria Activa's weekly *actos* that relate most directly to their assertion of the position of Argentine Jews as full members of the nation, while publicly valorizing a sense of Jewish identity and traditions. These demands and assertions are expressed through the discursive forms and symbolic actions employed by the group. Through emblematic demonstrations of support with other groups, such as the presence of members of the Mothers of Plaza de Mayo and the frequency with which members of (certain) other movements speak at their *actos*, they link their struggle to those of other human rights groups, thereby placing their search for justice within the context of other national struggles conceived under the rubric of struggles against impunity. By locating their demands for justice in the Israeli Embassy and AMIA bombings as part of a larger set of counterimpunity movements, they are arguing for these attacks to be seen not as a problem for Jews or the Argentine Jewish collectivity, but as attacks against Argentine society as a whole. For example, Fernando Fischman and Javier Pelacoff have noted that the dual self-appellation of the group as a "movimiento social" and as a "movimiento

up further in Chapter 4.

⁵³ These included a collection of recently released files on Nazi refugees in Argentina.

⁵⁴ Brooke, James. "One More Victim in Argentina: Vast Judaica Library." *New York Times*, August 2 1994:A3.

popular” works to define it both as part of a larger set of organizations that fall under the rubric of social movement and to assert the group’s legitimacy as coming from the “pueblo”, an authentic voice of the people demanding their rights [Fischman and Pelacoff 2003]. The call to recognize the bombings and impunity as a society-wide problem is also emblematically evoked in a banner that was often erected in front of the plaza during Memoria Activa’s weekly protests, which read “*Todos somos Memoria Activa*”, (‘We are all Memoria Activa’). This simple phrase both identifies the movement and calls upon all Argentines to recognize themselves in the movement’s struggle and its implication and relevance for their lives.

Yet the move to define the bombings and the struggle for justice as problems for all of society does not indicate a denial or an effacement on the part of Memoria Activa of the movement’s nature as arising from out of a Jewish community. Rather, the movement also highlights its identity and location as based within a Jewish tradition, however diverse and multivocal the definitions of and identifications with this community may have been, in ways that simultaneously work to creatively reinterpret or reactivate that tradition. The consistent presence of children from Jewish schools brought out on these Monday mornings to attend the protest-memorials shows the interest of the group in transmitting the enacted traditions that these rituals represent.

Perhaps the most visible and cherished marker of this Jewish identification comes with the playing of the shofar at the opening of Memoria Activa’s weekly *actos*, during a moment of silence in honor of the victims.⁵⁵ This moment was used by the events’ organizers as a performance of Jewishness, and participants frequently mentioned it to me as a source of pride and a central feature of the events. The shofar is commonly used in religious ceremonies for the high holidays of Rosh Hashanah and Yom Kippur, but it also carries a biblical history of use as an instrument of summoning or a call to battle. The blowing of the shofar is said to have helped enable Joshua to capture Jericho. Memoria Activa and its participants draw on and invoke this history of the shofar in adopting it as a symbol of their Jewish identity. The moment of silence is introduced with the coordinator of the *acto* saying, “*Escuchamos el shofar, con su llamado milenario*

⁵⁵ A shofar is a musical instrument made from a ram’s horn.

*que nos acompaña y nos convoca, para que derrumbe los muros de la impunidad.”*⁵⁶

The shofar and its ‘eternal call’ are thus summoned to ‘accompany’ Memoria Activa’s struggle, to call out against the dangers of forgetting, and to remind the community at large of its responsibility to work for justice. The age, tradition, and the symbolic power of the shofar are highlighted, with appeals for all to listen to its ‘ancient cry,” which would help to “bring down the walls of impunity,” as it is said to have brought down the walls at Jericho.⁵⁷ This idea of impunity noted here as a central feature of Argentine political life forms the subject of the next chapter.

Another important marker and source of pride was the biblical phrase that Memoria Activa uses as its central slogan. This was recited at end of the call that was repeated every week in closing the *actos*, with the coordinator of the *acto* inviting those assembled to join in the call for justice. While these exhibited minor variations, the formula remained constant. One typical morning the call was as follows:

We have heard the call of the shofar. We end as always with our voices:
For the 30,000 disappeared, victims of state terrorism in our country, we demand --
[crowd] JUSTICE
For the children, stolen from their homes during the last dictatorship, who are still today searching for their true identity, we demand --
JUSTICE
For the dead in the bombing of the Israeli Embassy, we demand --
JUSTICE
For our relatives and friends, victims of the atrocious attack on the AMIA building in our country, we demand—
JUSTICE.
justice, justice, you will seek *tze-dek tze-dek, tir-dof.* ⁵⁸ [Deuteronomy 16:20]

⁵⁶ “We hear the shofar, with its millenario call that accompanies us and calls us together, so that it can bring down the walls of impunity.”

⁵⁷ It is interesting to note that Cristina Fernández de Kirchner, in her presidential inauguration speech on December 10, 2007, adopts precisely this language. In this speech, she referred to the administration of her husband and existing president Néstor Kirchner’s actions in the field of human rights by saying, “*Hemos derrumbado los muros de la impunidad.*”

⁵⁸ *Hemos escuchado al shofar. Terminamos como siempre con nuestras voces:
por nuestros 30,000 desaparecidos, víctimas del terrorismo del estado en nuestro país, exigimos JUSTICIA
por los niños, robados de sus hogares, durante la última dictadura, que aún hoy siguen buscando su verdadera identidad, exigimos JUSTICIA
por los muertos en el atentado a la Embajada de Israel exigimos JUSTICIA
por nuestros familiares y amigos, víctimas del atroz atentado a la sede de la AMIA en nuestro país, exigimos JUSTICIA
justicia, justicia, perseguirás
תִּרְדוּף תִּרְדוּף תִּרְדוּף* [typically expressed in Spanish (*castellano*) and Hebrew]

This passage from Deuteronomy is also inscribed on the monument erected to the dead in the Plaza Lavalle, where Memoria Activa holds their *actos*, and frequently appears on documents published by the group. In using this Biblical passage, Memoria Activa is affirming that the struggle for justice is a moral injunction as well as a social responsibility. This appeal to theological justification allows Memoria Activa to maintain a visible assertion of a religious identity, even while discursively inserting themselves and their struggle within a broader national context of counterimpunity movements. The reiterated use of the phrase ‘our country’ (*nuestro país*) also serves to emphasize their assertion that the attack and the political machinations that orchestrated its cover up are problems that affect Argentina as a whole.

Rather than seeing the attacks as perpetrated against Jews, with Argentine soil being a displaced battleground for a foreign conflict, through actions like these Memoria Activa locates the Jewish community as an integral part of the nation, while simultaneously asserting their right to Jewish specificity and difference, as part of that nation [cf. Aizenburg 2000]. This reveals a complex layering of multiple subject positions and identities, combining Jewish, Argentine, and, for some, Israeli identifications at the same time.⁵⁹ The strategic deployment of multiple identities in redefining the nation-state supports the argument by John and Jean Comaroff that citizenship, or what it means to be a citizen within a nation-state, is being reconfigured. They argue that “the fractal nature of contemporary political personhood, the fact that it is overlaid and undercut by a politics of difference and identity, does not necessarily involve the negation of national belonging,...merely its...ambiguous coexistence with other modes of being-in-the-world” [Comaroff and Comaroff 2004]. While calling for recognition of Argentine Jews as full and integral members of the Argentine nation, the

⁵⁹ When journalist Jacobo Timerman, author of the 1981 *Preso sin nombre, celda sin número*, one of the first survivor’s accounts to detail the horrors of the Dirty War concentration camps, was stripped of his Argentine identity by the ruling military junta, he assumed Israeli citizenship as “his other dormant national identity” [cited in Humphery 1998:183]. It is also noteworthy that pictures from the days after the AMIA explosion show an Israeli flag hanging out of a battered window. These imagined and practiced connections to Israel have become more prevalent in recent years, with increased emigration and attendant familial ties to Israel by Argentine Jews after the AMIA attack and around the economic crisis. They have also made Jewish members of the government subject to attacks by their political opponents, who often accuse these members of having conflicting loyalties particularly concerning international relations, regardless of whether or not the particular government official in question has ever expressed any such feelings.

movement is proposing a redefinition of the very nature of the national imaginary as essentially plural, multi-ethnic, and multicultural. While the assertions of Memoria Activa focus exclusively on this notion as it applies to (Ashkenazi) Jews, their redefinitions open the door to more inclusive notions for groups marginalized based on economic and racial ascriptions. Though Memoria Activa does not explicitly take this step, the significance of their assertions has not been lost on some of these other groups, as can be seen in the way certain indigenous organizations would frequent their weekly events in spite of a lack of official affiliation with the directive board or direct contacts among the members.

Neoliberal multiculturalism?

Memoria Activa's appeal to the multicultural nature of the nation does not occur in isolation, but must be considered within the social and political context of the 1990s. Memoria Activa made these assertions at a time when the idea of cultural plurality was increasingly gaining the force of a kind of political correctness. In Argentina, this notion of cultural plurality was influenced by and expressed through three related sets of ideas: the political application of what Charles R. Hale has termed "neoliberal multiculturalism;" a concept of human rights based on both international and local definitions, and a vision of democracy and the process of "democratic consolidation" based on the protection of these rights.⁶⁰ As noted above, this was not the first time the idea of cultural pluralism, as predicating the enduring nature of cultural identity in contradistinction to the idea of assimilation to the host society, became the focus of public discussion in Argentina. For instance, a project undertaken in the 1960s by Gino Germani and José Luis Romero at the Universidad de Buenos Aires focused precisely on the cultural variation within Argentine society.⁶¹ A number of ethnic and religious groups and organized minority communities had also drawn attention to forms of cultural variation within society.⁶² The 1990s, however, was the first time that cultural pluralism

⁶⁰ A full analysis of the ideas of human rights and democracy operative in the Argentine political climate during the 1980s, 1990s, and into the 21st century is taken up in the next two chapters.

⁶¹ However, as others have noted, this project was ultimately concerned with unraveling the political behavior of a post-migration society, rather than the facets and articulations of ethnic/cultural identity within a political culture of asserted homogeneity. See Devoto 1992; Sabato 1998.

⁶² See, for example, Klitch 1995, 1998.

became the object of official support through both political rhetoric and the implementation of certain state-directed policies. Chapters 3 and 4 of this dissertation develop in more depth the way groups like Memoria Activa contributed to and drew from ideas of a specific kind of democracy and a discourse of human rights. Here, I want to focus particularly on the first of these influences, namely the way the application of neoliberal principles in Argentina included a set of purposely-constructed assumptions about cultural pluralism. Furthermore, I show how Memoria Activa's use of these principles did not preclude their critique its use and application (or lack thereof) by members of the government, but rather developed in dialogue with the official definitions.

I want to start with a set of contrasting examples of how political leaders have attempted to demonstrate the State's commitment to a politics of cultural diversity, and the reactions that these gestures received. At the end of the 1980s, many in the Jewish collectivity and the broader Jewish community had expressed reservations over the increasing certainty that Menem, a Peronist of Syrian descent, would be elected president. A skilled politician who relied heavily on his personal charisma, Menem worked hard to gain the support of a very reluctant Jewish constituency.⁶³ Shortly after becoming president, Menem attended in person an event organized in repudiation of recent anti-Semitic attacks in France, held in the historical synagogue on the Calle Libertad. As Menem approached the door to the synagogue, a member of his entourage tried to brush aside the offered kippa (yarmulke). Menem, however, took it into his own

⁶³ A full discussion of both Menem and Alfonsín's relationships to the Argentine Jewish collectivity lies, unfortunately, beyond the scope of this chapter [see Melamud 2000 for a critical analysis of this era]. While Alfonsín's politics of cultural pluralism was judged to be more sincere, and he inspired more trust among the Jewish collectivity in belonging to the Radical rather than Peronist party, his handling of international politics estranged many, especially the more conservative elements of the community, in that he worked to position Argentina alongside an emerging coalition of countries from what we now call the Global South. Thus, he expressed support for the PLO and the post-colonial Arabic states in opposition to the US and Israel. Menem gained initial support from the reluctant Jewish collectivity through his politics of alignment with the United States, including the breaking of Argentina's membership in the Movement of Non-Aligned States when he deployed Argentine ships to the Persian Gulf during the first Gulf War [op. cit.: 43]. He also became the first Argentine president to officially visit the State of Israel, a promise made but not fulfilled by Alfonsín. In addition, he did drive certain important measures, such as lifting questions as to an aspirant's religion from codes for military officers. However, the his government's (mis)handling of the AMIA investigation would soon overshadow these earlier efforts. In the next chapter, I will discuss in more detail how the involvement of certain high-profile members of the Jewish community in the Menemist government led to divisions within the collectivity that have concrete repercussions in the actions of the family members of AMIA victims.

hands and placed it on his head. The event itself, which also included the presence of a high official from the Argentine Catholic Church, the president of the Islamic Center of Buenos Aires, and numerous local and national political figures, was meant to serve as a demonstration of the multicultural and multi-religious composition of Argentine society, and to demonstrate the harmonious relationships between the different sectors. The occasion was heralded by the DAIA as the first time a national president attended such an event outside of countries with an active climate of anti-Semitism. In itself this was an example political spin and its deployment – here the same organization responsible for logging and denouncing acts of anti-Semitism on Argentine soil (the DAIA) is classifying Argentina as a country without anti-Semitism. However, I suspect that this strange pronouncement was offered as a show of gratitude and in recognition of Menem's decision to attend. Contradictory as it seems, the claim was widely and uncritically repeated across mass media and community publications, and the incident served to garner Menem considerable support from a once reluctant community.

This moment from the early 1990s can be contrasted with a similar one that took place over a decade later. At that time, I attended an event held by the AMIA/DAIA in the *Plaza Seca* held inside the reconstructed AMIA building. This event was the first of its kind held by the AMIA/DAIA in honor of the memories of the Jewish victims of the Dirty War. As discussed above, the official Jewish collectivity leadership had been the object of much criticism for its perceived lack of intervention on behalf of the Jewish disappeared, both during the repression and in the search for justice that followed the return to democracy. Voices within the community had continued and continue to pressure for a moment of public self-reflection on the part of the AMIA/DAIA that accepts this perceived failing. While many are still unsatisfied with the leadership in this regard, events such as this 2004 memorial have marked a significant shift in the public posture adopted by these organizations.

This event was attended by President Kirchner, who also donned a kippa. In his case, though, the gesture resulted in an uncomfortable moment of awkwardness as he struggled to get it positioned properly in front of an expectant and tittering crowd, eventually being assisted by several senior members of the collectivity leadership. He then proceeded to light a menorah candle, and, after giving a brief speech, uncovered the

new high-relief sculpture designed for the occasion by Sara Brodsky, plastic artist and mother of Fernando Brodsky, disappeared in 1976. While Kirchner's words were widely praised, this kind of symbolic gesture nonetheless failed to earn him the kind of uncritical support it had for Menem more than a decade before. Members of Memoria Activa that I interviewed took the attitude that while his presence at such events was important, they were more interested in seeing what concrete measures he would take in advancing the investigation. Accordingly, his wife (and future president) Cristina Kirchner received a far more positive and uncritical evaluation from members of Memoria Activa, for her active role in the Bicameral Congressional Commission that undertook an evaluation of the AMIA investigation. By 2004, actions counted for far more than words, and members of a deceived and distrustful community were far less likely to give politicians the benefit of the doubt based on their symbolic gestures.

I want to explore a bit further why the members of Memoria Activa and many others had become so suspicious of official policies or symbolic actions in support of an ideal of cultural plurality. While the Jewish community was overall responsive to Menem's attempts to solidify a politics of multiculturalism in the early days of his first presidency, by the second half of the 1990s significant sectors of the community held that such gestures amounted to little more than empty political rhetoric designed to seduce Jewish support. By this time, the narrative of corruption as discussed in the Introduction had been firmly installed in Argentina. The problems with the official investigation into the AMIA bombing had come to be seen by Memoria Activa as yet another instance of this kind of corruption within government institutions, which were taken to operate under a culture of impunity that allowed and encouraged the individuals within these institutions to act based on personal interest rather than towards the collective benefit. This assessment of endemic impunity and corruption, taken up further in the next chapter, had led to an increasing general deception with the government in general, including the official politics of cultural plurality.

This politics of cultural plurality cannot be separated from the broader economic and political climate within which it gained expression. During this era, Argentina was the model for neoliberalism as the answer to Latin America's economic difficulties, with President Carlos Menem and Economics Minister Domingo Cavallo firmly engaged in

the implementation of policies suggested by transnational agencies and foreign proponents of the neoliberal doctrine. However, as noted in the Introduction, neoliberalism is not only about economic policies or state reform, but is also entails a cultural project. Willem Assies has argued that policies of “social adjustment” become “...an increasingly important item on the agenda and [go] together with a transformation of the role of civil society and a new discourse on citizenship.” [Assies et. al. 2000: 10].⁶⁴ Indeed, in many cases proponents of neoliberal economic reforms also embraced a broader reaching set of neoliberal social policies, including a kind of “multicultural citizenship” whereby a recognition of cultural difference becomes a central (and often empty) feature of official discourse. Hale has coined the term “neoliberal multiculturalism” as the name for the phenomenon “whereby proponents of the neoliberal doctrine pro-actively endorse a substantive, if limited, version of...cultural rights, as a means to resolve their own problems and advance their own political agendas” [2002:485].⁶⁵ This embrace of a “politics of recognition” [Taylor 1992] by the proponents of neoliberalism and its application in Latin America came about in large measure due to pressures from indigenous and other minority groups, who were becoming increasingly vocal in pushing for an expansion of their rights. The package of “cultural rights” often included political reforms to include indigenous and other marginal citizens, at least nominally, in the processes of government, education reform, increased acceptance and promotion of indigenous languages, and antidiscrimination policies.

Though the Argentine state was, in distinction to other Latin American nations like Bolivia, Colombia, Ecuador, or Peru, not contending with a large and organized indigenous population demanding change, and though minority groups like Argentine Jews had historically held and exercised full rights as political citizens, the Menemist era nonetheless saw Argentina adopting a version of neoliberal multiculturalism. As

⁶⁴ Cited in Hale 2002.

⁶⁵ Hale defines neoliberalism as standing for “...a cluster of policies driven by the logic of transnational capitalism: unfettered world markets for goods and capital; pared down state responsibilities for social welfare of its citizens; opposition to conflictive and inefficient collective entitlements, epitomised by labour rights; resolution of social problems through the application of quasi-market principles revolving around the primacy of the individual, such as assessment based on individual merit, emphasis on individual responsibility and the exercise of individual choice” [2002:486]. For a further discussion of the concept and its application and manifestation in Argentina, see the Introduction.

mentioned above, in Argentina this acceptance of cultural plurality was in particular based on international and local discourses of human rights and democracy. In Argentina, multiculturalism and the right to difference were presented as human rights, and the respect of these rights the duty of a country that was structured and operated according to democratic principles. A limited embrace of multiculturalism thus afforded a low risk way for the Menem administration and its allies to be seen as promoting human rights while denying demands for justice for the state sanctioned perpetrators of Dirty War violence.

This emerging discourse of the right to difference, soon adopted across large sectors of the Argentine political spectrum, is sanctified, for example, in the Preamble to the 1996 Constitution of the Autonomous City of Buenos Aires, following a polemical restructuring of the political terrain. The preamble defines as one of the objectives of the city government as “...the promotion of human development in a democracy based on liberty, equality, solidarity, justice, and human rights, recognizing identity in plurality...”⁶⁶ Significant as the formal recognition of the right to difference is, and without minimizing important advances like the 1988 passage of anti hate crime legislation, the adoption of a kind of neoliberal multiculturalism can be nonetheless dangerous for those interested in the promotion of their own or others’ cultural rights. Hale points out that:

...these initiatives also come with clearly articulated limits... powerful political and economic actors use neoliberal multiculturalism to affirm cultural difference, while retaining the prerogative to discern between cultural rights consistent with the ideal of liberal, democratic pluralism, and cultural rights inimical to that ideal. In so doing, they advance a universalist ethic which constitutes a defense of the neoliberal capitalist order itself [2002:489, 490].

Hale is referring specifically to certain kinds of cultural rights that are often perceived as a threat to basic premises of capitalist society, such as collective rights. In the case of Memoria Activa, the version of state-endorsed cultural plurality is seen as

⁶⁶ The full text of the Preamble reads: Los representantes del Pueblo de la Ciudad de Buenos Aires, reunidos en Convención Constituyente por imperio de la Constitución Nacional, integrando la Nación en fraterna unión federal con las Provincias, con el objeto de afirmar su autonomía, organizar sus instituciones y promover el desarrollo humano en una democracia fundada en la libertad, la igualdad, la solidaridad, la justicia y los derechos humanos, reconociendo la identidad en la pluralidad, con el propósito de garantizar la dignidad e impulsar la prosperidad de sus habitantes y de las mujeres y hombres que quieran gozar de su hospitalidad, invocando la protección de Dios y la guía de nuestra conciencia, sancionamos y promulgamos la presente Constitución como estatuto organizativo de la Ciudad de Buenos Aires [1996].

problematic less for the nature of its content and more for its perceived use as a diversionary tactic designed to allow the state to rhetorically present itself as promoting human rights even while, through action and omission, these rights are systematically violated. More than anything, members of Memoria Activa would point to the inconsistency between government words and actions. The preamble to the city constitution, cited above for its evocation of cultural difference as a protected feature of democratic life, was constantly held up by members of Memoria Activa and other dissident sectors of the Jewish community as both a highly significant step and ironic in its hypocrisy. One of my key contacts in Memoria Activa frequently remarked on the importance of this preamble, and the magazine *Convergencia*, a progressive Jewish publication heavily concerned with human rights, often published this except in advertisement style full-page layouts on the back cover of its issues. However, the inner pages of *Convergencia* and the impassioned invectives intoned by my informant made constant reference to the lack of applicability of these espoused ideas.

Furthermore, this gulf between rhetoric and practice is seen as a consequence of the generalized problems of corruption and impunity that are considered to pervade political and economic practice during the 1990s. Thus, by the end of the 1990s, state-directed neoliberal multiculturalism is taken as amounting to little more than top-down concessionary measures designed to placate dissenters even as public officials and powerful economic actors encourage a climate of decision-making based more on personal interest than collective good. In this way, the policies and symbolic gestures made by elected officials under the Menemist regime came to be read as little more than bald-faced attempts to counter criticism of the implementation of Argentina's particular style of neoliberalism.⁶⁷ Memoria Activa's insistence that the AMIA bombing and its lack of legal resolution are Argentine, rather than Jewish, problems arise within this context of a 'crisis of institutionality' that they see as endemic throughout much of society. In this way, and perhaps ironically, the vision of cultural plurality advanced by Memoria Activa is best understood as emerging in dialogue with state-directed neoliberal

⁶⁷ Diego Melamud reflects a sentiment expressed by many when he asserts that the 1990s also witnessed a "menemization" of the Jewish collectivity, with the leaders of community institutions also paying lip service to the good of the community while undertaking fraudulent privatizations, making drastic cuts in the number employees and social services provided, and acting out of personal interests in deliberately tampering with the workings of justice [2000].

multiculturalism.

This chapter has explored the ways in which the 1992 and 1994 bomb attacks on Jewish targets in Buenos Aires became a contentious point of criticism against numerous institutions of the Argentine State, and led to the organization of sectors of the Jewish community into groups engaged in public criticism of the government's policies and actions both concerning the attacks and with regards to an emergent politics of cultural pluralism. In the next chapter, I turn to a closer consideration of the way the demands made by these groups intersect with a discourse of impunity as adopted by other organizations mobilized to pressure the government to provide legal justice to those involved in state repression during the Dirty War. In doing so, I focus on configurations of memory and how it is used and deployed by these groups.

Picture 2.1



Once

Picture 2.2



Graffiti, picture taken March 2006 in the porteño neighborhood of Once. The stencil reads “*Hitler tenía razón*” (Hitler was right).

Chapter 3

“So that they don’t die twice”: Disappearance, Impunity, Memory, and Protest in Argentina’s Human Rights Organizations

La memoria no se construye en los museos sino en las calles, luchando para cambiar la historia.

(Memory is not constructed in museums, but in the streets, in the struggle to change history.)

-- from a plaque on the corner of A. Gallardo St. and Corrientes Ave., by the neighborhood assembly of Almagro

One of the functions of the intellectual is to clarify in a critical manner the politico-social context and to denounce in a responsible way any hypocrisy that legitimates injustice or repression. Walter Benjamin... honored this mission [by] wanting, as he said, to rub against the grain of history to challenge the thinking, the attitudes, and the actions that are accommodated and adapted to, unfortunately, much more rapidly than what we imagine... [This is] fashion, [which he reminds us] is the sister of death and a parody of the same cadaver. Fashion changes quickly, so quickly that it produces deaths and is converted into the new... When [memory] is just a current topic it becomes evocation and all manner of evocation is forgotten in a heartbeat. Evocation is ephemeral, but memory becomes a permanent element when there exist policies that accompany it as a motive for the future. Memory, so that it is not a diversion or a method of manipulation, should always be a mechanism for forward projection, something to do. Memory is not memory unless it is a future construction.

– Rabbi Daniel Goldman¹

Introduction

This chapter takes a closer look at the idea of impunity as a central element in the demands made by Memoria Activa and other organized groups of family members of AMIA victims on the ethical register. I look specifically at how the notion is used and

¹ *Una de las funciones del intelectual es la de clarificar de manera crítica el contexto político-social y la de denunciar de modo responsable cualquier hipocresía que legitime la injusticia y la represión. Walter Benjamin.... hizo honor a esa misión...[con]querer, como decía él, pasarle el contrapelo a la historia para desafiar al pensamiento, a la actitud y a la acción que se acomoda y se adapta, lamentablemente, mucho más rápido de lo que imaginamos. ...[Esto es] la moda [que] es colega de la muerte y parodia del mismo cadáver. La moda cambia rápido, tan rápido que provoca la muerte y se convierte en otra nueva.... Cuando [la memoria] es sólo tópico de la actualidad deviene en evocación y todo modo de evocar se olvida con un estornudo. La evocación es efímera, pero la memoria resulta un elemento permanente cuando existen políticas que la acompañan como motivo futuro. La memoria para que no sea ni un divertimento lúdico ni un modo de manipulación siempre debe ser un mecanismo de proyección hacia delante, algo por hacer. La memoria no es memoria si no es construcción futura.* “De Walter Benjamin a la DAIA,” published in *Página 12*, 20 November 2007.

understood by human rights organizations in Argentina, which are primarily responsible for the term's installation in public discourse in the years following the return to democracy. Here, I refer to the human rights groups as counterimpunity organizations in recognition of this central feature of their rhetoric. Though often referred to by the first of these variants (*organizaciones de derechos humanos*), it is also common in Argentina to hear these groups referred to by the second (*organizaciones contra la impunidad*), and thus my choice of terms comes not only out of a desire for analytic emphasis but also in concordance with local interpretations of these groups, their central tenets, and ultimate goals. However, part of my purpose here is precisely to unpack the meaning given to the notion of impunity in Argentina, and the way it is deployed by different and opposing sectors of society in the continuous construction of a national historical memory defining recent events. I show how the notion of impunity acts as a frame and a lens around and through which historical and current events are discussed, understood, and debated, and is held in a dialogic opposition to the neoliberal era politics of forgetting.

In the second half of the chapter, I draw specifically on my research with Memoria Activa and the splinter group Citizens of the Plaza, showing how they draw upon the use of memory by earlier counterimpunity organizations in working to establish an ethics of remembrance that includes a notion of the remembering as an active practice and a central component of citizenship. In doing so, I demonstrate how this ethics of remembrance and the understandings of the rights and responsibilities of citizenship that accompanies it appeal to both moral and religious precepts. Furthermore, I show how this practice of memory is specifically and deliberately configured as an occupation of public space (as an example of action on the ethical register), locating the challenge to government practice as an appeal symbolically though not in practice entirely placed outside of and apart from the government institutions it seeks to change. The next chapter focuses, then, on the ways these challenges are also pursued on the practical register within the halls of government, following more openly the established institutional channels.

Part 1: Impunity and Disappearance

Before discussing in more detail how Memoria Activa both draws on and departs

from the long tradition of public protest in Argentina and the protests of other counterimpunity movements, I set the stage for an analysis of their actions by outlining some aspects of the historical context that laid the background for the social and political climate in which the group formed and has operated. In exploring the idea of impunity as used in Argentina, I find a connection to the idea of disappearance. The word ‘disappearance’ holds in Argentina an inescapable reference to a method of repression utilized by the last military dictatorship. In proposing that impunity holds an ineludible relationship to impunity, I am contending that the idea of impunity as used in Argentina depends and draws on the earlier frame of disappearance as producing a particular kind of wound or damage to the social fabric. The figure of the disappeared person or, more precisely, the concept of the act of disappearance and the notion of impunity have been stitched together into a unified way of understanding and interpreting the recent past. In elaborating this point, I find it useful to think of disappearance as forming a kind of counterpoint to the idea of impunity. The idea of a counterpoint as I use it here is in the sense of the necessary underside or counterpart, something apart and different from the first but at once inextricably intertwined within a contained whole.² In using this idea, I show how this entangling of the traumatic past (disappearance) with the problems of the present (impunity) has had a direct influence on the ways in which current events are interpreted and encoded within a language of trauma and of justice that has gained widespread popular and political support in recent years. This application beyond the sphere of the Dirty War reveals the overarching significance and emotional and moral resonance that the idea of impunity has taken on as an interpretive frame, and thus it is essential to have this history in mind in analyzing the use of memory in contemporary counterimpunity movements and their resonance throughout the broader society.

The historical overview I give here in Part 1 is concerned primarily with events that occurred before and often long before my fieldwork in Buenos Aires. The analysis I provide relies on a selective review of journalistic and academic treatments of events from the 1960s through the 1990s. My interpretation of the events from these decades

² The American Heritage Dictionary of the English Language, 2000, holds as definitions for *counterpoint*: 1) The technique of combining two or more melodic lines in such a way that they establish a harmonic relationship while retaining their linear individuality; 2) A contrasting but parallel element, item, or theme. My argument here adopts both of these senses.

has been formed by the primary and secondary literature on these decades and, to a much lesser degree, on my experiences living in Argentina for a brief portion of the early 1990s. However, it has also unquestionably been influenced by the stories and interpretations that I encountered talking to people and reading contemporary treatments during the times I lived in or visited Argentina in the years following the social and political changes that have occurred in this first decade of the 21st century. In order to both acknowledge this particular perspective and convey more clearly some of the ways in which these events are talked about and remembered at this time by those who lived through them, I have provided sketches of some of my field experiences and the stories I was told by these participants.

State Terrorism

Accounting for successive national governments in Argentina during the twentieth century shows a pattern of interrupted democracy, with frequent seizures of power by the military. These often occurred in response to chaotic moments of social, political and economic crisis, and were publicly proclaimed as attempts to redirect the course of the nation. Populist leader and military general Juan Domingo Perón was deposed from power in one such military coup 1955. His return to the presidency in 1973 came after a number of punctuated military regimes were forced to yield to public demands for the re-legalization of Peronism as a political party. Tensions between radical labor unions, student activists, and militant revolutionary groups, on the one hand, and the regime of General Juan C. Onganía (1966-1970) and right-wing death squads on the other, had led to spiraling political violence and increasing state repression.³ Perón's return to the presidency, while heralded by both the right and left of his party, served only to increase the divisions between the Peronist factions, and radicalized the militant left. Perón's death in 1974, with the assumption to power of his now-widowed third wife María Estela Martínez de Perón (Isabel), allowed the right-wing factions led by José López Rega to implement even harsher measures against the militant left and society in general.

On March 24, 1976, a military coup put an end to the chaotic presidency of

³ See Robben 2005 for a detailed treatment of this era.

Isabelita de Perón. Within days, Congress was dissolved, and all high level courts, including the Supreme Court, were adjourned. Major political party activities were shut down, with communist and socialist parties banned entirely. The military intervened in the major unions and the right to strike was suspended. The state of siege, in effect regularly since the late 1960s, was maintained, and the military leaders threaten to prescribe severe penalties, including the death penalty, to any who attacked members of the security forces, military installations, or public services.

The dictatorship rapidly began implementing what it called the Process of National Reorganization (*El Proceso de reorganización nacional*, or simply *El Proceso*), calculated to redesign Argentine society and cure it of the social ills that it argued were brought about by the revolutionary Marxist groups and left-wing Peronist ideology. This was to be achieved by the complete destruction of the opposition. Many researchers of this era have noted that the repression was carried out through a strategy of counterrevolutionary warfare heavily influenced at first by French military techniques and later through counter-insurgency training by American forces. For example, Marie-Monique Robin argues in her powerful documentary *Escuadrones de la muerte: La escuela francesa (Death Squads: The French School)* that Argentine security forces received extensive training from the French permanent military mission in Argentina, maintained until 1981. This mission, she shows, was comprised of ex-combatants from the war in Algeria and taught Argentine officers their methods of urban counter-revolutionary warfare, particularly the notion of fighting the insurgency through intelligence gathering, not territorial control.⁴ As she explains:

The methods of the so-named Battle of Algiers were exported to the Buenos Aires War School (*Escuela de Guerra de Buenos Aires*), importing the conception of the internal enemy. That was the basis of the French doctrine, based on their experience in the fight against an enemy in an urban environment: an enemy from the inside. Before the arrival of the French, for the Argentine military the enemy came from abroad, Chile or Paraguay, but with this new conception the enemy could be a neighbor, a teacher, a Peronist, or a leftist militant that put Western values in danger. And to defeat this hidden enemy, intermingled with the population, who doesn't wear a uniform, it was necessary to pull information from the French school or doctrine. Intelligence is fundamental: when they say intelligence they mean interrogation, and then torture (to get information), and then, to get rid of the tortured, they make them disappear.⁵

⁴ See also Robben 2005: 180-184; Perelli 1994.

⁵ From an interview with the director, published in *Página 12*, 13 October 2004.

Los métodos de la denominada batalla de Argel fueron exportados a la Escuela de Guerra de Buenos

Others have traced the connections between the tactics used by the Argentine military and the training and ideas some of its key members received as part of US military counterinsurgency courses in 1961 and 1962, whose participants included future junta leaders like Jorge Rafael Videla and Roberto Viola. However, already by the late 1960s, Argentine military officials were beginning to develop their own particularly local counterrevolutionary doctrine, based firmly within a vision of divine hierarchy and moral right [ex., Feitlowitz 1998; Graziano 1992]. While continuing to borrow French military tactics as applicable to urban warfare, analysis of the guiding principles of the Proceso emphasize how the Argentine military saw themselves as different from both the French and the Americans in being concerned with an internal enemy within their own national territory. Thus, it is argued, the military viewed the struggle as primarily a cultural war over the future and direction of the Argentine nation, one that necessitated at the same time the merciless cleansing of the national body and the reestablishment of cultural and historical order amongst the populace at large. The coup that brought the military to power in 1976 was, as General Videla insisted, “A fight that we neither sought nor desired, a fight that was forced upon us, but which we accepted because nothing more and nothing less than the national being was at stake.”⁶ Looking back, many scholars and observers have seen this as reflective of the sharp cultural and ideological divisions in society, with the military fearing the guerilla groups for their perceived threat to the Christian values and Western cultural heritage, their view of divine hierarchy and natural order contrasting sharply with the guerillas’ view of an ideal society expressing the fundamental equality of all people. As Robben notes, “Theirs was not just a contest

Aires, importando la concepción del enemigo interno, que era la base de la doctrina francesa, por su experiencia en la lucha contra un enemigo en un medio urbano: un enemigo interior. Hasta la llegada de los franceses, para los militares argentinos el enemigo provenía del exterior, Chile o Paraguay, pero con esta nueva concepción el enemigo podía ser un vecino, un maestro, un peronista o un militante de izquierda que ponía en peligro los valores occidentales. Y para derrotar a ese enemigo escondido, entremezclado en la población, que no tiene uniforme, se necesitaba recabar información en la doctrina o escuela francesa. La inteligencia es fundamental: quien dice inteligencia dice interrogatorio, y entonces tortura (para sacar información) y luego, para deshacerse de los torturados, los hace desaparecer.

This documentary film is now being cited by former military officials who have recently come to trial, in particular in relation to the disappearance of two French nuns in Argentina in 1977. The defendants argue that it was French agents who carried out these disappearances, and cite Robin’s film as evidence. As of writing, Ms. Robin had been called to testify in the case but had yet to do so, and the cases against these officials were still pending. See *Página 12*, 25 January 2007, “Astiz llevó sus chicanas a los tribunales”, and 2 February 2007, “Impartí órdenes que fueron cumplidas.”

⁶ *La Nación*, 14 December 1976, cited in Robben 1994: 171.

about power but a contest about the space of culture, about the cultural confines and social conditions within which the Argentine people were supposed to lead their lives.” [1995: 172].

These scholars have further argued that the idea of the nation as a beleaguered body in need of saving was used to justify the military’s seizure of power and program of social cleansing. In conducting this cultural war, the dictatorship and its supporters are shown to have used the media to propagate a prolific and authoritative discourse that divided the world into black and white, us and them, the moral right and the “subversives.”⁷ In doing so, they are seen as having sought to establish this subclass as less than human, and not Argentine, effecting their expulsion from the national self. Evidence of this is found in their attempts to implement this division, appealing to Argentine “citizens” to help in the battle against subversion.⁸ Such appeals were accompanied by the discursive stripping of citizenship to any who would oppose the regime. “The repression is directed against a minority we do not consider Argentine...a terrorist is not only someone who plants bombs, but a person whose ideas are contrary to our Western, Christian civilization.”⁹ The designation of “subversives” as “internal externals” is seen as evidence of how the dictatorship worked to justify its repression against the “cancer” that threatened society.

This dichotomy of society into two uniform wholes, within the subsequent demonization of the created Other, is in no way particular to the Argentine case, nor was it devoid of historical resonance in Argentina. The category of the “subversive” was as much a transformation of Sarmiento’s “barbarians” or the characterization of anarchists at the turn of the century as it was influenced by a real fear by the conservatives of the effects of the Cuban revolution or radical trade unionism. Though it was the case that powerful economic and political sectors of society feared the possibility of a revolutionary change, they borrowed and adapted well-known discursive tropes that, for their familiarity, resonated and made sense in intuitive ways.

⁷ The dictatorship responded to critics by claiming to be “*derechos y humanos*,” playing on the multiple senses of the word “*derecho*” in Spanish. Here, rather than referring to “rights”, they are asserting themselves as “just,” in the sense of fair or righteous.

⁸ For example, Feitlowitz quotes how in Videla’s first speech to the nation as junta leader, he appeals to the public, “Citizens, assume your obligations as Reserve Soldiers. Your information is always useful. Bring it to us.” Published in all the major newspapers, 27 March 1976, and Feitlowitz 1998:23.

⁹ Spoken at a press conference 18 Dec 1977, quoted in Feitlowitz 1998:24.

However, the armed revolutionary groups were in large measure in disarray by 1976, having suffered greatly at the hands of the ultra-right-wing death squads and the faltering of their base of public support following the return of Perón. Thus, the sweeping destruction imposed by the dictatorship was in practice more an attempt to rid society of a way of thinking rather than a defensive move against an active threat. Nearly anyone concerned with social justice was seen as a potential target, from high school students asking for state subsidies for student transportation to soup kitchen volunteers and priests and nuns seen as influenced by liberation theology. For as much as the dictatorship tried to portray itself as the savior of the nation, and for as much as many sectors of society tried to believe that those taken “must have done something (wrong),” the arbitrariness of the repression became increasingly clear as time went on.

In her book *A Lexicon of Terror: Argentina and the Legacies of Torture*, Marguerite Feitlowitz describes how the kinds of terror imposed by the dictatorship permeated and appropriated even everyday language in ways that left deep scars in society even after the return to democracy. She studies the way the Argentine language was warped by the actions of the dictatorship, asking people, “What words can you no longer tolerate? What words do you no longer say?”¹⁰ She shows how the deformation of language delved deep into Argentine social life, taking over and resignifying cultural aspects an almost playful appropriation that was to decisively lock horrific scenes of torture into the negotiation of quotidian life. For example, the “*submarino*”, a common form of hot chocolate, became the name for one of the methods of torture imported from the French in Algeria; the *parilla*, or grill, a ubiquitous feature in Argentine *asados* or cookouts, was the metal bed prisoners were strapped to during torture sessions with electric prods. The resignification of the cultural norm and basic elements of a shared national cultural worked to further expel the victims from the national body.

Perhaps the most pervasive example of this distortion of the everyday was precisely the transformation of the word “disappear” into a transitive verb. Someone could now be “disappeared” by someone else. Counterimpunity organizations estimate that some 30,000 people were disappeared by the armed security forces, the majority in

¹⁰ Feitlowitz 1998: xi.

the years immediately preceding and following the 1976 coup.¹¹ Evidence from survivors and extant documentation demonstrate how these individuals were abducted and taken away to clandestine detention centers, held often for years without recourse to legal procedures or any official acknowledgement of their detention. In the next chapter, I discuss Argentina's role in placing the prohibition on forced disappearances within an international discourse of human rights, and how this worked within the political sensibilities at the time. Here, I explore the history and nature of this notion of disappearance within Argentina, and I show how the use of this method of repression and the effects it engendered have held significant value within the debates over memory that gained such prominence in Argentina in the years that followed, and which form an important and influential part of the social context within which *Memoria Activa* was formed and has operated.

Public Secrets

In thinking about the practice of disappearance in Argentina, I find it useful to keep in mind the idea of the 'public secret' elaborated by anthropologist Michael Taussig in his book *Defacement* as that which everyone knows but no one can say, and perhaps not even think. The public secret, Taussig says, is, among other things, "that which is generally known, but cannot be articulated," the core of social knowledge that consists fundamentally in "knowing what not to know" [1999:5,2]. It seems to me that disappearance was created as a kind of public secret that allowed the dictatorship to at once conduct widespread repression while simultaneously denying their involvement in what were even then extrajudicial acts of violence, as part of a rhetoric aimed at establishing their standing as a legitimate governing body. At the same time, and perhaps more importantly, the inability to articulate this reality can be seen to have spawned social effects, constructing a kind of 'climate of fear' that others have argued permeated Argentine society during this era.

¹¹ The CONADEP report cites 8,960 documented cases of disappearance, but acknowledges that this number is far below the actual figure. The number 30,000 is based upon a rough multiplication of the available evidence on disappearances across the nation. Though the number is only an estimate, it has been widely adopted within Argentina, and holds significant symbolic value. In this case, the estimated number holds far more resonance than the more "official" number established through careful research by an investigative body.

I see the public secret working in a number of ways. Though the practice of forced disappearance has historical resonance with the Nazi concept of *Nacht und Nebel*, in which prisoners would “vanish in the night and fog,”¹² it was not systematically practiced in Argentina before the 1970s. Political violence was nothing new in Argentina, and indeed, the spirals of political violence and social traumatization in the 1950s, 1960s, and early 1970s set the stage for the dictatorship’s *Proceso* [Robben 2005]. Yet the act of disappearance converted the known threats from history into an uncertain and unknown danger threatening in the present.

By officially denying their involvement in the disappearances, the military could publicly proclaim a position of moral right, and thus avoid jeopardizing its legitimacy within Argentina and abroad.¹³ Their worries over international retributions were particularly acute ahead of the 1978 World Soccer Cup. This event, hosted by Argentina and culminating in the country’s first world championship title, made the country and the military government the spotlight of international attention. A number of observers have noted the ways in which the dictatorship used major publicity campaigns in seeking to legitimize their status as the ruling political body to an attentive global audience.¹⁴ In doing so, they frequently reversed the blame of the disappearances back onto the victims, claiming that the missing were either killed in open combat against the (officially) armed forces or had chosen to run off and were living happily in a self-imposed exile. Furthermore, by couching this Cold War era repression in terms of counterterrorism measures, waged against communist insurgents, they enjoyed hidden tacit and active support for their efforts, particularly from the United States.¹⁵

However, the flip side of a public secret is that the denied must also be known. In this way, the dictatorship’s strategy can be seen as equally dependant on the instilling within the populace a sense of uncertainty and fear about the possible consequences of

¹² This concept was clearly expressed in Hitler’s decree of 7 December 1941.

¹³ As noted in Chapter 2, they were particularly keen to avoid any visible acts or declarations of anti-Semitism, so as not to negatively impact the arms trade with Israel. Israel provided at least 13% of the weapons imported by Argentina in the period between 1976-1981.

¹⁴ See Gilbert and Vitagliano 1998; Llonto 2005; Mason 1995 for analysis of the 1978 World Soccer Cup.

¹⁵ Recently declassified CIA documents have provided concrete evidence of the long-suspected tacit and active support that the dictatorship received from the US government, in particular then Secretary of State Henry Kissinger. These documents also demonstrate US support for the Plan Condor that linked repressive dictatorships throughout the Southern Cone. However, the Carter administration did also place pressure on the dictatorship to improve its human rights records.

dissent. The military was explicit in talking about its “war against subversives,” widely referencing or staging armed confrontations and utilizing measures that allowed a certain degree of visibility, such as having many abductions conducted in broad daylight on busy streets. In an oft-quoted statement from May 1976, Gen. Ibérico Saint Jean, then governor of the Province of Buenos Aires, said. “First we will kill all the subversives, then we will kill their collaborators, then...their sympathizers, then...those who remain indifferent, and finally, we will kill the timid.”¹⁶

The deliberate spreading of uncertainty concerning the disappeareds’ fate, even beside the explicit denial of their existence, acted as another form of psychological torture for the loved ones of the missing.¹⁷ The fact that some disappeared were occasionally allowed to make phone calls to relatives, and the rumors persisting through the end of dictatorship that the disappeared were still alive and being kept in forced labor camps in the interior, are often cited by the family members as only feeding further the uncertainty they suffered. Many relate having retained hope of the disappeareds’ return even up to the restoration of democracy.

It was this combination of widespread knowledge with public denial of responsibility and the construction of systematic roadblocks that thwarted the search for information about the disappeared that made the public secret of disappearance and torture a daily reality in dictatorship era Argentina. Others have noted the effects this kind of repression had on society.¹⁸ Juan Corradi has used the term “climate of fear” to describe the sense of dread and uncertainty that many relate permeated Argentine society during this era [1987; 1992]. As one man whom I spoke with remembers the era, “You

¹⁶ Carina Perelli claims that this statement is from 1977 [Perelli 1994: 43]; however, though widely disseminated and repeated in months to come, the statement first appears in May 1976, only shortly after the coup. Robben points out that by 1977, Saint Jean denied having said this, accusing the Montoneros of fabricating the quote (*Somos* 1977 38: 19, cited in Robben 2005:394). However, Robben is astute in observing that whether or not the original and highly quoted statement is authentic, it clearly reflected military thinking of the time, and is echoed in other public statements by high military officials from 1976-1977 [See Robben 2005: 394 for further references]. The version in Spanish reads: *Primero matamos a los subversivos; después a los colaboradores, a los simpatizantes, a los indiferentes, y finalmente a quienes no reaccionan.*

¹⁷ Some of the phone calls and temporary releases of the disappeared are also likely the result of the human dynamics of repressive machinery; the captors held their own particular relationships and set of interests with regards to their captives. A recent portrayal of this theme comes in the 1999 film by Marco Bechis, *Garage Olimpo*.

¹⁸ Nora Sveaass provides a compelling description of the way these tactics operate as the “organized destruction of meaning” [1994a].

could not gather even three people on a street corner, stop to chat, anything. The street was not safe.”¹⁹ Carina Perelli argues that this culture of fear “was conducive to an extreme individualization and privatization of human beings” [1992:43]. This formed part of an atomization of society during this era that has been discussed by observers such as Beatriz Sarlo and Elizabeth Jelin. The erosion of confidence in the public sphere argued to have brought on by the lack of support from public and private institutions, dictatorship policies designed to weaken trade unions and universities, and the prohibition on the use of public spaces had concrete political and social implications both at the time and in the perceptions and understandings of democracy that have followed. Some of these implications are developed in later portions of this dissertation. Here, I offer one example of the way this era was remembered to me by one woman, now in her seventies, who lived through it.

9 de Julio, 1977

Even now you can see the fear in Carina’s face as she tells her tale. Clearly, it is a story she has told many times, but that maintains its impact for her all the same. This time we were sitting in El Banchero on Corrientes, a local bar just a block away from the Plaza Lavalle, and a frequent spot for social gatherings after Memoria Activa’s weekly actos. Though the women of the group tended to complain about the service (the coffee was, in their estimation, inevitably served “ice cold”), the owner of the bar was often credited for his actions one day several years ago, when he forcibly ejected a former Dirty War repressor from the locale. Nonetheless, Carina lowers her voice and moves her head in close to mine as she begins to tell me story. She sets the stage by telling me that it was 9 de julio, July 9, day of independence in Argentina, a holiday in celebration of the nation and national pride. At that time she worked selling encyclopedias, and, even though it was a holiday, she needed to go deliver some volumes to a client. The encyclopedias were heavy and bulky, and Carina needed to take two buses to get where she was going. So she rushed to change purses, to change to one she could carry over her shoulder and free up her hands for the heavy books. She said goodbye to her daughters, promising to be back soon. Having the day off from school, they were angry with her for

¹⁹ Interview, June 8, 2000, Reconquista, Santa Fe.

going off to work instead of spending time with them. The elder, having come from the performance all Argentine children prepare in honor of this day, removed her little lapel pin flag (still an ubiquitous feature of all Argentine national celebrations), and pinned it onto her mother, saying somewhat sarcastically that she should wear the flag since she was so dedicated to working for her country. It was only after she'd gotten on the bus that Carina realized that in changing purses, she had left behind her wallet with all of her ID documents. This was a serious matter in dictatorship Argentina, when those without documents could easily be accused of having abandoned them due to their "subversive" activities. The bus was stopped by security forces, its passengers forced to disembark and ordered to line up in two lines, one for those with ID, and one for those without. Knowing that "in those days, going out without ID was the worst thing you could do," the people around her told her that under no circumstances should she get into the line for those without documents. When they came to her, and asked for her ID, she desperately tried to explain everything, the encyclopedias, the purse, her rush to return home quickly. They took her over to the man in charge, to whom she repeated her appeal for understanding. He looked at her carefully, thinking, observing, and finally, after what seemed to her an interminable silence, he said, alright, this time, ma'am, I'll let you go, but only because, even though you had to go out to work today, you did not forget that this is the day of the fatherland, and you took the care to wear your lapel pin flag.

She looks around a bit sheepishly, knowing that her story does not compare with the tragic tales some of those around her could tell, the ex-desaparecidos and family members of victims. Nonetheless, she clearly feels that what she has to say is important. It is, after all, what she lived through, her experience, her part in the national story. Carina was fine, nothing happened to her. Nothing, except for the very real terror that has marked her to this day. A terror that spawns its own lasting effects.

Carina was a regular participant in Memoria Activa's Monday demonstrations, the monthly memorials held at the AMIA, and later in the gatherings sustained by Citizens of the Plaza. The importance of memory, and her felt need to keep the memory of traumatic past events alive, is reflected in her dedication to attending these acts of remembrance. It also undoubtedly influenced her desire and inclination to relate this story to me. For her and many other participants in these demonstrations, the history of

the Dirty War and the lasting effects it had engendered were an inescapable part of contemporary reality. This history and their struggle for justice and memory in the AMIA and Embassy bombings were inseparable.

Disappearing Memory

The use of disappearance as a method of repression has been noted as having effects that go even beyond this resignification of sociality and public spaces. The treatment of dead bodies in particular is cited as affecting culturally relevant ideas and practices of remembrance [Robben 2000]. After assassination, many of the disappeared were buried in unmarked graves. Some of these were later dug up and dissolved with acid, ahead of a 1978 fact-finding commission of the OAS sent to investigate the allegations of military brutality. Other disappeared were drugged and thrown, still alive, out of airplanes into the sea.²⁰ This treatment of the bodies shows how, “state terror...was as much inflicted on the dead as on the living” [Robben 2000: 93].

As Robben and others have noted, disappearance and the subsequent vanishing of the corpse functioned to 1) prevent revenge on the direct perpetrators from the deceased’s friends and family; 2) prevent the mobilization of international opinion; and 3) avoid future judicial and historical condemnation through the erasure of evidence. However, there were deeper cultural reasons and effects behind this extension of terror into the afterworld, including this desire to invalidate the social and political struggles of the victims [Robben 2000: 108-109]. The erasure of the dead body accompanied the denial of the disappeareds’ continued existence as a person, and converted a recognized social entity into a void. This figure of the ‘missing’ thus has come to represent a hole in the fabric of society. With no records and no trace of their passing available to the relatives, the disappeared were denied their social existence, effectively ceasing to exist outside of their loved ones’ memories. The act of disappearance created the social death of persons without the concomitant physical death, denying this culturally valued piece to the

²⁰ The confirmation of this public secret by former Navy Capitan Adolfo Scilingo to journalist and Horacio Verbitsky in 1995 sent shock waves throughout Argentine society, and gave further impulse to the demands for justice for all perpetrators of the repression. See Verbitsky 1995. In a public spectacle that included Scilingo’s insistence on his own victimization, a dubious hunger strike, and performed courtroom faintings, the former Navy Capitan who had admitted to personally throwing some 30 drugged but still living individuals out of an airplane into the Río de la Plata, was tried in a Spanish court in 2005 and sentenced to 640 years in prison.

processes of grieving and remembering. By entering into houses or snatching victims out of public spaces, the security forces left families in a liminal state. The parental ability to protect their children was violated,²¹ as it was with the appropriation of the victims' children, and no certainty of death or destiny was left behind. In this way, the disappeared were to be gone forever, permanently desocialized and removed from the Argentine social fabric. This worked as an attempt to prevent their reincorporation into society as deceased persons, whose deaths could be mourned and commemorated, and whose struggles could be vindicated.

It is this desocialization and the appropriation of the right to commemoration that is so forcefully reputed in the actions of the counterimpunity organizations. From the anonymous silhouettes plastered across city walls and the bars of detention centers, to the blocks long strips of photos carried during the Resistance Marches (*Marchas de la Resistencia*), the presence of the missing is a powerful and recurrent trope taken up by these organizations in rebuttal of the denial of their memory.

The discursive power that forced disappearance has gained within the human rights sectors of Argentine society as a symbol of trauma can be evidenced in the hierarchization of victims and their relatives and friends. One active and constant participant in Memoria Activa's actos lamented to me that the leaders of the group had refused to let her serve as one of the weekly speakers. This, she insisted, was because they did not recognize her as holding the same importance as the Madres of Plaza de Mayo. Though her support for their struggle was unwavering, she herself chose not to don the iconic *pañuelo blanco* or white headscarf that identified the Mothers. Her explanation for her difference from the group rested on the fact that "*A mí también me mataron un hijo. Pero a mí me entregaron el cuerpo.*" ("They also killed one of my sons. But they returned his body to me.") Her having had the ability to bury her son when he died led to a minimization of her suffering on a cultural scale of trauma that, in response to the dictatorship's denials and justifications, gave primacy to the anguish of

²¹ Victims' property was also appropriated, though haphazardly. At times it was taken for the personal use of the task force members, with or without the explicit or implicit consent of their superiors, other times as a directed plan from above, serving to fill the coffers of the military or its higher-ranking officers. Michelle Bonner provides an interesting analytical framework for interpreting how the human rights' organizations appropriated this notion of protecting the family in order to lend their demands a cultural resonance and legitimacy [2007].

disappearance, born of the deeply felt need for official acknowledgement of their suffering.

Up to this point, the work of this chapter has been concerned with showing the way the notion of disappearance has operated within Argentine society, and the way it has been taken up within human rights circles, public discourse, and scholarly works concerning the dictatorship era. Having traced the force that the figure of disappearance has within Argentine society, I can now turn to a direct consideration of the notion of impunity as deployed in formulations on the nature, role, and practice of memory within Argentina at the turn of the 21st century. Understanding disappearance is essential in this exercise, as the social wrongs that are held to be imputed by impunity exist in counterpoint to the social damage that is understood to have been wrought by the act of disappearance. First, however, I trace some theoretical considerations on understanding these notions and constructions of the past.

Through the Eyes of the Observers

Attempts to describe the semantic workings of Argentine society have often noted the important role given to discourses about previous eras and events in the construction of understandings of the present. Daniel James argued in the 1980s that a certain fatalism among Argentines both led to and was derived from an exaggerated tendency to interpret the present in terms of tropes from the past, based around irruptive moments or figures that are endowed with the power to represent broader social trends [James 1988:3]. This treatment differs from Antonius Robben's more recent interpretation, in which he has understood contemporary Argentine society in terms of a notion of social trauma based on the political violence of the 1960s and 1970s (with roots in the 1950s). He argues that, in this context, "Remembrance is a desperate attempt master and translate intolerable as well as unknowable traumatic experiences into narrative by articulating their meaning through repetition and reinterpretation" [2005: 357].

While both James and Robben's formulations hold powerful interpretive value, I argue that it is essential to emphasize the way certain discourses about the past are drawn upon in a mutually constructive tension between individually motivated groups of actors acting towards the procurement of their own understood interests. Therefore, it is not just

that Argentines interpret the present through the use of tropes from and about the past, but that these tropes both 1) are adjusted to fit particular situations in order to give legitimated force to the demands being made; and 2) become part of a contentious process of interpretation between complementary and competing groups, based upon the understanding of personal and group interests as seen from a multiplicity of subject positions. Likewise, though Robben usefully employs the idea of social trauma to understanding the ways in which the past is currently discussed within Argentina, this idea problematically places the analytical emphasis on the passive position of the victim, in this case Argentine society as a whole. Instead, I argue that the use of the idea of social trauma as the analytic tool for understanding contemporary Argentine society misses the important ways in which this idea of social trauma is itself a historically constituted trope frequently and actively deployed within Argentina. Rather than viewing Argentine society as itself a subject undergoing the necessary and difficult healing process after a period of trauma, I find it analytically more useful to emphasize the way in which different actors and groups within Argentine society adopt the discourse of trauma, in the particular way in which it has been constructed within Argentina, in making their demands. By doing so, we open up the possibility of exploring how and why different groups, utilizing the same discursive tropes, come to substantially different interpretations of the past and asserting widely varying demands for constructing the future. In the remainder of this section, I show the ways in which the idea of “impunity” has become an orienting principle for understanding current social problems, and how this idea of impunity grew out of and was dependent upon the discourse of the trauma of disappearance as a personal and social reality as described above. The remainder of this chapter continues this exploration of the ways in which memory has become a subject of contention and a political tool in post-dictatorship Argentina.

Constructing Memory

After seven years in power, the military government was forced to call for general elections in 1983. This came amidst increasing pressure from human rights groups demanding accountability for the ruthless repressive tactics used by the military and general public unrest under declining economic conditions. The breaking point came,

however, with the military's disastrous defeat in the War for the Malvinas. Needing to bolster its public support, the military once again deployed a rhetoric of nationalism and tried to retake possession of the Malvinas Islands in 1982, which had been occupied by the British since 1833. Banking on the hope for little resistance, then *de facto* president Leopoldo Galtieri deployed Argentine warships manned largely by young conscripts fulfilling their year of obligatory military service. The move was extremely popular at first, and garnered the military some of the support it sought. But the British responded with unexpected harshness and, in spite of the military's repeated assertions that the war was going well, it soon became clear that Argentina was in for a disastrous defeat. The war, which ended in July of 1982, cost almost 700 Argentine lives. The military government, even further discredited, finally handed over power to the newly elected civilian president, UCR leader Raúl Alfonsín, on December 10, 1983.²²

Just as the military government had been concerned with elaborating its own view of the Argentine nation, it was immediately concerned with establishing its own version of how its time in power would be remembered. These attempts included the widespread destruction of records documenting information about the detainment and captivity of the disappeared. This destruction of evidence, like the destruction of bodies, both protected the armed forces against future prosecutions and intensified the degree of "disappearance", making future knowledge of the fate of the missing even more inaccessible. Right before leaving power, the military also issued a set of statements vindicating their actions. The dictatorship's attention to constructing a social discourse that legitimated its actions was as at least in part due to real anxieties over the threat of legal prosecution or other retributive measures for those involved in the repression. It was also related to the continued interest of the armed forces in maintaining their position as a political force.²³ This desire on the part of the military to continue to assert its role

²² Alfonsín's electoral campaign was surprisingly successful. Even Radical leaders had expected a Peronist victory in the election. Alfonsín's campaign sought to present above all a message of peace and the importance of democracy, and several scholars have argued that this focus on democracy and the lingering effects of Peronist revolutionary politics led to his success [see, for example Cucchetti 2007; Muraro 2005].

²³ Two sites through and around which this vision was asserted are the military rebellions by the Carapintadas in 1987 and 1990, including the documents produced by the so-named '*Operación Dignidad*'. While the military rebellions had the practical effect of eliminating criminal prosecution for all members of the armed forces at that time, they also had symbolic importance as moments that expressed the military's desire for vindication as an institution. See Grecco and González 1988 for more on these rebellions. As Alison Brysk has also noted, the importance given to the way this era would be remembered is evidenced in

in society constrained and in some ways determined the manner in which the dictatorship era and its legacy were dealt with politically over the subsequent two decades.²⁴

In discussing the debates over how to understand this divisive and painful era, my analysis takes as a starting point the idea that memory is not an objective univocal rendering of past events. Rather, I take memory to be subject to canalization through social discourses that give shape and form to the kinds and ways of remembering [Halbwach 1992, Lambek and Antze 1996]. The use of disappearance as the preferred method of repression, with the concomitant denial of the validity of the victims' humanity or political visions and the denial of their loved ones' suffering, set the stage for a prolonged struggle over the memory of the era. As we will see, the inability and unwillingness of subsequent political leadership to meaningfully incorporate the position of the human rights' organizations into the discussion over memory served to prolong and intensify the salience of these debates within Argentine society.

Upon coming to power, Alfonsín took the landmark steps of calling for the creation of an independent commission to investigate human rights abuses, and ordering the trial of the military junta leaders. CONADEP (*Comisión nacional sobre la desaparición de personas*, or National Commission on Disappeared Peoples), gathered evidence on the disappearance of almost 9000 persons and the existence of 365

the way these military mutineers insisted on the recognition of the political violence as part of a war between the military and a dangerous opposition [1994]. However, it is important not to downplay the real divisions within the military. Some had opposed the repressive violence from the start (many of whom either left or were forced out of the armed forces [see Mittlebach 1986]), others were themselves disappeared [Izaguirre 1998]. Other factions, particularly those placed in command after the return to democracy, advocated a more reconciliatory stance towards the democratic government. However, particularly with this latter group, the argument can be made that the discourse of history was shared, even if they settled for a different course of action. Whether cases like the 1995 public apology for abuses pronounced by then head of the Army Martín Balza (later ambassador to Colombia under the Kirchner administration) are due to genuine repentance or political opportunism is difficult to discern, but they were in any case rare until after the end of the 1990s. As always, class divisions amongst officers and enlisted men lead to substantial divergences in perspective.

²⁴ The desire on the part of certain sectors of the military to avoid the kind of delegitimation of their actions enforced through legal condemnation should not be underestimated. In December 2007, former navy officer Héctor Febres poisoned himself or was poisoned four days before he could be sentenced for human rights violations during the Dirty War (See "*Febres se mordió la lengua*" *Página 12*, 14 December 2007). This act, while perhaps less momentous in its effects than other attempts to affect the outcome of these trials, such as the disappearance of key witness Julio López in another case in 2006, is nonetheless highly significant in revealing the importance which these trials hold symbolically for certain sectors of the military. Febres' death could serve little practical effect for other former or active members of the military; however, avoiding his condemnation did act as a deliberate and meaningful play in the struggle over historical memory.

clandestine detention centers.²⁵ The commission's report, *Nunca Más (Never Again)*, was a national bestseller immediately upon its release in 1984, and the information was used in the subsequent trials of the military leaders. The trials led to numerous convictions of high-ranking officials. Pressures from the military, however, including the 1987 and 1990 military rebellions, led to the passage of the laws of Full Stop (*Punto Final*) (1986) and Due Obedience (*Obedencia Debida*) (1987), which ended prosecutions of further military personnel for crimes committed during the repression. These laws, usually referred to as "immunity laws" in the English-language media, are now almost invariably called "impunity laws" (*leyes de impunidad*) in Argentina. Those that had been convicted were later pardoned by Carlos Saúl Menem (1989-1999) through a presidential decree.

This was the beginning of a political stance towards the memory of the dictatorship era that was to prevail throughout the 1980s and 1990s. In order to calm military opposition, both the Alfonsín and Menem administrations adopted a "politics of forgetting," designed to silence all discussion of what had happened and thereby "heal" the deep divisions that still rent Argentine society. This politics of forgetting was brought into effect on many fronts, including such tangible acts of erasure like the destruction of former clandestine detention centers or their conversion into renovated shopping malls. However, both Alfonsín and Menem were aware that they could not vindicate the military's actions. Rather, they needed to invoke a discourse of democracy [cf. Paley 2001] in order to maintain their own legitimacy, at once condemning the military's actions and attending to its demand for recognition of its vision. The attempt to do this led to the creation and propagation of the "Theory of the Two Demons," a version of history that interpreted the violence as the struggle between two groups of misguided fanatics, the military and the armed leftist opposition. While condemning the military's "excesses," this version of history left space for the military's claim that its use of force was justified. Taking this stance was an attempt by Argentina's fragile democratic regimes to quell opposition from both sides, through a policy of enforced forgetting.

²⁵ For further discussion of the CONADEP report and the legacy of the military trials in Argentina, see Hayner 1995, Nino 1996.

As Jonathan Boyarin argues, memory and forgetting are not opposites, but rather intricately connected to one another [1992]. He denies the positivist assertion that memory implies presence and forgetting absence. For absence, he says, lies outside of all possible history; it does not exist. Forgetting, on the other hand, is both social and historical, a necessity of domination. It is constructed, as memory is. Certainly, he argues, Benjamin's angel of history stares back at forgetting, and not at absence [Boyarin 1992:2]. The attempts by nearly two decades of civilian government in Argentina to instill a forced forgetting did not lead to a quelling of discussion about what happened during the dictatorship or how it should be remembered. Rather, the efforts of the government to maintain a measure of stability by foreclosing public debate instead strengthened the desire of large sectors of Argentine society to pressure for the incorporation of their need for information and closure as to the events of what was becoming an increasingly distant past. It also encouraged some to adopt a radical revalorization of the political ideals of those the military sought to defeat, and, as will be discussed in more detail below, created the disappeared as a source of inspiration for and a base of powerful symbolic imagery for appropriation by the political left. But first, the politics of forgetting gave a particular structure and language to the historical memories as they took shape in the continuous process of construction. Specifically, the politics of forgetting led to the idea of impunity being adopted a central and orienting figure within public discourse and ways of understanding and interpreting not only both past events but also more recent and contemporary circumstances. I turn now to an analysis of this figure of impunity as deployed within and around the context of the dictatorship era.

Impunity and countermemories

In the Introduction to this dissertation I traced out some of the meanings and implications of impunity, generally conceived. In later chapters, I consider more closely the importance of this notion to arguments of moral legitimacy in the context of workers' rights and the practice of politics within Buenos Aires. The idea of impunity has served as a conceptual figure around which more recent events are interpreted and understood. Here, I focus specifically on this notion of impunity as adopted and considered within the context of the human rights organizations in Argentina on issues surrounding the last

military dictatorship. This is essential as it was these organizations that first placed this notion of impunity at the center of public discourse and at the heart of the debate over historical memory. Later in this chapter, I show how this notion is taken up and used by the organizations of family members of victims in the AMIA attack.

The human rights' groups within Argentina argue that, during the 1980s and 1990s, the politics of forgetting included an institutionalization of impunity, enacted formally through a number of laws passed by Congress and in practice in the lack of what they would consider effective or appropriate justice for those involved in the violent repression of the Dirty War. Though Alfonsín's call for the prosecution of superior officers from the dictatorship was carried out in 1985, these trials were limited to the highest ranks of the military and did not include those responsible for the carrying out of the repression. The condemned were also, as noted above, pardoned by Menem soon after he took office. These and other measures meant that legal prosecution for those who ordered and implemented the repression were severely limited, and those who were tried suffered little or punishment.²⁶

As it became clear that the return to democratic forms of governance would not result in extensive judicial prosecution or in legal punishment for the majority of those involved in carrying out the repression, nor in the kind of careful reckoning and production and validation of knowledge through its presentation as legal evidence [see Chapter 4], the human rights organizations that had formed previously began to increasingly use the idea of impunity as a way of describing the social and political ills against which they were struggling. The search for justice through the channels of the judicial system is, in part, an attempt to have the knowledge about what happened discovered, unearthed, revealed, and presented to those involved and to society in general. In looking to reveal information and receiving judicial approbation of what was done, the relatives of the victims seek to establish a kind of officially recognized legitimate truth that affirms the unacceptability of what they and the disappeared have suffered. This kind of moral truth is seen as essential for the closure of the events and a

²⁶ For a detailed discussion of the mechanics of the legal prosecutions of Dirty War repressors, see Maris Ageitos 2002. The title of her book is worth noting: *Historia de la impunidad: De los actos de Videla a los indultos de Menem (A History of Impunity: From Videla's Decrees to Menem's Pardons)*, in that it adopts the idea of impunity as its organizational focus.

beginning of the grieving process.²⁷

Importantly, the negation of justice, understood as legal prosecution by an impartial judiciary,²⁸ came to be seen as symbolic of the endemic institutional failures of the Argentine State. This semiotic intertwining of corruption and impunity is important in understanding the way both terms operate in contemporary Argentina. The perception of widespread political corruption in both Chambers of Legislators and throughout all levels of the judiciary led to diminishing hopes that those responsible for the Dirty War violence could ever be tried in Argentina. By the late 1990s, this had led to many voicing support for efforts to have alleged perpetrators tried abroad.²⁹

Earlier I suggested that impunity forms a kind of counterpoint to disappearance. I find it useful to think of the idea of impunity as used in Argentina in this way as a reminder and a recognition of how this idea, so often naturalized as a factual reality both in public discourse and scholarly treatments, is in itself a cultural construction based on numerous underlying assumptions and historical influences. The social and psychological effects of impunity have been discussed by a number of scholars and commentators on contemporary Argentina [Kordon 1995; Pérez Aguirre 1992, Roht-Arriaza 1995, 1999; Sveaass 1994b]. In general, the idea of impunity used in the literature assumes its opposite to be the kind of legal and political accountability that also forms the basis of the demands of the counterimpunity movements in Argentina. Little attention is paid to the way the notion of impunity gets deployed or to how the cultural and historical underpinnings that support it influence its use and circulation. In attempting to delve more deeply into this notion of impunity that has become so commonplace in Argentina, I propose keeping in mind the way disappearance and its effects were/are discussed by the organizations that popularized its usage.

I argue that the notion of impunity and the need for legal justice took on such force within the human rights organizations and eventually, throughout large sectors of Argentine society because of a kind of emotional identification between the effects of

²⁷ For further discussion of the logistics of impunity and its effects within Argentina, see Abregú 2000; Arditti 1999; Balaban and Megged 2003; Hayner 1995; Izaguirre 1998; Nino 1995, 1996.

²⁸ The next chapter takes up in detail the meanings given to this notion of justice across counterimpunity movements.

²⁹ For description and analysis of these international trials, see Bonner 2007.

disappearance and those of impunity. Here, impunity is seen to mimic disappearance by denying the kind of social reckoning after a traumatic event. Much as the military denied having kidnapped the disappeared, impunity for acts of violence denies relatives, friends, and ultimately society the right to official condemnation of the damage they have suffered. In institutionalizing impunity for the perpetrators, relatives of the disappeared and ultimately broader sectors of society saw themselves as further denied the social acknowledgement of the wrong that they had suffered. The political attempt to “move past” the dictatorship era only intensified these feelings by denying the voices of those affected the existence of their narrative of history based on experience, and foreclosed the possibility of a true social reckoning of events.

One of the main effects of these organizations has been in providing a space where those affected by the repression could find echo of their experiences in others, and together construct an alternative counter-memory. Natalie Zemon-Davis and Randolph Starn use the idea of counter memory in order to stress that memory is subject to the pressure of challenges and alternatives [Zemon-Davis and Starn 1989:2]. They draw on Foucault in seeing counter memory as “designat[ing] the residual or resistant strains that withstand official versions of historical continuity” [2]. During the more than two decades that the government officially upheld a policy of forgetting, the efforts of organizations like the Mothers of Plaza de Mayo, Serpaj, CELS, and APDH helped locate the individual memories of those most affected by the repression within an increasingly influential counter memory narrative, one that held impunity as its central focus.³⁰ The success of these organizations, which, as noted above, are now also commonly referred to as counterimpunity organizations in gaining and maintaining the high level of respect they came to hold was due in grand measure to their ability to provide a space within which to counter the official silencing.

Ultimately, the politics of forgetting may in fact have had the paradoxical effect of multiplying memory by denying those affected the possibility of officially recognized

³⁰ Serpaj stands for *Servicio de Paz y Justicia* (Peace and Justice Service), APDH is the *Asamblea Permanente para Derechos Humanos* (Permanent Assembly for Human Rights), founded in 1975, and CELS is the *Centro para Estudios Legales y Sociales* (Center for Legal and Social Studies), an offshoot of APDH that has become an important and well-respected organization for the defense of human rights on a wide variety of fronts reaching well beyond the issue of Dirty War justice. For further information and analysis of these groups and of other Argentine human rights organizations, see Arditti 1999; Brysk 1994; Fisher 1989, Guzman Bouvard 1994; Jelin 1994; Navarro 1989; Schirmer 1994; Taylor 1998; Torre 1996.

public remembrance, keeping the debate over the past relevant to the present [Jelin 1998: 28; 1994]. As Robben argues, the continued exploration of historical memory “led to a polyphonic reconstruction of the past which pushed conflicting memories of violence and trauma to the forefront of each group’s political concern” [Robben 2005:350]. The debates over memory continued to hold political salience in Argentina even through the intense economic and political crisis that peaked in December 2001. However, the changes in the national political landscape that resulted from this crisis also had effects on the politics of memory. The following sections explore these changes and their effects on the counterimpunity movements.

A New Politics of Memory

The government stance towards the dictatorship era and issues of memory and impunity changed drastically with the assumption of power of Néstor Kirchner on May 25, 2003. December 2001 had seen the climax of a political and economic crisis in Argentina. When the Alejandro de la Rúa administration had tried to halt the tide of capital flight that was threatening to collapse the national banking system by freezing all deposits (*el corralito*), the Argentine middle class joined with other sectors in expressing their frustration with all political representatives, expressing an ardent desire to throw out the lot of them (expressed in the popular chant from the day -- *que se vayan todos*). Faced with widespread looting [Auyero 2006; Cotarelo 2004], de la Rúa declared a state of siege. This proved the final straw, as tens of thousands poured into the streets in defiance of this heavy-headed attempt at maintaining control. Two days of massive street protests resulted in the deaths of some 37 protestors and ended with de la Rúa abandoning his post and being spirited off the top of the Casa Rosada in a helicopter.³¹ The protests were the culmination of a long process of economic disenchantment among the Argentine populace, in reaction to the neoliberal political and economic policies

³¹ A full discussion of the tumultuous and important events leading up to the December 19 and 20, 2001 protests and their aftermath lies beyond the scope of this chapter, and will be treated in more detailed below. For a discussion of the political effects of the crisis and the forms of popular mobilization at this time, see Dinerstein 2004. For a discussion of looting at this time as a marker of social needs, see Cotarelo 2004. The exact number of those killed in the 19-20 December protests varies according to source, but most sources place the number of fatal victims in the 30s. The number 37 used here comes from *Página 12*, 14 February 2004 “*Una mano reparadora del Estado para las víctimas del 20 de diciembre.*”

implemented during the 1990s.³² In considering the “politics of memory” employed by the Kirchner administration, it is important to recognize that Kirchner came to the presidency under a political climate in which it made sense to demonstrate symbolically a radical difference with previous administrations. Though elected with a mere 23% of the vote,³³ Kirchner garnered considerable public support during his tenure as president, maintaining high approval ratings from across numerous social sectors. This success, which has allowed him to consolidate *kircherismo* as a formidable political force, was based at least in part and initially on his successful adoption of a different strategy regarding the memory of the dictatorship era than that demonstrated by his predecessors.

Kirchner worked to dismantle the earlier politics of forgetting on various fronts. His first actions once in office were to place high-ranking military and police officials into forced retirement, in order to bring about a change of command in these institutions. He also made immediate reforms to the judicial systems, which was vital in bringing about the processing and disrobing of members of the Menemist Supreme Court on charges of corruption. These efforts have led to the previous immunity/impunity laws of Due Obedience and Full Stop being declared unconstitutional, allowing the perpetrators of the Dirty War violence to be tried in Argentine courts.³⁴

In addition to these moves, Kirchner has proved adept at performing powerful symbolic gestures that resonate with large numbers of the Argentine populace. March 24, 2004 marked another anniversary of the 1976 coup that inaugurated the most recent dictatorial regime, but this anniversary was like no previous one. Counterimpunity groups had for years observed this date with acts of remembrance for the Dirty War’s victims and renewed calls for justice. These events had in general not been actively supported by the different national administrations in the post-dictatorship years, which preferred to embrace the politics of forgetting discussed above. But in 2004, Kirchner

³² Wide sectors of society, from political opponents to human rights organizations to the leftist and center leftist press frequently trace the roots of these policies back to the dictatorship and the tenure of José Alfredo Martínez de Hoz as Economics Minister, making a discursive connection between authoritarian mismanagement and Menem-era politics.

³³ Carlos Menem, sure of a devastating defeat, pulled out of the second round run off election, leaving Kirchner to assume the presidency without the confirmation of a definitive electoral victory.

³⁴ For detailed information on recent prosecutions concerning the Dirty War era, see *Centro para Estudios Legales y Sociales* (CELS) Annual Reports, 2002-2006. Notably, though the reopening of trials has been seen by the counterimpunity organizations as a very important step, they have been bogged down by numerous obstructions and delays.

joined in this time of remembrance by carrying out evocative public spectacles that symbolically justified rather than minimized the counterimpunity groups' insistence on the need for their voices to be part of the narrative of national history. As was triumphantly noted by the center-leftist (and eventually kirchnerist) newspaper *Página 12*, this was the first time this commemoration was to be organized by the national government, and the first time the State organized an official act of repudiation to the military coup.³⁵ In addition to the massive march and numerous cultural activities organized by the counterimpunity groups, Kirchner orchestrated two additional acts for the 2004 anniversary. In the first, Kirchner and nearly his entire Cabinet went to the *Colegio Militar*, or Military College, where he ordered the head of the Army, Roberto Bendini, to take down the portraits of Jorge Rafael Videla and Reynaldo Benito Bignone, two of the principal junta leaders from the dictatorship. Kirchner then addressed the assembled cadets, demanding that they leave behind “the hell” into which State terrorism had plunged them. He also invited them to reencounter “their San Martinian history” and their role as the armed branch of the people, and thus a part of and not separate from it.³⁶ By forcing the head of the army to publicly remove these portraits, Kirchner was both reaffirming the civilian government's dominance over the armed forces, and eliciting a moment of public self-criticism from the Army.³⁷

Yet even a moment as radically new as this moment of submission was eclipsed by the other government-organized event of the day. Kirchner left the *Colegio Militar* for the *Escuela Mecánica de la Armada* (Naval School of Mechanics). The ESMA was known to be one of the largest detention centers where the disappeared were held and tortured for years during the repression. Over 5000 people are thought to have passed through the ESMA, most never to be seen again. Those who did survive their detention have described the horror and raw brutality that was unleashed within its walls. Located

³⁵ *Página 12*, 22 March 2004 “ESMA, colegio militar y otras ceremonias”, and 24 March 2004 “Actos en la ESMA, El Colegio Militar y Plaza de Mayo.”

³⁶ *No hay nada que pueda habilitar el terrorismo de Estado y menos en las Fuerzas Armadas que deben ser el brazo armado del pueblo...estoy convencido de que nuestro Ejército va a colaborar con este proceso para salir del infierno y reencontrarse con su historia sanmartiniana. Página 12*, 25 March 2004, “Quedaron los clavos para la historia.”

³⁷ As noted above, in 1995 Martín Balza, then head of the Army, had made a public self-criticism of the branch of the armed forces he led. The navy followed suit only in the days leading up the 2004 anniversary. Nonetheless, moments like these held great symbolic importance as further demonstrations of the leadership of the armed forces' public submission to civilian authorities.

in the elegant porteño neighborhood of Núñez, just meters from the stadium of the soccer club River, the ESMA had remained under the control of the Navy after the end of the dictatorship era. For survivors and the victims' loved ones, its continued presence as a naval institution was yet another haunting reminder of the void disappearance had left behind. It had become a symbol of state terrorism, as a site for demonstrations or exhibitions of the continued call for truth and justice for those responsible. For years counterimpunity groups had been demanding that it be taken from the Navy and turned into a museum. It was this site that Kirchner chose to publicly demonstrate an official break with the past. After spending several months in consultations with a committee of representatives from a number of the counterimpunity organizations, that March 24 Kirchner and Aníbal Ibarra, then-head of government for the City of Buenos Aires, publicly signed an agreement that in effect removed the grounds and buildings that made up the ESMA from the Navy and restored it to the tenancy of the City of Buenos Aires. The agreement also established that the site would be established as "A Space for Memory and the Promotion and Defense of Human Rights" (*Espacio para la memoria y para la promoción y defensa de los derechos humanos*). Tens of thousands of people attend the event, which included musical performances by León Gieco, Víctor Heredia, and Joan Manuel Serrat, and speeches by children of the disappeared who had been born in the ESMA.

After signing the agreement, Kirchner spoke, stressing a dual identity for himself in addressing the crowd. On the one hand, he presented himself as a leftist militant from the 70s, from the same generation as the disappeared, continuing the struggle to construct a better nation. "Just now when I saw your hands, when you sang the National Anthem, I saw the arms of my *compañeros*, of those from the generation that believed and those of us left who still believe, that this country can change."³⁸ But he also spoke as President of the Nation, and in doing so, apologized in the name of the State for the lack of justice following the dictatorship era.

Things have to be called as they are, so here, if you will permit me, not now as the *compañero* and brother of all those of us who shared that past era, but as President of the Argentine Nation, I

³⁸ *Cuando recién veía las manos, cuando cantaban el Himno, veía los brazos de mis compañeros, de la generación que creyó y que sigue creyendo en los que quedamos que este país se puede cambiar.*

come to ask forgiveness on behalf of the National State for the shame of having kept quiet so many atrocities during 20 years of democracy.

He also, as he had with the act in the *Colegio Militar*, unequivocally rejected the actions of the dictatorship:

Let us speak clearly: It is neither a grudge nor hate that guides us, I am guided by justice and the struggle against impunity. Those responsible for the horrid and macabre act of having these many detention centers, like the ESMA was, have only one name: they are assassins rejected by the Argentine people.³⁹

Using the word “assassins” (*asesinos*) is in itself a political act in the Argentine political field, denying the military’s assertions that their actions were just(ified). Doing so was a clear adoption of the discursive language of the counterimpunity organizations. He also achieved an initial popularity though attempts to include the opinions and voices of these organizations in the planning of human rights policies. For example, the nature of the Museum of Memory planned for the ESMA was neither decided by the government nor in place at the time of the March 24, 2004 act. Rather, there was a convocation for proposals, and the final nature of the use of the space was to be decided in cooperation between the city and national governments, survivors, the victims’ families, human rights groups, and other “representative organizations of civil society.”⁴⁰

Michel-Rolph Trouillot has considered the conditions of possibility for this kind of public ritual, with actors making apologies for historical wrongs in which they personally were not implicated. As he notes, these apologies depend on the attribution of aspects of the liberal subject to collective actors, such as, in the case discussed here, the state. Furthermore, “The moral or legal case...for an admission of guilt can be made only...on a particular composition of the subjects involved and on a particular interpretation of history” [2000: 174]. Kirchner here is, as President, speaking in the

³⁹ *Las cosas hay que llamarlas por su nombre y acá, si ustedes me permiten, ya no como compañero y hermano de tantos compañeros y hermanos que compartimos aquel tiempo, sino como Presidente de la Nación Argentina vengo a pedir perdón de parte del Estado nacional por la vergüenza de haber callado durante 20 años de democracia por tantas atrocidades. Hablemos claro: no es rencor ni odio lo que nos guía, me guía la justicia y lucha contra la impunidad. Los que hicieron este hecho tenebroso y macabro de tantos campos de concentración, como fue la ESMA, tienen un solo nombre: son asesinos repudiados por el pueblo argentino.*

⁴⁰ See Brodsky 2005, and its accompanying website, www.lamarcaeditora.com/memoriaenconstruccion, for records about this process.

name of the State, who, he asserts, bears the responsibility for the wrongs committed in the ESMA. This assertion places Kirchner firmly on the discursive side of the counterimpunity organizations, and far distances himself from the Theory of the Two Demons held up under earlier administrations.

But, as Trouillot also observes, the postulation of a collective actor that can take responsibility and express repentance rests on a problematic assumption of historical continuity. The State that Kirchner purports to personify is hardly the same entity as that imagined or that which functioned under the dictatorship. But while Trouillot says this makes these performances abortive rituals, unable to act tranformatively [2000:184-185], I argue that even given Kirchner's dubious assumption of the continuity of the state, this speech *can* act as a transformative ritual, or at least the beginning of one. Trouillot is correct in saying that the apology in itself can do little to bring about reconciliation between offenders and offended, given the complicated nature of collective subject identification temporally removed from the events. However, to declare as Kirchner did that impunity exists necessarily assumes that a wrong has been committed. In apologizing, Kirchner is asserting of a particular view of history that categorically denies any interpretation that justifies the dictatorship's actions or, importantly, state policies that either deny that wrongs had been committed or allow these crimes to remain unpunished, unrecognized, and unresolved. To the extent that it was or will be accompanied by concrete actions designed attend to the sense that impunity reigns, this moment has the potential to effect real change in Argentine social and political life. In this way, this action resonates with the quotes that serve to open this chapter, both of which note the way the construction of memory is more about the future than about the past. Thus, whether or not Kirchner can speak in the name of previous incarnations of the state, he can effect future change by altering the official historical memory of the past.

While this act of collective apology was seen as a monumental, garnering strong popular support and copious attention, Kirchner's actions were not uniformly well received. Numerous counterimpunity organizations and individuals feel that Kirchner's actions have functioned as part of a political strategy designed to co-opt or placate opposition through highly symbolic public spectacles while avoiding undertaking real

reform (again, I argue that this kind of ritual can work transformatively only to the extent that it is seen to be accompanied by concrete differences in policy). Many of these accuse Kirchner of trying to appropriate for himself the issue of human rights, while failing to act concretely to revert the situation of impunity or dismantle the economic system that they argue is inherently related to the injustices committed under the dictatorship, and after. These criticisms, voiced at the time of the ESMA event, became even more acute three years later, when Kirchner made a similar gesture and commemorated the 31st anniversary of the coup by announcing the creation of another museum in *La Perla*, an infamous former detention center in the interior city of Córdoba. The leftist opposition points to continuing cases of police brutality, evidence of current torture inside state-run prisons, stalled legal actions against former repressors, and recent acts of repression against workers as incongruencies in Kirchner's "politics of human rights."⁴¹

On the other side of the spectrum lie those who reject these gestures on the grounds of their symbolic meaning. One of the forces that have led to the continued strength of the counterimpunity groups is precisely the still active opposition to the negative characterization of the military dictatorship, from both inside the military and other social groups. In spite of official denials, rumors abounded in the days before March 24 that the portrait of Bignone to be removed had been stolen and replaced by an imitation, thus symbolically preventing its removal under Kirchner's orders. On the day of the event, two active generals and a colonel requested retirement in protest of the action. An apartment complex in front of the ESMA proudly displayed a "Long Live the Navy" banner while Kirchner signed the agreement, and shortly after the anniversary an organization known as Complete Memory (*Memoria Completa*), demanding a "revision of the past in both senses," called for a mass to be held in rejection of the March 24 event [see also Picture 3.1]. The struggle over the meaning and memory of the dictatorship era, and its place in Argentine history, remains active.

⁴¹ See, for example, Frente Popular Darío Santillán (www.frentedariosantillan.org); Esquivel, Adolfo Pérez, *24 de Marzo: Memoria y resistencia*, Servicio Informativo Alai-amlatina, 5 March 2007; *24 de marzo, una fecha en disputa, Doble discurso: para muestra basta una Perla*, Indymedia Argentina, 27 March 2007; prensadefrente.org, "Más "monumentos" kirchneristas para cristalizar los derechos humanos en el pasado," Boletín quincenal N°62, 26 March 2007. Further discussion of interrelation of the idea of impunity with economic and social injustice is taken up in Chapters 5 and 6.

Nonetheless, this new space of remembering brought on by the stance taken by the Kirchner administration has opened up the possibility for other kinds of reflection previously suppressed. There is a danger for oppositional memory towards reifying and not leaving space for other voices, in part necessitated by the need to contest official versions [Jelin 1994: 53]. There was a tendency towards this in Argentina until recently, and it has been one source of contention contributing to the lack of unity among the counterimpunity organizations. However, recent years have seen the publication of a number of new books, articles, editorials, and other public forums such as talks and conferences by former left-wing activists concerning the activities of these groups in the 1960s and 70s. While in no way justifying the dictatorship's actions, the new climate of open recognition of past violence has opened a space for ex-guerrilleros and their supporters to reflect upon their role in and response to the traumatic violence leading up to and during the dictatorship era, in consideration of the damage done and lessons learned from this experience. In this way, the new official support for recognition and debate of the era of state terrorism has opened a space for a more nuanced and multivocal understanding of the era.

A full analysis of the way the dictatorship era is remembered and commemorated lies beyond the scope of this dissertation. There is, however, an important body of recent and emerging scholarship that takes up the theme, as well as, in recent years, considerable diffusion of such events electronically by the groups themselves and by small, independent news organizations.⁴² As little of the scholarship takes up detailed microanalysis of commemorative events, preferring to focus on overall histories and patterns of the organizing groups,⁴³ I end this section with a brief description of one of these events that took place during my fieldwork. This description also serves as a linkage between the two sections of this chapter, by further illustrating the personal connections between the counterimpunity movements concerning the dictatorship era and that of Memoria Activa. Furthermore, it provides a counterexample to the state-directed events discussed above, focused here not on politicians and political rhetoric but on the

⁴² See, for example, the web sites of counterimpunity groups like the several Madres and HIJOS groups, as well as media collectivities like *lavaca* and *alavío*. For analysis, see for example Brysk 1994; Jelin 1994; Taylor 1998; Torre 1996.

⁴³ But see Tandeciarz 2007.

codification of memory by the counterimpunity organizations that set, as it were, the stage on which Kirchner chose to perform.

El Olimpo

27th anniversary of its inauguration

16 August 2005

corner of Lacarra and Col. Ramon L. Falcón Sts.

Last night I attended an event commemorating the 27th anniversary of the inauguration of El Olimpo, one of the clandestine detention centers used by the last military dictatorship here in Argentina. The Olimpo (Olympus) was cruelly and ironically nicknamed after the home of the gods by those who considered themselves the all-powerful controllers of life and history. I don't often frequent these memorial/protest events by the human rights community around issues pertaining to the disappeared (*desaparecidos*); there's just too many of them, it's not central to my research, and I simply can't do everything. But this one I went to because a good friend of mine from the Plaza Lavalle, where the base of Memoria Activa still holds its Monday vigils, asked me to go. She is a survivor of the Olimpo, having spent four months inside its infernal walls in 1978. Her name is Rebeca Sacolsky, but everyone calls her Tita, and she is an amazing woman. She was held and tortured by the infamous Julian the Turk, who is at long last in prison. She tells of the 'special treatment' she received for being Jewish. One night, he made her stay up and sing the national anthem all night long, saying that, "this Jew probably doesn't even know our anthem." Tita always recalls how she had at that time been a schoolteacher for over 30 years, and thus had personally taught the national anthem to hundreds of children, but of course, such realities counted for nothing inside the inhuman camps. We recently learned, through a well-connected friend, that Julian the Turk has been abandoned by his former allies, and is not enjoying the pampered life in prison that these former incarcerators typically have. Tita's response was, "Oh, poor thing, I'll have to take him some food." And she probably would.

It was dark when we got there. The other events that have been held recently at the Olimpo, which was finally turned over to the survivors and family members a few

months ago (though the Federal Police had yet to vacate), were held during the day. But, for whatever reason, this one was held after dark, and it was quite dark, the lights to that part of the site have been cut off some time ago. The building itself, where the camp operated and my friend Tita and others were held, was until very recently still used by the Federal Police as the car registration center for Capital (the City of Buenos Aires). That is, if you bought a car or needed to renew your registration, you had to go to the Olimpo – the past breathes at you out of the walls here in Buenos Aires. So we occupied the covered parking lot next to it.

I ended up being one of the people holding the banner for the *desaparecidos*. It wasn't a position I was entirely comfortable with; for one thing, it meant I ended up in the unpleasant position of having my image plastered across the evening news again; but even more, I felt like it should be the relatives who held the banner. But Tita, who, in spite of her 82 years, does not like to stay still in one place but would rather mingle around 'being part of everything', as she says, found it convenient to hand the banner over to me at the first opportunity. Participant observation, I suppose.

The event itself was pretty standard for these things. Short speeches by survivors and family members of the victims; one young man told in halting words his story of how his pregnant mother was killed here, and his father disappeared soon after. One speaker placed it all in historical context, calling for remembrance of those killed in the bombardment of Plaza de Mayo in '55, murdered under Onganía, or killed for political reasons in the years since the return of democracy in 1983. Tita spoke only to recognize and praise the struggle of the Mothers of Plaza de Mayo, who, she insists, helped her continue on after what she had experienced [see Picture 3.2]. The names of those killed in the Olimpo were read, those known, anyway, the rest subsumed under a call for 'those whose stories we still have not been able to recover', with the crowd intoning in unison a resonating 'Presente!' after each name.

But for me, the most intense moment came afterwards. The local group *Mate Murga* had been invited to come and perform. Murgas are a local art form, combining music and dance. Banned during the dictatorship, they have reemerged in recent years, and are best known for their appearance during Carnival, when they perform in the streets during the month of February. Most murgas are comprised of elaborate costumes,

lots of percussion, and lyrics invoking a strong neighborhood identity. This murga was one that took up what it called songs or chants of resistance (*cantos de resistencia*). In chorus they sang of the disappeared, of workers who resisted by force the privatization of their source of labor, exiles, and other themes. As I mentioned, we were in a covered parking lot, and they performed right beneath where the corrugated metal roof began. We in the audience were gathered close to them. I was to one side, facing the building itself, with Tita on my arm. The moon hung above the barred windows of the building as the murga prepared to sound out with “the voices this century did not manage to silence.” The moment the drums began, from out beneath the roof above our heads flew a horde of truly enormous bats, disturbed by the vibrations.

Interlude

The Argentine Falcon

The material artifacts of history are frequently embedded in and made the object (literally) of struggles over memory. What better example can be provided than the emblematic Ford Falcon. The Falcons landed in Argentina in 1962, and were manufactured in the Ford Motor Company factory in General Pacheco, 40 km north of the capital in the province of Buenos Aires, from 1963-1991.⁴⁴ Ford had begun operating in Argentina in 1913, when Argentine luxury consumption could still rival the world's richest nations. Initially, Ford Argentina served as an assembly plant for imported parts, but by the 1960s the cars coming out of General Pacheco were entirely locally produced, and were meant to be accessible, following classic Fordist principles, to Argentina's working class.⁴⁵ Autoworkers' unions became strong in Argentina, and the Ford plant was an important source of employment. As one former worker recounts, "It was a real novelty to work in an auto factory...you felt really privileged to get a job there. There was lots of talk about the "Ford family" and they'd have a big Christmas party every year and raffle off a new Falcon."⁴⁶ The Falcon became a remarkably successful model in Argentina, capturing the record for best selling car of the year six times between 1965 and 1983.⁴⁷ It gained a reputation for being exceptionally reliable and long lasting, and even had a successful life as a racecar, winning no less than seven national racing championships [sic]. By 1978, the Falcon was being marketed as an "Argentine classic" (*clásico argentino*), with television and print ads hailing the Falcon as on par with mate, tango, and soccer as national emblems. This iconic encoding of the car added to and capitalized on the wave of nationalistic propaganda surrounding Argentina's role as host and later champion of that year's Soccer World Cup, and fit well with the nationalist ideology promoted by the dictatorship.

But the Argentine Falcons have a darker history as well, one that has left a deep imprint in Argentine society. The Falcons produced by workers in the Pacheco plant

⁴⁴ <http://purofalcon.netfirms.com/historia.htm>

⁴⁵ <http://www.auto-historia.com.ar>

⁴⁶ Pedro Troiani, quoted in Robert 2005.

⁴⁷ 1965, 1971, 1972, 1974, 1979, 1983

were to become the favorite car of the organized repressive groups in kidnapping and disappearing their victims, swooping down like birds of prey, leaving no trace. It is said that they liked this model as it was wide enough to fit several kidnapped people on the floor in the back.⁴⁸ The model, which was the official car of the Buenos Aires (Provincial) Police Force (*la bonaerense*), has become an icon of Dirty War repression. Cinemographic depictions of the Dirty War often use the slowing down of a Ford Falcon as a sufficient symbol of the events that would inevitably follow, and the fear they inspired.

The Ford corporation, neither in its Argentine branch nor the US parent company, has not escaped from the desire for truth and justice so firmly entrenched among large portion of Argentine society. Evidence suggests that company management may have welcomed the disciplinary controls on unions imposed by the military government, and 25 former Ford employees are now suing the Company over its involvement in their detention and torture during the dictatorship.⁴⁹ Abducted and subjected to torture and imprisonment from 1976-1977, they are working to prove that the Argentine subsidiary of the Ford Motor Company enjoyed more than just a privileged supplier relationship with the military juntas, and were aware of and complicit in the disappearances of union leaders and employees. The company stands accused of handing over union leaders and organizers to the military forces, printing up lists of undesirables the night before the coup, in a clear indication of the close connection between military and business leaders.⁵⁰ A lawsuit filed in February of 2006 states, “The Ford company hatched and executed a precise and concrete plan to violently put an end to union activity, with the objective of creating management terrorism that would permit it to reduce personnel indiscriminately and without major costs, speed up the production lines without any problem...[and] ignore the unsafe working conditions.” According to Argentine attorney

⁴⁸ Perelli 1994: 43.

⁴⁹ *Página 12*, 26 Feb 2006.

⁵⁰ Robert 2005. It is not surprising that large businesses were willing to subscribe to, and even aid in, the repressive measures embraced by the dictatorship. As notes, the period leading up to the coup was highly turbulent, with a number of increasingly militant unions and union leaders gaining support for increased workers' rights. Events like the Cordobazo and Rosariazos in 1969 and the Viborazo in 1971, combined with the general political instability that only worsened with the death of Perón, left many businesses, national and multinational, keen to secure their interests in the country and reassert their dominance over the workers' unions inside the plants. See Robben 2005; Brennan 1994; James 1988.

Tomás Ojea Quintana, Ford's action turned the company into "one more gear in the machinery of state terrorism."⁵¹

But the term 'Falcon' also resonates with an earlier variant as an icon of repression that predates the coming of the foreign-owned local auto industry to Argentina. In the Buenos Aires of the early 1900s, Chief of Police Coronel Ramón Falcón was infamous for his brutal repression of workers and activists. Enraged by his actions in response to the May Day demonstrations of 1909, which left at least five people dead and dozens more wounded or imprisoned, 19-year-old Russian immigrant Simón Radowitzky shot and killed Falcón in reprisal. The assassination turned both men into legendary figures, to be remembered and memorialized by different factions of Argentine society. The current police school for the Federal Police (*Policía Federal*), took on Falcón's name in 1928, as proudly displayed on their website and television recruitment commercials.⁵² One morning in the Plaza Lavalle, while Tita was inviting us all to come to a manifestation at the Olimpo where she was detained and tortured in 1978, Benjamín began talking about Radowitzky, how we "should never forget that it was a Jew who had the courage to kill the repressor Falcón." The connection was immediately apparent to those present (though not to me). It turns out the Olimpo is located, precisely, on Calle Ramón Falcón (Ramón Falcón Street). Argentine irony or the poetry of history. Meaning remains contested and inescapable for the inhabitants of the city, embodied in the materiality of the urban landscape, the street signs, cars, and buildings of their everyday travels.

The wars over history and symbolic meaning rage on in Argentina. Advertisements for a new documentary film by Jorge Gaggero papered the subways of Buenos Aires in the spring of 2005. The movie, *Life in a Falcon* (*Vida en Falcon*), tells the story of two homeless men, who due to the economic crisis brought on by decades of neoliberalist policies and "worker flexibility," take up residence in their old Ford Falcon, parked on a quiet street corner of the wealthy porteño neighborhood of Núñez. In this way the filmmakers highlight the continuity of Dirty War repression with the current plight of the many Argentines who still suffer the consequences of the economic program

⁵¹ World Socialist Website (<http://wsws.org/articles/2006/feb2006/ford-f-25.shtml>); <http://www.americas.org>

⁵² See <http://www.escuelafalcon.edu.ar>

begun under the dictatorship, while at the same time reappropriating the Falcon for popular use.

Regardless of its history and assigned symbolic value, the Falcon still maintains its staunch supporters. There are at least two Ford Falcon fan clubs still holding regular meetings in Argentina.⁵³ While some of the members may simply love their old reliable cars, holding on to the days of the *clásico argentino* and its national racing glory, the existence of these clubs also speaks to the active divisions within Argentine society over the memory and meaning of an era. Such divisions have prompted certain Falcon owners to clarify their position. At least one of the Ford Falcons that still cruise the streets of Argentina is adorned with a handmade sign that reads, “My Falcon wasn’t to blame. Never Again” (*Mi Falcon no tenía la culpa. Nunca más*).⁵⁴

⁵³ See <http://www.todofalcon.com>; <http://www.fanafalcon.com>

⁵⁴ Robert 2005: 15.

Part 2: Active Memory, Street Protest, and the Practice of Citizenship

Part 1 of this chapter focused on the construction of historical memory surrounding the most recent military dictatorship in Argentina and the way the notion of impunity has become an organizing trope around which the demands of the human rights organizations have been structured. Part 2 continues the exploration of ideas of memory begun in Part 1. It builds specifically off the previous chapter on cultural citizenship, in tracing further the actions and discourse of the group Memoria Activa and their relationship to the politics of memory. I consider some of the ways memory has been understood, constructed, articulated, and deployed by the group Memoria Activa as they assert their demands. The combination of memory with protest as adopted by the group is conceived of in particular ways that draw on historical local traditions such as those of the other counterimpunity movements. It also blends an appeal to an international discourse of universal rights, as will be discussed further in the coming chapter. Here, I focus on the way in which Memoria Activa and their supporters appeal to a notion of memory as an active practice, and as one that is mandated by both religious precepts and their redefinition of the rights and responsibilities of citizenship. In addition, I consider the group's use of public space and protest in making their demands, arguing that this use of public space serves to both give coherence and visibility to their demands, as well as to assert extra-systemic pressure upon the governmental institutions they are trying to influence. My research witnessed especially the way in which the meanings and importance attributed to space and memory are intertwined for a significant sector of Memoria Activa's base supporters. The final portion of this chapter is devoted to relating how the connections between ideas of memory and space as held by many of Memoria Activa's supporters were dramatically revealed during my fieldwork at a key moment in the group's long history, with the formation of a splinter group that continued the practice of the weekly *actos* even after Memoria Activa made the decision to stop.

Information in this section comes primarily from my work in Buenos Aires and with the group Memoria Activa and the other organized groups of family members and their supporters. As discussed in more detail in the Introduction, this fieldwork took place over three sessions, spanning the years from 2000 to 2006. During this time, I attended many of their weekly protest memorials, until their conclusion in December

2004. After that time, I continued to participate in the actos held by a number of those who had faithfully come to the plaza over the years. I also conducted many interviews with both organizing and supporting members of Memoria Activa and participated in several of their organizational meetings. However, some of the events described here took place before my physical presence in Buenos Aires. Information on these events comes from both primary and secondary textual sources, as well as many personal interviews and conversations I had with participants, organizers, and observers of group. In general, the depictions below rely heavily on descriptions provided by the participants. In this way, they can be seen as windows into the continuous construction of the history of the group, as understood by the participants and their observers at the particular historical moment of my fieldwork.

Monday morning, 9:53am

Shortly after the AMIA building exploded early on a wintry Monday morning in 1994, those most deeply affected by the blast met and agreed to gather publicly in the Plaza Lavalle the following Monday morning, in a silent memorial/protest that appealed for justice in the attack. By holding a public gathering, the victims' relatives intended to bring immediate pressure on the government to conduct a serious and thorough investigation into this latest attack. Already there was widespread condemnation of the lack credible information in the wake of the Israeli Embassy bombing two years earlier, and dismay at what was felt as a lack of protection offered by the Argentine government. The investigation into the Embassy attack was by now seen as highly problematic, and many felt that had the Argentine government been more efficient or diligent in uncovering responsibility for that attack, the AMIA tragedy would never had occurred. In addition, the attitude displayed by then-President Menem in the wake of the AMIA bombing was cited as an immediate cause for concern, and seen as indication of a continued lack of political responsibility. Those critical of the government's efforts often comment on the fact that Menem's reaction to news of the attack had been to call the Israeli Prime Minister to offer his condolences, even though the building in question, unlike the Embassy, was an Argentine Jewish institution located on Argentine soil. Through manifesting a visible "symbolic representation of the destruction" [Gurevich

2005: 15-16], these gatherings or *actos* were designed to provide a voice for the suffering of the families and a call for justice.

As the months and years passed, the group gained a more organized format, eventually taking on the legal status of a not-for-profit civil association (*asociación civil*), maintaining their focus on the victims by mandating that the rotating board of directors be comprised of direct family members of those killed and wounded in the attacks. They took the name *Memoria Activa* (Active Memory), in recognition of their stated desire that the memory of their loved ones serve as an active force in the pursuit of justice. As seen in the previous chapter, over time they would become the public face for a strong voice of criticism of both the investigation into the attack and the AMIA/DAIA leadership themselves.

The choice of location for these *actos* was in itself designed to be symbolic of Memoria Activa's claims and objectives. The Plaza General Lavalle sits in the downtown center of Buenos Aires, known locally as the *microcentro*. This area is recognized as the as the cultural, political, and economic heart of the city and the nation, and was historically the first stopping point for Jewish immigrants to Argentina. Located some 13 blocks from the Plaza de Mayo, this plaza extends from Avenida Córdoba to Lavalle Street, occupying the space between Talcahuano and Libertad. Its southwest corner faces the Justice Building Tribunales, an imposing neoclassical building bustling with the bureaucratic activity of an overburdened legal system. To the southeast it is bordered by the renowned Teatro Colón, the magnificent national theater whose seasonal operatic and symphonic offerings can rival those of the world's most prestigious locales. The northeast corner holds the Templo de la Congregación Israelita Argentina (Temple of the Argentine Jewish Congregation), mentioned in Chapter 2 as the site of the demonstration against European Anti-Semitic acts attended by Menem. The facade of this synagogue, whose foundation stone was laid in 1897 and which also houses a museum of Jewish immigration to Argentina, is now punctuated with the spaced concrete barriers (*pilotes*) that now separate all Jewish building in the city from the street in front. These barriers, a visible icon of segregation and distance, were put in place to prevent another attack like those that destroyed the Israeli Embassy in 1992 and the AMIA building in 1994. Like so many other issues surrounding these attacks and the

community's response to them, these barriers are a source of contention among members of the community, and serve as a symbolic marker of the self-imposed divisions that these attacks have left behind.

Memoria Activa's Monday morning rituals in a corner of the Plaza Lavalle were held without fail from July 1994 to December 27, 2004. While in the initial weeks these events were silent, undirected gatherings, over time a group of individuals began to take on more of a leadership role, and the format of the events changed as they began to invite speakers to address those present. The form altered somewhat as the years passed, but the essential elements remained constant. On a typical Monday, the crowd, ranging from 50 to several hundred individuals, would gather on the sidewalk on the western side of the Plaza, facing the Justice Building. The events always began at 9:53am, the moment when the bomb had exploded on July 18, 1994. They would be opened with the sounding of the shofar. Three men would approach the microphone, kippas carefully in place, and fill the plaza with the loud, persistent wail of the ancient horn. Then, a central member of the movement, from what came to be known as the "directive board" (*mesa directiva*) would call for a minute of silence in honor of those killed. This would be followed by some introductory words that might give an update on the status of a legal or political aspect of the case investigation, or simply renew the call for the need for justice and serious investigation into the attack. During the introduction, the speaker would remind the listeners of number of weeks that had passed since the attack, still without justice. 300, 400, 544 weeks. This was followed by one to three speakers, which over the years included activists, lawyers, psychologists, performers, politicians, journalists, religious leaders, writers, artists, and other public personalities, both Jewish and non-Jewish. These speeches are published on the group's website and selections from 1997, 1998, and 1999 were compiled and published in booklet form by the newspaper *Página 12*, serving, as the cover of the 1999 edition asserts, as a "national document against impunity." The speakers would be followed by some general announcements, typically concerning upcoming community events, and the act would be closed with a demand for justice directed towards Tribunales.

In developing these weekly actos, Memoria Activa drew on the language and protest forms developed or popularized by established counterimpunity movements like

the Madres de Plaza de Mayo. The politicization of memory was already operative when the 1992 and 1994 Israeli Embassy and AMIA attacks happened. Memoria Activa was organized and began to articulate its demands in a climate where the notion of impunity as a central problem was beginning to gain dominance. Adopting familiar patterns such as weekly protests in public plazas worked towards establishing their cause as part of the same generalized problem of impunity. Though the group has had little formal or technical support from organizations concerned with the Dirty War, they frequently appeal to their symbolic alliances, made visible through such actions as the presence of one of the Madres in their weekly actos. By adopting the notion of impunity in ways similar to those used by the earlier and other emergent human rights organizations, Memoria Activa both drew on and contributed to the strengthening of impunity as a central and formative notion.

Memory as an Injunction to Action

Here, I begin with an examination the notions of memory and protest employed by the group, and the ways in which they are formulated within and formative of the national counterimpunity discourse. In doing so, I draw upon the insights of scholars whose work demonstrates how memory serves as a field of contention in the formation and propagation of national histories. However, I argue here that this literature often does not explore the important aspect of how memory and debates over national history are related to the practice and conceptualization of citizenship. The changes that Memoria Activa and its membership have undergone in the years since the AMIA attack, and the implicit and explicit conceptions of citizenship embedded within their discourse and actions, provide an especially salient site for understanding how notions of the role of the citizen can often include an adjuration for the responsibility to remember. This is important to note, as, undoubtedly, this aspect of the idea of citizenship is not unique to Argentina, but is operative in numerous contexts, particularly in areas and situations that have witnessed moments of extreme human-directed violence.

Memoria Activa's weekly events, in their structure and content, entwined the act of remembering the victims in the attack with an active protest against the handling of the investigation and the demand for justice. The name of the group itself implies this active

need to remember combined with a call for justice as a social necessity, as expressed by one speaker and prominent member of the movement, Enrique Burbinski, who, commemorating the beginnings of the movement on the occasion of the 500th week of uninterrupted protest, said,

We wanted to remember, we wanted to practice memory but we wanted to do it in an active way, exercising our rights as citizens, as members of a community, as free men [sic] that seek to live in freedom and we could only achieve that through justice. For that reason [we have] our name, to practice our memory actively, for that reason [we come] to this place, in front of the Palace of Justice that does not honor its name.⁵⁵

This idea can also be seen in the inscription on the plaque describing the monument by plastic artist Mirta Kupferminc, that was erected in the Plaza Lavalle in honor of those killed in the AMIA [Picture 3.3]. This bronze plaque, before it was stolen, read:

The basic idea of this work is a protest. Not a remembrance or a homage
A protest materialized through each one of its elements
A circle of granite serves as the foundation of the whole and symbolizes the totality around which everything turns
Stakes of quebracho wood of different sizes and textures penetrate the stone
Fusing themselves in one destiny they form a singular mass but maintain their singularity
The monument is posed expectantly facing the Palace of Justice and projected to the world as a pillar of the search
The base, hammered and broken in one place, signals a clock stopped at 9:53am
The Biblical text etched in the granite “Justice, justice you will seek (Deuteronomy XVI)” is an appeal for active memory⁵⁶

In addition, participants in these events often insist that coming to the plaza and performing memory in this way is essential in assuring that the dead, “don’t die twice, once from the bomb and again from being forgotten.” *Para que no mueran dos veces*, so

⁵⁵ 8 March 2004. *Queríamos recordar, queríamos ejercitar la memoria pero queríamos hacerlo de una manera activa, ejercitando nuestros derechos como ciudadanos, como miembros de una comunidad, como hombres en libertad que buscábamos vivir en libertad y sólo lo podíamos lograr a través de la justicia. Por eso nuestro nombre, ejercitar la memoria de una manera activa, por eso este lugar frente al Palacio de la Justicia que no honra su nombre.*

⁵⁶ *la idea básica de esta obra es un reclamo. no un recordatorio o un homenaje un reclamo materializado a traves de cada uno de sus elementos un círculo de granito oficia de base del conjunto y simboliza la totalidad alrededor de lo que todo gira estacas de quebracho de diferentes tamaños y teturas se incrustan en la piedra fundiéndose en un mismo destino se ordenan formando una masa única pero manteniendo su singularidad el monumento se presenta en actitud expectante hacia el palacio de tribunales y se proyecta al exterior como un vector de búsqueda la base martillada y rota en un sector señala un reloj detenido a las 9:53 el texto bíblico tallado en el granito “justicia, justicia, perseguirás” (duet XVI) es una apelación a la memoria activa*

that they don't die twice, has become a central slogan of the group.

What can these examples tell us about the way 'memory' is being used by Memoria Activa? What does it mean for memory to be 'active'? Daniel Goldman, one of the most respected conservative rabbis in Argentina today and an ally of the group, has reflected on the nature and purpose of 'memory' as used in the Bible. He argues that the Bible proposes an essential dialectic, with one side holding the idea of 'remembering' and the other holding the opposite idea, which is not 'to forget' but of 'not forgetting.' Key here is that the action of 'remembering' is considered as active, while that of 'not forgetting' is passive. Goldman cites Yerushalmi's seminal 1982 work *Zakor*, in which he argues that the repeated use in biblical texts of this word, which can encompass meanings including to remember, to memorize, and to commemorate, attests to the importance the concept holds as a religious mandate. Finally, Goldman argues that:

...the other central axis of the Bible is rooted in the practice of denouncement as a permanent activity, in opposition to the submission of humanity to mediocre conformativism and the authoritarianism exercised by the powerful in particular moments of history, who through corrupt mechanisms have obstructed the capacity of the people to be outraged by the unjust ways in which humanity has been oppressed as a creature of God.⁵⁷

The idea of active memory used by Memoria Activa resonates with Goldman's treatment, and contains several layers. One element of the conception of memory deployed by the group concerns the insistence by participants in these actos that the memory of the attack serve as a catalyst and constant reminder of the need and obligation to pursue justice. The participants in these events frequently expressed their continued participation in terms of their obligation to continue this struggle. As a group Memoria Activa expresses an insistence on the pursuit of justice as a basic right of citizenship, and a moral, social, and religious obligation. Looking at the way members of Memoria Activa talk about memory reveals a common appeal to the idea that the behavior of the Argentine state led them to feel pressured to take on roles they had not previously assumed. Many of the people I talked to asserted that not only did the state not fulfill its

⁵⁷ ...el otro eje central de la Biblia está enraizado en la práctica de la denuncia como actividad permanente, en oposición al sometimiento del ser humano al conformismo mediocre y al autoritarismo ejercido por los poderosos en determinados momentos de la historia, quienes a través de corruptos mecanismos obstruyeron la capacidad del pueblo de escandalizarse, ante las formas injustas a que sometieron al ser humano en su carácter de creatura de Dios. From Goldman 2007.

constitutional obligation to provide justice but also actively participated in its obstruction, and that this is what led them to feel that they were left the unwelcome obligation to take up the fight against corrupt and inefficient government institutions. In this way, they understood their actions not just as a search for justice, but for justice as the path towards the construction of a better nation, one in which this basic right of citizenship was upheld and protected rather than violated by state institutions.

Another, related aspect of the idea of memory as used by the group concerns the social and emotional effects of uncertainty following the traumatic loss of a loved one or an irruptive moment of violence. The participants in these events argue that only once a social recognition of the deaths of the victims through serious attempts at justice has been achieved will their memories be able to become part of a past, completing a kind of social death to accompany the physical one already suffered. To give one example, I quote the words of Laura Ginzberg, whose husband died in the AMIA:

...And, because that morning they left their homes as they did every morning, they deserve justice. And because we will not forget, we demand justice...And because they believed that they lived in a country that was free and safe, we demand justice. And because their voices call out from the very center of the earth, we insist on justice. And because we reject terrorism in any and all of its manifestations, violence, hate between peoples and discrimination, and **because shedding light on the attack is an inescapable responsibility we take up the struggle for justice. And they deserve justice, because from the place in the universe in which they are, or from inside of us, only after justice has been served can our dead rest in peace.** The dead from the AMIA: present (emphasis added).⁵⁸

This social recognition of death is taken here as the result of a kind of knowledge

⁵⁸ From the speech given by Laura Ginzberg on the third anniversary of the AMIA attack, 18 July 1997. The full text is available at www.memoriaactiva.com. The following is the original of the last two paragraphs of this speech.

...Y, porque esa mañana salieron de sus casas como todas las mañanas, merecen justicia. Y porque no olvidaremos exigimos justicia. Y porque la ley de la vida dice que los padres no entierren a sus hijos, reclamamos justicia. Y por todos los que ya no verán crecer a sus hijos pedimos justicia. Y por todos los que no se harán viejos junto a los suyos exigimos justicia. Y porque los amamos gritamos justicia. Y porque nos amaron merecen justicia. Y porque creyeron vivir en un país libre y seguro demandamos justicia. Y porque sus voces reclaman desde el centro mismo de la tierra exigimos justicia. Y porque repudiamos el terrorismo en cualquiera de sus manifestaciones, la violencia, el odio entre los pueblos y la discriminación y porque esclarecer el atentado es una responsabilidad ineludible luchamos por justicia. Y merecen justicia, porque del lugar del universo en donde estén, o desde adentro nuestro, sólo después de hacer justicia nuestros muertos podrán descansar en paz. Los muertos de la AMIA: presentes.

Earlier in the speech, Ginzberg directly accuses Corach and Menem of covering up the attack. Ruben Beraja, then head of the DAIA, immediately met with the government to apologize for her words. This moment was key in leading to the division between Memoria Activa and the leadership of the AMIA/DAIA, discussed in more detail in the next chapter.

produced through the workings of a competent and effective legal system. The importance that central members of Memoria Activa place on the production of knowledge through its certification by credible legal institutions, and the way this vision has influenced their course of action, is taken up in the next chapter. Here, I want to focus on how this appeal to justice as the necessary route towards the possibility for social and emotional healing after a moment of traumatic loss is related to a broader counterimpunity discourse that gained widespread public adhesion in the decade prior to the AMIA and Israeli Embassy attacks.

This need for closure, but only through and after a full accounting of what has happened, has become a key aspect of public discourse and source of contention in the political field in recent years. This particular assertion by Memoria Activa as to the importance of justice in allowing for the social death of loved ones resonates specifically with that of one of the most well known of these counterimpunity movements, the Madres of the Plaza de Mayo. This group consists of mothers of those disappeared under the last military dictatorship. Even years after all hopes of finding survivors still imprisoned within military detention centers had been abandoned, the Mothers still demanded the *aparición con vida* ('reappearance with life') of those missing, arguing that their children could only pass from sites of living struggle into points of remembrance once their deaths were accepted as acts of state violence and the perpetrators submitted to the processes of justice.⁵⁹

The practice of memory employed by Memoria Activa as part of this struggle against impunity is must be considered within the climate of the politicization of memory current in Argentina at the time of the bombings. In Part 1 I showed how interpretations of recent national history remain highly salient in contemporary Argentine society, and how personal and collective memories are presented and contested. Many scholars have taken up questions surrounding the relationship between memory and the construction of a national history.⁶⁰ However, what I want to pursue are not questions on how historical

⁵⁹ Fisher 1989. This position is powerfully expressed in their oft repeated chant that has left an almost tangible residue on the cityscape surrounding the plaza, *CON VIDA LOS LLEVARON, CON VIDA LOS QUEREMOS* (They/you took them alive, we want them back alive).

⁶⁰ Pierre Nora's massive 1984 work on "*lieux de mémoire*" is well known for its theoretical contributions on this subject [see Nora 1989, 2001]. For information pertaining to post-Franco Spain, see Resina 2000. A powerful cinematographic treatment of this issue in relation to the Armenian genocide is Atom Egoyan's

memory shapes and is transformed by experience [Rappaport 1990], nor how personal or collective identity stands in a mutually constructive relationship to memory [Malkki 1992, Bardenstein 1998, 1999], but how memory of lived experience is being invoked and used in Argentina as a practice of citizenship, designed to work towards political and legal reform, in ways that follow from and create a particular idea of the role of the state and the rights and responsibilities of its citizens. By demanding justice, counterimpunity movements are insisting upon their rights as citizens to protection from the abuse of power, and the enforcement of the rule of law in case of violation.⁶¹ In this way, the struggle against impunity of these groups became simultaneously a performance of citizenship that relied on and put forth specific notions of what this role entails. Memoria Activa at once molds the presentation of the memory of their experiences into the patterns utilized by other groups and reworks and presents it in accordance with their own demands, including, as discussed in Chapter 2, an assertion of Jewishness and a vision of Argentina as a nation comprised of a plurality of different cultural, ethnic, and religious traditions.

For Memoria Activa, their responsibility to mobilize immediately following the 1994 attack was clear. Repeatedly stressing that “no one else was going to undertake this struggle for us,” speeches from the early years of the group’s existence make frequent reference to the need to actively work to construct a nation whose institutions would protect and provide resolution for its citizens, as seen as well in this passage from a 1997 publication:

Memoria Activa was born to confront the impunity for the criminals and those who protect them, and to struggle against forgetting. We are a group of citizens...dedicated to memory, devoted to justice, lovers of peace and desiring that the institutions take the place that belongs to them within our afflicted democracy.⁶²

This section has shown some of the meanings given to the notion of memory as

2002 film, *Ararat*. For Latin America, see Coronil and Skurski 1991; Rappaport 1990; Sánchez G. 2003; Skurski 1996.

⁶¹ This notion of justice, based on a system of retribution through a legal system run on the rule of law, is explored in more detail in Chapter 4.

⁶² *Para enfrentar la impunidad de los criminales y de quienes los encubren, y para luchar contra el olvido, es que nació Memoria Activa. Somos un grupo de ciudadanos...comprometidos con la memoria, ávidos de justicia, amantes de la paz y deseosos de que las instituciones ocupen el lugar que les corresponde dentro de nuestra castigada democracia.* From 1997 collected speeches.

used and understood by members of the group Memoria Activa. I explored both the moral and political injunctions that the group considers to have arisen from the attack and the government's response. I turn now to a more careful consideration of the other side of the practice of citizenship employed by the group: the use of public space.

On Public Spaces

In what follows, I consider the ways in which the Plaza Lavalle served as a symbolically charged public space for the public articulation of the political positions and tactical stances taken by the group, always entwining ritualized elements of remembering with a codified local language of protest. At the end of this chapter, I look particularly at the decision by Memoria Activa to end the cycle of weekly actos, as this divisive moment made especially visible the ways in which public space, the practice of memory, and the performance of citizenship were intricately and ultimately inextricably intertwined for many of Memoria Activa's participants and supporters. To give the reader a sense of the flavor of this particular space, as well as to draw attention to the importance of the physical nature of space (too often lost in the abstraction of the written word), I have included a brief description of one of the many mornings I traversed the urban landscape of Buenos Aires to add my presence to the topography of the plaza.

Fall 2005

It's a dull grey morning in the city. I arrive at Tribunales a few minutes early, and climb out of the subway tunnel, walking down the subterranean hall past the young guy busquing with his bandoneón, past the women selling the brightly striped socks so popular this fall, past the stream of billboards publicizing English institutes, theater productions, or the city government's new campaign to improve waste collection (Remember: only put out your garbage between the hours of 8 and 9pm!). I get to the steps to the street, shaking my head no to the guy selling tissues and mints, and the ancient shoeless woman's outstretched hand. All of them daily fixtures at this stop on the D Line. The only thing that changes regularly are the advertisements on the walls. Climbing the final set of stairs, I emerge directly in front of the imposing facade of The Palace of Justice Tribunales (Palacio de Justicia), though my companions in the plaza

prefer to call it the Palace of Injustice. I walk carefully, avoiding the ubiquitous dog shit on the sidewalks. I have heard many residents of Buenos Aires report their surprise upon traveling to other cities and noting the lack of this permanent porteño fixture. Nonetheless, attempts by the city government and some neighbors to curb this freedom of canine expression are largely ignored. Crossing Talcahuano street to enter the Plaza, I notice how much more crowded it is than usual. I'm reminded of the *murga* practices that happen here in the summer months, as the neighborhood group refines its rhythms and energetic kicks in the days leading up to Carnival. But it's fall now, and the pounding drums sound more methodical than the playfully expressive music of the *murgueros*. A street protest, clearly. Another near constant fixture in the city, though this plaza sees fewer than the nearby Plaza de Mayo or the Plaza dos Congresos. This concentration is directed at the entrance to Tribunales. Reading the signs the protesters hold, I realize that they are some of the family members and allies of the young people killed in the December 30, 2004 fire in the discotheque Cromañón, mobilized today while the members of the band that played that night give their legal declarations. Behind them, alone in his folding chair as he has been for the last few weeks, sits a man from Jujuy. The sign at his side announces his entrance into the 40th day of a hunger strike, undertaken in a lonely struggle against some unclear instance of suffered injustice. Several meters to his left, past the now bare monument to the lawyers disappeared during the last military dictatorship (the solid bronze plaque where their names had been etched in had been stolen, perhaps as a political statement, but more likely for its resale value as a raw material), lies the now-ragged tent of the *Cooperativa San Telmo (Ex-Padela)*, a housing cooperative whose residents suffered eviction from the building they had occupied, and who had installed themselves months previously in a tent in this plaza, living beneath the elements while awaiting government resolution.

The middle of this section of the plaza, between Tucumán and Lavalle streets, is where the monument in honor of the AMIA victims is located, and where I find my companions.

The Plaza Lavalle.

Taking to the Streets

Street protest has a long history in Argentina as a way of expressing public will and exerting pressure on governing officials. Hilda Sabato notes how, in the Buenos Aires of the second half of the 19th century, the performance of citizenship was based far more on participation or support of public demonstrations than on the formal mechanisms of voting [Sabato 2004]. Notwithstanding the differences in historical moments, many of the most momentous events in Argentine history have been based in public demonstration. The 17th and 18th of October, when hundreds of thousands filled the streets to protest the resignation and imprisonment of Juan Domingo Peron, signaled a decisive shift in Argentine politics. They also became key focal points from which the Peronist regime traced its legitimacy, as proof of the leader's intimate connection to the people [James 1988(2), Plotkin 2003]. The protests of 19/20 December 2001 were sparked when President de la Rúa declared a state of siege, which ordered Argentines to stay indoors, i.e., not to take to the streets. Not only was this injunction not obeyed, one of the most oft-repeated slogans of the day told the soon-to-be-ex-President what, precisely, he could do with such an order. Once and again the electoral machine has been far less important in Argentina than the capacity to exert pressure through public mobilization around particular groups (clubs, unions, political parties, or social movements) or issues.⁶³

The Madres de Plaza de Mayo made public demonstration a cornerstone of their actions. Many of those who have written about these women over the years have noted the importance of this aspect [Guzman-Bouvard 1994; Navarro 1989; Schirmer 1994; Taylor 1998; Torre 1996]. Acting under a dictatorship, the Madres were essentially not citizens, in the sense of having lost, along with the rest of society, “the right to have rights” and “a place in the world which makes opinions significant and actions effective” [Arendt 1973: 296, cited in Feldman 2007: 151]. Nonetheless, through public demonstration, the Madres found a way to be heard, to force the dictatorship to contend with their demands. Yet the Madres did not make their demands under a discourse of citizenship. They were not, fundamentally, arguing for their rights as citizens. Rather, they appealed to their position as Mothers, holding a moral right to protect and know the whereabouts of their children [cf. Bonner 2007]. One frequent appeal of the dictatorship

⁶³ See Rosenthal 2000 for an overview of the role of urban public space in Latin America.

in conducting its ideological war was to reproach parents for the “breakdown of social norms,” challenging them with the question, “Do you know where your children are?” Rather than accepting this reproach, the Madres changed this implicit responsibility into a right and posed the question back as a demand for information.

Memoria Activa drew heavily in the Madres in developing the form of their demands, including adopting the idea of a weekly public protest in a symbolic location as a way of keeping their struggle present. Yet they have over time come to position themselves differently. While continuing to draw upon their status as family members of victims (both discursively and through actions such as mandating that the rotating board of directors be comprised of direct family members of those killed), and thus reserving their moral right to know the details that led to their loved one’s death and their entitlement to justice, they have couched their demands on the state also in terms of their rights as citizens. This comes through clearly in their presentation of their demands against the Argentine State in a case they brought in front of the InterAmerican Commission on Human Rights of the Organization of American States, taken up further in Chapter 4:

No serious investigation was undertaken to find the guilty and nothing was done to prevent future massacres, the Argentine State thus violating its responsibility of prevention to its citizens. As the relatives and friends of the dead in the AMIA we began what no one would do for us, for our dead and for our families: undertaking the struggle for the truth and for justice we came together as Memoria Activa...We still have no answers. We still don’t have the truth and we still don’t have justice. The Argentine State thus violating its responsibility to provide justice...The impunity that has reigned in our country has been nothing more and nothing less than state policy... *As Argentine citizens we are exercising our rights*, and we are embarrassed and hurt at having had to take this measure, but we weren’t the ones who chose this impunity. And we are convinced that this sanction will bring about benefits for the future of all Argentines [emphasis added].⁶⁴

The importance of street demonstration and the public display of memory as

⁶⁴ From the presentation by Memoria Activa, 4 March 2005.

*Ninguna investigación seria se llevó a cabo para encontrar a los culpables y nada se hizo para prevenir futuras masacres, violando el estado argentino el deber de prevención para con sus ciudadanos. Los familiares y amigos de los muertos en AMIA comenzamos a hacer lo que nadie haría por nosotros, por nuestros muertos y por nuestras familias; encarnando una lucha por verdad y justicia nos agrupamos en MEMORIA ACTIVA...Aún no tenemos respuestas. Aún no tenemos verdad y aún no tenemos justicia. Violando el Estado Argentino el deber de otorgarnos justicia...La impunidad que ha reinado en nuestro país ha sido ni más ni menos que una política de estado...**Como ciudadanos argentinos estamos ejercitando nuestros derechos, y nos avergüenza y duele haber tenido que llegar a esta instancia, pero no fuimos nosotros los que elegimos tanta impunidad. Y estamos convencidos que esta sanción redundará en beneficio del futuro de todos los argentinos.***

practices of citizenship became especially explicit and revealed following the decision by the directive board of Memoria Activa to end their weekly protests in the Plaza Lavalle. This decision brought into articulation many of the fundamental reasons for participation in the events, which in turn highlighted in a particularly prominent way how Memoria Activa's supporters thought and felt about their participation in the movement. The debate that arose around this decision, and the differing reactions to it, made especially visible embedded notions of participation as a practice of citizenship for the movement's members and supporters, and thus provides an especially salient site for investigating these understandings. The final section of this chapter turns to a consideration of this decision, and its effects.

Memory, Space, and Citizenship: (No) Todos somos Memoria Activa

For Memoria Activa as for the other counterimpunity organizations, the change in political climates brought about by the inauguration of the Kirchner administration had significant effects. Importantly, it came at a time when many saw reason for hope in achieving advances on legal aspects of the AMIA bombing cases. The Kirchner administration was successful in inculcating in many people a renewed faith in the legal system, by paving the way for prosecutions of Dirty War offenders within Argentina and for a number of other high profile corruption cases.⁶⁵ Memoria Activa also witnessed in 2004 the end of the three-year-long trial of the only people that had been charged in the AMIA bombing, all of whom stood accused of only accessory roles in the attack. This trial, though it ended in an acquittal for all those accused, was seen as in many ways a victory for Memoria Activa, in that the verdict severely criticized the behavior of the investigating judge in the case, and pointed to high-level government complicity in constructing a false hypothesis concerning the attack and failing to carry out a serious investigation. All of the court's findings were in accordance with what Memoria Activa had been denouncing for years, and followed closely the analysis of the OAS observer of the trials, who had appointed as part of Memoria Activa's case against the Argentine

⁶⁵ Faith in Kirchner's "politics of human rights" had waned somewhat by the end of his administration. Critics cite repression of protest under his administration and the lack of effectiveness in bringing to conclusion the trials of Dirty War era security officials (when Cristina Fernández de Kirchner took power in 2007, only 3 of some 300 accused offenders had been sentenced to prison). See, for example, "¿Juicio y castigo?" 10 December 2007, by Anred – Sur, www.anred.org.

State in the OAS. Soon after, the investigating judge was tried and disrobed for irregularities in his investigation.

These legal developments changed the situation in which Memoria Activa operated, and influenced concrete transformations in the group's tactics. Key among these was the decision to end the weekly protests in December 2005. This was done, according to the directive board, in order to focus their energies more directly towards the legal sphere. Their decision must be understood within the context of a renewed, if still skeptical, faith in the legal system, advances in the international sphere, and initial assessments of the politics of memory of the Kirchner administration. These conditions are essential for understanding why Memoria Activa was able to consider this move towards a more focused approach on legal aspects. This is not to say that preserving and maintaining the memory of the attack or its victims became unimportant, but that meaningful recognition from the national government allowed the fear that the memory of the events would be adulterated or dismissed to rescind to a certain degree. This opened up a space in which the leaders of Memoria Activa felt comfortable enough to direct their necessarily limited energies in other ways, rather than investing time and effort in their weekly presence in the plaza.⁶⁶ However, it was immediately evident that this tactical move on the part of Memoria Activa was not satisfactory to a large percentage of their base of supporters who had turned out in the plaza on Monday mornings over a span of more than 10 years.

In December 2004, Memoria Activa invited its supporters to a pair of open meetings, purportedly to discuss the idea of ceasing the weekly protest/memorials. I attended this meeting, and the intensity of the emotions that came out seemed to take everyone by surprise. The response was overwhelmingly against the cessation, but the decision of the organizers was clear: their energies would from now on be devoted elsewhere. There was a deep sense of betrayal amongst many of the supporters, who with this decision were being effectively excluded from all active participation in the

⁶⁶ Some detractors of this decision related to me their suspicion that the decision was due to Memoria Activa's leadership wanting or agreeing to remove this pressure from the Kirchner administration in exchange for concessions in the OEA case [an agreement was signed between the parties in March 2005]. Whether or not this impending meeting held any influence in the determinations made at the end of 2004, Memoria Activa has since made strong public statements criticizing the failure of the administration to make concrete advances on the promises assumed in front of the Commission.

group. Though Memoria Activa had always claimed to be a democratic and participative organization, all decision-making power was in practice left in the hands of the directive board, comprised of the family members of victims. Yet in reality, few of Memoria Activa's supporters were direct relatives of anyone killed in the attack. The majority of victims' relatives who maintained a level of activism were nucleated around the group *Familiares y Amigos de las Víctimas de la Masacre en la AMIA* (Relatives and Friends of the Victims of the AMIA Massacre), which remained more closely linked to formal community institutions AMIA/DAIA.⁶⁷ By the time they decided to stop holding the weekly protests, Memoria Activa itself only directly represented the relatives of about 4 of the victims, though there were a number of other relatives of victims who approved of or supported at least some of their actions. Nonetheless, these partial supporters were not willing to share legal counsel with the group or join them as a unified plaintiff in any of the national or international legal cases. Thus, the "inner circle" of the movement was in fact a very limited number of individuals, and their decision-making practices, while nominally including all of its active supporters, only considered the opinions of a select few.

The base of Memoria Activa's supporters, which by this time numbered around 50 constant or semi-constant participants, were mostly from among those within the Argentine Jewish community who felt deeply affected by the attacks and felt themselves committed to the principal of the need for justice as a moral right and a means of protection against future injustice. Many frequently cited feeling a sense of responsibility as Jews and/or as citizens for their active participation. Making the effort to come to the plaza early Monday mornings was their way of contributing to what they saw as the struggle against impunity and preservation of memory. Being suddenly informed that this avenue for action was no longer available to them, and learning that their opinions were not, in the end, influential, was met with resistance. The thought of the Plaza Lavalle and the memorial to the victims remaining vacant and unaccompanied even one Monday morning was clearly painful to her and a number of others, as much or more so than their perceived exclusion from the movement's activities. Tita, the ex-detainee from the dictatorship era described above, was especially vehement about the importance

⁶⁷ See Chapters 2 and 4.

of “not losing the plaza” and “not abandoning the plaza.” She spoke forcefully, drawing on her age in saying that she could be mother or grandmother of most of them, and emphasizing the debt that Memoria Activa owed them. She detailed how whenever someone failed to come to the plaza twice in a row they would call them, how whenever someone was sick they went to visit them in the hospital, all in name of Memoria Activa, and in this way maintaining the case of support for the group and its presence in the plaza for ten years.

On Dec 27, 2004, Memoria Activa held its last official weekly act. It was played up as a big event, the major papers published the news, and there were 10 orators instead of only one, as had become common. Taking a picture with some friends afterwards, Benjamín, a faithful supporter of the group, wryly commented, “So that we have the memory, even if it’s no longer active.” He brought along the banner that read “*Todos somos Memoria Activa*” (“We are all Memoria Activa,”) but instead of holding it up amongst the crowd, he draped it over the monument to the victims. He was not alone in voicing his feelings of exclusion, saying openly, “We are no longer all Memoria Activa.”

The first Monday following Memoria Activa’s final weekly event, no less than half of their usual supporters gathered around the monument to the victims and improvised their own protest/memorial. None were direct relatives of victims, but all were committed to the idea of “not losing this space.” As one woman, Chiche, said, “The plaza is the soul, to be in the plaza is like a drop of water rubbing away at a rock. There are those who are arguing that the judicial struggle is the most important, or the political struggle, or being in the plaza, but these things cannot be separated.”⁶⁸

There were initial attempts by some to push this new splinter group in one direction or the other, but over time they slowly consolidated into a cohesive though diverse group of some 25 individuals, all committed to “preserving the space” of the plaza and maintaining, through their presence, the memory of the victims and the demand for justice. They decided to call themselves Citizens of the Plaza (*Ciudadanos de la Plaza*), highlighting the centrality of the space they occupy [Picture 3.4]. Tita explains her commitment like this, “I am here for the dead. I will accompany the dead here in the

⁶⁸ *La plaza es el alma, estar en la plaza es como una gota contra la roca. Algunos dicen que lo judicial es lo más importante, otros que lo político, otros que es estar en la plaza, pero no se puede separar.*

plaza every Monday until I die, just as I accompany the Mothers of the Plaza de Mayo every Thursday.”⁶⁹

One feature that remains constant with the group is their lamentation that their gatherings have not managed to attract any direct family members of victims. This lack is mentioned repeatedly, and attempts are frequently made to convince one family member or another to come to the plaza. Nonetheless, even given their marginalization in this hierarchy of affected (akin to that discussed above), they do not hesitate to take on the responsibility for remembering the dead. During the weekly gatherings they often take up a collection in order to tip the city sanitation employee engaged in cleaning the space around the monument to the AMIA victims (I couldn't help but notice how he quickly learned to time his rounds through the plaza to coincide with their presence). They also pooled their resources and purchased a replacement to the stolen plaque that accompanied the monument in honor of the AMIA victims [Picture 3.5].

Lambek and Antze argue that the idea of memory has become individualized in Western societies. They say that memory, while increasingly recognized as collective and socially patterned, is nonetheless, through psychoanalytic and popular discourses, progressively located within the individual as the ultimate legitimate receptor and container of memory [1996: xiii-xiv]. The actions of Citizens of the Plaza both conform to and dispute this notion in particular ways. By lamenting the lack of participation of direct family members of victims, they are following a more general idea present throughout the Argentine counterimpunity community that privileges the place of those most directly affected by the repression in controlling the form that the public memory of the events can take. Yet, by maintaining their protest/memorials even without this presence, they are performing a kind of collective and socialized memory in honor of the victims that is not dependant upon individual experience.

Cast of Characters

In spite of my use of this conceptual distinction, I believe that a better sense of this group as a collective body can be gained through a more detailed picture of some of

⁶⁹ *Estoy aquí por los muertos. A los muertos los voy a acompañar aquí en la plaza todos los lunes hasta que yo me muera, como acompaño todos los jueves a las Madres de Plaza de Mayo.*

the individuals involved. The following are a series of brief portraits, a kind of cast of characters of those involved in these events. The names of some individuals have been changed, and in some cases a number of individuals sharing similar characteristics have been combined into composites. However, I do think that the descriptions retain enough of the original to endow an accurate sense of who chooses to go keep going to the plaza. Overall, all of the participants (except this anthropologist and the occasional university student or journalist) are between the ages of 50 and 95. Most are part of the lower to mid- middle class, though some count on more resources than others. There is a nearly even gender ratio, with women only minimally represented more than men among regular participants. The group as a whole would generally split up into 2 or 3 smaller groups who would gather in separate nearby coffee houses after the events. These were usually segregated by gender (excepting the anthropologist, who accompanied each group on a rotating basis), though on several special occasions (ex. birthdays, my farewell party) the participants agreed to meet as a whole.

Sarita: “I’ve been coming since the very first moment. Not since the first week [of Memoria Activa’s actos], but from the very first moment. I was walking close to the AMIA when the attack happened. I immediately began to walk in that direction, to see what help I could be. When I got to Tucumán [Street], the sidewalk was covered in glass. All of the windows had been blown out. You couldn’t even walk there. Born in Poland, she speaks Yiddish and German as well as Spanish, and came to Argentina as a child escaping Nazi persecution. One of her four sons was killed by the dictatorship while he was as a student at a provincial university. She lost her life savings with the economic collapse of 2001. A voracious reader, she is capable of providing thoughtful commentary on a wide variety of themes related to contemporary politics. Nonetheless, she is soft-spoken, and rarely speaks when in a group of more than two people and maintains a low profile. She is also one of the few participants who does not join any of the others for coffee after the weekly actos.

Las maestras [The teachers]: A significant number of the regular participants in Citizens of the Plaza are retired schoolteachers, from both public and religious institutions. They

tended to for and move together as a group, with Chiche (mentioned above) holding a minor leadership role among them and often speaking for the whole.

Los del Banchero (the Banchero group): Most of the male participants would meet afterwards in a nearby restaurant known as El Banchero (one in a chain of restaurants with that name). In the early days of Memoria Activa, many of the attendees would gather here after the actos. Thus, some of those that still did during my fieldwork had been doing so for many years, and would recall wistfully the days when they would occupy the entire back portion of seating. Now numbering between 6 and 10, this group would discuss politics, Argentine history (two of their number being historians, and all having lived there throughout most of the 20th century), and their interpretations of local and international events. They differed strongly in their political convictions and personalities, but all valued the opportunity to share the time and space for what were often heated conversations these Monday mornings.

Tita: Through her activism as a former detainee she has chosen to accept a degree of public visibility that furthers her cause by providing a human face to the horrors suffered by those in her position. I have already described her to some extent above, in regards to the Olimpo. Here, I only note that her detention occurred when she was already in her 50s. Her advanced years, like those of a number of others, made her continued weekly presence in the plaza, regardless of rain or winter cold, a true effort she nonetheless tirelessly undertook. Forceful but not aggressive, she was one of the strongest defenders of the importance of memory in the group. She also, like many of the others, participated in the monthly memorials organized by another group of family members of victims, though she remained more akin to Memoria Activa in disapproving of the AMIA leadership.

Samuel: One of only three participants who also actively attend meetings and events by another of Memoria Activa's splinter groups, APEMIA [see Chapter 4]. Though in an initial interview he told me he had never belonged to or participated in any organized political party, months later he confided to me that he was a card-carrying member of the

Communist Party (literally, card carrying. He pulled out his wallet to show me the card). He admitted to having feared that I might be a CIA operative, but had finally decided I was probably not. He claims to have been briefly incarcerated during Perón's presidency for his political activism. In addition to his regular presence at AMIA related events, he also attended the weekly demonstrations held by one of the groups of retirees demanding an increase in pensions [see Dubois 2006 for an analysis of these organizations]. Originally part of the Bancharo group, he stopped attending Citizens of the Plaza all together after getting into several fights with other participants. These fights came about when he accused the man who learned to play the shofar of showing off, arguing that such demonstrations of Jewish identity, greatly approved of by nearly all the other participants, were unnecessary and no more than ostentatious displays.

Helena: Comes to the Plaza Lavalle on Mondays from a district of the Province, the trip taking well over an hour each way on early Monday mornings.

R.: The mother of one of the main lawyers for Memoria Activa. This makes her continued presence in the Plaza especially significant, both for the attendees and for her commitment to "preserving the space." She is an accomplished seamstress, and her deceased husband had owned a textile store in the traditional neighborhood of Once.

Carlitos: One of the participants who was most often called upon to speak during the actos, this man was also an active supporter of the Madres of Plaza de Mayo (*Linea Fundadora*) and other counterimpunity organizations. He was also on numerous occasions called out in the group as a symbol of the broad nature of their struggle, as he continued to frequent the events "even though he isn't Jewish." This served for them as support of the idea that the attacks were not a Jewish concern, but one that affected all of Argentine society [see chapter 2].

Moishe: This man was not quite as old as some of the others (another faithful participant turned 94 during my fieldwork; in fact, his birthday was July 18, the same day as the AMIA attack). However, he always seemed to have felt the effects of his years more

than the others in many ways, and in part because of this, I know little of his personal history or circumstances. He was generally accompanied to the Plaza by one of the Banchero group who attended his same synagogue, and this man would help him when he would become over excited or disoriented. He would often break into heated diatribes, most often against things not clearly connected to the present situation in ways the rest of us could readily perceive. However, once in a while his injunctions did seem relevant to the moment, and in a few key instances were especially pertinent for me. On several occasions, he vocally questioned my presence and motives. He accused me of coming to Argentina and being with them in order to take away their stories and histories, to take them abroad (*llevarlas al extranjero*) and use them for my own benefit. A charge, put that way, that I could not deny, but would try to cast in a different light or at least relativize with appeals to my desire to contribute to the group. However, ours was not a dialogue, but a one-sided screaming match, intensified by his invectives on my being “a goy” (i.e., not being Jewish). Those around would try to silence him, or smooth over the things he said. Nonetheless, I appreciated his openness, even coming as it did out of someone generally dismissed as suffering from age- or trauma-induced dementia (I was once told that he was a Holocaust survivor, but this was denied by others). I suspect he articulated feelings that others held as well, even though by the end I know many of them had come to also value my presence and care for me as I did for them. I was moved one day long into my fieldwork when this man, who often refused to join the other men at the café, blaming his financial troubles and decrying the high prices of modern times, insisted in spite of all my refusals to pay for my coffee.

The anthropologist (me):

The replacement of the plaque mentioned above provided me with one of the few and meager ways in which I was able to make an immediate and direct contribution back to those who so generously shared their time and feelings with me. Though they very much wanted to repeat the same inscription on the plaque (the one noted above), the long span of time since its theft meant that no one in this group remembered the words. Having both copied and photographed the inscription in an earlier trip to Buenos Aires, in diligent anthropological obsession with detail, I was able to provide them with a copy of

the original. This gesture was appreciated, though I felt that it also fed their confusion over my purposes. My interests, as in what I found interesting or important, differed so incomprehensibly from theirs that I received constant questions, at first, and later only a quiet acceptance filled with occasional sideways glances, wondering ‘why would I be interested in asking/doing that?’ ‘Who was I that I could combine such access to information (the inscription, in this case, but also in my attendance at the various trials and legal proceedings, which members of this group did not do, leaving such matters as the provenance of the inner circle of Memoria Activa) with such a foreigner’s inability to understand some of the most basic things (repeatedly proven by my what were considered to be irrelevant or ignorant questions)?’ The category of “anthropologist” was an empty signifier to them; when introducing me to others, Tita invariably and to the end called me a journalist (*periodista*). Nonetheless, whether or not I was ever able to make my purposes and desires fully understood, I know that many of the group did come to trust me, and I can only hope that I manage to find ways to write about their lives and the stories they shared with me in ways that do them justice.

Keeping the space

Having hopefully given some sense of the participants, I now turn to a description of the structure and content of the weekly events, in reflection on how the participants evaluated appropriate and relevant information and actions. The events themselves are simple: after several minutes casual chatting in small groups, they gather in a circle in front of the monument to the victims. One member, following the end of Memoria Activa’s acts, took it upon himself to buy and learn to play the shofar, (as mentioned above, a gesture greatly appreciated by many of those present). Someone, usually chosen from one of three individuals who are seen as particularly gifted at speaking, opens the act with a reminder of why they are there and provides any information they may have on the AMIA case(s) or other events. In this sense it is interesting to note what is seen as appropriate and important information. The group defines and maintains its focus on what it considers as the central features of its act through an informal but highly effective democratic process of selection. Overall, this focus quickly became defined as concerning the preservation of memory and a visible performance of the struggle for

justice. Thus anything surrounding any of the many court cases surrounding the AMIA or its investigation is noted. Acts of anti-Semitism within Argentina or abroad are often mentioned, as are a wide range of events and activities relating to the memory and struggles against impunity around the Dirty War, particularly those related to people or places that directly involved some members of the group. Other cases generally considered under the rubric of impunity are also frequently discussed, such as cases of police brutality and the tragedy of the discothèque fire in Cromañón, when 194 young people died. These cases are considered non-polemical, with all members sharing the same general assessment of the situation (and showing the force that the broader discourses of impunity and corruption had among the participants). However, in an unspoken but collective agreement to avoid conflict, political or violent events in Israel are not typically mentioned at this point in the acts, nor are news items surrounding political topics within Argentina. When such issues would be mentioned, the speaker would be shushed or the topic quickly changed. Once the initial speaker has finished, they invite anyone from the group who wishes to speak to do so. At this point, contentious topics do often come up and are debated openly, as are historical items considered of interest or relevance. In this way, the group maintains a centralized focus on its purpose, while still allowing space for open debate among the widely varying spectrum of beliefs and opinions of those present.

The act is then closed with one member leading the call for justice, with all turning to face Tribunales and the stone tablets that symbolized justice atop its neoclassical facade (though, as frequently mentioned by Citizens of the Plaza, these sculptures had not been seen for some 8 years, having been covered “while undergoing repairs” that never seemed to occur, much less be completed). Patterned off Memoria Activa, the unvarying call insists:

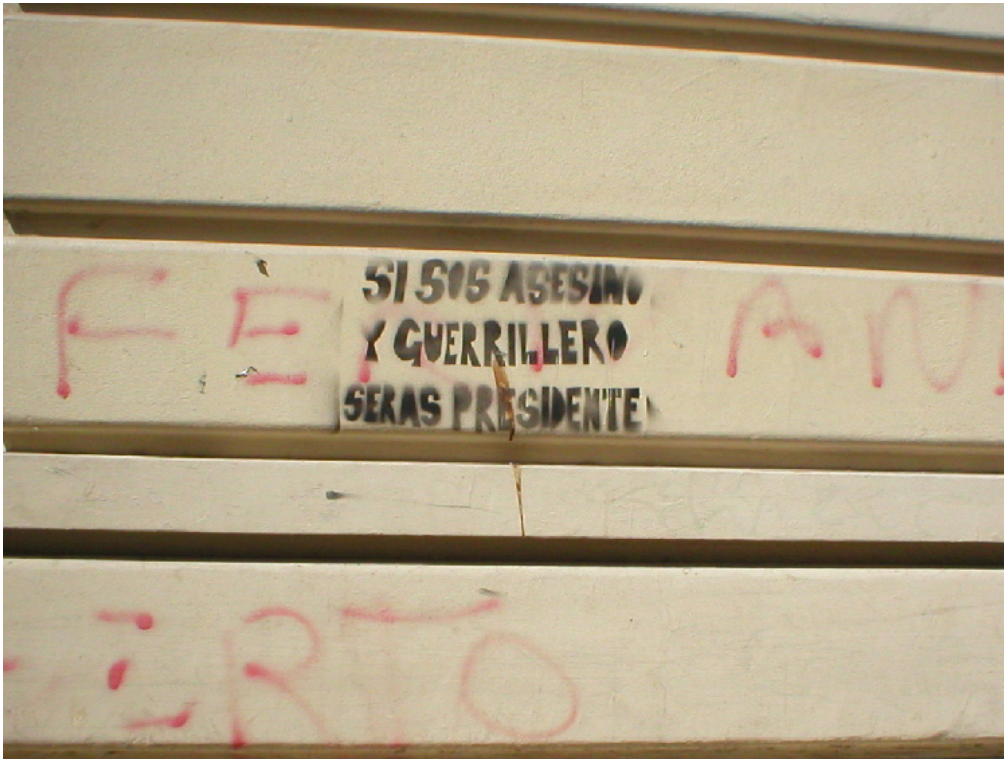
For the 30,000 disappeared at the hands of the military dictatorship, we demand JUSTICE
For the dead in the Israeli Embassy bombing, we demand JUSTICE
for the dead in the AMIA massacre, we demand JUSTICE
justice, justice, we shall seek⁷⁰

⁷⁰ *por los 30,000 desaparecidos en manos de la dictadura militar, exigimos JUSTICIA
por los muertos en la masacre de la Embajada de Israel exigimos JUSTICIA
por los muertos en la masacre de la AMIA exigimos, JUSTICIA
justicia, justicia, perseguimos.*

Like Memoria Activa, Citizens of the Plaza is dedicated to the practice of citizenship through the struggle for justice in society. Unlike Memoria Activa, they refuse to give up their physical occupation of public space and visible presence as a key feature of this practice. Many no longer believe that any legal justice will be achieved surrounding the attack and its purposefully flawed investigation, but continue to seek another kind of justice through publicly keeping alive the memory of what happened. Memoria Activa has vowed to continue working for institutional reform in Argentina through legal means. Citizens of the Plaza continue to insist on the preservation of memory as a practice of citizenship through direct physical occupation of what has become, for them, a sacred space of remembrance.

This chapter has been concerned with showing how the idea of impunity came to be a central and constructive frame around which discourses of memory and practices of citizenship came to be defined among those concerned with justice in the wake of the AMIA bombing, specifically, and in a wide range of social and political issues. In the next chapter, I investigate further the notions of corruption and justice that serve as essential elements in this idea of impunity, and show how institutional channels are used and exploited by groups like Memoria Activa in advancing their demands on the practical register. In addition, I explore how the demands made by Memoria Activa intersect with international codifications and institutions of human rights, and consider in more depth the divisions within the Jewish collectivity over definitions of justices and appropriate strategies for its realization.

Picture 3.1



Graffiti reading “If you are a murderer and guerilla, you will be President,” in derogatory reference to Néstor Kirchner’s self-identification with the leftist struggle from the 1970s.

Picture 3.2



Tita speaking at the Olimpo

Picture 3.3



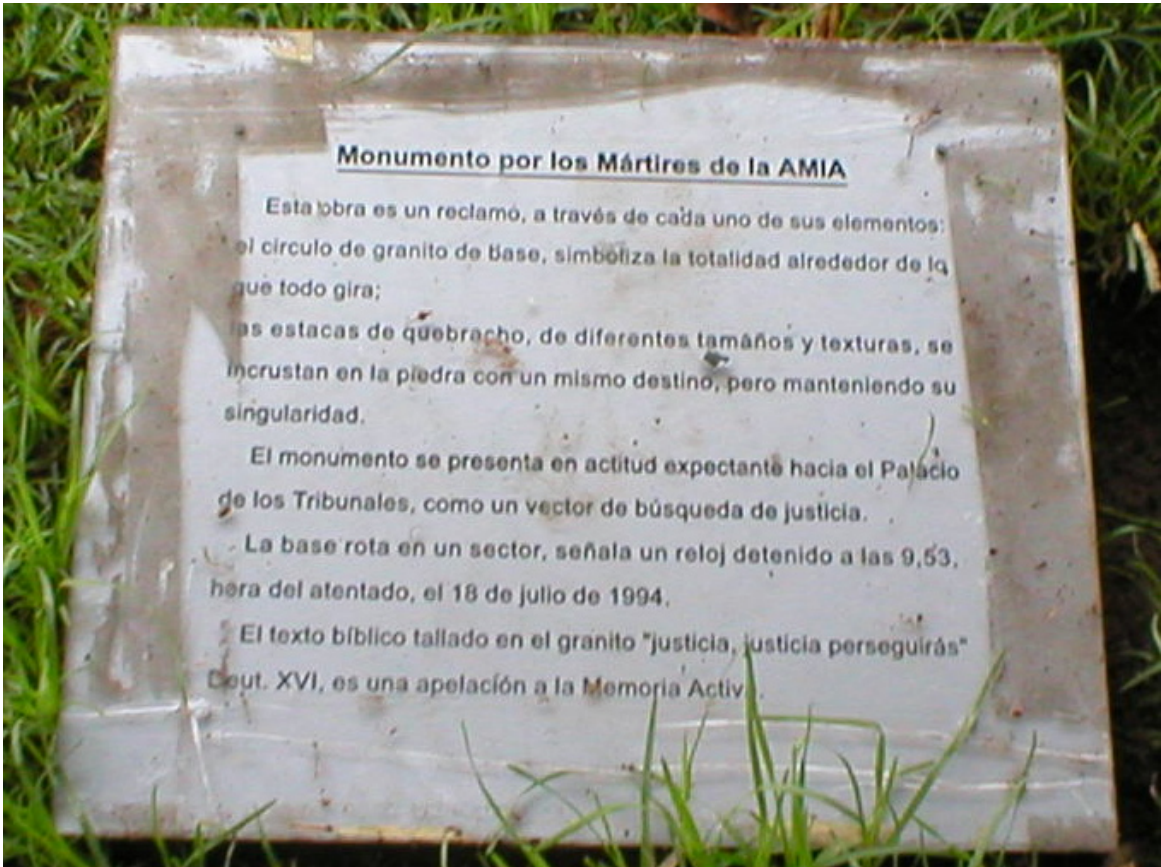
Monument to the victims of the AMIA bombing, Plaza Lavalle, Buenos Aires. In the second picture the base where the stolen plaque had been affixed can be seen.

Picture 3.4



Citizens of the Plaza

Picture 3.5



The new plaque placed in front of the AMIA monument, paid for and installed by Citizens of the Plaza

Chapter 4

Truth, Justice, and the Rule of Law: Taking the AMIA Case before the Organization of American States

Soy madre de una víctima del atentado a la AMIA, soy una mujer que llora la pérdida irreparable de su única hija, soy una más de los que luchan sin descanso para esclarecer esta masacre, soy una ciudadana que me rebelo ante la falta de justicia, soy una argentina que me avergüenzo de la impunidad que reina en mi país.

(I am the mother of an AMIA victim, I am a woman who cries for the irreparable loss of her only child, I am one more of those who struggle without rest to shed light on this massacre, I am a citizen rebelling before the lack of justice, I am an Argentine who is ashamed of the impunity that reigns in my country.)

--Sofía Kaplinsky de Guterman, to whom I dedicate this chapter

In the Introduction, I noted how in contemporary Argentina social movements show a strong tendency towards fragmentation into numerous factions, most frequently along political lines. However, even given the frequency of this phenomenon, many outside of the Jewish community have found it difficult to understand why certain family members of the AMIA victims and the institutions of the collectivity have found it difficult to work together. This is at least in part due to the way the basic disparities between these organizations are difficult to discern from their public statements, which often share more commonalities than differences. The divisions are in this way hidden between the lines, and can only be read by those who already possess a considerable understanding of internal community dynamics. Furthermore, divisions between the different factions are neither clear-cut nor absolute, nor can they be reduced to differing political orientations. In this chapter, I demonstrate how the divisions between these groups has resulted in large measure from divergent considerations of appropriate forms of engagement with governmental and international organizations. In other words, I show how the points of contention between the groups can be traced to differing assessments of appropriate action on the practical register. A close analysis of the

engagements that the groups do undertake and reactions to them shows how these are determined and evaluated according to a complex combination of ideological differences and pragmatic evaluations of personal and collective interests.

In this chapter, I trace how the rhetoric concerning what constitutes justice, as the antithesis or resolution of the notion of impunity discussed in the previous chapter, is in many ways similar across the organized groups of family members. In this way, they can be seen to present a degree of unity on the ethical register, by demanding that the state provide a particular form of justice. I then turn to a consideration of the case brought by Memoria Activa against the Argentine State in front of the Organization of American States for privation of justice and failure to protect its citizens. In doing so, I consider the differing postures and responses that each of the groups of family members have taken in relation to this case, as indicative of the underlying concerns that each of these groups holds in determining their perceived roles and appropriate spheres of action.

I want to begin with a description and some reflections on another important set of events that showed the divisions between the organized groups of family members. This concerned the political trial and eventual disrobing of Judge Juan José Galeano, who had led the legal investigation into the AMIA bombing. In describing the details of certain moments in this case, I aim to give the reader a better sense of the ways in which actual legal practice occurs, and kinds of situations they faced in their on-the-ground engagements with governmental institutions. I also hope to provide a taste of the multiplicity of personal and collective interests converge to determine the manner in which events ultimately occur.

The Accuser Accused

The day had been long in coming. Memoria Activa had for years been accusing Judge Juan José Galeano of committing grave irregularities in the investigation of the AMIA bombing. When the verdict in the trial against Telleldín and Ribelli and Co. backed up these allegations and called for an investigation into Galeano's conduct in September of 2004¹, the *Consejo de la Magistratura* (Judicial Council) began to act.

¹ Galeano had been removed from the AMIA investigation in December 2003. The trial against Telleldín and the Buenos Aires police officers had been carried out by federal prosecutors who had worked under

This body, whose formation was mandated under the 1994 Constitutional Reforms, is charged with selecting judges and overseeing their conduct. Following formal procedures, Galeano's performance in the AMIA investigation had been the subject of a hearing in November 2004, held by the Accusatory Commission (*Comisión de Acusación*) of the Council. This warm February morning that commission would finally vote on whether or not to recommend to the Council as a whole that Galeano be subjected to a political trial, which could end in his destitution as a judge. To be sure, it was a small step in a long line of bureaucratic proceedings, each of which contained endless opportunities for dilatory tactics and political machinations designed to derail the process. Perhaps that was why at that time, of the 1200 complaints the Council had received in the seven years of its operation (its formation not having been realized until November of 1998)², only one or two a year had ended in sanctions for the accused judge.³ Though the commission had heard Galeano's case in November, the lack of quorum at several sessions and the insistence by one of its members to suspend the vote until after the summer recess forced another long wait for those anxious to hear the outcome, while buying more time for the exertion of political pressure upon the voting members. Meanwhile, Galeano remained an active judge.

Now with the moment of the vote finally approaching, tensions were high among those family members of victims in the AMIA who were following the proceedings. For it was not certain that enough members would recommend that Galeano be tried, and a vote against moving the case forward would end it on the spot. Even more dangerous than votes in Galeano's favor was the very real possibility that too few members would show up.

I headed out early that warm February morning, stopping along the way for a quick *cortado*, and chanced to open the morning paper. My eyes having been wearily conditioned to pick out certain key words from among endless fields of newsprint (AMIA, Galeano, BAUEN, etc.), I honed in on a small article buried in the middle of the paper, which mentioned that the audience I was headed for had been moved across the

Galeano and a divided group of plaintiffs of family members of victims. The logistics of this trial and the split in the family members of victims is taken up below.

² See Chavez 2007 for a clear and concise discussion of this judicial body.

³ *Página 12*, "Hora de acusar a los acusadores," 7 December 2004, p8-9.

street from the Justice Palace *Tribunales* into a smaller building on the Calle Libertad (Liberty Street). It seems that the move had been decided (or at least announced) in the middle of the night. Manipulation of information being an old tactic and integral part of politics, and this trial being more political than legal, even seemingly routine matters like fixing the time and place for holding sessions became contentious sites for the exertion of power. Rumors later abounded that the move was due to the president of the Supreme Court having ordered the removal of the table that had been in the room slated for that morning's hearing.⁴ For the Judicial Council was embroiled in its own political battle with the nation's highest legal authority (mainly over the issue of members' salaries, which the Council at that time maintained the power to regulate). But many family members told me it had been an attempt to diminish their presence at the hearing.

Regardless of the reasons for the move, it provided an illuminating look at how information flowed among those interested in following judicial processes. I asked those who made it that morning and, later, those that didn't, how they found out about the change of venue. Most made it there in spite of the change, though a few had gone to *Tribunales*, only to be sent uselessly from floor to floor by emblematic agents of bureaucratic operations who, in impeccable local fashion, unwaveringly offered incorrect information rather than say that they didn't know, or, even less likely, actually seek out the correct answer. It seems that those most directly involved in the case, the members of *Memoria Activa* involved in bringing the accusation to this point, had received a call from their allies on the Accusatory Commission. These then notified some others, and a limited chain reaction of phone calls ensued, to ensure the presence of a minimum number of relatives.

Equally interesting were those who had not planned to go at all. I spoke with several people who, though they maintained a faithful presence every Monday in the protest/memorials held in front of the Justice Palace in the Plaza Lavalle, expressed hesitation in responding to *Memoria Activa's* call to attend the hearings. The Monday morning following another of the meetings I had attended, I was immediately questioned on what it was like to get in. In spite of the fact that the hearings were open to the public,

⁴ This enormous and elegant wooden table had been manufactured 4 years earlier and was said to be worth \$40,000.

my companions anxiously asked me, “Do they ask for your *documento* (national identity card)? Do they register your name? Were you searched?” In fact, none of these things happened, neither to me nor to anyone else. These individuals tirelessly placed their bodies in front of the imposing facade of the Justice Palace in a stance of defiant insistence, yet they were clearly intimidated at the prospect of crossing that external line and entering into its neoclassical halls. (I myself admit to feeling a sense of timid foreboding the first time I passed over its threshold. The architectural design intended to endow an air of grandeur on the institutions of the state effectively fulfilled its related purpose of evoking the citizen’s sense of vulnerability).

Galeano did lose the vote that February morning, and the commission recommended 6-0 that he be subjected to a political trial. A week later a full session of the Judicial Council approved this recommendation, and with this move, Galeano was provisionally suspended from his position. The trial that would decide his future as a federal judge began four months later, in June 2005.

The jury for that trial was comprised of nine (white male) members, headed by the vice president of the Supreme Court, Augusto Belluscio. The other members included two senators, a legislator, and three lawyers. House Representative Marcela Rodríguez and lawyer Beinez Szmukler, both members of the Judicial Council who had been responsible for writing the accusation, acted as the prosecution. This trial did take place in its entirety within Tribunales, in the grandiose auditorium that had, some two decades earlier, been the site of the *Juicio a las Juntas*, the trials of the military leaders of last dictatorship. This opulent chamber still held the sense of weighty importance its designers had clearly attended, with intricate stained glass windows, ornately carved wooden benches, and elegant fixtures. The thick coatings of dust that enveloped even the crucifix above the judges’ heads attested to the layers of judicial history that the room had conditioned and contained.

The division among the members of the Jewish collectivity showed acutely at this trial. While the members and supporters of Memoria Activa and APEMIA were roundly critical of Galeano, much of the official representation of the DAIA was actively supportive of the soon-to-be-ex-judge. Two key members of Memoria Activa testified against Galeano, criticizing him so harshly that one had her testimony thrown out after

openly declaring that her interest in the case was make sure that Galeano was found guilty. Key members of the DAIA, on the other hand, testified on his behalf.

Galeano's defense consisted largely in his assurances that he had acted in good faith, with the sole objective of uncovering the truth in the attacks. He admitted that the investigation had certain problems, and explained the failings with the insistence that the country was not prepared for such an attack, that no Argentine federal judge could possibly have been prepared to undertake such an investigation. Amidst the murmurs of disapproval at Galeano's answers, which adroitly managed to extend considerably while saying little to nothing at all, a staunch supporter of Memoria Activa leaned over and whispered to me, "Of course, they'd kill him if he said what he knows." Who exactly could be so direly implicated were Galeano to disclose his purported knowledge into what the other tribunal had denominated the "shady interests of unscrupulous governing officials" remained unsaid by this individual, but he was quick to assert that Galeano himself was not immune from the political maneuverings that lay behind the (mis)handling of the investigation.

The verdict came on August 3, 2005. Security was high on this tension-filled day, and this time it was required to exchange a picture ID for an entrance pass, though, as far as I could tell, no one was denied entry. A colleague and I were mildly reprimanded by a nervous young police officer for audio recording the procedures, but they did not take our devices or the recordings we had already made. Galeano was convicted on three of the most serious counts against him and formally removed from his post as a federal judge. (And, thus, would not be entitled to the pension that accompanied this post. He had tried to retain this privilege by offering his resignation at the end of 2004. This move, which would also have spared him the political trial, had been rejected by President Kirchner). Criminal proceedings against Galeano, at the time of this writing, remain pending.

Memoria Activa and Familiares both applauded the action, but emphasized that Galeano was only one link in a long chain of complicity that reached into the upper echelons of the Menemist government. As expressed by Diana Melamud of Memoria Activa, "This is a first step in what I suppose we'll call justice. It is absolutely deserved and we have worked many years so that it would happen, but Galeano didn't do what he did alone. He was supported by other sectors." Adriana Reisfeld was even more explicit,

““[The verdict] fills us with sadness, not happiness. Galeano is not the only one: from [Former Interior Minister Carlos] Corach to [former head of the SIDE Hugo] Anzorreguy to [ex-governor of the Province of Buenos Aires, and later president Eduardo] Duhalde, they will have to provide the explanations for their roles. After so many years I don’t know if we can find justice.”⁵ Laura Ginsberg of APEMIA also agreed with Galeano’s removal, but was quick to condemn the state as a whole, including the present Kirchner administration, for its role in covering up the investigation into the attack, “The Kirchner government gives us the fall of Galeano, very delayed, necessary, but totally insufficient in resolving the crime that at this moment is still at the starting point. The Kirchner government must at once open its archives and establish what responsibility the state bears.”⁶ The reaction of the DAIA was far more measured, choosing to immediately put the trial aside and emphasizing the need for vigilance. Then-president Jorge Kirsenbaum said, “...it is essential to reinitiate the case and find the real guilty parties, because if we don’t we will always be a tempting target...Galeano committed many oversights (*desprolijidades*), but all that we do have was done under his instruction.”⁷

A Community Divided

The AMIA bombing was both literally and figuratively a ground shaking moment for members of the Argentine Jewish community and its collective representation. The long years that have followed this disruptive event have revealed and given rise to a pronounced heterogeneity of opinions among individuals and groups within the community. Almost immediately after the AMIA bombing, members of the Jewish collectivity began to meet in order to decide how best to confront the tragedy with which

⁵*Este es un primer paso de la que vamos a llamar justicia. Es absolutamente merecido y nosotros trabajamos muchos años para que esto ocurriera, pero Galeano no hizo lo que hizo en soledad. Lo apoyaron otros sectores.//No nos llena de alegría, sino tristeza. Galeano no es el único: desde los Corach, los Anzorreguy y los Duhalde tendrán que dar las explicaciones que corresponden. Después de tantos años no sé si podemos encontrar justicia.*

⁶*El gobierno de Kirchner nos muestra, tardía, necesaria, pero totalmente insuficiente a la hora de haber esclarecido el crimen que aún está en foja cero. De una vez el gobierno de Kirchner debe abrir los archivos y establecer cuál fue la responsabilidad del Estado.* The archives she refers to are a set of files concerning a part of the initial investigation into the attack. This had formed part of the family members’ demands for years; upon coming to office, Kirchner ordered the opening of a portion of the secret archives held by the SIDE, and allowed SIDE agents to testify in court. APEMIA continues to demand the full release of all relevant documents.

⁷*...hay que refundar la causa y hallar a los verdaderos culpables, porque si no siempre seremos un blanco tentador...Galeano cometió muchas desprolijidades, pero lo único que hay se hizo bajo su instrucción.*

they had been hit. The leadership and managing members of the AMIA/DAIA came together to consider the immediate future and location of these badly damaged institutions and how they should react publicly. Other meetings included some of the family members of victims, who began to gather in the Plaza Lavalle Monday mornings. These public assemblies served as not only a source of solace for those affected, but also to place pressure on the government and to draw attention to the ensuing events as they unfolded. At first, though the meetings convened in the wake of the attack were diverse in composition of participants and their positions in the collectivity ('family member of victim' having become, as seen in Chapter 3, an important subject position that held considerable social and symbolic power), those involved acted largely in concert and without significant antagonism. However, as time went on, divisions between those most directly affected by the AMIA bombing (or those who chose to accept this role, either as family member of a victim, survivor, or institutional representative of the AMIA or the DAIA) became acute, and led to visible ruptures.

The divisions that arose between Memoria Activa and the leadership of the collectivity led to some of the victims' family members forming a new group, *Familiares y amigos de las víctimas del atentado a la AMIA*. This group stayed close to the AMIA/DAIA, holding their monthly memorials to the victims in front of the newly reconstructed AMIA building and sharing legal representation with the AMIA/DAIA. Memoria Activa, on the other hand, argued for and won the right to serve as an independent plaintiff in the case that was slowly mounted against a number of alleged accomplices in the attack, and has continued to hold a more critical stance of Galeano's official investigation and the behavior of the collectivity's leadership.

These divisions over how to pursue justice for the AMIA and Embassy attacks have continued and multiplied. In 2002, Laura Ginsberg left Memoria Activa and formed a new movement, APEMIA, which has since taken more radical and oppositional stances on the issues that have confronted the victims' relatives. However, it is important to note that these divisions, no matter how contentious, are not complete or entirely exclusive. There are still aspects of cooperation and overlap between the different groups, especially among their base of supporters, who often participate in the demonstrations of more than one or even all of the different groups. This is made possible by the convergence in

ultimate objectives that seems to be shared by all of these groups. These objectives center around a particular notion of justice.

A Question of Justice

The idea of justice is a central feature of the demands of all of these groups. This idea comes across poignantly, for example, in one attention-grabbing method designed by the AMIA for the 13th anniversary of the AMIA bombing [picture 4.1]. In the days leading up to July 18th, AMIA members handed out paperboard boxes made to resemble the package of commonly available medicines, with the label JUSTICE printed in bold across the front. Inside each box there was a flyer announcing the memorial/protest event to be held on the anniversary, along with a list of the names of those killed in the attack and an empty pillbox. The objective of this action was, according to the AMIA website, “so that society as a whole can continue to reflect on all the victims that, in different cases, our country has due to the lack of justice.”

However, when the organized groups of family members demand justice, what is it, fundamentally, that they seek? What could or would need to happen for this demand to be met? In essence, the notion of justice held by each of these groups is fundamentally based on a state-organized juridical resolution of the event (i.e., an officially sanctioned accounting of what happened) and condemnation and punishment of those responsible, following procedures established according to a preexisting democratic code of law. While a full discussion of the historical development of this particular notion of law and punishment falls beyond the scope of this dissertation (but see Foucault 1995), I do want to take a moment to unpack some of its aspects and their roots.

I see at least five aspects to this notion that are relevant to understanding the actions and reactions of the organized groups of family members to events surrounding the aftermath of the AMIA and Embassy bombings and to the discussions that follow in this chapter. First, this vision of justice looks to the state as the appropriate and necessary provider of justice. Later in this chapter, I explore how this assertion forms a central tenet of Memoria Activa’s case against the state in front of the OAS. Second, this justice to be provided is imagined as taking the form of the trial of alleged offenders in an impartial court, where their guilt or innocence is to be established according to accepted

and established legal procedures through the presentation of credible evidence. Third, the process of legal investigation and trial is charged with the evaluation and accreditation of knowledge surrounding the events at hand. Ideally, the sentence by the court is expected to be held as the arbiter of the truth, in this way producing knowledge about the events. Fourth, the legal system is imagined as operating following the “rule of law.” In Argentina, this term is used to express a difference to authoritarian governance, and is an appellation to a particularly conceived idea of democracy. Fifth and finally, upon condemnation, the guilty are to be incarcerated within a state-run or state-approved prison, and thus denied certain basic liberties or rights assumed for all citizens. I frequently heard members of all three groups insist that the planners and perpetrators must “rot in jail” (“*puadirse en la cárcel*”) for their actions. The idea that the offenders, which in the case of the AMIA bombing include both those responsible for the original violence and those who prevented its juridical resolution, should and in fact must be imprisoned in order for the event to be resolved is an expression of this idea of justice as based in juridical proceedings.

Nonetheless, before turning to a consideration of how this notion of justice influences the actions of these groups, I want to highlight that this conception of justice is not the only one possible, nor even the only one readily available to groups like the family members of the AMIA bombing. Indeed, local circumstances in Argentina in recent years have led to other notions of justice gaining rhetorical force. As shown in Chapter 3, this idea of justice as the result of the prosecution and punishment of perpetrators by a fair and impartial judiciary is also common to many of the counterimpunity organizations that formed during and after the last dictatorship. However, as a result of the many years when their efforts were ineffectual in changing official government policy, and given the general distrust and perception of the judiciary as corrupt, inefficient, and dependent on the executive branch of government, some of these organizations began to explore avenues for achieving justice that were not reliant upon the (Argentine) state. While these included such actions as initiating and participating in trials for alleged offenders within foreign courts, other actions expanded the idea of justice to include a kind of social approbation that did not include recourse to formal juridical proceedings.

The group H.I.J.O.S. (*Hijos. por la Identidad y la Justicia contra el Olvido y el Silencio*, or Children for Identity and Justice against Forgetting and Silence) is comprised of the children of those disappeared during the last dictatorship.⁸ As the years passed and they grew to adulthood, many became active in revalidating the perceived ideals of their parents, and in demanding retribution for the repression they had suffered. While access to the kind of legal justice described above was blocked by the so-called impunity laws that prevented prosecution of the perpetrators of the Dirty War violence and the aforementioned lack of faith in the judiciary, H.I.J.O.S. chose to consider what kinds of justice *were* available to them. Outraged that those who tortured and murdered their parents were free to walk the streets and live in relative peace and anonymity, unhindered by their past, H.I.J.O.S. began staging *escraches* or forced “outings” of former repressors. These outings consist of groups of supporters gathering at former repressors’ homes or places of work, and publicly denouncing their identity and role in the Dirty War repression, decrying the abuses allegedly committed by the person being outed. Their targets are exposed both vocally, through chants and shouts, and visually, by painting ‘*asesinos*’ (‘murderers’) or other epitaphs on the sidewalk and walls and by holding signs that would be widely seen through news coverage of the events. They define the *escrache* as, “...a tool to denounce the impunity that keeps afflicting us. It publicly ‘marks’ the house of the perpetrator of genocide, to show society where the assassins of our people hide. Since there is no justice [here], at least they should not have peace, at least they should be signaled out on the street for what they are: criminals.”⁹

Through this kind of public shaming, H.I.J.O.S. has endeavored to hold these individuals accountable for their actions, disturbing their daily routines, intruding into their private and personal spaces, and thus bringing a kind of unofficial justice through public exposure and the rallying of the local community against the perpetrators of the Dirty War violence. This exposure equals a kind of exhibition of knowledge, the forced imposition of a public face, the ultimate act of “appearing” those who first disappeared

⁸ This group has also seen division into fractions, with a small splinter group HIJOS (without periods) taking a more radical and traditional Marxist position.

⁹ *El escrache es una herramienta para denunciar la impunidad que nos sigue golpeando. Consiste en "marcar" públicamente la casa de los genocidas, para mostrar a la sociedad donde se esconden los asesinos de nuestro pueblo. Ya que no hay justicia, por lo menos que no tengan paz, que se los señale por la calle como lo que son: criminales.* All H.I.J.O.S. citations taken from <http://www.hijos-capital.org.ar>.

others and then tried to effect their own anonymity. H.I.J.O.S.'s slogan "*a donde vayan los iremos a buscar*" deploys grammatical ambiguity to at once affirm their dedication to society as a whole "wherever they go we will find them" while at once directly threatening those who would be their targets, "wherever you [plural] go, we will find you."

Starting in 1995, the *escraches* as carried out by H.I.J.O.S. quickly became well known both within counterimpunity movement circles and throughout the broader society, thanks to the considerable media attention they received. The word '*escrache*' has become part of popular parlance, and the method has been adopted by other groups on numerous occasions.¹⁰ Though it was for many considered as a complement to, and not a replacement for, legal prosecution, it did present a model for an alternative possibility in the quest for justice and an expanded understanding of what justice could entail. As they argue, "The *escrache* is not an end in itself, but a medium, like so many others, to demand justice and punishment for these perpetrators of genocide and their accomplices. The *escrache* tries to create a social condemnation that puts pressure on those who have to legally judge and condemn the assassins."¹¹

In this regard, it is interesting to note that none of the groups of family members of victims in the Embassy/AMIA bombings chose to pursue alternative forms of justice, even in the face of years of obvious legal stalling and deliberate inefficiency. Indeed, they are unanimous in insisting that legal prosecution for the planners and perpetrators of the attacks, in the ways discussed above, is the necessary form justice for what happened, and the only one they actively pursue. Their street demonstrations are not discussed in terms of enacting justice; rather, they are seen as a necessary expression of memory and tactic to pressure for this legal justice.

It is also worth noting that the situation of H.I.J.O.S. and the organized groups of family members of AMIA victims contrasts to that of marginalized or underprivileged citizens (and non-citizens), whose access to legal justice may be severely hindered due to

¹⁰ I am not asserting that this kind of action does not have a history within Argentina. However, it was widely popularized and brought to the fore as an alternative possibility, and an outlet for frustrated attempts at justice, through its use by H.I.J.O.S.. Since the creation of H.I.J.O.S., other groups with varying aims have utilized the *escrache* as a way of applying public pressure, particularly on politicians.

¹¹ *El escrache no es un fin en si mismo, sino que es un medio, como tantos otros, para exigir juicio y castigo a los genocidas y sus cómplices. El escrache intenta crear una condena social que ejerza presión sobre los que tengan que juzgar y condenar legalmente a los asesinos.*

their legal status or lack thereof [cf. Ong 1996]. A contrasting example can be found in the work of Daniel Goldstein, who has provided insightful analysis of the incongruencies between official discourses of justice and the actual practices that arise, in accordance with local circumstances. He considers the case of Cochabamba, Bolivia where, though the idea of legal justice is in theory given priority, in practice a lack of faith in the channels for achieving justice available to non-wealthy citizens results in a reliance on community-enacted forms of justice such as lynchings [Goldstein 2003, 2004].

H.I.J.O.S. recourse to alternative actions came about due to a generalized mistrust and lack of confidence in the justice system, rather than as an attribute of their personal status or due to issues of racial, ethnic, religious, or economic discrimination in access to justice. As discussed in the previous chapter, the inability to prosecute perpetrators of the Dirty War repression was part of a political stance spearheaded by the executive branch under several consecutive presidential administrations.¹² Likewise, the lack of legal justice in the wake of the Embassy and AMIA bombings is not generally considered to be due to the status of those affected. Some do believe that the inefficiency in the investigation was due in part to an entrenched anti-Semitism among some of those bodies charged with investigating the attacks (notably the police forces and the SIDE, or State Intelligence Agency). However, as seen in Chapter 2, the attacks were also investigated by other organizations not considered to be subjected to such a bias, including the Mossad and the US Department of Alcohol, Tobacco, and Firearms Control. In addition, there is little evidence that anti-Semitic attitudes have played a significant role in the case once inside the legal system.

It is nonetheless worth noting that, though more than 30 of the 85 victims in the attack were not Jewish and/or not inside the AMIA building at the time of the blast, which also caused extensive damage to surrounding buildings, nearly all of those active in the pursuit of justice are members of the Argentine Jewish community. I have found little evidence that members of the organized groups of family members of (Jewish)

¹² Chapter 3 also demonstrates how this pursuit of legal prosecution functions as part of a struggle over the memory of this era. Legal prosecution is seen as a way of gaining official recognition of a version of history that rejects the military's claims that its actions were justified as part of its struggle to 'save the nation' from communist insurgents. Prosecutions, in this sense, are seen as condemnations of the repression, an authoritarian model of politics, and, for many, the economic model including mass privatizations and worker flexibilization that began to be initiated during this era.

victims actively worked to exclude the non-Jewish family members from their organizations or manifestations. Indeed, many frequently lamented to me the lack of their participation, feeling that they had been “left with the burden” of pursuing justice. I showed in Chapter 3 how the participation of a non-Jewish man in Citizens of the Plaza was highly valued and warmly embraced by the other participants.

Furthermore, it is the death of a Christian child that has come to be evoked by the groups of family members as the ultimate symbol of the barbarity of the attacks and the innocence of those killed. 5-year old Sebastian Barreiro, the youngest victim in the attack, lost his life as he walked with his mother in front of the AMIA building that fateful morning. The use of Sebastian as a symbol can be seen in a poster that circulated in the days following up to the 13th anniversary of the attack [picture 4.2]. Parodying the elements of visual persuasion adopted during local electoral campaigns, this poster reads “Sebastian Barreiros – Presidente.” It also explicitly interpellates the viewer, Jewish or otherwise, appealing to them to identify with the victims of the attack: “*Ellos estaban viviendo. Como vos.*” (They were alive. Just like you). In the same way, Sebastian was invoked during one of Familiares monthly events that I attended, to which children from three local public schools had been invited. The speakers highlighted how Sebastian was the same age as these children, and would have been graduating from high school had he lived, just as they were about to. His memory was thus deployed as an available point of identification for non-Jewish Argentines, refuting the idea that the bombing affected only Jews, while symbolically evoking the innocence of all of those killed.

However, as seen in Chapter 2, symbols of Jewish identity and the support of the Jewish collectivity were central to the discourse and actions adopted by Memoria Activa and Familiares. Was it perhaps the prominence of this identification that effectively excluded most non-Jewish participants? Perhaps some of these also held a different idea of what justice should/could entail. Access to resources (for travel costs, etc) may also have affected the participation of the family members of non-Jewish victims, particularly those that did not live within Buenos Aires (Capital). Non-citizens would have faced even more extreme barriers in accessing the legal system, as at least six of those killed were not Argentine citizens, but Bolivian day laborers killed while working a remodeling project within the AMIA building. It is likely that a combination of these factors that

effectively excluded family members of non-Jewish victims from active participation in the pursuit of justice, as understood by the organized groups from within the Jewish community. However, the question merits further research.

This unity on the ethical sphere in terms of the ideal conception of justice and stated ultimate aims across all the organized groups of family members did not, however, prevent the groups from becoming bitterly divided. These divisions came about, I argue, based on differing assessments of what the role of the family members should be on the practical register, in moving to the sphere of practical action and engagement with government institutions in asserting and attempting to realize their demands. In what follows, I discuss in more detail the divisions between these groups. These divisions, and their basis in differing considerations of personal and collective interests, are illustrated through an analysis of several important developments in the AMIA case that have occurred in national and international judicial institutions.

The Divided Struggle

When Memoria Activa first formed, they represented family members of victims, other members of the Jewish community, and their allies and supporters. Initially, they worked in concert with the official representation of the collectivity, centered in the AMIA/DAIA, which was working tirelessly to reorganize and rebuild following the massive destruction to its physical infrastructure. However, as time went on, struggles began to emerge among those involved, mainly as to what the nature and role of Memoria Activa should be. Beatriz Gurevich has argued that, for the AMIA/DAIA as well as for some of the initial members of Memoria Activa, this group was to be “...the symbolic representation of the destruction and DAIA should remain as the sole formal and legal negotiator in the name of the victims and the Jewish organizations vis-à-vis the national authorities, and also as the sole Jewish political representation within mainstream society” [Gurevich 2005: 15-16]. However, a number of family members, including the four women who formed the core of Memoria Activa’s leadership, were increasingly critical of the stances taken by the collectivity’s institutional leadership. In many ways, this leadership was seen as repeating the historical pattern discussed in previous chapters, with the DAIA criticized for maintaining its close ties to the ruling political powers, even

when those powers were seen to act against the interests of the community. These women felt that Memoria Activa should be willing to foster social mobilization, as well as publicly condemn irregularities or omissions in the actuation of government officials concerning the investigation, regardless of the position taken by the AMIA and DAIA. Some family members of victims, who would have preferred that the organization serve “as the symbolic memory of destruction and the space of solidarity and not as a collective political actor” [Gurevich 2005], began to distance themselves from Memoria Activa.

These divisions became increasingly acute. By 1996, Memoria Activa had begun to denounce problems they observed in the investigation being carried out by Judge Galeano, even though the magistrate maintained the support of the AMIA/DAIA. The event that participants in Memoria Activa most often cite as the incident that clearly marks the split between Memoria Activa and the AMIA/DAIA leadership came during the act organized for the third anniversary of the attack. During this event, Laura Ginsberg, at that time still acting on behalf of Memoria Activa, read a speech that directly accused then-President Menem and Interior Minister Carlos Corach of obstructing the investigation into the attack. Immediately following the event, the president of the DAIA, Rubén Beraja, “crossed the street” to the House of Government and personally apologized to President Menem for her statements, thus, in their eyes, privileging his relationship with those in power over the interest of the Jewish community in the success of the investigation.¹³ After this incident, Memoria Activa began to hold separate memorials on the anniversary of the attack, and increasingly charged the AMIA/DAIA of complicity in the covering-up of the attack.

Those family members of victims uncomfortable with Memoria Activa’s increasing estrangement from the AMIA/DAIA joined together to form the group Familiares. They also often speak out against members of the ruling elite and current members of government that they see as complicit in the lack of justice. In many ways,

¹³ Another of the most complicated and notorious of issues has concerned the alleged participation of former DAIA president Rubén Beraja and the DAIA’s legal council, Marta Nercellas, in falsely accusing members of the Buenos Aires Police Force during the only case to have come to trial. Allegations that Beraja and Nercellas were aware of the payment made to Telledín, and complicit in the attempt to close the investigation of the “local connection” in the bombing with the trial that ended in their acquittal, further exacerbated these tensions. Beraja was subsequently imprisoned for his role in the bankruptcy and corruption scandal surrounding the *Banco de Mayo*, which resulted in the evaporation of the savings of many community members.

their criticisms echo those of Memoria Activa. However, the group stays close to the AMIA/DAIA leadership, avoiding direct criticism of these organizations and their former or actual leaders and acting in conjunction with them. For example, in AMIA trial mentioned in Chapter 2 and discussed in more detail below, they formed a unified plaintiff and shared legal representation with the AMIA/DAIA. They also hold their monthly and yearly memorials in conjunction with these organizations, which are in turn attended by the leadership and important political figures from the collectivity and the local and national governments.

Beatriz Gurevich has argued that the differences between Memoria Activa and the group Familiares is due to a differing set of ethics guiding their actions [Gurevich 2005]. She divides these into the “traditionalists identified with ‘communitarianism’ and respectful of what is known in the Argentine Jewry as ‘communitarian responsibility’”, and contrasts this with the “liberals who think that a legitimate defense of individual rights does not interfere with a positive identification with a collective entity” [26]. While I disagree with Gurevich’s analysis of the workings of the gender dynamics among the different groups, in which she contends that the women of Familiares subscribe to a “care” ethics while those of Memoria Activa adopt a “rights ethic,” I do find value in her assessment of the different ethos of responsibility operative amongst different groups of family members.¹⁴ Many members of the Jewish community are supportive of the ethos of community as espoused by the organization, and its many and consist efforts in the promotion and defense of the welfare of the collectivity as a whole. While members of Memoria Activa base their demands and appeals for justice within a language of individual rights, the members of Familiares tend to support the AMIA/DAIA, at least in part for their continued dedication to fostering community wellbeing. I have discussed how the DAIA has often been criticized for interpreting communitarian responsibility in contrast to the best interest of individuals, at various moments in the organization’s history. Nonetheless, for the leadership of the AMIA/DAIA, at least part of this promotion of wellbeing has been interpreted as being served through the maintenance of a positive relationship and set of alliances with economic and political powers, including

¹⁴ A discussion of the various perceptions of appropriate gender roles, their role in Argentine social movements, and in particular their application in the case of the family members of AMIA victims, is an important topic that unfortunately lies beyond the scope of this chapter. See, for example, Jelin 1990.

the government.

The other main organization of family members of victims, APEMIA, takes a different stance from either Memoria Activa or Familiares. The most recent of the groups, APEMIA developed out of a growing disagreement between Laura Ginsberg and other members of Memoria Activa. The founder and leader of APEMIA, Laura Ginsberg, was one of the four women who solidified the stance of Memoria Activa and was for years a key member and referent of this organization. Yet the definitive split between the two came at the end of December 2001. After the convulsive political and social events of December 19/20 2001, when popular protest forced the resignation of President de la Rúa, Argentina went through a difficult process of political reorganization, with the naming of 4 new presidents in a span of two weeks. During one of these ephemeral ‘administrations,’ that of Adolfo Rodríguez Saá, one of Memoria Activa’s lawyers, Alberto Zuppi, was named Minister of Justice. Memoria Activa approved this move, hoping that his designation would lead to concrete advances in the AMIA investigation. However, Ginsberg was strongly opposed to the legal representation of Memoria Activa assuming an active government post. At that time, Ginsberg formally left Memoria Activa and founded APEMIA shortly after, in early 2002.

These differences between the organized groups of family members and their basis in differing assessments of appropriate actions to pursue on the practical register in engaging with governmental and international institutions can be seen more clearly by looking at the different stances taken by these groups in relation to the national and international legal cases that have ensued around the AMIA bombing. I turn now to a consideration of Memoria Activa’s decision to sue the Argentine State in front of an international institution. I show how this move by Memoria Activa presented an untenable solution and a dilemma for the AMIA/DAIA/ Familiares, given their focus on maintaining a close relationship with the ruling administration. Furthermore, looking at this case permits a deeper exploration of the avenues of justice considered appropriate by each of these groups.

Suing the State: Memoria Activa vs. Argentina

In July of 1999, Memoria Activa filed suit against the State of Argentina in front of the InterAmerican Commission on Human Rights (IACHR), a part of the Organization of American States. This body and the InterAmerican Court of Human Rights are the operative force within the OAS for the promotion and protection of human rights. These bodies function based on legal instruments, principally pacts or conventions, and a small but significant set of established precedents that bind their signature members to the stipulations contained within. The AMIA case (as it is known in the IACHR) provides a clear demonstration of the way the claims of rights of citizenship and conceptions of justice form in relation to and intersect with national and international discourses.

Memoria Activa initially brought the case against the Argentine State five years after the AMIA attack. At this time, key members of the group had already come to doubt the behavior of the DAIA leadership in the investigation and its role both in the payment to Telleldín discussed in Chapter 2 and the subsequent accusation of the Buenos Aires Police officers. Their separation from the official leadership of the collectivity meant that the accusation of the Argentine State in front of an international body was undertaken without support from Jewish institutions. Instead, they were supported and accompanied by the Buenos Aires-based Center for Legal and Social Studies (*Centro de Estudios Legales y Sociales*, or CELS) and the Center for Justice and International Law, an international NGO dedicated to “achiev[ing] the full implementation of international human rights norms in the member States of the Organization of American States (OAS) through the use of the Inter-American System for the Protection of Human Rights and other international protection mechanisms.”¹⁵ In addition, they were represented by a private lawyer, Alberto Zuppi (with the later addition of another private lawyer, Pablo Jacoby).

The case brought by Memoria Activa accused the State of Argentina on two major counts: 1) for having violated the right to life and physical integrity of the victims of the AMIA; and 2) the violation of the rights of the victims and their families to obtain justice by way of local tribunals. They argued that the Argentine State had thus violated articles 4 and 5, in the first count, and articles 8 and 25, in the second, of the American Convention on Human Rights, or the Pact of San José, which Argentina ratified in

¹⁵ From the CEJIL website, www.cejil.org.

September of 1984 upon the official return to democracy following the last military dictatorship. The first accusation rested on the argument that the Argentine State violated their rights as citizens and failed in its obligations to uphold the American Convention on Human Rights by not protecting the victims' right to life and physical integrity. They allege that, following the 1992 bombing of the Israeli Embassy, the Argentine State had the obligation to foresee the possible danger of another attack and respond appropriately in order to prevent such an occurrence, and that the State's failure to "fulfill its obligation to prevent, investigate, and penalize the attack" on the AMIA constitute a violation of these rights. They contend that the Argentine State "failed to adopt the necessary measures to prevent the attack," charging that the police protection offered to local Jewish institutions was inadequate, and they note the lack of attention on the part of the intelligence services in response to indications and warnings of a second attack.¹⁶

Their other accusation considers that the Argentine State had violated the right to justice through local tribunals that corresponded to the victims' family members after the attack. They appeal to the right to judicial protection, as guaranteed under articles 8 and 25 of the Pact of San José. Specifically, they claim that the Argentine State "has violated to the detriment of the relatives of the victims the right to the judicial guarantees that assure that the causes of the events that produced the damage be effectively investigated, the right that a regular process be followed against those responsible for having produced the damage, and that as part of this process the guilty be sanctioned and the victims compensated."¹⁷ On this court they denounced numerous specific irregularities into the investigation as carried out by Federal Judge Juan José Galeano and his office (*juzgado*), including the loss and destruction of material evidence, the occultation of evidence from some parties involved in the prosecution, and the use of illegal methods, including illegal detentions and pressuring of witnesses, and the illegal payment to Telleldín. They also denounce the obstruction of the investigation by elements of the security forces, among others the Office of Immigration (*Dirección Nacional de Migraciones*). The complaint against *Migraciones* had to do with its inability or unwillingness to produce the archives that had recorded the entrance and exit of foreigners to Argentina in the days surrounding

¹⁶ Citations taken from the Presentation by Memoria Activa in front of the IACHR, case n 12.204, AMIA-Argentina. The text of this presentation is available in English and Spanish at www.memoriaactiva.com.

¹⁷ *ibid.*

the bombing. At first, *Migraciones* insisted that these records were unusable, having been destroyed by an infestation of rats. Years later, under new direction, the records appeared, intact.¹⁸

While Memoria Activa's denouncements extend across the three branches of government, they center around the ways each of these interfered in the effective realization of justice. In particular, their complaints about the inefficiency of the justice system itself follow a long history of such criticisms, as seen in the Introduction.¹⁹ The image of the Argentine judicial system as ineffectual in providing justice, particularly when the violations involved security forces or other members of state apparatus, has also led to other cases being brought in front of the IACHR. These include, among others, the case of Walter Bulacio, a 17-year old boy beaten to death by police in 1991, and a case brought by prison inmates in the province of Mendoza, for alleged maltreatment and sub-regulation living conditions. Though all of these cases are by definition against the Argentine State, none has been as divisive amongst those supporting or participating in struggles for justice as that of Memoria Activa.

This is true even given the open rhetorical grounds on which Memoria Activa bases its claims. Interestingly, OAS appointed observer Claudio Grossman argues in his

¹⁸ The office known locally as simply *Migraciones* is located symbolically on an avenue (Avenida Antártida) named after one of the two places over which Argentina claims but cannot exercise sovereignty. While we waited for the government employee who attended us during several long hours to create and then untangle a bureaucratic mess over the status of our visas, we watched him delicately balance a succession of lit cigarettes off the edge of his faded wooden desk. Directly above him hung a copy of a faded decree establishing a ban on smoking, which, as my partner wryly noted, had clearly resulted only in the disappearance of ashtrays. This Office of Immigration was headed at the time of Memoria Activa's accusation by the ex-subsecretary of the Interior Security, who had been removed from that post when, days following the attack on the Embassy, he had claimed without substantiation that it was perpetrated by a "comando israeli." Similar claims were made about the AMIA bombing, most polemically in 2007 when a fierce and highly politicized debate over the role of Iran in the attack erupted around the figure of Luis D'Elia, a *piquetero* leader who joined the Kirchner administration as Land and Housing Secretary (*Subsecretaría de Tierra y Hábitat*). He was removed from this post for his public support of Iran, as accusations against this nation once again came to the fore. However, he continues to play a key role on behalf of the Kirchner administration(s) through the mobilization of physical demonstrations of popular support for official policies.

¹⁹ Mercedes Hinton points to a 1994 public opinion survey in which 84% of those surveyed stated that the judicial system favors the rich and powerful (Instituto Gallup Argentina 1994), and she cites the Argentine sociologist Julio Mafud as saying, "The Argentine does not believe in the law or in its representatives. This lack of faith and disbelief is justified by his entire history and sociology" (Mafud 1984: 285). She further notes that the classic nineteenth century Argentine novel and symbol of national identity, *El gaucho Martín Fierro* by José Hernández, "is full of scenes that convey popular contempt for judges" [Hinton 2006: 44n36], and she adds, "there is indeed ample evidence to justify mistrust of the judiciary, dating back to the nineteenth century, if not earlier. More recent events demonstrate that little has changed" [Hinton 2006: 44].

report that the Memoria Activa's petition should be considered admissible not only under the articles guaranteeing the right to life and physical integrity and the serving of justice through the mechanism of a fair trial, but also under Article 24 of the American Convention, which guarantees the right to equal protection before the law for all persons, without discrimination. The report states that "The Observer recommends that the case be declared admissible in function of Article 24 of the American Convention of Human Rights to the extent that this attack could imply a discriminatory character of anti-Semitic character" [Grossman Report 2005: 96].²⁰ Memoria Activa did not chose to make their demands in these terms nor under this article initially, nor have they done so subsequently. By choosing to not appeal on these grounds, Memoria Activa does not limit the failures on the part of the Argentine State to provide protection or justice to its treatment of minority communities. Rather, they extend their demands to cover all of the nation's citizens. This open definition of the problem echoes the insistence by many within and outside the Jewish collectivity for the attacks and their lack of resolution to be considered as problems affecting all Argentines [see Chapter 2].

Looking at this case reveals specific configurations of both justice and citizenship, as presented by Memoria Activa. T.H. Marshall's conceptual division of citizenship into four component parts [as discussed in the Introduction] places right to justice within the civil component of citizenship, which also includes the principle of liberty. This component serves to both protect private individuals and to provide the rights of communication and association between them, thus allowing the creation of a public sphere.²¹ Caldeira and Holston have built upon Marshall's work in considering further the nature and implications of these rights of citizenship. Citizenship, for Caldeira and Holston, is "a complex regulatory regime by which the state molds people into particular kinds of subjects, and by which citizens also hold the state accountable to their interests" [693]. Rather than relying upon a dichotomous division of state and civil society, they argue that looking at Latin American "uncivil democracies" reveals an "ambiguous

²⁰ *Además el Observador recomienda que se declare admisible el caso en función del artículo 24 de la Convención Americana de Derechos Humanos en cuanto este ataque puede relevar un contenido discriminatorio de carácter antisemita.*

²¹ The notion of the public sphere has been the subject of much theoretical consideration. A fuller discussion of this concept, and its historical development and nature in Argentina, can be found in Avritzer 2002; Sábato 1992, 2004.

mediation” between the state and civil spheres. Their definition tries to capture this ambiguity, which rests on the fact that while the civil sphere serves to protect individuals from abuses by the state, it can only do so within the framework of a state, whose power for regulation it depends upon [see also Speed and Collier 2000, especially p.901]. Scholars and activists concerned with the rights of women have often noted this ambiguity, questioning how women’s rights can be assured and protected within a male-centered, patriarchal state system [Das 1995; Rivera Cusicanqui 2003]. In the case of Memoria Activa, the group continues to locate the state as the necessary provider of justice as an integral part of the rights of citizenship. However, mistrust in the state’s willingness and ability to provide these rights have led them to take their demands outside of the national sphere. They have chosen to appeal to an international organization with the ultimate aim of forcing the state to provide these rights.

I argue that looking at the case of Memoria Activa necessitates that we probe deeper into the way rights of citizenship are conceived by those advocating for their protection by the state, and how these conceptions may be influenced by the institutional channels and mechanisms through which groups seek to realize their demands. Specifically, I see that their petition for these rights has come to be expressed within the terms of generalized discourses of citizenship, human rights, and the democratic state as embraced by the international organizations to which they appeal. In taking their case to the OEA, Memoria Activa effectively removed the question of citizenship rights from a closed state-citizen relationship, and in doing so draws on an international discourse of universal rights intricately connected to a globalized and homogenizing discourse on the nature of modern democracies.

While I am not arguing against the desirability of the discourse of universal rights, I do want to draw attention here 1) to the nature of this discourse that, in proposing universality, does not escape from the historical and geographic particularities of its own development; 2) that attempts to remake governments or hold them accountable along these lines implies the imposition of this generalized framework onto systems which operate under their own unique cultural and political logics; 3) that the manifestation of these generalized discourses in any given context is necessarily conditioned by these local particularities; and 4) that these particularistic manifestations in turn stand in a

dialogic relationship of mutual influence with the generalized discourses they partially absorb. As Luis Roniger has also argued specifically on the issue of human rights in Argentina:

As part of the West, [the Spanish-speaking countries of Central and South America] have assumed the culture and institutions derived from Spain and later other nations, but their specificities within the “New World” and the peripheral character of their development in the past centuries have generated a certain kind of modernity that differs from other models within and outside the West...I suggest that a discourse of global projection like that of human rights has been mediated by local processes, by local visions of legitimacy, and by the contemporary political and social context of these societies [Roniger 2003: 115, 118].

In looking at Memoria Activa, I consider specifically how the appeal by many counterimpunity groups in Argentina to a discourse of universal rights occurred within and engendered the application of these discourses in Argentina, and how this appeal had consequences for the support the groups were able to rely upon and the avenues of struggle available to them.

A cultural history of universality

I want delve a little further into two seemingly contradictory but in fact intrinsically linked elements of this notion of rights that is appealed to by Memoria Activa in this case, namely, that this idea of rights is both inherently individualized and necessarily universal. That is, in spite of attempts to broaden the definitions in recent years, the notion of rights codified in international institutions like the OAS primarily conceive of these rights as pertaining to individual subjects (rather than groups) and are universal, in being by definition valid only if and as applicable to all individuals equally, regardless of nationality, ethnicity, race, or religion. Lynn Hunt, in her recent work *Inventing Human Rights*, has expanded on historical trajectory of this particular notion of rights and the specific sociohistorical conditions that provoked its initial formulations in Western society towards the end of the 18th century, which she argues included reconfigured notions of the self and the body [2007].²² More recently, conventions like the United Nations Declaration of Human Rights revived this notion of rights, which had drifted towards national particularisms in the 19th century. The 1948 Declaration of

²² Hunt’s argument considers new social practices like the reading of novels, and increasing emphasis on the self-containment of persons through a lowered “threshold for shame” and increased “pressure for self-control” led to new considerations of personhood and the flourishing of “empathy” towards others. These changes then allowed, in her view, for the idea of human rights based on equality and autonomy to become “self-evident.”

Human Rights grew out of the atrocities of the Second World War, and were based upon these liberalist idea of the rights of man [sic], that assumed a fundamental equality of all adults [on the history of this Declaration see Glendon 2001]. Additional conventions over the years have taken up specifically issues surrounding the rights of women, children, the disabled, and other defined groups. Nonetheless, the core conception of human rights remains fundamentally based on an individualized notion of the person, in ways inherently tied to a Lockean idea of democracy founded on the inherent abilities of free individuals to act and interact as the basis for society.

A number of scholars have pointed out that these notions of universal rights not only come out of a particular place and time but, as a correlation of this, are based on a number of cultural assumptions [Wilson 1997]. Talal Asad has taken up this point with regards to the conception of “cruelty” that underlies Article 5 of the Universal Declaration of Human Rights. In tracing the historical development of the idea of cruelty to European colonialist practices, Asad argues:

In the attempt to outlaw customs the European rulers considered cruel, it was not the concern with indigenous suffering that dominated the Europeans’ thinking, but rather the desire to impose what they considered civilized standards of justice and humanity on a subject population –i.e., the desire to create new human subjects. [1997:293].

He goes on to say that his point is not that colonial administrators lacked ‘humanitarian’ motives, but that “...they were guided by a particular concept of ‘humanness’” [Asad 1997:306 n12].

The force that the language of universal rights has gained in the international sphere makes it a powerful tool for those wishing to gain redress or recognition of a situation in which they have suffered due to the action or omission of another, particularly when the offending other is a formal governing body. This focus on the state is an effect of the particular history of the development of the idea of universal rights, and has its own implications. Here, I consider specifically how this focus on the state has meant that the notion of human rights has developed concomitantly and inherently intertwined with the idea of the modern democratic nation-state.

In appealing to the notion of universal human rights, Memoria Activa’s demands at once assume the nature of the Argentine State under the rubric of a modern democracy, and contend their inadequacies in fulfilling this role in a complete way. In other words,

their demands imply that Argentina functions as a disjunctive democracy. Caldeira and Holsten, in the article cited above, further develop this concept arguing that any discussion of consolidating democracy in Latin America must go beyond the political sphere, to consider the cultural implications and understandings that, in their views, can alter or hinder the democratization process [Caldeira and Holsten 1999; Caldeira 2000]. While I do not believe that these authors go far enough in questioning the cultural and historical roots of the idea of the democratic state, I do want to draw here on their descriptions of the cultural differences that conflict with the ideas of democracy being proposed and, to some extent, applied. Caldeira, for example, explores in another work the example of the category of common criminals in Brazil. According to her analysis, a majority of citizens, even under the post-authoritarian political system, believe that defending this group of citizens with a discourse of human rights is reproachable, and that they are somehow unworthy or fall beyond its acceptable limits [Caldeira 2000]. Mercedes Hinton has also observed how, in Brazil, “the value of universal human rights is far from being widely embraced: a large portion of the population holds the view that only upright and hardworking citizens should be entitled to human rights.” She emphasizes how “the popular classes draw a clear distinction between the abuse of an honest “worker” (*trabalhador*) and abuse of a criminal (*marginal*). While the killing of a *trabalhador* by the police is usually met by public outrage, reaction is exactly the opposite when the victim is a suspected criminal [Hinton 2006: 111], and she cites a police officer as saying:

Criminals shouldn't have human rights; you can't imagine how horrible these people are...Human rights are for decent people. Criminals are completely different from decent folk, but it is true that you need to be able to differentiate between a small-time crook and a really big one, though it is also true that sometimes you have to use violence to deter a small-time crook from becoming even more violent [2006: 134].

While it is important to keep in mind the heterogeneity of opinion that exists within any country, it is also essential to recognize the practical effects that these kinds of social classifications create. In Argentina, though the discourse of human rights has become deeply ingrained within large sectors of society, it coexists with a number of equally strong discourses on the “problem” of public safety and security and a recent trend towards the rhetorical and actual criminalization of poverty.

Beyond the exclusion of certain classes to people from the right to have rights, the application of the universalist and individualist notion of rights in Latin America reveals other culturally determined aspects of its nature. In addition to the way that the ideal of the universality of rights may produce cultural dissonance among many not willing to assume this basic premise, the idea of human rights is also inherently individualized [Rivera Cusicanqui 2007; Speed and Collier 2000]. The legal instruments that form the basis for the workings of the IACHR clearly express this individualized notion of justice as derived from the doctrine of human rights. As early as 1843, Marx condemned the French Declaration of the Rights of Man and Citizen for failing to “go beyond the egoistic man” [1977:43]. This Declaration and its 20th century counterpart contemplate rights as pertaining to individual beings, not to classes or communities. Recently, there have been notable efforts by indigenous groups to challenge this notion and make collective rights an integral part of the discourse of human rights [Barsh 1996; Brysk 1994a; Seider 2002; Warren and Jackson 2002].

The case brought by Memoria Activa, however, does not rest on any basis of collective rights. In fact, one of the criticisms launched at Memoria Activa by other members of the Jewish collectivity rests on the way the petition was presented, in representation of only four individuals rather than all the victims. This made for an especially tense moment one morning with the Citizens of the Plaza. R., the mother of one of the defense attorneys representing Memoria Activa in the case, became embroiled in a bitter argument with other members of the group. This man alleged that in abandoning the plaza and thus excluding the majority of their members, the directive board of Memoria Activa was only continuing a pattern of acting solely in its own self-interests, as evidenced in the wording of their demands at the OAS. R. vigorously denied this accusation, and made a point of bringing a photocopy of the legal document the following week, to show how the formalized legal language required in these documents did not allow Memoria Activa to make generalized claims but only to present demands on behalf of the wrongs they allegedly suffered in person. As this moment shows, it was a combination of the actual and perceived adoption of this individualized notion of justice by Memoria Activa that was in part so divisive within the Argentine Jewish community. However, it also shows how, by choosing to pursue this course of action, Memoria

Activa found it compulsory to ascribe to the terms of the legalistic codes that formed the basis for the institutions to which they appeal.

However, before turning to a discussion of these divisions, I want to make clear that, in arguing that Memoria Activa's recourse to an international discourse of justice and human rights runs against certain ingrained cultural notions, I do not mean to imply that this international code of rights is entirely foreign to Argentina. Nor do I wish to obscure the important role that Argentine organizations and political situations have played in the formation of this discourse itself. Recently, initiatives put forth by Argentine organizations and political representatives led to the creation of an OAS treaty against the practice of forced disappearances, as well as inspiring a new international forum, the United Nations Working Group on Forced Disappearance [Brysk 1994c]. The idea of the right to identity, the subject of a March 2007 Special Meeting of the Permanent Council of the OAS entitled Children, Identity, and Citizenship in the Americas, has also come out, in part, of the issue of the children stolen from their abducted parents by the security forces under the last dictatorship. Furthermore, Argentina was a key agent in establishing the "right to truth" as part of the set of rights to justice as overseen by the United Nations Commission on Human Rights [April 2005].²³

Rather than minimizing the role of Argentina in establishing and promoting an international discourse of human rights, and the legal instruments used for their protection, I wish to emphasize the interaction of these international definitions of human rights with the way human rights and the rights to justice are perceived within the local context. I would like to draw attention to the way that the use or adoption of this language of rights occurs in relationship with these particularities. Specifically, I want to highlight how the interplay of this international discourse (as in inter-nation, i.e., between nations, Argentina included) with local conceptions and conditions has led to differing and often conflictive interpretations and reactions among members of the Argentine Jewish collectivity and family members of AMIA victims. This is similar to Speed and Collier's call for scholars to focus "on how rights discourses are understood and used by people living in the world today" and to study human rights "according to the actions and

²³ The text of this resolution is available at <http://www.ohchr.org/english/bodies/chr/docs/61chr/reportCHR61.pdf>

intentions of social actors, within wider historical constraints of institutionalized power” [2000:879]. However, while their study makes the important contribution of demonstrating how the discourse of human rights becomes “a language of argument that establishes the terms in which individuals and groups may make conflicting claims” [2000:880], I am more concerned with exploring the mutually formative interaction between local and international formulations of human rights discourse, and the concrete effects of its implementation.

Shame and Guilt

In Chapter 2, I explored how the demands made by Memoria Activa were not only demands on the political sphere but also worked to modify the cultural sphere. I argued there that though the ideas of cultural plurality advanced by Memoria Activa rested on neoliberal constructions of multiculturalism, they also worked to institute change by utilizing a language of traditional morality and practice. While that notion is broadly supported among members of the Argentine Jewish community, Memoria Activa’s case in front of the IACHR has produced a more complex reaction. The appeal by Memoria Activa to a discourse of universal rights in working for concrete institutional changes within the Argentine government on issues relevant to the AMIA bombing, while effective from a certain perspective, has been a source of conflicting sentiments for those who undertook the move, and has led to the further division and isolation of this group from many of its local allies.

President Menem’s reaction to Memoria Activa’s accusation in 1999 had been to dismiss their claims, asserting that the State’s performance in carrying out the investigation had been of “exemplary energy and promptness.”²⁴ In 2000, the first audience of the case was held in Washington, D.C. At that time, the Argentine State under President de la Rúa argued that decision in the case should be postponed until after the trial against Telleldín and the police officers, which was about to begin, had reached its conclusion. Furthermore, they proposed that the IACHR appoint an observer to report on its proceedings. This was accepted. Renowned Chilean lawyer Claudio Grossman was designated as this observer in August of 2001, and the trial began the following

²⁴ Cited in Kiernan 2003.

month.

The trial (*juicio oral y público*) took place in front of the Tribunal Oral en lo Criminal Federal n°3 (TOF3), presided by three judges, Guillermo Andrés Gordo, Gerardo Felipe Larrambebere, and Miguel Ángel Pons. It extended nearly three years, the longest in Argentine history, and heard testimony from over 1500 witnesses. When it finally concluded in 2004, all of the defendants were absolved, and the case and the investigation were annulled and denounced as part of an elaborate framework designed to falsely incriminate the accused. The TOF3 went further in calling for an investigation into the investigation, which would examine the actions of Galeano and the prosecutors that worked for his office, and look into the role played by, among others, former Interior Minister Carlos Corach, members of the SIDE including its former head, Hugo Anzorreguy, the federal judges who had received (and failed to act upon) expedients denouncing the behavior of Galeano, and the ex-president of the DAIA Rubén Beraja, as well as DAIA lawyers Marta Nercellas and Roberto Zaidemberg. It also stated that the “distancing from the truth” that had occurred had involved different sectors from all three branches of state power, either in offering political support or directly covering the “illegal or irregular” actions of Galeano [verdict TOF3, case n487/00]. Grossman presented his report to the IACHR on February 25, 2005. He supported the actuation of the TOF3, and he recommended that the IACHR accept Memoria Activa’s accusations.

Memoria Activa applauded the work of the TOF3, and while they maintained that Telleldín should have been found guilty of the many crimes the trial revealed he had committed, they announced that they would not appeal the verdict. This position makes sense, as the verdict concurred with many of the claims that Memoria Activa had been making for years, and represented, in their eyes, a “rupture in the political-judicial pact.”²⁵ In addition, the conclusion of the trial would allow their case against the Argentine State to proceed. Familiares and APEMIA, however, condemned the absolution of the defendants, and organized demonstrations in rejection of the verdict, though each for different reasons. Familiares and the AMIA/DAIA contended that the defendants should have been found guilty, and rejected the discrediting of Galeano’s investigation. APEMIA, on the other hand, argued that the verdict was yet another stone

²⁵ Declaration by Memoria Activa, 6 September 2004.

in the wall of impunity that continued separating the families from the truth, and denounced what it saw as further manipulations and concealing of evidence by the three powers of state.²⁶

The plaintiff unit formed by AMIA/DAIA/Familiares and that of the federal prosecutors appealed the verdict.²⁷ This move put in jeopardy the case brought by Memoria Activa in front of the IACHR. For the case to prosper required the “exhaustion of internal recourses” and an appeal could be considered as a remaining possibility for the conviction of individuals with alleged involvement in the attack. However, the Grossman Report recommended that the IACHR admit the petition regardless of an appeal, saying that “The IACHR has a solid jurisprudence establishing that slowness in investigations and the lack of results clearly generate an unjustified delay in the administration of justice, which implies a negation of such by not permitting the resolution of the events” [Grossman Report 2005: 97].²⁸

Following the presentation of the Grossman Report, a new audience in front of the full IACHR was called for March 4, 2005. The weeks following the announcement and realization of the meeting were full of renewed media coverage of the case and expositions of the parties’ respective positions. Shame and guilt became the key concepts in the treatment of the case. While members of Memoria Activa made reference to the shame they felt in having undertaken this move, the Kirchner administration chose to respond to its near certain condemnation by the Commission with a proactive assertion of its guilt.

Suing the Argentine State was not without its emotional conflicts for the leading members of Memoria Activa, who expressed on repeated occasions the shame

²⁶ APEMIA, Boletín 6, September 2004, and author’s interviews.

²⁷ APEMIA had not held a role as plaintiff in the trial, and therefore could not have filed an appeal. The Cámara de Casación ruled in May 2006 to uphold the verdict of the TOF3, and sent a copy of their findings to Ariel Lijo, the federal judge in charge of investigating the irregularities of Galeano’s investigation. In October 2007, Lijo attempted to bring the case to trial, though the final accusation did not impute either Corach or Menem. As of this writing, the action remains stalled following a move by the AMIA/DAIA/Familiares, which argues that Lijo’s investigation is incomplete. Memoria Activa alleges that this action is designed to avoid further revelations of the involvement of the DAIA in the cover-up (former DAIA president Beraja is one of those indicted by Lijo). APEMIA also condemns Lijo’s investigation as incomplete, though for reasons that differ from those of the AMIA/DAIA.

²⁸ *La CIDH tiene una jurisprudencia sólida en el sentido que la lentitud en investigaciones y falta de resultados genera claramente un retardo injustificado en la administración de justicia, lo que implica una denegación de la misma en cuanto no permite el esclarecimiento de los hechos.*

(*vergüenza*) they felt at having taken this move. Even apart from the criticisms of the other family members, and their increasing alienation from the formal leadership of the Jewish collectivity, adopting this kind of action was clearly fraught with tension. Diana Malamud of Memoria Activa expresses this tension and attempts to justify the actions of the group when she says, “[In going before the IACHR] we are exercising our rights as Argentine citizens, and it brings us shame and pain to have had to come to this, but we are not the ones who chose so much impunity” [Malamud 2005: 11].²⁹ Such sentiments were expressed frequently by members of the group. Why would this be so? I argue that this shame, felt by the only group that has been able to achieve even minimal advances toward the objective of justice in the AMIA case, illustrates in one more way the inherent contradictions that can come into play in the attempt to apply universal notions of rights of citizenship to particular places and situations. By appealing to a vision of democracy and a kind of knowledge (based on technical collection and processing of information, culminating in the detention and prosecution of the perpetrators of crimes) developed in the global North, and denouncing the inadequacies of the Argentine State in living up to this model, the case brought by Memoria Activa reinforces the schematics of global hierarchy that places countries like Argentina conceptually (and spatially) below the “more developed” countries of the North [Mignolo 2005; Dussel 1998].

This hierarchy is propagated and reinforced by the widespread perception among many in Argentina that cases like these in “developed” nations are immediately and effectively resolved, even when the evidence runs against this assumption. Still entrenched in Argentina are the schematics of the “First” vs. “Third” worlds, with the country remembering its fall from glory in the first part of the twentieth century to find itself inextricably snared on the lower part of the global ladder. This measuring of Argentina against its northern neighbors is common in discussions of the AMIA. To give just one example, when the verdict against Galeano came in, the assistant editor of one of the country’s principal daily newspapers, *Clarín*, wrote an opinion piece entitled “*Un final que da vergüenza*” (“A shameful end”), in which he writes, “In the United States, Spain, Great Britain, stricken as we were by hyperterrorism, the guilty were identified

²⁹*Como ciudadanos argentinos estamos ejercitando nuestros derechos, y nos avergüenza y duele haber tenido que llegar a esta instancia, pero no fuimos nosotros los que elegimos tanta impunidad.*

and imprisoned within days. Here, we disrobe the judge. Of course attacks like these don't appear on the radar screen. They are complex and overwhelm the judicial system. But it is precisely that complexity that requires *efficiency* and *effort* not in the realm of what is said but in the realm of actions. Things should not be this way" (emphasis mine).³⁰ Apart from the issue of the questionable accuracy of his belief in the immediate resolution of these issues in the global North, I highlight here the words *efficiency* (*eficacia*) and *effort* (*esfuerzo*) in order to draw attention to the value being placed on a nation's willingness and ability to quickly produce detailed knowledge following criminal activity, and to successfully use this information to prosecute the perpetrators. What is seen as lacking in Argentina, then, is not the technical capability to produce this information, but the organizational structure of institutions (efficiency) and the political will (effort) to conduct orderly and successful criminal investigations.

That this negative assessment of the act of appealing to an international body is widespread and a source of contention is demonstrated by Memoria Activa's consistent justifications for doing so. Their lawyer, Pablo Jacoby, gave this energetic defense of their actions:

Leaving aside a few "experts," the rest of the public functionaries are unaware of the implications and consequences of the fact that the State has interfered with human rights recognized by the American Convention. This lack of awareness, or, in some cases, rejection, of the international system rests on the false and erroneous conception that when States recognize their international responsibilities or are condemned [by international organizations], they are being intervened by external organisms, or that national sovereignty is being affected. Collaboration with the system, fulfillment of a sentence [pronounced] by the Court, or, in the most general way, the assumption of international responsibilities implies raising the standard of respect for human rights, which in no way signifies a defeat for the State.³¹

Memoria Activa's denouncement of the Argentine State put its representatives in

³⁰Roa, Ricardo, Clarín, 4 August 2005: 2. *En Estados Unidos, España, y Gran Bretaña, azotados como aquí por el hiperterrorismo, los culpables fueron identificados y apresados en días. Aquí, no. Aquí, destituimos al juez. Naturalmente son atentados que no aparecen en la pantalla del radar. Complejos y que desbordan el sistema judicial. Pero precisamente esa complejidad requiere de una eficacia y de un esfuerzo no en el ámbito del discurso sino en el de los hechos. Las cosas deben ser de otro modo.*

³¹*Dejando de lado algunos pocos "expertos", el resto de los agentes públicos desconoce las implicancias y consecuencias de que el Estado haya afectado derechos humanos reconocidos por la Convención Americana. Este desconocimiento o, a veces, rechazo del sistema interamericano reposa sobre la falsa y equivocada concepción de que cuando los Estados reconocen responsabilidad internacional o son condenados, están siendo intervenidos por organismos foráneos o se está afectando la soberanía nacional. La colaboración con el sistema, el cumplimiento de una sentencia de la Corte o, dicho de modo más general, la asunción de responsabilidad internacional implica elevar el estándar de respeto hacia los derechos humanos, lo que de ningún modo significa una derrota para el Estado.*

the position where, by accepting culpability in the handling of the AMIA case, they would be in essence, publicly accepting their inadequacy in this regard. In this sense, it is interesting to analysis the admission of guilt presented by the Kirchner administration upon being called to the IACHR audience in March 2005.

Even before the audience was held, the government announced that it would assume responsibility for the privation of justice following the AMIA bombing. This extraordinary announcement marked an absolute change in the position of the State in the AMIA case. In place of the denials and claims of good management offered by previous administrations, the Kirchner government, when faced with almost certain condemnation by the IACHR, chose to publicly announce the State's guilt. In their declaration in front of the IACHR on March 4, 2005, the representatives of the State accepted the terms of Memoria Activa's original denouncement, saying:

The government recognizes the responsibility of the Argentine State for the violation of human rights as denounced by the petitioners...as there existed a failure to fulfill the function of prevention for not having adopted the necessary and effective measures to avoid the attack...there existed a covering up of the facts, due to a serious and deliberate failure to fulfill the function of investigation... and because this failure to follow through with regards to an adequate investigation produced a clear privation of justice." [From the Acta CIDH (IACHR Record) 4 March 2005, case 12.204].³²

The government went even further, formally asking Memoria Activa and all family members of AMIA and Embassy victims for forgiveness.³³

This extraordinary declaration by the Argentine State, personified by Kirchner and transmitted through his official representation, was highly publicized across all major new media. This put the AMIA/DAIA in the uncomfortable position of having to reconcile their estrangement from Memoria Activa with this clear and popular advance in the State's treatment of the bombing. The more conservative publications, historical and/or economic allies of the official leadership of the collectivity, minimized or simply

³² *El gobierno reconoce la responsabilidad del Estado argentino por la violación de derechos humanos denunciada por los peticionarios...ya que existió un incumplimiento de la función de prevención por no haber adoptado las medidas idóneas y eficaces para intentar evitar el atentado... existió encubrimiento de los hechos, porque medió un grave y deliberado incumplimiento de la función de investigación... y porque este incumplimiento en materia de investigación adecuada produjo una clara denegatoria de justicia.*

³³ *También corresponde pedir perdón a Memoria Activa así como a todos los familiares y víctimas de los dos atentados de Buenos Aires.* [From the presentation in front of the IACHR of Alejandro Rúa, in representation of the Argentine State, 4 March 2005].

ignored the role of Memoria Activa in bringing about this sea change in government policy. For example, the newspaper *INFOBAE* chose to publish a photo of Alejandro Rúa (then head of the AMIA Unit of the Federal Ministry of Justice and Human Rights) with Abraham Kaúl, the charismatic and influential president of the AMIA at the time, couched the events in terms of the reaction of the “Jewish community,” and omitted all mention of how the audience in front of the IACHR came to exist.

APEMIA, however, was quick to denounce Kirchner’s declaration. This group sees the admission of guilt as an attempt that follows in the footsteps of all previous administrations by presenting the Argentine State as the victim of the bombing. Playing on the notion of institutional continuity, Kirchner’s admission of State guilt is seen in this way as designed to achieve precisely the opposite: as an opportunity to present the State as a victim, having been subjected to the corrupt and “unscrupulous” practices of previous administrations, now vindicated under the new President. APEMIA’s condemnation of the moves that the other organizations have taken as positive rests precisely on what they see as self-interested moves that divert rather than direct attention to the continuation of failed institutional practices.

In Search of a Solution?: The Role of the State

After the Grossman report was presented to the IACHR, it was clear that the State faced condemnation by this body. Their admission of guilt avoided this outcome, and allowed for Memoria Activa and the Argentine State to enter into a process of “friendly resolution” (*solución amistosa*). The drafting of the terms for this process, which continues under the oversight of the IACHR at the time of this writing, resulted in Memoria Activa concretely expressing a detailed list of measures that they want the State to undertake.

The first of these demands, and the only to have been fulfilled to date, revolved around the wide dissemination of the Grossman Report (which validated Memoria Activa’s position regarding the trial and the actions of the state), and the formalization and distribution of the State’s acceptance of its guilt. The Grossman Report was subsequently published on the website of the Ministry of Justice. The public acceptance of guilt was finally formalized through Presidential Decree 812/05, though its release was

delayed some 6 months, until July 2005. In the eyes of many, this was a bald-faced PR move, designed to follow a long pattern of the government showing “advances” in answer to the public clamor that peaks around each July 18 anniversary. However, the content of the decree [see Appendix] was well received by Memoria Activa.

The other points agreed upon in the *solución amistosa* include the strengthening of the Special Investigating Unit for the AMIA attack (a part of the national Ministry of Justice and Human Rights, part of the Executive Branch), the improvement of the system of registry in the Department of Migrations, the creation of a special catastrophes unit, reforms to improve the transparency of the use of funds by the Secretariat of National Intelligence, and measures to provide for financial reparations to the family members of victims, including the reimbursement of costs to those who took the case in front of the international tribunal. These demands were drawn out of the experience of the AMIA bombing but were designed to better, in the words one key member of organization frequently used in our interviews, “the institutionality of Argentina as a whole” (*la institucionalidad de la República*). The fact that they have yet to be satisfied, and the precise modes and flows of each request within the bureaucratic machine of the state provide yet another illustration of the ways multiple interpersonal and institutional interests compete with one another. For give just one example, the creation of a catastrophes unit that could operate at least within the *Ciudad Autónoma de Buenos Aires*, or the political unit of the city of Buenos Aires, remains bogged down in the increasingly virulent struggles between the Federal and local governments over who should pay for city security services.³⁴ Meanwhile, the city continues to operate without such a unit or a system of coordination between the different public emergency services.

A consideration of the demands as presented by Memoria Activa also serves to illustrate the conception of state responsibilities as conceived and presented by this organization. I have shown how the divisions between Memoria Activa and the AMIA/DAIA/Familiares group rests in large measure upon divergent sets of personal and

³⁴ The debates over the status and proper source of fiscal resources for the City of Buenos Aires have been a source of contention throughout the entire history of Argentina. Most recently, the debate has centered over the police force (PFA). The current local government wants a *porteño* police force under the command of the city government, but insists that the funds for its operation continue to be provided by the national government. Currently, the PFA provides not only security services within the capital, but also handles issues of national concern.

group interests in the use of institutional channels for the pursuit of justice. However, the differences between these two groups and APEMIA run along somewhat different lines. The divisions between these organizations are also concerned with proper engagement with the government on the practical register. However, APEMIA proposes a considerably different notion of the role and responsibilities of the State towards its citizens.

The differences between Memoria Activa and APEMIA in many ways parallel the split between sectors of perhaps the best-known Argentine social movement, the Madres de Plaza de Mayo. The mothers first came together in 1977, after their children were disappeared during the last military dictatorship.³⁵ However, they became increasingly divided after the fall of the military government, on questions of how best to define their continuing struggle. One key issue in this debate was that of exhumations. After the restoration of democracy, it became possible to excavate sites of mass graves, where many of the disappeared were believed to have been interred. However, the military continued to deny its involvement in the disappearances. One sector of the mothers, which later came to call itself Madres de Plaza de Mayo – *Linea Fundadora*, or Founding Line, eventually supported the exhumations, which held the possibility of providing at long last answers to the question of what had happened to their loved ones. However, while not condemning those mothers who chose to seek answers to their questions by any means available, another sector of the Madres, now led by Hebe de Bonafini, rejected the exhumations. As Alison Brysk notes, “Human rights activists who opposed exhumations contended that technical issues would overshadow the more important political determination of responsibility.” She quotes one movement leader as saying, “We want to know who the murderers are; we already know who the victims are!” [Brysk 1994c:48]. Another mother insisted, “We don’t agree with the exhumations of the bodies. With the exhumations they want to eradicate the problem of the disappearances, because then there are no more *desaparecidos*, only dead people...If you accept this, in your desperation to have the remains of your loved one, you lose all your rights.”³⁶ However, their rejection of the exhumations is also based on a fundamental insistence on

³⁵ Further aspects of this organization and its relevance for other Argentine movements and society were discussed in Chapter 3.

³⁶ Graciela de Jeger, quoted in Fisher 1989:129.

socializing rather than individualizing their struggle. They refer to all 30,000 desaparecidos as their own children, “The Mothers of the Plaza de Mayo make our demands in the name of all of our 30,000 disappeared children without distinctions” (*Las Madres de Plaza de Mayo reivindicamos a nuestros 30.000 hijos desaparecidos sin hacer distinciones*). Furthermore, this group of Madres has taken on what it considers to be the “revolutionary struggle of our children” (*la lucha revolucionaria de nuestros hijos*). They define their objectives beyond the struggle for their biological children and insist, “The struggle of the world’s peoples is our own” (*la lucha de los pueblos del mundo es nuestra propia lucha*). Their idea of justice includes the realization of the kind of world they see their children as having fought for, including the extension of social and economic rights to all members of society. In the reality of post-dictatorship Argentina, they argue that, “The lack of work is a crime. The businesspeople who leave millions of men and women without work are criminals. The Madres of Plaza de Mayo believe that, “the unemployed workers are the new *desaparecidos* of the system. Decent work is a right...for which we must always fight.”³⁷

Given this context, it should not be surprising that Memoria Activa, with its focus on individual justice, was supported in its weekly actos by the presence of a member of the *Madres – Linea Fundadora*. On the other hand, APEMIA is more akin to the Madres led by Hebe de Bonafini, in highlighting the need for community-wide social justice as an integral part of the struggle against what they see to be the continuation of state terrorism. The idea that the problem of the AMIA attack and its cover-up, as the result of a failed state institutional structure, cannot be separated from the rights and needs of all Argentines is echoed in the following, taken from a speech given at the APEMIA commemoration of the 12th anniversary of the attack:

“...violations of human rights are of the State and not of persons...the possibility to advance in the AMIA case will not exist if we do not manage to unite our demand for trial and punishment for those responsible for the AMIA attack with the struggle against the impunity that our people suffer, with the policies of misery, hunger, and repression that are in place today and that we see applied to us on a daily basis.”³⁸

³⁷ *La falta de trabajo es un crimen. Son criminales los empresarios que dejan sin trabajo a millones de hombres y mujeres...Las Madres de Plaza de Mayo creemos que los desocupados son los nuevos desaparecidos del sistema. El trabajo digno es un derecho...por el que debemos luchar siempre.* All quotations taken from <http://www.madres.org>.

³⁸ From the speech given by Graciela Rosemblum, of the Liga Argentina por los Derechos del Hombre (LADH) (Argentine League for the Rights of Man), 18 July 2007, corner of Corrientes and Pasteur. ...*las*

In expressing its position, the group has forged alliances with traditional leftist political organizations, and maintains a far more oppositional stance to the government, including the Kirchner administration, than any of the other groups. APEMIA chose to hold its initial demonstrations in the Plaza de Mayo, rather than the Plaza Lavalle. By choosing to make their public appearance in the historically resonant space for public manifestation, APEMIA highlighted the AMIA case as one affecting all Argentines, and launched their criticisms, not primarily at the Justice system as with Memoria Activa, but against the government as a whole. The vision of the state as proposed by Memoria Activa rests on the idea of the *estado de derecho*, or the rule of law. However, this notion is disputed by APEMIA, who argues that the incongruencies between the rhetorical use of this idea and the actual practices of government officials belie its status as a deceptive and manipulative mask. The group has expressed their position in this way:

Memoria Activa guides their actions in name of an abstraction: the defense of [a State based on] the “Rule of Law” – of whom they demand that it “acts” as it should – and not in defense of our rights including that against the decomposition of this same “State”. They end up disguising the [real] function of the judicial apparatus and the State itself: to uphold impunity.//The reality of the “Rule of Law” is very different. If its essence were the provision of justice or rights and guarantees, how can do they explain that, of 20 years of “democracy”, the last 12 [have seen] the explosion of the Israeli Embassy, of the AMIA, and the Military Munitions Factory at Río III, not to mention the laws of Full Stop and Due Obedience [that prevented the prosecution of Dirty War repressors]? How can they explain the 1500 unpunished assassinations by *gatillo fácil* [easy trigger] or the criminalization of social protest and the new political prisoners of the K[irchner] era?³⁹

APEMIA takes the provocative step of accusing the State itself of being

violaciones de los derechos humanos son de los Estados y no de las personas...no habrá posibilidad de profundizar en la causa AMIA sino logramos unir nuestra reivindicación de juicio y castigo a los responsables de la AMIA en la lucha contra la impunidad que sufre nuestro pueblo, con las políticas de miseria, hambre y represión que hoy existen y que cotidianamente vemos aplicadas sobre nosotros.

³⁹ *Memoria Activa guía su acción en nombre de una abstracción: la defensa del “Estado de derecho” – a quien le reclama se “comporte” como debiera ser – y no en la defensa de nuestros derechos incluso contra la descomposición de ese mismo “Estado.” terminan maquillando la función del aparato jurídico y del Estado mismo: sostener la impunidad.// La realidad del Estado de derecho es bien distinta. Si su esencia fuese la provisión de justicia o los derechos y garantías ¿cómo se explica que de los 20 años de “democracia”, los últimos 12 se lo llevan la impunidad de la voladura de la Embajada, de la AMIA y de la Fábrica Militar de Río III, sin contar los de las leyes del Punto Final y de la Obediencia Debida? ¿Cómo se explican los 1.500 asesinatos impunes del “gatillo fácil” o la criminalización de la protesta social y los nuevos presos políticos de la era K? [Cruzaron la vereda, APEMIA Boletín 6, Sept 2004].* The information presented on APEMIA in this chapter come primarily from the author’s interviews with key members of the organization and attendance at organizational meetings and public events. The quotes are taken from speeches given by members or from printed materials provided to the author by Laura Ginsberg.

responsible for the attack on the AMIA. This argument derives from the evidence that members of different branches of the State were complicit in the execution and covering up of the attack. In making this argument, they point to evidence that: 1) the SIDE and the Ministry of the Interior had word of the attack before it happened and failed to prevent it; 2) members of the security and intelligence forces contributed in the carrying out of the attack; and 3) elements from all three branches of government worked in a coordinated manner in covering up what happened.⁴⁰ Given this position, for APEMIA, Memoria Activa's case against Argentina in front of the IACHR becomes ineffectual in the attempt to achieve justice. In addressing only specific claims of violations, within an established structure based upon individualized notions of retribution, the case fails to attend to what APEMIA sees as the need to reform the entire political system, in ways that attend to the needs of all Argentines.

I have dedicated these last three chapters to an exploration of the dynamics of the demands and concerns as formulated by the organized groups of family members of victims from the AMIA bombing, and the ways in which they have chosen to act in pursuing these demands. In the next section, I turn to an examination of another set of organizations involved in modes of social protest, and I consider the ways in which they conceive of and work to bring about social change.

Though these two groups are on the surface dissimilar, comprised of individuals from for the most part different class and professional backgrounds and organized around different issues, looking at them both reveals a number of basic similarities in the ways they choose to formulate their claims and in their actual engagements with the political and legal systems that govern their possibilities for enacting the changes they advocate. Exploring both demonstrates how certain concepts like corruption and impunity come to hold relevance and interpretive value precisely across such disparate sectors of Argentine society, and how existing notions and operations of politics affect and are challenged by disparate organizations simultaneously. As such, the actions of each necessarily influence the climate in which all others also operate. Furthermore, in coexisting both spatially and temporally, both of these sets of groups arose within and are impacted by a

⁴⁰ See, for example, "*Salen los fiscales del juicio...¿y ahora qué?*", APEMIA Boletín 4, May 2004.

particular historical moment and local, national, and international circumstances, which form the context for their actions, understandings, and chosen fields and methods of action. This study recognizes the importance of these convergences by allowing each of these groups to serve as a lens on different aspects of the socio-political climate within which both operate and which conditions their actions, even as and while their actions in turn work to redefine and challenge the parameters of this climate.

Picture 4.1

ACCIÓN RÁPIDA CONTRA LA IMPUNIDAD.

Justicia

Laboratorio
Poder Judicial.
Farmacéutica para
un mundo mejor.

**Para que los crímenes no se repitan.
Para que los culpables tengan castigo.**

“Justice – Fast-acting formula against impunity. So that crimes are not repeated. So that the guilty are punished.

Justice Branch Laboratories

Pharmaceutics for a better world.”

Picture 4.2



**SEBI TENÍA 5 AÑOS Y SOÑABA CON SER PRESIDENTE.
NI SIQUIERA TERMINÓ EL JARDÍN DE INFANTES!**

13 años del atentado a la AMIA
Si ese día seguía, 85 historias seguían.
Ellos estaban viviendo. Como vos.

**Miércoles 18 de Julio, 9:30 hs.
frente a la AMIA, Pasteur 633**

Acto Central. Convocados: - Familiares y Amigos de las Víctimas
- AMIA



“Sebastián Barreiros for President – The change that Argentina needs. Sebi was 5 years old and dreamed of becoming President. He didn’t even get to finish Kindergarten.”

Chapter 5

“If they touch one of us, they touch all of us”: Cooperativism as a Counterlogic to Neoliberal Capitalism

At first glance it could be any large Buenos Aires hotel early on a Sunday morning. A few guests bustle around with their suitcases, the phone rings sporadically behind the reception desk, and sparsely scattered groups of people in the adjoining restaurant sit sleepily sipping the small, espresso-sized cups of coffee that are the standard fare in any *porteño* cafe. Slowly, though, a rising sense of tension begins to infiltrate the air. A barely perceptible disturbance registers somewhere near the entrance. In its wake, movement quickens, as individuals, in ones and twos at first, begin to make their way quickly back and forth across the lobby, calling out to others who scurry off in varying directions. Within a short while, a crowd of people has gathered in front of the main doors. The sound of drums begins to penetrate the walls, and glimpses of tattered homemade banners bearing the emblems of leftist political parties, neighborhood associations, and *piquetero* groups filter through the dark windows, reflected in the strengthening morning sun. For this is no ordinary hotel, but the Hotel Bauen, a once-bankrupt enterprise taken over by its former workers in defense of their source of labor. Controlled and operated by a workers' cooperative, the actual Hotel Bauen is the object of an intense legal and political struggle, as the former owners and their political and economic allies dispute the cooperative's right to manage the hotel. This early Sunday morning in June 2005, a new attempt to have the hotel shut down takes the form of a pair of young police officers who arrive to place a mandatory closure notice on the front door. Within the hour, and in spite of being only shortly past daybreak on a weekend, hundreds of people have rallied in front of the hotel in a show of solidarity for the BAUEN cooperative and for the worker-controlled recuperated businesses movement.¹

¹ For the sake of accuracy and clarity, I refer to the building itself as the Hotel Bauen, and the workers'

This show of solidarity with the BAUEN did not emerge spontaneously or in isolation. In this chapter, I examine how a logic of cooperativism has been steadily established across diverse sectors of Argentine society in recent years. In examining the history and development of cooperativism in Argentina and its emergence in this case, I argue that this recent manifestation of cooperativism has consolidated as a specific challenge to the ideas of the citizen and labor as advanced by the politics of neoliberalism applied in Argentina. I focus specifically on the Hotel Bauen as a key site for the exploration of this idea and its development and practice within the recuperated businesses movement. The geographic centrality and functional nature as a hotel, the networks of solidarity cultivated by the cooperative, and their prolonged struggle for legal definition have made the hotel and cooperative an important symbolic referent and location for the expression of social protest. Here, I show how the logic of cooperativism deployed within and across the recuperated businesses movement works to recreate the notion of the worker as a collective and independent political actor, based on an ethics of solidarity and collaboration. In this way, I see the recuperated businesses movement as enacting a kind of cultural politics on the ethical sphere that works to “resignify and transform dominant cultural conceptions” and serves as a “crucial arena for understanding how th(e) perhaps precarious yet vital entanglement to the cultural and the political occurs in practice” (Alvarez, Dagnino, and Escobar 1998:13, 5), in ways similar to the cultural politics enacted by Memoria Activa discussed in Chapter 2. Furthermore, I show how this resignification relies upon a discourse of corruption that delegitimizes the cultural program of the ruling elite and opens a space for the emergence of new and revitalized conceptions of work and the citizen.

Buenos Aires, Una Empresa Nacional (B.A.U.E.N.)

Cooperative member Gerardo has astutely described the Hotel Bauen as “A twenty story summary of Argentine history from the past thirty years.” The building, located at Callao 360 between Corrientes and Juan D. Perón Streets in the very heart of Buenos Aires, was initially constructed under the direction of Marcelo Iurkovich and associates [Picture 5.1]. The five-star installation was built with a credit from the *Banco*

cooperative that operates it by their legal name, BAUEN (Buenos Aires, Una Empresa Nacional).

Nacional de Desarrollo (BANADE, or National Bank for Development) as part of the dictatorship's efforts to prepare the country for the 1978 Soccer World Cup tournament. Argentina's role as host came on the heels of the most severe period of Dirty War violence, and the dictatorship faced increasingly intense international criticism as information on its heavy-handed methods at crushing opposition and the plight of the disappeared were slowly gaining visibility. The military government tried to use the World Cup to divert local and international attention away from the violence, and to capitalize on the nationalist sentiments that the tournament provoked. While nascent human rights groups like the Mothers of the Plaza de Mayo, Serpaj (*Servicio para Paz y Justicia*), and the APDH (*Asamblea Permanente de Derechos Humanos*) worked with some success to use the increased media coverage to draw attention to their struggle, the successful transpiring of the events and Argentina's culminating victory as first time World Champions undoubtedly worked, at least temporarily, in the dictatorship's favor. Now, however, the memory of the 1978 World Cup is for many shrouded in a haze of embarrassment for the popular exuberance it provoked, and the Bauen's association with the event inevitably evokes its emblematic status as a repository of the material traces of political machinations.²

Throughout the 1980s and 90s, the Bauen continued to serve as a political stage, becoming renowned as a favorite venue for entertainment and business purposes by the political and economic elite. President Menem frequently held personal and political events within its walls, including using it as a campaign headquarters. Not reserved for any one party, but catering across the spectrum of elite actors, it has been cited as also having been home to the many secret meetings between the Duhalde faction of the PJ (Menem's political rivals within his party) and members of the opposition Alianza party. In the era of "pizza and champagne" during Menem's first presidency, so named for consolidation of established fortunes and the rise of a nouveau riche able to capitalize on the easy profits of decreased regulation, the Bauen was the iconic space for the closed-door negotiations and public posturing that characterized political practice.

The credit that Iurkovich and his associates received from BANADE in 1976

² For more information on the 1978 World Cup, see Gilbert and Vitagliano 1998; Llonto 2005; Mason 1995.

totaled 37 million USD, and was designed to finance 80% of the construction costs. By 1982, the terms of the loan were being challenged in court. Iurkovich and associates claimed that the credit had only served to finance 40%. BANADE was later absorbed into the Banco Nación, and the legal dispute was not closed until 1994, when the Banco Nación accepted only 6 million USD in exchange for considering the loan cancelled (i.e., paid). By 1997, Iurkovich, having failed to invest in the Hotel Bauen (preferring instead to use profits to build other luxury hotels, including the nearby Bauen Suites), passed its management to a Chilean company, Solari, S.A. The hotel was by this time deeply in debt, largely for non-payment of taxes and other services. By 2000, this group had entered into bankruptcy protection (*concurso de acreedores*), and claimed to be operating under accumulated debts of over 8 million USD. Under commercial law in Argentina, a business that cannot fulfill its fiscal obligations enters into this preventive status. The intent is to bring together the owners with its creditors, to assure payment of the balances due. However, the law also stipulates that, as a source of jobs, the attempt must be made to save and reactivate the business. To this end, the commercial judiciary intervenes and appoints a *síndico*, typically an accountant who takes control of the business's finances. In this way, the hotel remained opened and operated under a *síndico* until it was finally closed on December 28, 2001. At this time, only days after the tumultuous events of 19/20 December that had led to President De la Rúa's (literal) flight from office, another judicial order instructed that the doors to the hotel be closed and the few remaining personnel abruptly dismissed.³

The workers often reflect on the irony of having showed up on that particular day, only to find the business shut down. December 28 in Argentina is the *Día de los Inocentes*, something akin to April Fools' Day in the United States. Many of the workers recount how losing their jobs on that day, with scant possibilities of finding work in the height of an acute economic crisis, made a bitter mockery of the direness of their situation.

The Bauen remained closed for over a year. By early 2003, some former workers

³ Information on the history of the hotel comes from author's interviews with hotel workers and was corroborated by archival sources, especially coverage from local mainstream and alternative media including *Clarín*, *ANRED*, *Página 12*, and *lavaca*. Information on the takeover and early days of the cooperative come primarily from the author's interviews with members and others that closely accompanied the process.

had begun to meet with representatives of other recuperated businesses and the umbrella movement the *Movimiento Nacional de Empresas Recuperadas* (National Movement of Recuperated Business, or MNER). The MNER advised them to gather as many former employees as they could and occupy the installation. Finally, on March 20, 2003, a small group of workers decided to enter the hotel.

The practice of factory occupation has historical precedent within Argentina. In 1959 workers occupied the meatpacking plant Lisandro de la Torre in response to its privatization under Frondizi [see James 1988:113-118]. Workers facing imminent personnel reductions occupied and took over production within the Ford plant in General Pacheco in 1985. These occupations and others like them were generally part of a defensive strategy designed to apply pressure, and not considered as a permanent measure. The more recent occupations differ from these earlier experiences in their focus on the idea of workers owning and controlling both the process and the product of their labor. Rather than seeing worker control primarily as a defensive response to a dire situation, in its more recent manifestation “the occupation of the factory is not just a form of protest but itself constitutes an affirmation” [García Allegrone, et. al. 2004:341].

The Logic of Cooperativism

I met with the María, head of the housecleaning team at the Bauen, one day late in 2005. It was not the first time we had spoken, as I had at that point been accompanying the cooperative for nearly a year. However, this conversation took place in the relative quiet of her office, rather than in the heavily transited lobby or during the heat of a street protest. Parts of her narrative appear throughout this chapter, and the quotes I have selected carry many layers of meaning that the accompanying analysis only begins to unravel. Hers is not the only voice on which I rely in interpreting the events discussed, and though what she says in many ways closely resembles things I heard from many others, I do not mean to indicate that her point of view can be taken as representative of all of the cooperative’s members. However, I include her words at length as a way of providing the reader with access to some of the perspectives and interpretations of those most directly involved in the events described.⁴

⁴ As I have throughout this dissertation, with this in mind I have included the original version of her words

María described the initial days of the takeover to me this way:

..and we came to know what hunger was, outside of the home, no? We lived in a different situation but here with the *compañeros* we suffered from cold, because here there wasn't anything, there was no hot water, nothing, the only thing we had was electricity, we didn't have potable water...we began to cook in a giant pot, we used some cardboard and we began to eat out of it because we didn't have, we didn't have anything, because we weren't at home, later when we began to go home sometimes we began to bring, spoons, forks, etc..⁵

She had been one of the original participants in the occupation. Her narrative, as in resonance with those of many of the others, recalls how they quickly learned to rely on one another and to work together. Once inside, these former workers faced with the utter desolation that a year of abandonment and pillage had left. The difficulty of their situation, expressed in the quote above, was exacerbated by the workers' fear of leaving the hotel. The precariousness of their situation took its toll. For a time Iurkovich took the stated position that it was to his benefit to have the workers inside, taking care of the hotel for him for free and saving him the cost of a security service. However, the workers, many of whom considered themselves to have no background or previous experience in political action of any kind, felt that they had taken a dangerous step, and lived in constant fear of being forcibly evicted.

María: ...we arranged ourselves near the door to Callao Street, where at that time hung the banners of all the organizations that came to help us, and there was just a piece of metal that we used to cover (the opening), and every time someone moved the metal it made a noise, so every time we heard that noise, eh, we thought they were coming, that the police were coming to take us out. That was the psychological blow that we had continuously within ourselves.⁶

The mixture of fear and resolve that relating these events to me brought out in her face was perhaps further intensified by the freshness of the repression the workers had just suffered. We were speaking just days after members of the Cooperative had been

in the footnotes. All translations throughout the chapter are mine, unless otherwise noted. My thanks go to Cynthia Golzman for her careful transcriptions.

⁵ ... y supimos lo que es el hambre, más allá de que en las casas también, no? vivíamos otra situación pero acá con los *compañeros* pasamos frío, porque acá no había nada, no había agua caliente, no, lo único que teníamos era electricidad, agua potable no teníamos... nosotros nos empezamos a cocinar en una olla gigante, hicimos un cartón y empezamos a comer del cartón porque no, porque no, no teníamos nada, porque no estábamos en la casa, y después cuando ya empezamos a ir a las casas empezamos a traer una cuchara, un tenedor.

⁶ ..hicimos un, una parte como un, una puerta la parte de Callao entonces eran todo banderas de todas las organizaciones que nos vinieron a ayudar y, eh, había una chapa que nos lo tapaba nada más entonces cada vez que cuando corría la chapa hacía un ruido, entonces cada vez cuando hacía ese ruido, eh, nosotros pensábamos que venía, no sé, venía la policía y nos venía a sacar. Ese era el golpe psicológico que teníamos continuamente siempre teníamos en sí.

forcibly evicted from the City Legislature while trying to have a law on their behalf advanced. Her body still bore the deep purple bruises left by the police batons. Nonetheless, after the nearly three years of effort that she had at that time put into the cooperative, her commitment showed no signs of wavering.

The workers who occupied the Bauen had organized into and registered as a workers' cooperative soon after the occupation. They named their new cooperative *Cooperativa Buenos Aires Una Empresa Nacional Ltda* (B.A.U.E.N.) (Cooperative Buenos Aires, A National Business).⁷ They were given the right to legally guard the building and its installations by the judge handling the bankruptcy case. While this provided a certain reprieve in tension while they labored to fix up and clean sectors of the hotel, once they began to operate (first renting meeting rooms and banquet halls, and later opening 80% of the guest rooms and inaugurating a full bar and restaurant), they were once again on the defensive. The uncertainty of their legal status and the disputes over their right to operate the hotel were of daily concern to the workers, who functioned under constant threat of police or legal action against them, as Iurkovich and certain political sectors sought out new ways to recover the hotel by delegitimizing their actions. Under this atmosphere, the need to rely on one another and what external help they could get was pronounced, and many of the workers relate how these practical concerns overshadowed other considerations. However, cooperative members often convey that as the initial days of tension turned into long years of struggle for their right to operate the hotel, the logic of *autogestión*, or worker-led management, came to hold increased significance for them. As another worker has expressed, “We continue to defend worker-led management because in the time we’ve been struggling we’ve seen before our own eyes that we can successfully run a business (*llevar una empresa adelante*) and keep it in the spirit of cooperativism and *compañerismo*”⁸ [Pictures 5.2-5.4].

Before exploring further the details and significance of this notion of cooperativism, I consider some aspects of the specific historical and cultural contexts from and within which the idea has emerged. The actions of these former workers, the

⁷ The initial registration took place under a different name, but following a reorganization the cooperative took on this name soon after.

⁸ This quote comes from an interview recorded by the alternative filmmakers' group Alavío, website www.alavio.org. Their video coverage of the BAUEN and numerous other topics is freely available at www.agoratv.org.

meaning and implications of their decisions, and how they themselves interpret their situation are deeply informed by and constructive of these contexts. In what follows, I focus specifically on the particular ideas of citizenship, work, and corruption as circulated, understood, and applied in Argentina and by the BAUEN Cooperative.

Trabajo Sin Patrón

In the Introduction to this dissertation, I discussed how the implementation of neoliberalism in Argentina had locally specific effects on the ideas of citizenship widely circulated and promoted throughout the 1990s. Each of these models of citizenship advanced a new kind relationship between the state and civil society. A minimalist conception of the state and democracy and the reduction of the political domain and its appropriate participants worked to remove citizens from previously influential modes of participation in political life. The logic of cooperativism that quickly came to be embraced by the BAUEN and other recuperated businesses challenges these notions of citizenship by asserting the rights of workers to play an active role in the public sphere, as actors capable of influencing the political and economic direction of the nation as a whole. A key element of this concerns a reasserted right to work as a fundamental right of citizenship. This is expressed through an emphasis on collective wellbeing over individual gain, as an inherent part of the idea of and worker-controlled management, or *trabajo sin patrón*.

The appearance of the recuperated businesses movement in the late 1990s and early 2000s comes on the heels of a protracted succession of changes in the formal rights and actual possibilities for protected and salaried work in Argentina. Though a series of such rights have been formally guaranteed by the Argentine Constitution since 1949, the second half of the 20th century saw a long decline in the effectiveness of the protection offered to workers both legally and through formal organization structures such as unions, government ministries and agencies, etc.⁹ However, beyond and in conjunction with these concrete changes in the nature and practice of work and the legal and economic forces that influence and regulate it, looking at contemporary forms of social

⁹ For more information on the status of workers' rights and the history of the important workers unions throughout the 1960s and 1970s, see James 1988; Robben 2005. For the 1980s see Tedesco 1999.

protest in Argentina reveals the way the idea of work is being conceptualized and deployed in new ways [Battistini 2004]. These include the actions of piquetero or unemployed workers movements, informal and organized groups of *cartoneros* or street recyclers, and recuperated businesses, among others.

Built in a weak sense into classical liberalism, notion of the right to work in Argentina has roots in the socialist, anarchist, and syndicalist movements at the turn of the 20th century, but derives its main force and flavor from classical Peronism and the union structures that emerged in that era.¹⁰ The importance of classical Peronist ideology in establishing the notion of work as a right in Argentina should not be underestimated, even given the drastic and contradictory changes that Peronism as a political party has undergone. As Daniel James has written:

Peronism did not only represent higher wages, its historical meaning for workers was embodied also in a political vision which entailed an expanded notion of the meaning of citizenship and the workers' relations with the state, and a 'heretical' social component which spoke to working-class claims to greater social status, dignity within the workplace and beyond, and a denial of the elite's social and cultural pretensions [1988:263].

However, the idea that the State was responsible for assuring access to stable, salaried labor continued to hold force and provide impetus to workers' organizations even as the practical conditions of labor came under continual threat both from state forces and union bureaucracies during the second half of the twentieth century. The adoption of neoliberalism posed new problems for Argentine workers, with the premise of State protection cast away in favor of market control. Labor laws were altered, erased, and ignored, and many workers found themselves increasingly subjected to policies with key words like "labor flexibility," specifically designed to increase profitability by reducing worker protections. These reforms, which included substantial cuts for government workers and other such structural adjustment measures, were enabled in part by the overturning of the National Employment Law under President Menem. By the end of the 1990s, there was a marked increase in desalaried work, black market work devoid of protection, and under- and unemployment throughout Argentina.

It is within this particular context that the recuperated businesses movement

¹⁰ Guillermo O'Donnell's classic article "*Y a mí, qué mierda me importa?*" playfully and effectively details the notion of the right to work as commonly expressed in Argentina. See O'Donnell 1997.

begins to emerge and formulate its demands. Argentine anthropologist María Inés Fernández Álvarez elaborates on the notion of work as understood and promoted particularly within this movement [2004]. She notes that the primary sense of work among the workers (though I would add, not necessarily among the promoters) is often that of work as daily experience, as the means of social reproduction. This sense is expressed by many workers when they highlight their participation in the cooperatives as a means to “*llevar el pan a nuestras casas,*” or the fundamental condition of life that guarantees their subsistence and that of their families. This, she argues, is “a key element from which a resource for political action is constructed, and from which protest is legitimated, both before the State and before their own families,” a finding also corroborated by my own research [Fernández Álvarez 2004: 353-354, my translation].

However, as we have seen, this is not the only sense through which work is understood and protest legitimated. Work is also fundamentally asserted and considered as a right that should be available to all.¹¹ This sense holds a number of interrelated aspects, all of which relate to how the workers are imagining their relationship to the State. One of these holds work in contrast to unemployment. In this aspect, holding a job is strongly linked to the idea of dignity. The workers insist that they do not want to simply receive their means of subsistence from the State (as was being promoted through a number of State plans, such as *Jefes y Jefas de Hogares*, which provided monthly payments to unemployed heads of households). Rather, they contend that the State should take responsibility for assuring jobs for those in need, rather than simply providing handouts. Work in this sense is seen as a regulated source of stability and protection. The State is held accountable for assuring a set of basic rights, “instituted as rights beginning in the 1940s and considered as fruits of the struggles of the working class” [Fernández Álvarez 2004:358]. These include limits on the hours of the workday, fair pay, yearly bonuses, standards of production, safe working conditions, and access to social security and health benefits. In doing so, they further assert their own legitimacy,

¹¹ In this paragraph, I differ from Fernández Álvarez in considering a number of aspects of the notion of work as falling within the frame of work as a right. She prefers to make an analytical distinction between them, isolating this as one sense on level with the others. While not disputing the existence of these different senses, I find it more useful to see how each ties into and relates to the overall notion of work as a right, as my research indicated that this was the way it was understood and talked about by the workers themselves.

highlighting the effort (*esfuerzo*) that they have dedicated to creating their own source of jobs while the State remained unwilling and unable to do so. By insisting on the State's responsibility to provide work, they demand that the State treat them as rights-bearing active participants in the life and economy of the nation (*portadores de derechos*), rather than as passive recipients of State programs (*beneficiarios*), i.e., to be treated as active citizens, not passive subjects.

This points to the way this notion of work as a right, while clearly drawing on historically resonant notions of the right to work in Argentine society, is not a simple reassertion of this principle. Rather, in the recuperated businesses movement, the idea of work takes on the added dimension of an effort having been realized by the workers themselves. In addition, it takes the form of worker self-management, based on an ethics of cooperativism. While there are many issues yet to be resolved around the implementation and practice of worker control, a notion of cooperativism has become a central feature of the recuperated businesses movements. The use of the word cooperativism (*cooperativismo*) by the members of recuperated businesses refers directly to this idea of labor being organized collectively and oriented towards the benefit of all. It also includes a moral sense of cooperation, both between the members of a cooperative and of these to the larger society.

The idea of worker-controlled businesses may seem to have certain similarity to the kind of autonomy embedded in the neoliberal models of citizenship discussed above, based in part on the notion of community assistance/participation, as a way of displacing responsibilities formerly assumed by the State onto local groups in the name of community autonomy. However, I argue that the kind of autonomy the workers are promoting is moving towards an alternative political construction, in building the kind of "other world" made possible "through the potentiality found in the collective actions that emerge from and are rooted in society" [Thwaites Rey 2004:14]. Thus, though the idea of self-management may bear a resemblance in practice to that promoted under neoliberalism, both the intention and the effects are quite different. Rather than being empowering, the kind of community autonomy promoted by neoliberalism generally led either to a dire lack in basic services, and/or restrictive modes of participation, often

carried out under the strict guidance of international NGOs.¹² The workers argue that the business class sees *trabajo sin patrón*, on the other hand, as a threat rather than a way of relieving a burden, and interpret the constant attempts to have the Hotel under their management shut down in this way. As one cooperative member expressed, “They can’t leave things as they are, because we are showing the people that we *negros* can also be, not bosses, but create sources of labor.”¹³ As such, they see their efforts as constituting not only a rhetorical challenge to the individualism of (neo)liberalist philosophy. By having demonstrated their capacity, as workers, to run and manage businesses and factories without the managing class or financial backing from banks or other lending institutions, they see their efforts as a practical challenge to the very premise of how work is organized under the current economic system.

This reassertion of the right to work as a fundamental right of all citizens can be seen within the rhetoric and actions of the BAUEN Cooperative. The centrality of the right to work in their struggle was eloquently exhibited during one protest I attended. A mix of cultural centers, theaters, bookstores, and local, national, and provincial government institutions all coexist around the heavily transited corner of Callao and Corrientes Streets. This location lends the protests held by BAUEN Cooperative vitality and visibility. As they had done on numerous previous occasions, during this protest they cut off the block of Callao Street that ran in front of the Hotel. However, this time, the agreement reached with the police forces that quickly arrived was that one lane of Callao would remain open to traffic. In visible symbolic demonstration of “work” as a central notion of their struggle, during this protest the Cooperative decided to bring a representation of their work into the street. To do so, they set up elaborate dinner tables and beds in the closed lanes. [see Pictures 5.5-5.7]. The contrast that this established was striking. The physical evidence of the work of the cooperative was dramatically displayed in front of a generalized public, including the masses of people who filled the

¹² As Charles Hale has noted in a Central American context, “If, under classic liberalism, the quintessential agent of discipline is the Panoptic state penitentiary, under neoliberalism it is the professionalized NGO” [2002:17].

¹³ *No puede quedar así, porque estamos demostrando al pueblo de que los negros también podemos ser, no patrones, sino crear fuentes de trabajo.* Her use of the word “negros” (blacks) should be understood within the context of how this term circulates in Argentina. Though a full discussion of the racial and class implications such designations mark lies beyond the scope of this chapter, it is important to note that its usage in Argentina differs from that in other places, including even other parts of Latin America.

tables of the many cafés lining the street, who for the most part casually observed the proceedings while leisurely sipping their mid-afternoon coffees.

The figure of the salaried worker as a social identity, combined with the culturally salient notion of collective good, provide the members of the BAUEN cooperative and the rest of the recuperated businesses movement with an argument for legitimacy that resonates with previous notions and strongly contradicts the primacy given to highly mobile finance capital and labor “flexibilization” in neoliberalist philosophy. In explaining the contrast between their efforts and the actions of the former owners, members of the recuperated business movement frequently appeal to a notion of corruption. In the next section, I explore the meaning of this notion and its usage by members of the BAUEN cooperative in explaining and claiming legitimacy for their actions.

Corruption

Though a critique of the economic effects of neoliberalism is strongly voiced among workers in the recuperated businesses movement, this is not their primary focus. Rather, it is the perception that the implementation of these economic strategies was accompanied by widespread corruption, understood in a particular way, that is most often and harshly mentioned among these workers. While the notion of work that they advance is more specific to their particular situation, a discourse of corruption permeates discussion of contemporary life in Argentina across the social spectrum. “Corruption” here acts particularly as a frame through which their practice, that of occupying and operating businesses, is legitimated. In appealing to a notion of corruption, the workers contrast the logic of capitalism and the primacy given to an ethics of (individual) fiscal gain to what they see as the owners’ ethical obligation to have acted for the benefit of the business as a productive unit, one that includes the workers.

In addition, for members of the recuperated businesses movement their right to the occupation of their factory or business fundamentally includes the argument that many of the factory and business closures that plagued the second half of the 1990s were fraudulent.¹⁴ The rewriting of the Bankruptcy Law under Menem facilitated owners’

¹⁴ This perception of widespread corruption was also intimately connected to the issue of privatizations.

ability to evade debt payment, particularly to workers, and invented the notion of the “cram-down” which allowed interested parties a favorable position from which to buy the business under protection and renegotiate its debts. This led to many cases of “phantom associations” controlled surreptitiously by the former owners, and allowed business owners the possibility of authoring fraudulent bankruptcies as a method of debt evasion, a route many took (Fajn, et. al. 2003; Lavaca 2004; Rebón 2006). The prevailing ethics of profit maximization was so complete as to lead some to speak of a “habitus of impunity.”

Within the business sector was installed the idea of legal and moral deregulation, forming a kind of “habitus of impunity,” in which many businesspeople placed little value in the most elemental aspects of following the law. Only by taking into consideration this supposed social climate of *immunity* in which they were inserted and a profound anomie, can we understand the set of fraudulent practices that many developed (Fajn, et. al. 2003, 35, emphasis in original).

For a significant number of cooperative members, their occupation of the factory or business comes not out of a preconceived ideological adherence to the notions of cooperativism, but in direct response to the dire economic and social conditions that accompanied the closure of their source of labor, and the perception that the closure was itself fraudulent or corrupt. It was this perception of corruption across the business sector, in ways that directly affected the workers and their families, that galvanized many into action. This is visible in the way one member explains her decision to leave BAUEN Suites and join the cooperative:

When the BAUEN closed, I kept working for Iurkovich in Bauen Suites; later I had to choose between continuing to work there or recuperate the hotel. It was a difficult decision because I had four children to care for and who was going to provide for my household?...[I decided to come because] my compañeros were there. But beyond that, while I was in the Bauen Suites, which is connected to the BAUEN hotel across the back, I saw that the Iurkovich family was taking things from here [BAUEN] to use there [Suites]. I am a maid, and when I cleaned the rooms I recognized the stolen furniture. They had left us without work and now they were stealing even the night tables. That, which is what made me feel more powerless, was what made me decide to change.¹⁵

Neoliberal policies demanded the deregulation and privatization of the industries that had remained under state control, and these new contracts, most often to foreign bidders, have been severely criticized for operating under a logic of profit for the principal players and unrelated to concerns for the public good. In addition, the ways the contracts were settled and the terms included have been shown to also follow this pattern. The companies that were given these contracts have frequently failed to fulfill even the minimum requirements of investment in things like infrastructure, provoking serious crises in many cases. For more on privatizations, see Vilas 2004; Azpiazu 2002.

¹⁵*Cuando esto [el BAUEN] cerró, yo seguí trabajando para Iurkovich en el Suite BAUEN; después tuve que elegir entre seguir allá o recuperar el hotel. Fue una decisión conflictiva porque tenía cuatro hijos a cargo, ¿quién iba a parar la olla en mi casa?... Pero mis chicos más grandes, que ya trabajan, me apoyaron y me ayudaron económicamente el primer tiempo. [Decidí venir porque] estaban mis compañeros. Pero además, mientras estaba en el Bauen Suite, que está comunicado con este hotel por la*

Her narrative demonstrates how feelings of solidarity with her co-workers are accompanied by an accumulated anger and sense of indignation over the perceived behavior of the former owners.

While the assessment of the former owner's practices as corrupt is claimed as a major motivating factor for many in breaking out of the employer-employee relationship mold, and also a key component in the way the cooperative legitimized their occupation of the hotel, it is the idea of solidarity with one another that is most commonly invoked as the element that has allowed the BAUEN workers to continue fighting for their right to operate the hotel over the years. For the remainder of this chapter, I consider the emergence of the current logic of cooperativism in Argentina and how the elements it entails form an integral part of understanding the demands, actions, and implications of the recuperated businesses movement.

Understanding Cooperativism in Practice

Cooperativism itself in various forms has a long history in Argentina, beginning with the mutual aid societies created by immigrant groups around the turn of the 20th century (Munck 1998; Sábato 1998). In the second half of the 20th century cooperativist groups produced a number of important institutions, including cooperative credit unions and educational institutes.¹⁶ These went through numerous manifestations as they contended with a string of military dictatorships, which often imposed restrictive laws reducing their possibilities for action. The formation of a workers' cooperative was also used as a union strategy for placing pressure on owners during the 1980s, most notably in the metalworkers union (see Rebón 2004:29-30; Fajn, et. al. 2003:185-219).

Though this history undeniably had an effect on the form of cooperativism expressed within the recuperated businesses movement, the relationship between these earlier or already established supportive organizations around cooperativism and the

parte de atrás, veía que los Iurkovich se estaban llevando cosas de acá para usarlas allá. Soy mucama, y cuando limpiaba los cuartos reconocía los muebles robados. Nos habían dejado sin trabajo y ahora se estaban robando hasta la mesita de luz. Eso, que es lo que me hacía sentir más impotencia, fue lo que me decidió a cambiar. From an interview published in *Página 12*, 21 August 2007.

¹⁶ Current manifestations include the Instituto Movilizador de Fondos Cooperativos (IMFC), founded in 1958, and the related Instituto de la Cooperación (IDELCOOP), created by an earlier version of the IMFC in 1973.

recuperated businesses movement is not direct. The impulse behind the current recuperated businesses movement comes from a mixture of political ideologies, with its principal promoters coming from traditional Peronist, militant unionist, and a number of different organized leftist political backgrounds. Some of these promoters came from or initially worked with the existing organizations devoted to cooperatives, but these organizations were ultimately unable to adapt to the needs and realities of those workers now recuperating businesses. In an important way, the adoption of both formal and affective cooperativism by these recuperated businesses developed in response to the particular historical moment at the time of their emergence. It is the lived situations experienced by these workers that has been key in the formation of a discourse of cooperativism and work as a right, more so than the influence of political ideologies. The history of these workers, and the cooperativism they have embraced, cannot be separated from the era that produced them and come directly as a challenge to the neoliberalist ideas that led to the dissolution of their source of salaried labor.

In what follows, I discuss what I see as three different though complementary aspects of the logic of cooperativism being expressed in the BAUEN Cooperative and the broader recuperated businesses movement. In doing so, I distinguish analytically between what I call formal cooperativism and affective cooperativism, or *compañerismo*. By formal cooperativism, I refer to the association of workers into legal or otherwise formalized cooperatives, as a means of organization of management and production within the workplace. This differs from what is generally called *compañerismo*, which carries a sense of working together for the benefit of a group. In addition to these two aspects, I consider the importance of the ways in which the BAUEN Cooperative has effectively garnered community support, largely through its self-definition as a community resource dedicated to protecting and promoting “culture” as an essential feature of community life.

Compañerismo

I. The Other Bauen

The importance that a sense of *compañerismo* – or affective cooperativism—had taken on among the workers of the BAUEN was clearly expressed one October day,

immediately following a protest march against a city judge who had ordered the hotel's closure. This order accused the cooperative of failing to have the proper safety authorizations to operate a business in the city, and were based on formal complaints (*denuncias*) filed by individuals directly connected to, and acting in the interests of, the former owner of the Bauen. While technically true, cooperative members argue that this position overlooked the numerous papers that they had filed attempting to address the problems cited and regularize their situation. The protest march, which had noisily installed itself outside the judge's office for more than an hour, was heading back to the Bauen when a few of those in the lead decided not to stop in front of the doors of the Hotel. Instead, they continued to lead the march up Callao Street to Corrientes, where they turned left and stopped in front of the doors to Bauen Suites, formerly the partner hotel to the Bauen, which had not been closed at the same time and which remained in the hands of the Iurkovich family.

This decision was spontaneous as far as I was able to discern, and was suggested and led by a few of the core male members of the cooperative (though none of those that held office, nor among those typically responsible for designing the cooperative's political strategy). Initially the idea of taking the march in front of Bauen Suites seemed to center on the figure of the former owner, who was considered responsible for the current dilemma that had precipitated the day's activities. Indeed, in other moments marches had paused briefly in front of a restaurant that Iurkovich owned only a few blocks away. However, once in front of the Suites and directly facing the workers of that hotel, many of whom had been former coworkers of those now organized into the cooperative, emotions ran higher than in any of the many marches that came before or after. One member of the cooperative, the head chef, whose rotund figure was encased as always in his entirely white work clothes, took hold of the megaphone. In an increasingly impassioned manner called out against those inside, asking them why they had not had the courage to join in their struggle, nor had demonstrated solidarity with them when the hotel had been closed and their jobs liquidated. His words seemed to give voice to feelings of rage and pain embedded in many of his *compañeros*. For the first and only time I witnessed in any of the many marches I accompanied, some members became violent and began to break minor exterior features of the Suites, including smashing a

standing sign and ripping out the plants that decorated the entranceway. The doors had been locked upon our arrival, though I doubt any would have tried to enter, and the confused and frightened faces of hotel guests were visible from behind several layers of glass. (Later the story circulated that one Suites guest, afraid to leave the hotel while the marchers were outside, had missed his flight out of Buenos Aires. The workers' response was to offer him a room in the Bauen ("*Y bueno, lo podemos poner acá*"). More poignant, though, was the observant but pained expression of one Suites security guard, who faced unflinchingly but with obvious distress the accusations ardently hurled from the other side of the glass.

I see this event as revealing the utmost importance that *compañerismo* had taken on for the members of the BAUEN cooperative. Though their struggle for survival was directed against the institutions of the state and members of the business elite, emotions ran highest when confronting what was seen as a betrayal of their cause by other workers who could have but chose not to either take the same risks as they had or to renounce their posts in solidarity with those who had lost them. It was the failure to act in concert with the group, and to join in their struggle and sacrifice, that produced the strongest and least controlled or calculated emotion.

II. Singing for Solidarity

The emphasis on *compañerismo* also rings out clearly in the chants that the workers improvise and sing during the marches. Chants have a long history of use during public manifestations throughout Latin America, and are famously employed as rallying cries and points of enjoyment during soccer matches, with fans of opposing teams competing to outdo each other with the volume and creativity of their songs.¹⁷ The chants taken up during these protest marches are generally patterned of a standard set of rhythmic tunes, and often draw on traditional forms in their construction, changing only a few words to fit the situation. For example, *El BAUEN/unido/jamás será vencido* (the BAUEN/united/will never be defeated) is a simple modification of the widespread *el pueblo/unido/jamás será vencido* (the people/united/will never be defeated). Another particularly telling example has excited chanters calling upon the observer to participate:

¹⁷ For an analysis of the gendered connotations of chants within the soccer stadium, see Archetti 1997.

borom bom bom/borom bom bom/el que no salta/tiene un patrón (borom bom bom/borom bom bom/whoever doesn't jump/has a boss). This chant has a simple elegance in encapsulating the essence of *trabajo sin patrón*. It serves as a powerful interpolation to those accompanying the marchers from other organizations, whether from political parties, neighborhood assemblies, or even unemployed workers, to truly join in their movement and embrace this new logic of organizing production. For this reason, though frequently used, it often produced a moment of tension, with only a core group of workers joining in the circle of jumping chanters. At one of these marches a member of an alternative press organization covering the march looked around a little sheepishly and jokingly explained, "Well, I do have a boss." He jumped anyway, in solidarity, but that particular chant served to potently mark and remind everyone of the essential nature of these workers' struggle.

The sense of play and creative invention that often accompanies these marches can be clearly seen in the way these songs are crafted and transmitted. Many times I walked alongside groups of two or three workers as they bantered back and forth suggested lyrics, which would then quickly be taught to and carried on by the marchers as a whole. This process gave rise to another popular example: *vamos compañeros/hay que poner un poco más de huevo/estamos todos juntos nuevamente/la dignidad del BAUEN no se vende, se defiende* (come on, compañeros, we've got to try a little harder (lit., put our balls into it)/we're all together again/the dignity of the BAUEN is not to be sold, but defended). By calling on those assembled to work together, and work harder, this chant expresses the essential role accorded to *compañerismo*.

III. Affective Kinship

For many members of the cooperative, this idea of *compañerismo* and the sense of solidarity with other workers are both literally and figuratively expressed through the idea of the family. In the BAUEN, as in a number of the recuperated businesses, once the hotel began functioning, the original small group of workers who had occupied the hotel began to incorporate others into the cooperative. Many of these were former coworkers, but as the need for more hands increased, the offer of work was frequently extended to family members of the workers. The presence of actual family members within the

cooperative added another dimension to the way *compañerismo* was felt and expressed among many in the cooperative. To return to María's words:

Here, really with all that we've done, all the sacrifices, together with our *compañeros*, here we have practically the entire family of each *compañero*. If one doesn't have a child here, they have a sibling, and if not, a cousin. Here we are, practically the whole family, and so when, it's for that reason perhaps that we're more united than ever **because when they touch one of us it's as if they touch all of us**. When the *compañeros* saw that they were hitting us women it nearly turned into a massacre, but we tried to stop those *compañeros* (who turned on the police who were hitting us) because there weren't many of us there. How were we going to let them, with all the assault vehicles there, when there were like 500 police officers and only 10 of us? (emphasis added).¹⁸

Here, she slips between talking about actual family members and the way the members of the cooperative would see each other as family. This focus on real and figurative family also adds another dimension to the need expressed above to account for the cultural context in considering corruption. I have never heard of the idea of giving preference to family in incorporating new cooperative members expressed in these terms. Though the decision to incorporate family members was contentious, the debate centered over whether or not the cooperative would be better served by adding the most qualified personnel available, rather than those most in need of work or already implicated in the struggle, as family members were seen to be.

Formal Cooperativism

A cooperative is "an autonomous association of persons united voluntarily to meet their common economic, social and cultural needs and aspirations through a jointly owned and democratically controlled enterprise" (ILO R193, art. 2A)

--From the 1995 International Cooperative Alliance, Declaration on Identity and Cooperative Principles, Manchester, England, adopted by INAES

The affective cooperativism discussed above has its counterpart in the formal cooperativism that serves as the mode of organization for the majority of the recuperated businesses. While the idea of *compañerismo* is strongly expressed throughout the

¹⁸ *Acá, realmente, con todo lo que hicimos, con todo el sacrificio, con todos los compañeros que, que, acá están prácticamente casi toda la familia, eh, de cada compañero. Si uno no tiene un hijo, tiene un hermano y si no tiene un, un primo y así. Estamos, eh, prácticamente, eh, casi toda la familia, y entonces cuando, por eso es que tal vez estamos más unidos que nunca porque cuando nos tocan a uno es como que nos tocan a todos nosotros. Los compañeros cuando vieron que las mujeres fuimos golpeadas casi se arma un, ahí, un, una masacre pero nosotros tratamos de pararlos a esos compañeros porque eran poquitos los compañeros que estábamos. Entonces, ¿cómo íbamos a permitir, que estaban todos los carros de asalto ahí, eran como 500 policías y nosotros éramos 10..?*

recuperated businesses movement, the level of formal cooperativism varies widely and in practice takes on numerous manifestations. These differences typically correspond to the history and specific circumstances of the factory or business and to the internal organization and political stance that, given these factors, the factory or business has chosen to adopt.

Though the procedure and some details vary according to provincial laws, presently the formation of a workers' cooperative in Argentina requires registration with the *Instituto Nacional de Asociativismo y Economía Social* (National Institute of Associations and Social Economics, or INAES). Created by presidential decree in 2000, the INAES centralized the laws concerning cooperatives.¹⁹ The formation of a legally registered cooperative provides the workers with certain rights and protections, and allows them the ability to act in legal matters. For this reason, many of those involved in recuperating their source of labor chose to formally organize and register as a cooperative.²⁰ However, not everybody looks at the adoption of this legal status in the same way, and even amongst those businesses that subscribe to one or the other of these visions, there are significant differences in their plans of action and internal organization. Considering these differences and the reasons cooperative members give for their choices reveals some of the fundamental contradictions that lie at the heart of the recuperated business movement, the BAUEN included.

There are two main visions for the ideal solution to the legal uncertainty that surrounds the majority of the recuperated businesses. For the BAUEN, the formation of a workers' cooperative was an essential and desirable step in designing the internal organization of the hotel under worker control. They would ultimately seek the expropriation of the hotel by the state, which they argue is the principal creditor of the millions of dollars of debt the former owners left upon its closure. The state would then

¹⁹ For more information on the INAES, see <http://www.inaes.gov.ar>; Lavaca 2004:22-24. INAES replaced in practice the need for cooperatives to pass through older manifestations of such institutions, such as the National Institute of Cooperatives (*Instituto Nacional de Cooperativas*), which had become increasingly restrictive, expensive, and bureaucratic.

²⁰ A few recuperated businesses have chosen to register as *Sociedades Anónimas*, or corporations. While also providing a legal status, this method is both more expensive to form and ineligible for the tax benefits afforded to cooperatives. In practice it has perhaps afforded these businesses a more stable and lucrative place within the capitalist market than that held by cooperatives. However, legal organization within a structure that highlights the values of cooperation has been a powerful discursive tool for the recuperated businesses movement.

either cede or concession the building and its installations to the cooperative. Thus, for the BAUEN and many other recuperated businesses, the workers' cooperative is a medium that not only provides them a certain legal status during the period of uncertainty and a method of formal internal organization, but is also desirable as a permanent institution.

For other recuperated businesses, however, their organization as formal cooperatives is intended as a temporary means, rather than a desired permanent outcome. The largest and most well recognized of the recuperated businesses that fall into this category is the ceramic factory formerly called and still widely referred to as Zanon, now operated by the cooperative FaSinPat (*Fábrica Sin Patrón*). For the workers of Zanon, the formation of a workers' cooperative was designed to be a temporary means of operating. In contrast to their allies at the BAUEN, they demand that the state expropriate and maintain the titles to the factory, which would be run under worker control but remain public property, not owned by the cooperative.

The underlying current in this debate revolves around one of these central contradictions faced by workers in recuperated businesses: how the organization of production based on cooperation can fit into (and can survive within) a capitalist market. For FaSinPat, this contradiction is one more reason to ultimately demand state control of the factory, as a means of protection. FaSinPat member Raúl Godoy, at the time also secretary general of the Ceramics Workers Union of Neuquén, explains:

For us, the cooperative isn't the end solution, because one has to compete against enormous conglomerates that set prices, like San Lorenzo or Alberdi, groups that export, have foreign capital, international credits, they lobby... We are vulnerable. If they lower prices for four months to kill us, they take us out of the game.²¹

While the danger to cooperatives is real, nonetheless most have managed not only to prove their business viable but even to expand production and create additional jobs.

²¹ *Para nosotros la cooperativa no es una solución de fondo, porque uno tiene que competir con conglomerados enormes que forman precios, como San Lorenzo o Alberdi, que son grupos que exportan, tienen capitales extranjeros, créditos internacionales, hacen lobby... Nosotros somos una cáscara de nuez. Si ellos bajan los precios cuatro meses para matarnos, nos sacan del camino.* Cited in "El strip-tease de los reyes: ¿Cuenta regresiva para Zanón?," published by Lavaca at www.lavaca.org, 20 November 2007. Godoy made similar statements in conversations we shared during my fieldwork. Lavaca is an alternative media cooperative, and their high-quality reporting provides an important counterbalance to the increasing consolidation of major media sources into fewer and fewer hands in Argentina (and elsewhere).

Therefore, these debates over desired final solutions often take a backseat to the more urgent questions of day-to-day operation and survival.

These more immediate questions over how to interpret and adhere to cooperativist principles within a neoliberal capitalist climate cover a number of aspects. One of these concerns the way in which new members are incorporated into the cooperatives, as production resumes and the need for additional labor increases. In the case of the BAUEN, the need for additional labor grew quickly, and the cooperative prides itself on having created some 150 jobs. The initial expansion from the 32 people who entered the hotel in 2003 to the creation of a stable workforce was not without debate, however. Both within the BAUEN and in other recuperated businesses, there are some who believe that it is more important to select those most skilled at the job in question, in order to preserve and enhance the productivity and profitability of the business. Others argue for the importance of offering those jobs to those who most need them. As shown above, within the BAUEN the decision was eventually made to first offer positions to family members, as they “are the ones already paying the price of our being here.” This demonstrates how the idea of work is also seen in ways not purely rationalistic, but rather highlights the affective dimensions and lived experiences of workers as whole beings. In other cooperatives, members of local unemployed organizations were given the first opportunities. Debates over remuneration and distribution of profits have also arisen within the recuperated businesses. The laws of cooperatives under INAES stipulate only that, rather than salaries (*salarios*), the cooperative members deal in the distribution of earnings among members (*reparto*). Many of the recuperated businesses follow an ethic of equal distribution among all members, without gradations for position or seniority. In these cases, an agreed upon amount is usually also set aside for further investment in the business. However, in the early and difficult days of many cooperatives, the scant earnings would be either entirely dedicated to putting the business in operation again or given to those workers whose need was perceived as greatest, due to their personal circumstances. Within the BAUEN, during the initial days of operation the distribution of pay was equal, but as the need for labor increased and new workers were incorporated into the cooperative or hired on a temporary basis some members began to feel the need to distribute earnings on a graduated scale, that included a recognition of time with the

cooperative.

In all of these debates, the resolution in practice is rarely fixed and unchanging, nor devoid of internal contradictions. The legal uncertainty that surrounds many of these recuperated businesses, including the BAUEN, has in many cases had the effect of allowing the construction of an internally coherent practice to be to some degree postponed, with attention focused squarely on the sheer survival of their efforts.

One way of mitigating the contradictions has been through the direction of the efforts of production or the provision of service towards the benefit of the community. While some businesses have, through either choice or necessity, focused more directly on the mercantile aspects of production, others have decided and been able to direct more effort to putting their work towards the benefit of the community, and particularly those most in need. One way of doing this has been the donation of produced goods or services to local community organizations or the establishment of community programs, including secondary schools and health clinics. Cooperatives such as FaSinPat emphasize the need to put the factory in the service of the community, as part of an ultimate goal of turning the installations into a state-owned, worker-operated enterprise devotedly exclusively to the needs of society as a whole. As I explore in the next section, the cooperative BAUEN differs from FaSinPat in embracing formal cooperativism as a permanent solution, but shares the core idea that the hotel should serve the community.

Building a Community: Trabajo Lucha Cultura

The final aspect of the logic of cooperativism that I discuss as having particular relevance for the BAUEN is the nature and extent of the collaboration among recuperated businesses, and the relationship of these businesses with the broader community. As a large hotel with nearly 200 functioning rooms and ample meeting space, the Bauen is able to comfortably host conferences, workshops, and exhibitions, as well as events such as wedding receptions or parties. This feature has allowed the Cooperative to develop as a central player and referent within the recuperated businesses movement, as well as among the broader community of people and organizations concerned with social justice.

From the beginning, the cooperative counted on the support it received from neighbors, university groups, and other individuals and organizations sympathetic with

their cause.

María: ...Then, when we began to go to the neighborhood assemblies to tell what was happening, what was really (happening), that we were fighting for our source of work, that we were (in) here, they came from the university, they helped us, they decided to bring yerba, sugar, so we could drink mate, eh, they brought a bit of rice, and they came from over there, from the food bank, they helped us a lot, so after that we began to move a little, we began to learn from this, what it is, what work is...²²

Here, her narrative relates not only how the cooperative both cultivated and received support from numerous groups, but also how she sees the change in the concept of work emerging from the possibilities opened to them through this support.

Collaboration between recuperated businesses has also been important, and has taken on a variety of forms. These have included the organization of umbrella movements,²³ individual mutual aid or trade relationships between recuperated businesses, and the staging of recuperated businesses expositions. The BAUEN has played a central role in this collaboration, whether through lending event space or by providing material and other forms of support to many other cooperatives. They also helped organize and hosted one of the expositions, designed to promote cooperation between and publicize the recuperated businesses and their products/services.

From the time it re-opened its doors, the BAUEN has also provided meeting space, often free of charge, to a wide variety of groups beyond the recuperated businesses movement. A few of the many examples of this include its use by subway workers on strike, workers from Garrahan State Hospital during their extended conflict with the government over salary and working conditions, international anarchist groups, piqueteros, H.I.J.O.S., and those concerned over the Dirty War-style disappearance of a

²² ..entonces, nosotros cuando empezamos a ir a asambleas barriales a comentar lo que estaba pasando, eh, lo que realmente, eh, que nosotros estábamos luchando por nuestra fuente de trabajo, que estábamos acá, venían de la facultad nos ayudaban, decidían traer yerba, azúcar, para tomar un mate, eh, nos traían un poco de arroz, y bueno, venía por ahí la, eh, la caja de los merenderos que nos ayudaban muchísimo, entonces ahí es como que empezamos a, a movernos un poquito más, empezamos a aprender de esto, lo que es, el trabajo...

²³ The major umbrella movements are the *Movimiento Nacional de Empresas Recuperadas* (MNER) and a similar though antagonistic movement, the *Movimiento Nacional de Fábricas Recuperadas por sus trabajadores* (MNFR). Contrary to what their names seem to suggest, it is not the case that the MNER is comprised of businesses and the MNFR of factories, rather, each movement encompasses both. For more on these movements, see Fernández Álvarez 2004:349-350; Lavaca 2004; Magnani 2003; Rebon 2004, 2006.

man who was to testify against a former repressor.²⁴

In providing a space for the issues and agendas of other groups, those of the BAUEN cooperative profess to the idea of the hotel as a space for building community, belonging, first and foremost, to the people. The cooperative recognizes the need to disseminate the idea of work based on cooperation as elaborated above, and as such insists that all workers are welcome in the Bauen, those from the recuperated businesses movement and those “in relationships of dependence” (*recuperados o en relación de dependencia*). They also provide assistance to individuals and groups in need, such as offering free lodging to patients from the interior provinces who come to Buenos Aires to receive operations at state hospitals. In this way, as the president of the cooperative has asserted, the workers of the BAUEN have transformed the space “*de cuna de la burocracia a cuna de la sociedad*,” from the cradle of the bureaucracy into the cradle of society.²⁵

The BAUEN cooperative also highlights the importance of artistic expression as a fundamental element in the construction and expression of citizenship. The hotel has a constant run of movies and theater productions, and their marches and protests are frequently accompanied by performances from major cultural figures, such as the director of the Teatro Colón, or popular countercultural rock bands, who offer their support on a voluntary basis. They adopted *Trabajo Lucha Cultura* (Work, Struggle, and Culture) as their motto, brandished on the enormous banners that proclaim their identity in their street protests [Picture 5.8]. The focus on artistic expression integrates an element of playfulness into their struggle, with their protests often being as full of festiveness as they are of determination. The interweaving of the idea of work with artistic expression at once serves to draw in further support for their cause, especially among the youth, and adds another dimension to this reconfigured idea of work based on ideas of social wellness and cooperation rather than giving primacy to profitability.

The articulation of the Bauen as a space of popular cultural expression establishes links with a broader set of struggles within contemporary Argentina over the use of

²⁴ At the time of this writing, Jorge Julio López remains missing. This event, widely publicized as ‘disappearance 30,001,’ has once again brought into the spotlight the continuity of mafia-style hierarchies and relationships among the security forces, particularly in the Province of Buenos Aires.

²⁵ Spoken during a street demonstration, 22 May 2006.

public spaces and the asserted need to recuperate these areas from private hands. This reappropriation and resignification of public space encompasses a wide set of interests, including human rights and memory activists and street artisans (see Tandeciarz 2007 for a discussion of some examples of this). As one group expressed it, as part of their struggle to keep their community center open in spite of official attempts to close it down:

The refusal to recognize that cultural and social spaces fulfill the function of articulating the participation of neighbors with the production of our local artists within a context of values of solidarity and of collective work is to refuse to recognize that cultural spaces are the builders of citizenship and of social, collective, and democratic participation.²⁶

In the same way, the emphasis on Work, Struggle, and Culture within the BAUEN insists that the opening of a space where events can be planned and held fulfills an important function within society, one that goes beyond the articulation of the interests of any one group or faction within the movement or the community as a whole. This adds another element to the concept of citizenship being advanced and practiced (and advanced through practice) by the BAUEN Cooperative. Such alternative practices of citizenship differ strongly from the models discussed above that were made available and promoted under the era of neoliberalism.

Conclusion

María: We, around 1997 when the owners changed business on us [when management of the hotel passed to Solari, S.A.], in the moment Iurkovich told us, I was one of the ones who didn't want to sign, so he said to me, if you want to sue me go ahead, if you're going to get something you'll get it three years from now, and during those three years you won't have work. So I signed the paper in front of the public notary and lost all my rights. Now, yes, I fight for my rights, because now I know that as a citizen I have to fight for my children and their future, so that Argentina keeps growing.²⁷

²⁶*Desconocer que los espacios culturales y sociales cumplen con la función de articular la participación de los vecinos con la producción de nuestros artistas locales en un contexto de valores solidarios y de trabajo en conjunto es desconocer que los espacios culturales son constructores de ciudadanía y de participación social, colectiva y democrática. Basta de clausuras*, press release from Red de Cultura Boedo, 24 November 2006.

²⁷*Nosotros, de ahí que nosotros en el '97 cuando, eh, se hizo cambio de, de empresa a nosotros el dueño, en su momento, Iurkovich nos dijo, bueno, yo era una que no quería firmar, entonces me dijo, bueno, si me vas a hacer juicio haceme, si vas a cobrar por ahí cobrás de aquí a 3 años pero mientras esos 3 años no vas a tener trabajo. Entonces yo firmé un papel ante el escribano público que perdía todos mis derechos. Ahora sí, yo lo peleo por mis derechos, porque ahora yo sé que realmente como ciudadana lo tengo que pelear por mis hijos y por el día de mañana esto para que la Argentina siga creciendo.*

María's words point to the way her participation in the BAUEN Cooperative goes beyond the protection of her source of labor. Rather, through its emphasis on cooperation, solidarity, and community partnership, the idea of cooperativism embraced by the Cooperative operates as a counterlogic to the individualized and materialist conception of citizenship promoted by neoliberal capitalism. Employing a discourse of corruption that itself seeks to challenge the "socially corrupting influence of corruption" [Muir 2008], the BAUEN Cooperative selectively utilizes established legal channels in order to articulate and fight for the right to continue to operate the Hotel. The interweaving of a delegitimizing discourse of corruption with newly conceived forms of worker-organized action in places like the BAUEN has implications for understanding post-neoliberal politics of work throughout Latin America. Recuperated business such as the BAUEN and FaSinPat have become international referents for rethinking working class organization outside of traditional union structures, in ways that have counterparts throughout the Global South. In this chapter, I have endeavored to show how detailed ethnographic research and historically sensitive analysis of the context of contemporary forms of social protest like the recuperated businesses movement can shed light on the way these processes emerge out of a dialogue between the lived experiences of the actors involved and the cultural and historical forms of practice that structure the context of their actions. I have further demonstrated the importance that notions of impunity and corruption have in defining the movement's demands on the ethical sphere. The next chapter turns to a deeper consideration of the political and legal climate within which the BAUEN Cooperative operates and in response to which it formulates its demands and strategies for action.

Picture 5.1



The Hotel Bauen

Picture 5.2



Women from the BAUEN cooperative

Picture 5.3



During a street protest

Picture 5.4



Marching

Picture 5.5



Tables and beds set up in the street

Picture 5.6



Picture 5.7



“WE DEFEND 126 JOBS” [lit., 1st person plural (inc. + exc.) imperative “[we] defend!]

Picture 5.8



Street protest “B.A.U.E.N. STRUGGLE, WORK, CULTURE”

Chapter 6

Resistance and Accommodation: Tracing Morality and Legality in the Choice of Political Practice

...Por ahí nunca hice política. No, no, nosotros no sabemos nada de política. Y, [ahora]...es como que con solo hablar estamos haciendo política. Entonces, bueno, eso es un proceso que vas cambiando...Para mí la política es lo más sucio que había y...algo que no se podía creer como estaban [las cosas], los cartoneros, la fuente de trabajo que no había. Entonces, yo decía “no puede ser esté tanto de afuera y como yo de política, la verdad que tampoco me interesa” y ahora tal vez sí porque si nosotros, si nosotros nos interesaríamos un poquito cambiaríamos un poquito lo que es la política...Entonces, es totalmente diferente ahora lo que yo estoy viendo en sí porque, bueno, es linda la política si realmente uno quiere hacer algo bueno, no?

...I was never involved in politics. No, no, we didn't know anything about politics. And now, it's that in just talking we are doing politics. It's a process that you are changing...For me “politics” was the worst thing, and, you couldn't believe how things were, with the *cartoneros* [street recyclers], the jobs that weren't there. And I said, “things just can't be this way, but, politics, no, no, I'm not interested in that,” but now maybe yes, I am, because if we, if we just get a little bit interested in politics then we can change a little bit what politics is...So, what I think now is totally different because, well, politics is a good thing if one wants to do something good with it, no?

-- María, member of the BAUEN Cooperative¹

In this chapter I discuss two situations faced by the BAUEN Cooperative as part of their efforts to preserve their ability to control and operate the Hotel. I have selected these two particular challenges faced by the cooperative as anchors that allow for a broader exploration of a number of aspects of the group, their demands, and their insertion within a particular set of political and social circumstances as operative in contemporary Buenos Aires. I begin with one of several legal cases brought against the Cooperative, and their response.

¹ From author's interview, 9 December 2005.

COMUNICADO DE PRENSA

Y CONVOCATORIA

21 DE OCTUBRE DE 2005

En la madrugada de hoy, siendo las 6:00 AM, sufrimos un nuevo intento de clausura del hotel que viene a continuar una política de persecución a los trabajadores de la Cooperativa. B.A.U.E.N. La orden fue emitida desde el juzgado en lo contravencional N° 3, por la Jueza Dra. Carla Cavallieri. Para implementarla, irrumpieron en el interior del hotel, varios inspectores custodiados por efectivos policiales.

El argumento presentado se refiere a las medidas de seguridad que, supuestamente el hotel no cumple. Meses atrás, se pidió la cumplimentación de 26 requerimientos para garantizar la seguridad del lugar. dichos puntos fueron cumplidos en su totalidad. Se priorizo este tema durante los últimos cuatro meses realizando enormes inversiones en la infraestructura del edificio.

Es Claro que los intentos de clausura responden más a fines políticos que a requerimientos de habilitación y seguridad. Además, el intento represivo que hemos sufrido, se inscribe en el marco de una escalada contra los luchadores como los trabajadores del subte, quienes fueron reprimidos en el día de ayer. Este tipo de medidas llaman poderosamente la atención cuando se efectivizan a pocas horas de las elecciones legislativas.

Ante la cierta posibilidad de un nuevo intento de clausura en el día de hoy, convocamos a todas las organizaciones, empresas recuperadas y particulares a concentrarse en la puerta del hotel para marchar hacia el juzgado N° 3, sito en Combate de los Pozos e Hipólito Irigoyen y exigir que se ponga fin a este tipo avances contra la clase trabajadora.

PEDIMOS EL APOYO DE TODOS

VIERNES 21 DE OCTUBRE

13 HS CALLAO 360

El Bauen es de todos

[English version]

PRESS RELEASE AND CALL TO ACTION

21 OCTOBER 2005

At dawn this morning, at 6am, we suffered a new attempt to shut down the hotel, an action that comes in continuation of the policy (*política*)² of persecution towards the workers of the BAUEN Cooperative. The order was issued from Civil Judicial Office Number 3, by Judge Dr. Carla Cavallieri. To implement it, several inspectors accompanied by police officers invaded the interior of the hotel.

The argument presented refers to the security regulations that the hotel allegedly does not meet. Some months ago, it was demanded that the hotel comply with 26 requirements to guarantee the security of the locale. These requirements were complied with in full. This theme was given priority during the last four months through enormous investments in the building's infrastructure.

It is clear that the attempts to close the hotel respond more to political ends than to safety and security regulations. Furthermore, the repression that we have suffered occurred in the context of an escalation of the use of force against those who struggle, as seen with the subway workers who were repressed yesterday. This kind of measure powerfully draws attention when they occur just hours before the legislative elections.

Given the likely possibility of a new closure attempt today, we call on all organizations, recuperated businesses, and individuals to come together at the doors to the hotel, for a march toward the Judicial Office Number 3, located at Combate de los Pozos and Hipólito Irigoyen, to demand that they put an end to these kinds of incursions against the working class.

WE ASK FOR EVERYONE'S HELP
FRIDAY, OCTOBER 21

² In Spanish the word *política* can mean the equivalent of both the meanings of the English words 'politics' and 'policy.'

The Bauen belongs to us all

Though it required a drastic reshuffling of personal schedules of the kind only fieldwork seems capable of imposing, I managed to be at the march that afternoon. Once again the spontaneity and uncontrollable unpredictability of my research was rather antithetical to life with small children, particularly when so far away from all immediate and extended family, and yet somehow we worked it out. The march itself was similar to many others, though this time we headed for the Judicial Offices of the Judge who had issued the order to close the hotel rather than offices from the legislative or executive branch of government. As expressed in the press release included above, the order accused the cooperative of failing to have the proper safety authorizations to operate a business in the city. While technically true, cooperative members point out that the reason they did and could not hold these authorizations was due to their uncertain legal status – as they did not legally hold the right to operate the hotel, they could not file for the proper status. Furthermore, they argue that the accusation against them overlooks the improvements they had made and the numerous papers that they had filed attempting to address the problems cited and to regularize their situation.

On the way to the judicial office, we weaved through narrow side streets flanked by tall colonial style buildings, whose height and proximity amplified even louder than usual the persistent drumming and singing. On more than one occasion I had observed in my field notes the seeming need and desire to make noise during the marches, how part of the struggle was itself the ability to express, full volume, one's presence (and right to such presence) in the street. During this march, the heightened reverberations of these insistent self-proclamations seemed to intensify the marchers' need for this effect. Several of the younger male members of the Cooperative busied themselves setting off numerous firecrackers, which they pulled out a large, unmarked wooden box with a stylized black stencil of a woman in a suggestively sexual position drawn on the top. The close quarters outside the judge's office, which were located in what appeared to be a

reconditioned apartment building, made these explosions deafeningly loud. For more than an hour we held vigil outside her office [see Picture 6.1], with insults against her person generously interspersed with the chants proclaiming the Cooperative's right to operate the hotel.

The march had been timed to coincide with the meeting of several city legislators who supported the BAUEN with Judge Cavallieri. Upon returning to the hotel, an assembly meeting (*asamblea*) was held in one of the auditoriums. The majority of the 45 minutes the assembly lasted saw these three female legislators both reporting on their meeting with the Judge and putting forth their positions on the strategies they thought the BAUEN should pursue. Though sprinkled with considerable political rhetoric (all were candidates in the upcoming midterm elections), it was the legislators' description of their meeting that was received with the most enthusiasm. They noted that the noise from the street below made it nearly impossible to proceed, a detail that was heartily cheered by the workers. In addition, they relayed the judge's claims to have acted only after receiving numerous formal complaints (*denuncias*) against the hotel for operating without the proper safety authorizations. All of these had been filed by individuals who were purportedly directly connected to, and acting in the interests of, the former owner of the Bauen, who seemed to be trying to exploit public sensitivity on the issue of safety (i.e., the case was not brought by the city government, even in the context of increased safety enforcement following public outrage over the level of irregularities found in compliance with these safety laws after the December 2004 Cromañón tragedy). Apparently, the complaints in their majority consisted of clipped newspaper ads announcing upcoming shows or events to be held in the Bauen. This kind of evidence confirmed for the members of the Cooperative that the closure attempt was more a political act than one actually concerned with public safety. As expressed by one cooperative leader, "It isn't the lack of some bureaucratic paper or a fire extinguisher that brings about the closure, but rather the example that we workers are providing."³

This case provides an illustration of one of the multiple ways the BAUEN Cooperative found itself immersed in interactions with state institutions. Their response

³ *No es la falta de un papelito o un matafuegos lo que lleva al cierre, sino el ejemplo de lo que los trabajadores estamos llevando adelante* Fabio 14 julio 2005

to this legal challenge occurred on several planes. The lawyer for the Cooperative immediately filed an appeal of the closure order, based on the measures that had been taken and citing the particularities of their case in their defense. These included the fact that full habilitation by the city was not available to them, as they could not nor would be able to provide proof of ownership of the hotel. They also, as seen above, called upon political allies from within the City legislature to intervene in the case. And, as also shown, they manifested their objection to the order by holding a highly visible (and audible) public demonstration.

In order to further explore the ways in which the BAUEN Cooperative engages with state institutions and the local political systems, I begin with some of the legal background involved in the Hotel Bauen. I show how these legal claims operate in dialogue with the claims to legitimacy asserted by the group, and the way ideas of the rights to work and to collective well-being are put forth in contrast to the neoliberal concerns for the protection of property rights, the free operation of business, and unrestricted flows of capital as asserted by the former owners and their political and economic allies.

Case Background

The workers of the Hotel BAUEN have struggled from the beginning with the pressure of the legal uncertainty that surrounds their occupation and operation of the hotel. Their particular situation was made additionally complex by the legal haze that surrounds the conditions of the hotel's closure. As mentioned in the previous chapter, in 1997 the owners of the Hotel Bauen turned the administration of the hotel over to the Chilean group Solari, which was to buy the business for 12 million pesos (at that time equivalent to 12 million USD). When the hotel closed in December 2001, Hugo Iurkovich, son of former owner Marcelo Iurkovich, presented a complaint in court requesting that the hotel be returned to them, on the basis that the Solari group had made only one payment of 4 million pesos towards the purchase of the hotel. They won the case, which legally removed the hotel from bankruptcy, but the decision contained the provision that the Iurkovich family return the 4 million pesos they had received. As they have not done so, the ownership of the hotel remains encased in legal ambiguity.

While each case presents its own idiosyncrasies, in general within the recuperated businesses phenomenon in Argentina there are five actual or desired resolutions to the situation that arises once the workers take over the factory or business [Fajn, et.al. 2003:102-109]. In some cases the workers have won the (usually temporary) expropriation of the factory or business by the state, through either law or decree. In other cases, the workers have agreed to contracts that allow them the right to rent the installations, either under direct negotiations with the former owners or through judicial decisions. Others have made arrangements with the major creditors and stockholders, in cases where the business is in bankruptcy and the creditors are those with the strongest legal demand upon the businesses. In others, such as Zanon and Bruckman, the workers have chosen to demand the nationalization of the business, having it operate under worker control and for the benefit of the entire nation.

As the Bauen hotel was technically removed from bankruptcy through legal decision, the workers were limited in their possibilities for a resolution. As one cooperative member, Fabio Resino, relates, “When we entered here at first we wanted, as a solution, to sign a rental agreement with the owner, since as the hotel wasn’t bankrupt, it was difficult to expropriate: everyone in the Legislature told us, as the hotel isn’t bankrupt, nobody’s going to expropriate it. But for that same reason we couldn’t rent it either.”⁴ In September of 2003, some six months after occupying the hotel, the workers were able to achieve a preagreement that allowed them the right to operate a part of the hotel. This agreement was decided between the cooperative, the former owners, the government of the City of Buenos Aires, the MNER (*Movimiento Nacional de Empresas Recuperadas*), and the lawyers for the former creditors. Under this agreement, which was overseen by the Commercial Judicial Circuit #9 under Judge Paula Hualde, the cooperative was able to put into operation the first three floors of the hotel. These included the large meeting rooms and halls, which the workers were able to renovate and rent out profitably.

As time went on, the cooperative was able to expand the usable portions of the

⁴ *Cuando nosotros ingresamos acá quisimos primero, como una salida, firmar un contrato de alquiler con el dueño, pero como no estaba la quiebra, era muy difícil de expropiar: todos nos decían en la legislatura que como el hotel no estaba quebrado, nadie lo iba a expropiar. Por eso no podíamos alquilar tampoco.* Fabio Resino, published on www.indymedia.org.ar, 4 July 2005.

hotel. They invested much of their profits in renovations, and in 2004 were able to open to the public a full café/bar. By 2005, 80% of the hotel was in operation, and the ground floor hosted a bookstore, hair salon, gift shop, and point of sale for the new line of originally designed and manufactured shoes by the recuperated factory C.U.C. (*Cooperativa Unidos por el Calzado*, ex-Gatic). However, as the hotel became profitable, the pressure from both the former owners and political forces whose interests lay in the protection of property rights increased. Each of these have mounted legal attacks against the cooperative's right to occupy and operate the hotel, with the legal complaints discussed above serving as just one example.

In analyzing the specific legal attacks that the BAUEN Cooperative has faced, I hope to demonstrate the how the reactions and defenses that they have designed represent a challenge to the neoliberal idea of citizenship on yet another front from the cooperativism discussed in the previous chapter, namely through fore fronting the idea of the right to work and that of collective wellbeing over the property rights. In doing so, the cooperative draws on and attracts those committed to historically prominent ideologies within Argentina, including leftist and center leftist Peronism and the traditional socialist parties, in ways that are both constrained by these ideologies and attempt to adapt them to the current political situation, and specifically post-neoliberalist, post-crisis Argentina. As we will see, the struggle for the Hotel Bauen occurs within both the ethical and practical registers. I also hope to show that this challenge takes place within a given political system, and that the attempt to survive and protect the source of jobs and personal investment in the cooperative has implied a mixed strategy of accommodation and resistance that at once challenges and yet is limited by the constraints of politics as perceived and practiced within contemporary Argentina, and specifically within the City government of the Autonomous City of Buenos Aires (*Ciudad Autónoma de Buenos Aires*).

Following counsel by the MNER⁵, the BAUEN Cooperative has responded to the legal uncertainty surrounding its status by demanding that the State expropriate the hotel and turn it over to the cooperative. Fundamentally, and underlying these demands for

⁵ The differences between the MNER and the other umbrella organizations are taken up at the end of this chapter.

expropriation, the BAUEN Cooperative and the MNER assert the right to work as a fundamental right of citizenship, and thus the protection of a source of jobs as a basic responsibility of the state. This demand occurs on two fronts, both in terms of legality and in terms of legitimacy. These two fronts do not exist in separation. Rather, I show here how the claims to legitimacy are codified and channeled through specific preexisting juridical notions in forming a legal basis for their claims.

Competing Moral Frameworks

In making their case for the right to operate the hotel, the Cooperative argues that the former owners acted both illegally and immorally in allowing the hotel to decline into bankruptcy. From this point of view, the corrupt practices of the former owners and the impunity afforded to the business class under the era of Menemist politics are seen coming together to form the principal cause of the severe unemployment and extreme debilitation of the primary and service industries in Argentina around the turn of the 21st century. In referring to the widespread practice of fraudulent bankruptcies, Rebón notes:

This behavior by the businesspeople is perceived as ‘intolerable,’ making space for acts of resistance. In this perspective, it is important to point out that in the literature [on recuperated businesses] and the consciousness of the workers moral explanations of the ‘inappropriate behavior by the owners’ as determining the business crisis abound. These hypotheses don’t take into account that the very nature of capital is the maximization of gain and its reinvestment. If the conditions for the realization of the cycle of accumulation don’t exist, withdrawal at the lowest cost is the morally capitalist alternative to follow [2004:65].⁶

Rebón fails to note that even under the capital friendly laws passed or decreed during the era of neoliberal reform, many of the actions of the business owners remained illegal. As laid out in the previous chapter, this idea of profitability in the 1990s often led to business owners placing little regard on the continuity of the business and an exaggerated emphasis on the transportability of capital, manifested both in widespread capital flight and preferential investment in other, often foreign-based business.

However, Rebón does make an important observation in noting, first, the way that moral

⁶ *Esta acción del empresario es percibida como ‘intolerable,’ dando lugar a acciones de resistencia. En esta perspectiva, cabe destacar que en la literatura y la consciencia de los trabajadores abundan las explicaciones morales acerca del ‘mal comportamiento de los empresarios’ como determinante de la crisis empresarial. Estas hipótesis no tienen en cuenta que la propia identidad del capital es la maximización de la ganancia y su reinversión. Si no existen condiciones para la realización del ciclo de acumulación, el retiro con los menores costos es la alternativa moralmente capitalista a seguir.*

arguments are widely employed by the workers in justifying and explaining their actions, and secondly, that the moral logic being applied by the workers to their situation differs from that promoted by neoliberal capitalism and its adherents.

On the surface it may seem that these competing moral frameworks are relatively straightforward. For the workers, morality is based on their basic rights to a dignified manner of employment, fair and honest treatment by the owners of the business, the right to be remunerated with a wage that covers their basic needs and access to social benefits like retirement support and health care. In this view, the state as representative of the people holds the obligation to protect the rights of workers. For the business owners, operating under the logic of neoliberal capitalism, the emphasis is placed on moral responsibility to shareholders and the maximization of profitability. The state in this view takes on the role of defending the right to private property and the free operation of business. However, looking closer at the ways in which each set of actors works to implement and achieve their vision on a practical level reveals both the variations that exist among those whose interests lie in the promotion of each vision, and the ways in which the limits and constraints of the existing system are imagined and accommodated. Finally, as was the case with Memoria Activa and the other organized groups of family members of AMIA victims, an analysis of these differences shows that the divergences between similar groups are rooted in different assessments of appropriate action on the practical register. In the next section, I explore further the claims to legitimacy advanced specifically by the BAUEN Cooperative, in resistance to the challenges mounted against them by their opposition.

Decadencia (Decadence and Decline)

As was the case with the organized groups of family members from the AMIA bombing, and as seen in the preceding chapter, the workers' claims to legitimacy rely heavily on specifically understood notions of impunity and corruption. Each side in this debate utilizes the legal and political system in particular ways in advancing their claims. Fundamentally, the Cooperative argues that the bankruptcy claim made by the former owners was fraudulent. Though considered to be part of a widespread phenomenon tolerated or even encouraged under the ethics of neoliberal capitalism as applied and

practiced in Argentina, the members of the BAUEN Cooperative relate in precise detail the specifics of their case. They specifically allege that the former owners deliberately failed to properly maintain and invest in the hotel as a viable entity. Rather, the cooperative argues that the former owners amassed millions of dollars of debt in non-payment of services to the hotel, and of having used the profits they thus gained from its operation to construct other luxury hotels in Argentina and Brazil. They also accuse them of violating labor laws applicable to the maintenance and closure of a business. For example, by the time the doors formally closed, the number of workers employed at the hotel had already been drastically reduced by the management under varying reorganization schemes and the slow reduction of the hotel's offer of services. Those who had maintained their posts report having suffered months of underpay and nonpayment of mandatory benefits. In addition, the owners are said to have for years engaged in predatory management practices. As evidence of this, workers cite how they changed social service providers 5 times, with each change forcing the entire workforce to resign and be rehired. This move is said to have allowed the owners to avoid paying their debts and to deny workers the rights they accumulate for continuous tenure. The Cooperative also charges the former owners with *vaciamiento*, or the emptying of the premises of all saleable goods after bankruptcy had been declared, thus preventing their liquidation towards repayment of the amassed debts.⁷ Finally, the cooperative alleges that the former owners orchestrated a post-bankruptcy 'sale' of the business to a phantom corporation that is in fact controlled clandestinely by the former owners, in a move designed to allow them to evade responsibility for having led the business to bankruptcy.

This appraisal of the former owners' actions directly influences the way workers chose to confront the hotel's closure. Anger over their mistreatment, the denial of their legally established rights as workers, and the fraudulent practices of the owners are all reasons frequently cited to justify the occupation of the business. That these factors are important in a number of situations is supported by the low incidence of a business being recuperated when the proper indemnity was paid to the workers upon their dismissal

⁷ The former workers are themselves creditors of the bankrupt business, with both salary and benefits due to them. However, though this is often true in bankruptcy cases in Argentina, the former workers are rarely able to collect on any of this debt as current bankruptcy law, both as written and de facto, gives lowest priority to this group.

[Rebón 2003:43].

Legitimizing the Right to Work

These divergent perspectives on what constitutes morally appropriate behavior lie at the core of the dispute between the workers and the representatives of the former owners. I have shown how the Cooperative bases its claims to the right to run the hotel by contesting the claims to property rights of the former owners, and how these are expressed in legal arguments over the illegality of the former owners' actions. They also make positive assertions as to the legal right of the State to expropriate the hotel. The cooperative argues that the state is in fact the principal holder of the debts amassed by the former owners, as the initial loan from BANADE for its construction was largely unpaid and the former owners have over 7 million USD in unpaid back taxes to the City Government.

Beyond these arguments against the rights of the former owners and in favor of the state's right to expropriate, the BAUEN Cooperative also argues for their own right to operate the hotel. This claim rests on several points. Fundamentally, the Cooperative argues that they hold a legitimate right to occupy and operate the hotel because they have been to do so successfully. Though this claim has a shakier legal basis than those outlined above, in a context of massive un- and underemployment, the creation of jobs, and thereby the enhancement of social wellbeing, is a powerful argument that resonates widely. They repeatedly emphasize the number of jobs they have created by reopening the hotel (some 150 at the time of my fieldwork), and continuously assert that even more would be created through the resolution of the hotel's legal status, which would allow the cooperative to put the remaining portions of the hotel into operation. These 150 jobs, with the accompanying family members that they also support, are also repeatedly cited as what are at risk with each new legal threat. The fact that the cooperative has been able to lucratively exploit the same hotel that the former owners ran into bankruptcy and closure, thus benefiting not only the workers and their families but also the many suppliers of the hotel and the public as a whole through the economic activity of an important business in the city center, is presented by the cooperative as itself an argument for their right to continue to do so.

These debates over who deserves the right to operate the hotel are also reflected in the terms used to describe the phenomenon. For the sake of consistency and fluidity, I have chosen throughout this work here to refer to this set of experiences as “recuperated businesses,” though in using this term I to refer to both factories and businesses (*fábricas y empresas recuperadas*).⁸ Furthermore, I adopted the name *recuperada* as the one most commonly used by the workers within the movement. However, other terms have been used to describe the phenomena, and the different word choices reveal much both about the differences between supporters and detractors of the movement and debates within the movement itself. From *usurpadas* (usurped) or *reconvertidas* (reconverted) to *ocupadas* (occupied) and *autogestionadas* (worker-controlled), each term embodies a different notion of what the workers are doing and their rights to do it.⁹

Calling these businesses *usurpadas* is usually restricted to the right-wing press and politicians/businesspeople who hope to establish the workers’ actions as a crime. In alleging an inherently illegal nature to the workers’ actions, they argue for the moral superiority of acting to restore the property to its “rightful” owners. *Reconvertidas* is the name that has been chosen by certain agents of the state, who hoped to reinstate production within the businesses without granting expropriation. Those within the movement who choose to call these businesses *ocupadas* are emphasizing the method of struggle utilized, and are drawing a connection between these takeovers and earlier, union-directed takeovers that served as a mechanism for putting pressure on the owners. The term *autogestionadas* places emphasis instead on the workers’ ability to operate the businesses on their own, on the organization of production created inside these factories and businesses. In this sense, it is often used by those who wish to draw connections and alliances with other worker controlled projects, like the *autogestionadas* from Brazil. Another example of this usage comes from the association in 2005 of some 80 cooperatives into a section of the CTA (*Central de Trabajadores Argentinos*, an umbrella union group that split off from the CGT in 1992). This *Asociación Nacional de*

⁸ The distinction between recuperated factories and businesses is maintained linguistically somewhat more strictly than what I do in this dissertation. However, in Spanish it is common to simply refer to these as *recuperadas* or another term of choice, without always adding the cumbersome addition of ‘business’ or ‘factory’ or both, thus allowing this distinction to be maintained with less awkward results than would be the case in English.

⁹ This section on the use of different names parallels, with some differences, that of Rebón 2003:34-36.

Trabajadores Autogestionados (ANTA) includes neighborhood-based or farming cooperatives as well as some *recuperadas*.

Despite these variations, I found *recuperada* to be the word most commonly used by the workers' themselves. The meaning of the word *recuperada* to describe this process holds several layers. Many of these layers were powerfully and compactly expressed by BAUEN cooperative member Gerardo to a major local newspaper:

Our dedication is unshakable. We are caring for a different Argentina. Our conflict with the Iurkovich family is a reproduction of the one that exists between the businesspeople who sunk this country and the workers, who generate work and not inflation. We are doing everything that an ordinary businessperson has not done: we pay taxes, we pay our suppliers in full and on time, we reinvest in the installation and [for this] we suffer chronic attacks, because we believe that those who produce, the honest ones, those that think of businesses as social goods are those who save the country.¹⁰

As reflected in these words, a dominant meaning of having 'recuperated' the factory or business is of having recuperated a source of labor. In the context of rising unemployment and massive businesses closures across all labor sectors that characterized the peak years of the recuperations, the loss of a job was then and remains a serious concern. Thus, the idea of refusing to permit this closure by taking control of the business and putting it back into operation principally implies the recovery of the jobs that have been lost. It also implies the recovery for production of a business or factory. In this sense, the nation's productivity is being recuperated one business at a time, in direct opposition to the long decline of Argentina's self-held identity as an industrialized country. In this sense, workers often cite how the word 'Bauen' itself carries the meaning 'to build' or 'to construct,' and they thus make a symbolic connection between their efforts and the rebuilding of the nation. Many workers also cite recuperation as referring to the recovery of the specific factory or business itself. They argue that the business is fundamentally the product of their own labor, and therefore belongs to them.

Though this revolutionary potential for transforming the organization of

¹⁰*El compromiso es contundente. Estamos cuidando una Argentina distinta. Nuestro enfrentamiento con los Iurkovich es una reproducción del que existe entre los empresarios que hundieron al país y los trabajadores, que generan trabajo y no inflación. Nosotros hacemos todo lo que no hace un empresario normal: pagamos impuestos, pagamos a los proveedores en tiempo y forma, reinvertimos en instalaciones y sufrimos ataques crónicos, porque consideramos que al país lo salvan los que producen, los que son honestos, los que entienden a las empresas como un bien social. Quoted in "Cuando la música es una cooperativa," Página 12, 16 December 2005.*

production is what led to so much attention being paid to Argentina and recuperated businesses as one of the new “practices of resistance” that arose around the 2001 crisis, I argue that this tells only part of the picture. Apart from the complications that arise from their continued insertion within a capitalist market, as discussed in the previous chapter, the recuperated businesses must also continue to operate within an established system of public administration. For the remainder of this chapter, I want to turn to another incident that reveals a number of important aspects of the BAUEN Cooperative and their engagement with the broader political and social climate within the City of Buenos Aires. Rather than being focused on the judicial sphere, these events concern the interactions of the cooperative with the City Legislature.

Democracy Inside and Out

The BAUEN cooperative’s interactions with the state were not limited to the judicial circuit. Part of their legal strategy involved pressuring the national and local governments for laws of expropriation (*leyes de expropiación*) that would firmly place the hotel in the hands of the workers. While a permanent expropriation would clearly be the ideal solution, the cooperative has also undertaken efforts to push a temporary expropriation law through the Legislature of Buenos Aires. Through Congressman Diego Kravetz, a lawyer and founding member of the MNER, the BAUEN cooperative introduced legislation that would have given the cooperative legal protection to operate the hotel. Similar laws had been passed for a few other recuperated businesses in the city, notably the 2004 law that granted temporary expropriation to 13 factories. However, though this law stipulates that the state indemnify the former owners, to date they have failed to pass the accompanying budgetary legislation that would provide the funds to do so. The project proposed by Kravetz asks specifically that the hotel be considered of public utility (*utilidad pública*). This juridical notion, most often appealed to for the appropriation of privately owned lands for public works projects such as highways or otherwise, contains the implication that the Argentine state has the right and obligation to put to public use that which can benefit the people as a whole. Assigning this status to the Hotel Bauen would serve as legal grounds for its expropriation by the state. The forceful appeal to this relatively minor juridical figure by the Cooperative couples with the notion of the right of citizens to a collective wellbeing over private

property rights.

The temporary expropriation law presented by Kravetz on behalf of the BAUEN passed through the Congress's Development Commission and, in August of 2005, was passed by a minority of votes out of the *Comisión de Presupuesto*, which meant that it was now eligible to be voted on by the Legislature as a whole. However, a counterproposal was suddenly presented by Congressman Jorge Morando, a political ally of the right-wing politician Mauricio Macri (later elected in 2007 as Head of the City Government, or mayor of the Autonomous City of Buenos Aires). This counterproposal, though it presented numerous legal irregularities, such as not having passed through the mandatory Development Commission, was passed by majority vote in the *Comisión de Presupuesto* also in August 2005. This project proposed recognizing the ownership claims to the hotel by the Iurkovich family, and creating a negotiating commission, including those cooperative members who had been formally employed by Iurkovich (i.e., and not those contracted under the administration of Solari, S.A.), to discuss the terms of their continual employment, once again under the Iurkovich family.

The workers were forced to wait under continuing legal uncertainty for these projects to come up for vote on the House floor. Early on November 3 they finally heard that the projects were on the schedule for that day. They quickly sent out calls for support, and hundreds gathered in front of the Legislature building on Peru Street to urge against the passing of the Morando bill, as it was known [see Picture 6.2]. Approximately 70 members of the cooperative had gained permission to attend the session as part of the viewing public. In spite of this, though allowed inside the building, they were prevented from entering the Floor itself. After waiting some seven hours in the cold white stone passages that led to the symbolic center of political decision making power, Congressman Kravetz spoke to the gathered workers. The hard truth was that the cooperative's project did not have the votes to pass, and the Morando project did. Therefore, Kravetz proposed accepting some of the terms of the Morando project, which would allow the cooperative the right to negotiate the terms of the settlement. At any rate, he argued, it would buy the cooperative time, during which they could pressure then head of City Government Aníbal Ibarra to veto the law. A discussion was quickly held. Many workers expressed why accepting this proposal was so difficult. For the workers,

accepting Iurkovich as the owner meant ignoring the layers of corruption that surrounded the selling of the hotel and the process of its bankruptcy. One member shouted out, “If Iurkovich wants to be recognized as the owner then let him show the papers proving it!” Furthermore, the project at its best would result in a return to salaried work, *trabajo con patrón*. And lastly, the project provoked resistance for giving primacy to rights to private property. The MNER and the Cooperative BAUEN argue, “Businesses are not exclusively private property, but rather social goods. They are built with much human capital and the labor of the workers.”¹¹

With their own project for temporary expropriation as good as dead, the workers understood that they had limited options at this critical juncture. Should the Morando law pass, the former owners and right wing political forces would have a potent tool to use against the cooperative’s fight to hold onto the hotel. Should the legislature act, their situation would become all the more precarious. The frustration of the cooperative members was visible. MNER and certain members of the cooperative had spent months meeting with legislators, visiting their offices, putting on pressure, trying to win votes for their proposal. Now, suddenly, they could seemingly do little to stop a vote against them. Within moments of the impromptu debate spawned by Kravetz’s explanations, Fabio Resino, from the MNER but an integral figure within the BAUEN, shouted out over the din, “Okay, raise of hands, all those in favor of accepting this proposal?” No one moved. “All those in favor of bursting onto the Legislature Floor and preventing a vote on the Morando Law?” Cheers erupt, and the workers move off towards the inner doors leading to the session hall.

No longer content to accept their restriction from the session floor, the workers pushed through the human barrier of police and congressional security and won their way through the doors. They erupted into the circular depressed cavity ringed by polished wooden benches where the legislators were gathered in small groups. From the public seating areas in the highest level of the hall, the workers rained down cries of “*BAUEN es, de los trabajadores, y él que no le gusta, se jode, se jode,*” and other forceful cries against those who refused, through action or omission, to support their efforts. Pounding,

¹¹ *Las empresas no son exclusivamente de propiedad privada, sino bienes sociales. Se construyen con mucho capital humano y el esfuerzo de los trabajadores* Eduardo Murúa (MNER). “Desde una quiebra a una esperanza”, *Página 12* 29 Sept 2003.

clapping, yelling, their focused objective was simply to make impossible the continued proceedings of this governmental body. After a while, the legislators accepted the inevitable and closed the session. The vote on the Morando proposal had not come, and the workers left.

Democracy as Social Responsibility

I want to explore in particular three aspects of this event, before turning to the developments that followed. First, I want to consider in more depth the idea of collective wellbeing and its relationship to ideas and practices of democracy as expressed by the BAUEN Cooperative. The articulation of this idea within the recuperated businesses movement cannot be separated from the idea of the social as a general notion circulates within Argentine and, specifically in the case of the BAUEN, porteño society. While this notion is multifaceted and heterogeneous, it is nonetheless possible to trace some broad outlines. The idea of democracy in post-dictatorship Argentina is discursively linked to ideas of social responsibility, in the sense of recognition of the self as part of a larger group (in this case, democratic society), to which the self bears a responsibility towards the proper functioning and well-being of the collective. I remember being struck by the importance placed on this development of the idea of the self as part of a group at a parents' meeting at my youngest son's preschool. That this idea is entrenched and reproduced in that sublime machine of social discipline, the school, was confirmed for me through conversations and interviews that I had with teachers of 'citizenship' (*ciudadanía*), as well as through published educational materials, both from government and private sources.¹² This sense of the group, and the importance of solidarity, has a resonance in Argentina that permeates society even across and beyond class lines. Though political formulations from a variety of angles interpret and address what this idea of solidarity implies in different ways, it is a constant feature of social discourse.¹³ Therefore, for the actions of the Legislature to be considered democratic, it is essential

¹² A full discussion of the idea of citizenship as presented through the school system, and its permutations over the years, unfortunately lies beyond the scope of this dissertation. I hope to expand upon this theme in a later work. For valuable insights and useful bibliographic references, see the numerous published works of Inés Dussel.

¹³ An example of this idea can be seen in the work of a group of investigators from the Centro Cultural de la Cooperación, who consider the differing manifestations of the idea of participation in post-crisis Argentina. See Landau, et.al. 2004.

that they also be seen as operating in consideration of this kind social responsibility. This linkage of the democratic to the social, inflected in specific ways according to local socio-historical particularities, draws on deep-seated notions of social responsibility and solidarity and has recently been forcefully asserted in opposition to and rejection of notions of authoritarian governance, on the one hand, and the individualist principles of neoliberal citizenship as discussed in the Introduction, on the other.

A clear and poignant example of the way importance of the social is highlighted and fundamentally integrated into the Argentine notion of democracy can be seen in a No Smoking sign that I was fortunate enough to see hanging on the wall of the *Centro de Salud Mental y Acción Comunitaria No 7* (Center for Mental Health and Community Action Number 7), in the northern Buenos Aires neighborhood of Núñez. The serendipity of such finds, where a particular aspect of cultural life is so clearly and elegantly encapsulated in ways an anthropologist can only hope for but not actually seek out, was for me an essential feature of and rationale for extended fieldwork. This faded and slightly yellowed sign, poorly printed out on a piece of office paper and taped up at the bottom of the stairwell, admonished visitors that:

Fumar en el hospital atenta contra la convivencia. La Ordenanza 47.667 del Honorable Consejo Deliberante lo prohíbe. Si ud. [sic], a pesar de ello, fuma aquí, da muestra de su propio autoritarismo, de su desprecio a la salud ajena y de su descuido por el hospital, que es público, lo que quiere decir "de todos".

To consider this warning line by line: The first thing we are told is that smoking in this hospital is an attack against social living. *Convivencia* is used in Spanish to denote the kinds of basic rules of coexisting with others, as in those taught to Kindergarten children. The next line informs us that Rule or Decree number 47,677, an appropriately obscure number relying in all its weighty importance on assured levels of bureaucratic efficiency, is the precise rule that we would be breaking. Furthermore, this rule was decreed by the Honorable Deliberating Council, carrying the lexical connotation of having been fairly and morally decided by a group, which carefully considered the matter and made a joint decision. The next line begins with an injunction to Ud., the formal 3-person singular tense for you in Spanish, which should grammatically be capitalized, but here is not, which could be seen as a denigration of the figure of the individual. If this demoted “you” chooses, in spite of Honorable decrees, to smoke there, they are showing their

“authoritarianism,” or their own tendencies to act in a dictatorial fashion, and thus inherently undemocratically. The appeal to words like “authoritarianism” within contemporary Argentina cannot escape from an implied reference to the last military dictatorship and its brutal repressive tactics. To use this term is to invoke the widespread discursive condemnation of Dirty War violence by the military, and of those who would impose their will upon society. Finally, we are told that the smoker is acting selfishly, by “showing their lack of respect for the health of others” and failing to properly care for the hospital, which “is public, which means belonging to everyone.” The appeal to the public, the social, and the condemnation of any who would act in a way that imposed their will over others and over the good of the group is the central logic upon which this sign makes its injunction.¹⁴

In the case of the BAUEN, their moral injunction to collective well-being refers to the need for a kind of sociality and moral consideration that would place the viability of a national business, which by nature implicates workers, suppliers, and owners in a unified system of interests, over an individualized concern with earning money or responding only to the interests of a limited set of individuals (such as stock holders or investors). The idea that the former owners of the Hotel Bauen engaged were representative of what is seen as an era of corruption and impunity is symbolically expressed in a number of ways. Marcelo, a former high-level worker in the hotel who served during my fieldwork as Cooperative president, considered the history of the hotel to be “a paradigm of corruption.” The linkage between the current situation and the era of Menemist politics is further expressed through one of the chants most repeated during the protests against the Morando law. As mentioned above, Morando was a political ally of and considered to be acting on behalf of Mauricio Macri, a major right wing figure and successful businessman.¹⁵ As such the chant, directed against Macri, declares:

*Mauricio Macri
vos sos igual que Menem
lo mismo que Chupete*

Mauricio Macri
you're just like Menem
just like Chupete

¹⁴ It is worth noting that smoking in public places is still a widespread and commonly accepted practice in Argentina, and such a strong condemnation of such a frequent and generally tolerated act rings as being both noteworthy and somewhat out of place. The injunction was also, in my observation, nearly entirely ignored.

¹⁵ His visibility as the president of the soccer club Boca Juniors propelled his political career. After losing to Anibal Ibarra in 2003, he was elected head of City government in 2007.

*ajuste y represión
(repetir)
por eso yo
te quiero dar
algo de corazón
cada fábrica que cierra
lo abrimos con expropiación*

adjustments and repression
(repeats)
that's why
I want to give you
something from the heart
for every factory that closes
we will open it with expropriation¹⁶

Engaging in Democratic Practice

The second point I would like to consider in relation to the events described at the beginning of this section concerns how ideas of ‘democracy’ are being understood and acted upon. In this case, it would perhaps be possible to see the actions of the BAUEN Cooperative as undemocratic, as they purposely prevented a freely elected body of Congress from conducting its scheduled business, in order to avoid a vote on an issue they were likely to lose. Yet this was not their interpretation of the events. I discussed briefly above how in post-authoritarian Argentina the notion of democracy is frequently discursively linked to the idea of the public and of the social. Related to this, and I argue also at work here, was an overwhelming sensation among members of the Cooperative that the kind of ‘democracy’ offered by and practiced within the legislature was one already heavily stacked against them. The BAUEN workers, even and often especially those not intimately connected with planning and implementing the political strategies designed for their struggle, repeatedly mentioned to be their impression that the legislature is not playing by the rules, that they are up against an unresponsive and unfair system.

Their allegations were both general, as against the political system as a whole, and particular. They would cite in minute detail the numerous irregularities presented by the Morando proposal, including its failure to follow the proper channels (which the BAUEN proposal did follow, and which in practice meant months of stressful waiting) and its granting legal recognition of ownership when this ownership was still disputed in court. Furthermore, many were convinced that Morando had himself been paid to bring forth the proposal against them. Several members mentioned to me how it was certain that Morando had received his little suitcase of money (*valijita de plata*) for having

¹⁶ This chant is modified from another, which begins *pingüino* (penguin), a popular nickname for Néstor Kirchner, a native of the southern Patagonian province of Santa Cruz. *Chupete* (a baby’s pacifier) refers to the weak and ineffectual ex-President de la Rúa.

brought the law to the floor.

The sense that the political system itself is unfair not unique to the Cooperative BAUEN. The “crisis of legitimacy” that has besieged the Argentina government at least since the 1990s, culminating in the political and economic crisis of December 2001, has received abundant popular and scholarly attention [ex., Colectivo Situaciones 2002; Dinerstein 2004; Svampa 2002]. The recent lack of faith in all politicians has certainly affected the way electoral democracy is perceived and talked about in Argentina.

This disenchantment with the political class and the actual workings of electoral democracy was in large measure due to the popular assessment of corruption as endemic with the system. Of course, public perception of widespread corruption as a problem amongst Argentine elected officials and other state actors did not arrive with the 21st century. In 1910 French observer Georges Clemenceau wryly noted that “Argentina grows thanks to the fact that its politicians and authorities cannot steal while they are sleeping.” In 1946 Borges insisted, “The State is impersonal: Argentines only conceive of personal relationships. For that reason, for the Argentine, stealing public funds isn’t a crime” [1996:658]. More recently, Mercedes Hinton has argued that political system as organized in Argentina “generat[es] few incentives for elected officials to act in the interests of the common good” [Hinton 2006:76]. However, as I laid out in the Introduction to this work, ‘corruption’ is a malleable notion that is interpreted and utilized in particular and culturally specific ways. In this case, when used to refer to situations in which the actors involved are seen as privileging personal gain over collective benefit, corruption is subject to widespread ethical disdain. Borges’s comment, while perhaps accurate as a cultural commentary, fails to take into account that, while stealing from the state may not receive excessive public approbation and is quite certainly at least expected, once this kind of corruption is seen to directly affect public welfare, or collective good, then it is subject to widespread moral condemnation.

Recent work on the use of the term “corruption” among the Argentine middle class reveals that, “Both the practices and the critiques of corruption are bound up in the construction of an evaluative moral framework that not only expresses the untrustworthiness of specific institutions, but also goes so far as to question the very possibility of sociality.” [Muir 2008]. Furthermore, beyond the impersonal and broad

based deceptions that the general public can feel following the actions of major figures, (public scandals, the corralito, fraudulent business closures, suspicious privatizations, etc), what has received less attention and, I contend, has a stronger influence on popular lack of confidence in the government has to do with their own personally felt experiences interacting with government officials, and their understandings of democratic practice. Thus, understanding attitudes towards politics and towards the idea of democracy as practiced in Buenos Aires requires taking into account the way elected officials are viewed as having become increasingly entangled in practices seen as working against the common good (i.e., “corrupt”) since the 1990s, and bearing in mind the idea of corruption as understood in this particular context.

Given this context, for the members of the BAUEN cooperative, the question becomes, how can you play their game if they don’t play by their own rules? In this context, and in any context of widespread corruption and favoritism, how can any social actor practice democracy? For the workers of the BAUEN, the answer lies in their practice. Their interruption of the legislature session that day reveals two aspects of this practice. On the one hand, their forced entry into the floor of the session served as a literal irruption of those affected by the laws being debated into the sphere of debate. Their physical presence forced onto the scene a visual recognition, at least, of their actual existence as noise-making, bodily entities, in contrast of the sterilization and flattening of existence so effectively effected by inscription through formalized linguistic codification onto sheets of paper. Furthermore, their prevention of the vote on the Morando proposal, and the accusations they directed against the measure and those supporting it, challenged the workings of politics as usual within the chamber. Their presence worked to expose the nature of political practice within the body, defying to the legislature and legislators to live up to their own rules and stated purposes.

On the other hand, the actions of the Cooperative that day also held an alternative example to this kind of practice. The space outside the legislature session hall witnessed a moment of direct democracy, of the kind that rallied the workers around a position rather than isolating them for the process. This is not to allege that the practice of democracy within the BAUEN is strictly egalitarian or devoid of hierarchies of power. Indeed, debates over the nature and practice of democratic decision-making within the

recuperated businesses are some of the most hotly contested.¹⁷ Nonetheless, what I want to highlight is that the existence of these debates seems to allow a sense of confidence in the practice of democracy within the recuperated businesses movement, a confidence that is lacking in the workers' understanding of governmental institutions. The significant difference lies in that democracy as practiced within the BAUEN Cooperative inspires confidence rather than distrust among its members.

The struggle has also led, as the initial quote to this chapter demonstrates, to a change for some cooperative members in their understanding of their role within the political system, as a regulatory body for society. Rather than feeling alienated from the workings of politics, some now feel empowered to work towards changing the system itself. I come back once again to María's words. With no prior political formation or activity, she points to her experiences with the cooperative for her newfound understanding of their own rights as citizens, rights to both protest against the "corrupt" workings of the politics of elected officials and to influence the governmental policies that most directly affect their lives:

Yeah, this has totally changed my life, the fact of having seen this, and I never, as I always say, I have never gone for any political party, I had never known what it was, never entered a Legislature building or stepped into the National Congress. And I more or less was a little afraid of the polit..., of these people, like, legislators. Maybe I was a little afraid because I'd say "I'm going to go talk to a legislator? Why?" Now it's like, "No, we're the ones who vote for them. They have to receive us. And, why wouldn't they receive us?" It's thanks to us that they are there, so they really have to provide us with a solution. Not us going to ask them for a favor, when it's they who are representing us. That's why we gave them our vote. So, I'm totally different now than what I was before, no?¹⁸

However, her understanding of her situation and, more directly, the decisions made as to what actions the cooperative should take, cannot be separated from the

¹⁷ The ceramic factory Zanón in the Patagonian province of Neuquén has been one of the most successful of the recuperated businesses in implementing a decision-making process that equally includes the voices of all of the more than 400 workers. Other recuperated factories have had lesser degrees of success in dealing with these issues.

¹⁸ *Y sí, totalmente cambió mi vida el hecho de, de ver esto y jamás, como siempre digo, jamás he militado en ningún partido político, jamás, eh, he sabido lo que, he pisado una legislatura o he pisado un Congreso de la Nación. Yo por ahí era como que les tenía un poquito de miedo a los pol<>, a, a esta gente de decir, eh, de decir a los, como a los diputados. Por ahí me daba un poco de miedo porque decía "yo voy a ir a hablar con un diputado? Por qué?" Ahora es como, "No. Si nosotros le estamos dando el voto. Nos tiene que recibir. Y, por qué no nos va a recibir?" Entonces, gracias a nosotros está ahí y nos tiene que, realmente, dar la solución. No nosotros irle a pedirle un favor si ellos es lo que nos están representando. Por eso le votamos. Entonces es totalmente diferente a lo que era antes a lo que soy ahora, no?*

influence of the *promotores*, or leaders because of and through their connections to sources of power, who generally do come to the cooperatives with prior political formation, connections, and ideologies. Undoubtedly, the prominence and control of knowledge by certain *promotores*, has had profound implications for who has the ability to direct and influence the paths taken by the cooperative and the decisions made. Fabio, the representative of the MNER who came to form part of the cooperative and the one who called for the informal vote that day, indisputably influenced the impressions and positions of the other members of the cooperative in the very act of calling on them to vote. María credits Fabio with having taught her much of what she knows about Argentine politics and history. She told me that before he came she did not know what the AAA was,¹⁹ and said that she had not known what it meant to be active for a cause (*militar*). The influence of these *promotores* undeniably had influence over the workers within a given cooperative, though internal debates within several of these (most notably perhaps are the intense debates and abrupt transitions within the textile factory Bruckman and the metalworks factory IMPA), seem to indicate that this control was not absolute.

The Debate over Appropriate Forms of Practice

This point leads into the third and final aspect of the events from this day that I would like to discuss. The move made by the BAUEN Cooperative on this day was, as with any other, also subject to the political considerations of those involved. Here, I refer to “politics” in the sense I laid out in the Introduction, in terms of encompassing and describing the way people move through and manage interpersonal relationships of power. Specifically to this case, it was important that Fabio, as a key strategist for the BAUEN, distance himself and the Cooperative from Legislator Kravetz (the legislator who had put forth the BAUEN’s proposal that Morando was countering). Though Kravetz had himself been a founding member of the MNER, his rise to prominence within the Legislature as a head of the Kirchnerist block had conditioned his ability to oppose legislative practices and had limited the ways in which he could manifest his support for the Cooperative. Furthermore, and more relevant to the discussion here, it

¹⁹ The AAA or Triple A was the Argentine Anti-communist Association (*Asociación Anticomunista Argentina*), created by then Minister of Social Welfare José López Rega in 1973. It was responsible for much of the state-sponsored political violence in the years leading up to the 1976 military coup.

had implications for the Cooperative and their chosen position in relation to their engagement with the government.

As mentioned above, the BAUEN Cooperative was accompanied in their initial days by the MNER, and the BAUEN eventually became one of the principal referents and spearheads for the movement itself. The position adopted by the MNER, and promoted by and through the BAUEN, can perhaps be best summarized as one of limited engagement with the government. While they embrace a strong oppositional rhetoric, they are also willing to engage with the established channels to the extent necessary in order to secure their demands (filing legal briefs, legislative proposals, etc). However, as we have seen, they also challenge these institutional practices, with a willingness to denounce the inadequate nature of these practices even as they work within them. It is given this stance that Fabio and the Cooperative found it opportune to distance themselves from Kravetz on this occasion, given his rise to prominence within the established sphere of party and legislative politics. This is my own interpretation of the events, but it was supported and agreed to by others with whom I spoke, most notably members of the alternative press who regularly covered the BAUEN and my companions in the press office of the Cooperative.

The sharp divisions between the MNER and other organizational currents within the recuperated businesses movement have more to do with this position on appropriate engagement with the government than with differences in their stated aims. To the extent that ideological differences as to the goal of the movement exist, these have not generally been the source of division. Though the BAUEN and Zanon pursue different ends (expropriation en favor of the cooperative, for the BAUEN, and expropriation as a state-controlled industry, for FaSinPat), these two recuperadas maintain a close relationship and invariably support one another's actions. This is the case in spite of the geographic separation of the two, and it is not uncommon for each to send busloads of supporters across the vast stretch of Argentine countryside for protest events.

In contrast, the MNFT, a splinter group of the MNER that formally separated in 2003, could be seen to exhibit a greater willingness to work within established institutional channels, and is more reluctant to challenge these. Led by lawyer and politician Luis Caro, the MNFR rejects the MNER's motto of occupy, resist, produce

(*ocupar, resistir, producir*), arguing that occupation is illegal under current law and therefore illegitimate, and therefore do not support the reentry and occupation of installations. However, workers claim that the definitive split between the two groups, which played out most visibly in the struggle for control of the metalworks factory IMPA, came when Caro agreed to run for office on the same list as former *carapintada* Alfredo Rico. In this way, Caro was seen as positioning himself too close to established forces within the government. Another umbrella organization FECOOTRA, which came out of the 1970s and 1980s experiments with cooperativism, rejects the mixing of politics with the movement. They defend cooperativism as an ideological notion, stay within the mandates of INAES, and have distanced themselves from both the MNER and MNFT's attempts to enter into and thereby influence the formal political system in favor of the cooperatives.

While the MNFR and FECOOTRA are much more willing and in fact insistent upon working within a kind of legality, the MNER rejects this 'legality' as itself illegal. While accepting the necessity of working within the established political and economic system, they are also insistent upon the realization of the right to work and the primacy of collective wellbeing over legalistic concerns. The experiences of these cooperative members point towards new ways of understanding politics within the Argentine social landscape. However, the system within which these actors find themselves enmeshed profoundly affects the real possibilities for the survival of the Cooperative. In the end, the success that the BAUEN Cooperative has had in maintaining control of the Hotel (as of this writing, the cooperative is in its fourth year of worker-controlled operation) has been the result of pursuing a strategy of resistance and accommodation, in which they both work within and challenge institutional channels. Furthermore, it has required sustaining a balance of tension in resisting the pressures brought against them.

I see this kind of balance of tension as a common feature of the Argentine political landscape. In the case of the BAUEN Cooperative, it includes a number of factors. At any moment the BAUEN holds anywhere from two to several hundred people. With some 150 workers, and numerous allies (such as those at the permanent stand in the lobby selling CUC shoes, a independently owned and operated bookstore, hair salons, and other services) and voluntary collaborators, the physical installations at

Callao 360 are never left unguarded. And, as seen in the previous chapter, the Cooperative has a carefully cultivated network of social relationships, including the Mothers of Plaza de Mayo and key *piquetero* and neighborhood groups, willing and determined to defend them at all cost. The Cooperative will not leave voluntarily, regardless of any legal injunctions that may be filed against them. As one member put it, “To get us out of here, then there really would be a second Cromañón, because they’ll have to kill 150 people and all of our families [that stand] behind us.”²⁰ And, as expressed in one of the most oft repeated chants, members insist: *Estaba cerrado/lo fuimos a abrir/y poco a poco lo pusimos a laburar/No importa que diga el gobierno/del Hotel Bauen no nos vamos nunca más* (It was closed/we went and opened it/and little by little we put in into operation/No matter what the government says/we will never leave the Hotel Bauen).

On the other side, however, lie the economic and political interests determined to get them out. Yet even when these gain the force of rule (i.e., when those favorable to their interests hold key political offices, and thus control the security forces), no politician could afford being responsible for what would have to be a decidedly violent eviction in the heart of the *microcentro*. The BAUEN Cooperative is in many ways protected by its central location within the City of Buenos Aires. Unlike the eviction of shantytown residents or squatters that has been going on across the outskirts of the City and within the Conurbano, the Hotel Bauen is not spatially hidden from the view of middle and upper class porteños, not in any way out-of-sight/out-of-mind like many other groups who face similar pressures.

This balance of tension leads on the surface to a kind of stable inactivity, constantly undergoing minor fluctuations but with neither side having the ability to significantly alter the situation.²¹ Around the strongly confrontation rhetoric, what happens in practice is that a different, often clandestine kind of pressure is placed upon the Cooperative. This takes the form of both legal and political pressures. In the legal

²⁰ *Y para sacarnos de acá...entonces sí que va a ver un segundo Cromañón, porque van a tener que matar a 150 personas y a través toda nuestra familia.*

²¹ The Cooperative has tried to alter this balance by appealing to the national government, but this body has failed to take a consistent position in relation to the recuperated businesses. For more detail on this aspect, see Anred, *El gobierno de Kirchner y las empresas recuperadas. Balance de una ambivalencia*, 11 December 2007.

sphere, worker control of the Bauen has been threatened by legal attacks ranging from mandatory closure orders, criminal charges against cooperative members for removing such closure notices, and charges for the illegal hosting of public events in violation of the terms of occupation. Politically, the workers also contend with less than transparent actions designed to remove them from the political process. Following the workers' success in preventing the passage of the Morando Law, the City Legislature eventually passed this law at two o'clock in the morning during a later session. The workers frequently emphasize how this kind of pressure leaves them in a constant state of uncertainty, never knowing where and when the next threat will arrive, denying them the ability to "work in peace" (*laburar en paz*).

However, their ability to engage within this system can also be seen in what happened following the late night passage of the Morando Law by the City Legislature. Though this law recognized the Iurkovich family as owners of the BAUEN and stipulated the creation of a legislative committee to oversee its return to them, the Cooperative managed to exert enough pressure on the new Head of City Government, Jorge Telerman, to prevent the law from taking effect. The Cooperative demanded that the law be vetoed. However Telerman, whose position towards the recuperated businesses was more moderated than that of the recently deposed Ibarra, was not willing to antagonize his opposition political forces by doing so. Falling short of this, closed door negotiations between Cooperative leaders and members of the Executive led to the law being effectively set aside. Though Telerman refused to veto it, he also did not sign it, an irregular but not uncommon legal procedure that left it without effect while allowing him to avoid taking a public position.

This chapter has shown how the BAUEN Cooperative operates with a combined strategy of resistance and accommodation to the existing political and legal system. Even while denouncing the workings of politics as corrupt, the Cooperative moves within this same system, challenging and exposing its manner of operation. At the same time, the BAUEN Cooperative needs to work within the existing political and legal system in order to achieve the stability they need, and to prevent further attacks from those opposed to their actions. The Cooperative uses as a sign of its legitimacy its careful compliance with existing legislation. We have seen how they highlight the number of briefs and motions

they have filed in the attempt to secure these clearances, as well as their careful and timely compliance with all business responsibilities. Fundamentally, though, they argue that it is their right to work and the primacy of collective wellbeing that legitimates their actions. It is this combination of legality and legitimacy, resistance and accommodation, that has defined the Cooperative's strategy on the practical level, and that has been the source of its (precarious) success.

Picture 6.1



In front of the Judicial Court (the judge's offices were located up on the second floor)

Picture 6.2



In front of the Legislature Building "The Bauen belongs to us all"

Chapter 7

Death, Public Security, and the Workings of Politics in the City of Buenos Aires: The Case of the *Cromañón* Nightclub Fire

*ni la bengala, ni el rocanrol
a nuestros pibes los mató la corrupción*

(it wasn't the firecracker, or rock and roll
it was corruption that killed our children)

Para vos, que no te metés en política porque te parece que política es algo sucio que hace un grupo de corruptos sin preguntarle nada al pueblo. Tenés razón, a veces hacer política es eso. Pero también, y nosotros lo hemos aprendido, puede ser luchar por lo que es justo, aunque el enemigo sea muy poderoso. Porque no podemos permitir que los responsables caminen impunemente por las calles. La calle es nuestra...

(For you, who doesn't get involved in politics because you think politics is something dirty that a group of corrupt individuals do without asking the people anything. You're right, sometimes politics is that. But we have learned that politics can also be to fight for what is just, even though the enemy is very powerful. Because we cannot allow those responsible to walk the streets with impunity. The streets belong to us....)

--Family members, survivors, and friends of the victims of *Cromañón*, 30 December 2006

On December 30th, 2004, a fire in a Buenos Aires nightclub called *República de Cromañón* took the lives of some 194 people. The vast majority of those killed were youth, many still in their teens. The club was hosting a concert by the popular rock band *Los Callejeros* when someone in the audience launched a *bengala*, a kind of flare commonly set off during these performances in spite of a history of previous incidents demonstrating the hazards engendered by their usage. The *Cromañón* tragedy was, however, unusually grave, and the high number of deaths and graphic televised reporting from the scene placed this occurrence squarely in the public eye. The way this event became quickly inserted into the language and practices of politics within the administrative regimes of the City of Buenos Aires provides a condensed and poignant

illustration of the themes presented throughout this work. Specifically, the Cromañón case demonstrates the force that the interpretive frames of corruption and impunity hold within Argentine public discourse. Furthermore, it reveals once again how those mobilized to work for change can be united in their ethical stance and the manner in which they voice their demands, even as they become divided over how to manage the myriad of political relationships that they inevitably confront on the practical register.

The Question of Blame

Even before the ashes from the Cromañón fire had begun to settle, public attention turned to sorting out the question of who was responsible. However, assigning blame proved to be a contentious task. Media and official reports quickly drew attention to the unsafe conditions within the nightclub. These included allegations that the roof was made of unsafe materials¹, that all possible exits besides the main entrance were chained shut (reportedly to avoid anyone from sneaking in without paying), and that the number of people allowed into the building that evening far exceeded the local code of regulations for occupancy limits. The owner of the nightclub, Omar Emir Chabán, was promptly signaled as responsible for managing the conditions under which the locale operated.² Following a series of media spectacles during which the accused was hunted down by the authorities, Chabán was located at his business office and arrested. Though facing charges that could result in his being sentenced to 25 years in prison, he was initially granted the right to await trial out of jail. The fear of violent reprisal was so strong that he took refuge on a small island in the Tigre delta accessible only by boat. However, both the media and the family members of victims proved relentless. In an attempt to calm the waters, Chabán offered to meet with some family members. While this gesture was favorably received by a number of those involved, Chabán has continued

¹ The official investigations into the incident report that the roofing of the building released toxic gases, including high levels of cyanide and carbon monoxide, when ignited. The inhalation of these gases was the major cause of death in most of the victims.

² For the sake of clarity and brevity, I focus only on Chabán in this conclusion. However, Chabán was actually only one of at least two co-owners of the nightclub. The property holder of the adjoining hotel, Rafael Levy, is also said to have held partial possession of the club, through an array of murky financial arrangements. Some of the family members of the victims therefore claim that he is also responsible. Furthermore, some argue that he was in fact behind the decision to keep all exits but the main entrance sealed, and that he had kept essential ventilation shafts covered. However, only Chabán and the head manager of the club have charged in court.

to be defamed by many family members and media sources, who often focus as much on his transgressive personal identity and style as on his legal or moral responsibility [see Picture 7.1-7.2. Soon after his much-publicized meeting with family members, Chabán was once again incarcerated, having lost a legal appeal over his right to await trial out of jail. He spent two years and 13 days in prison before regaining this right. As of this writing, Chabán remains free, with the opening date for his trial still pending.

Chabán was not the only person assigned responsibility for the tragedy. Legal charges and public outrage were also leveled against the manager and members of *Los Callejeros*, the band that was playing that night. Nonetheless, while the family members and press are for the most part united in their condemnation of Chabán, the case of *Los Callejeros* has been more divisive. The accusation against the rock band claims that they hold responsibility for the planning and logistics of the show, including the inducement to fill the club to over three times its permitted capacity. They are also blamed for having incited their fans to launch the *bengala* that started the fire. Many family members of victims, survivors, and alternative media sources, while not denying the level of liability that the group may have, are wary of a tendency in the mainstream press to demonize *Los Callejeros* for coming from what is an often-deprecated underground music scene that appeals most strongly to youths from the popular classes. They see in the condemnation of *Los Callejeros* a desire to further marginalize and disparage both the underground music world and its fans [lavaca 2005].

Related to this is the tendency within some major media sources to extend culpability to the victims themselves. Major coverage of the events tended to portray these kinds of rock concerts as being frequented by unruly and deviant youths, coming largely from the poorer, outlying areas of the City of Buenos Aires, who were said to be known to engage in careless practices. A much circulated rumor claimed that a kind of day-care was being held inside the girls' bathroom, so that the young (unmarried) teenage mothers in attendance that night could leave their babies and small children behind while they enjoyed the concert.³ The notion of poor youth as a dangerous force resonated in this highly class-structured society already engulfed in debate over public security and prone to discrimination against the young and disadvantaged. Many conservative sources

³ This rumor is vehemently denied by many survivors of the fire.

still argue for the need to assign legal responsibility to the youth or youths that launched the *bengala*, though the identity of this person(s) and whether or not they managed to survive the inferno that followed has not been determined.

It is in refutation of this kind of portrayal of the event that led to the popularity of the chant with which I opened this section. During their monthly marches in remembrance of that night, family members of victims often sing, “It wasn’t the firecracker/or rock and roll/it was corruption that killed our children.” This allegation refers to the final, and most consequential, group commonly held responsible for the transpiring of events that evening.⁴ The government, seen as infused with corrupt practices and officials, are held as being ultimately at blame for the tragedy and the deficiencies in reacting to it [see Picture 7.3]. The accusations fall on a number of actors and institutions. At its core, the injunction against the government revolves around the lack of enforcement and oversight of the laws regulating safety inspections for this class of business establishment. Members of the Federal Police Force and the Corps of Firefighters in the City of Buenos Aires are accused of soliciting and receiving bribes in exchange for overlooking safety violations during yearly building inspections. This practice was widespread and well known, having been the subject of previous legal and political investigations. For this reason, several members of the local government are also accused of “failing to fulfill the duties of public office” (*incumplimiento de deberes de funcionario público*), for not having taken steps to increase compliance with safety regulation laws.

This extension of responsibility to political functionaries not directly involved in either the events of the evening or the ineffective inspections that preceded it has been a critical point of mobilization and contention among the family members of victims, survivors, and the broader public. Several lower level functionaries in positions directly related to the control of safety inspections are currently awaiting trial, and their implication in the events is generally accepted as just by those most affected. However, the event quickly became an opportunity for members of the opposition party in City

⁴ For the sake of brevity, I have forgone a discussion of the degree of responsibility that some sources assigned to other sectors in the long process of settling of blame. Some intellectuals came forth in condemnation of a generic “society” for the events, other religious voices condemned the erosion of the traditional family, to name just a few.

Government to criticize the ruling administration, headed by Aníbal Ibarra. Though Ibarra was eventually acquitted of legal responsibility for the events, a group of family members, led by lawyer and father of one of those killed José Iglesias, pushed for a political trial of Ibarra's conduct as Head of City Government. In a hotly contested battle that sharply divided both the city legislature and the family members of victims, Ibarra was eventually impeached and removed from office.⁵

Impunity, Corruption, Politics

As was the case with the AMIA bombing and the organization of the BAUEN Cooperative, all sectors of family members in the case of Cromañón understand and talk about the causes of their situation and the government's handling of it in terms of corruption and impunity. The idea of corruption as the ultimate cause of murder can be seen as well in the following quote, which comes from the text produced by one sector of family members on the second anniversary of the disaster: "The crafty murderer [in this incident] wasn't rock and roll, it wasn't the fiesta, it was institutional politics and the handling of bribes of the political class of which Aníbal Ibarra was a member." Though this particular phrase comes from the anti-Ibarristas, similar accusations against the government in general are common across the groups.

Likewise, impunity is a major frame through which family members of victims and survivors formulate their demands and express their frustrations. This remains the case even given the relatively high number of concrete results concerning the assignation of blame and justice (i.e., punishment) in this instance. For example, impunity is the central notion in an emotional letter prepared by survivors of the tragedy and read during the march on the 22nd month after its occurrence. This letter reads in part, "We denounce the Government, which doesn't just look away, but actively guarantees impunity so that every day an endless number of Cromañóns parade by.... We are all

⁵ The government was also condemned for not having put into place a more effective disaster and rescue service prepared to handle tragedies of this nature. Much attention was given to the fact that the Cromañón nightclub was located only a few blocks from the AMIA, both in the central neighborhood of Once. In spite of the fact that the creation and implementation of just such a system has been a central demand of Memoria Activa for years (and forms one of the points in their OAS mandated "friendly agreement" with the Argentine State), such a system was not in place. All reports indicate that many more people would have survived the tragedy had there been adequate rescue services and medical attention at the scene.

survivors of the tragedy of this country, where impunity reigns.”⁶ As with the AMIA case, they also denounce the Cromañón incident as a “crime of state” (*crimen del Estado*), and they link their struggle to those of the counterimpunity organizations on issues of the dictatorship and declare their solidarity with the struggles for the rights of workers:

To struggle for Cromañón is to struggle for the 30,000 compañeros disappeared under the last military dictatorship, it is to demand THAT JULIO LÓPEZ BE RETURNED ALIVE (APARICIÓN CON VIDA), it means to support the telephone workers in their just demand for decent work, it is to struggle for health care, and this is why we act in solidarity with the workers from the Hospital Francés. The cases that we have just mentioned condemn a logic of functioning, a way of doing politics, that consists of physical repression and threats to witnesses.

However, as with the AMIA and Bauen cases, unity on the ethical register is accompanied by irreconcilable divisions among those most profoundly affected. As with the groups discussed in this dissertation, at the core of this divisiveness rests differences over how relationships with governing institutions are to be managed on the practical register. The political trial of Aníbal Ibarra brought these contradictions out into the open. During the voting by the committee created to decide his fate, televised live on major television stations, two separate demonstrations were held near the House of City Government. The proximity of the two demonstrations allowed me to be present at both of them. In doing so I was able to observe how each of these, one in favor and one against Ibarra, counted on the organizational support of survivors and family members of victims. The two held vastly different opinions as to the justness and utility of Ibarra’s political trial, in ways that were in some cases clearly influenced but ultimately not linearly determined by preexisting political alliances.

Anti-politics?

Before leaving the Cromañón tragedy, I want to reflect a moment longer on the way notions of politics, impunity, and corruption serve as frameworks through which events are understood and demands for government action formulated and structured. I return to the second quote with which I began this section. Here, “politics” as

⁶ The full version of this text is available online at lavaca.org, “*La locura es la impunidad*,” posted 30 October 2006. These groups also symbolically refer to the nation as “Argentina República de Cromañón,” in a play on the name of the nightclub (*República de Cromañón*), using the Cromañón case as representative of the situation of the country as a whole.

traditionally practiced is equated with “corruption” (“politics is something dirty that a group of corrupt individuals do without asking the people anything”), and “impunity” is signaled as being at the root of the problem around which their demands are centered (“we cannot allow those responsible to walk the streets with impunity”). The “street” is held up as belonging to the people, including fundamentally those currently engaged in protest (“the street belongs to us”). Finally, the imputed meaning of politics is seen to be changed in this process. Thus, activism becomes a recuperation of politics from those who have “corrupted” it. Throughout this dissertation, I have worked to show how these notions are part of an idea of political action and a particular interpretation of contemporary society that has become common throughout broad sectors of Argentine society.

Furthermore, I have tried to show how groups working for social change, both in their discourse and in their practices, must be understood within the context of the particular confluence of cultural and historical circumstances that precipitated their emergence. Specifically in this work, I have focused on how neoliberalism as conceived of and applied in Argentina has served as a principal figure against and in contrast to which contemporary movements have directed their attention. Though originally formulated in the Global North, neoliberalism has been particularly reflected and ultimately subject to the particularities of the local situations in which it was put into practice. Through advancing cultural plurality, justice, work, and collective good as notions fundamental to the rights of citizenship for democratic society, the groups studied in this dissertation have been shown to challenge the models of citizenship that the neoliberalist state strove to impose. By appealing to the practice of memory, understood through a combination of Jewish tradition and the discourse of human rights that gained prominence in Argentina following the most recent military dictatorship, family members of the AMIA victims challenged the politics of forgetting that operated under the Menem administrations. While this politics of forgetting provided the political stability needed for the implementation of neoliberal reforms, it also ironically helped set up the discourse of human rights as the essential terms of debate from all sides. The embrace of a broadly imaged but narrowly implemented multiculturalism served as the basis for the Menem administrations’ claims to be themselves the promoters of human rights.

While the family members of the AMIA victims draw on the notion of memory as a unifying feature, the recuperated businesses movement relies on the historically important sense of *compañerismo* and concern for collective good in making their demands. They appeal to the historically resonant figure of work and workers in asserting their fundamental right to operate their businesses, in contrast to the neoliberalist concern with individualism. The figure of the salaried worker as a social identity, combined with the culturally salient notion of collective good, provide the members of the BAUEN cooperative and the rest of the recuperated businesses movement with an argument for legitimacy that strongly contradicts the primacy given to highly mobile finance capital and job flexibilization in neoliberalist philosophy.

In both of these cases, we can see how these ethical challenges get advanced in ways that also draw on historically established forms and actions. Each aspect of their selected forms of action, from street protests to chants to the occupation of public and private spaces, has guiding precedents that inform the available repertoire and choices for expressing their demands [cf. Tilly 1994]. Furthermore, the idea of directing their complaints towards the state itself derives from historically constituted notions of the role of government and public administration in social life [cf. García Allegrone et. al. 2004].

However, this dissertation has also shown how these articulations of their ethical demands do not encompass the entirety of their actions. Rather, looking at the way these groups have moved within the existing political systems, both conforming to and confronting their modes of operation, is equally as important as studying their discursive assertions in attempting to understand their role and effects within contemporary Argentine society. Following the 2001 crisis, it became common for contemporary social protest in Argentina to be discussed in terms of anti-politics (*anti-política*). Under this rubric, diverse forms of popular organization (what many refer to as “alternative popular experiences” or *experiencias populares alternativas*) like the *piqueteros*, recuperated businesses, and neighborhood assemblies in Argentina, and more broadly indigenous movements in Ecuador and Bolivia, the *Sem Terra* in Brazil, and the Zapatistas in Mexico, are all seen as constituting and working towards and through a kind of counterpower or antipolitics that questions the actually existing forms of capitalism, specifically neoliberalism, and the nature of contemporary political power itself

[Colectivo Situaciones 2002; Di Marco and Palomino 2004; Holloway 2002; Thwaites Rey 2004]. Argentine sociologist Ana Dinerstein explains anti-politics in this way:

Reconciliation between people and politics occurred in the form of ‘anti-politics’ that is the re-politicisation of the society through new forms of collective, direct, radical, joint and democratic participation, mobilisation and action that rejected the representative and institutional politics. The practice and language of anti-politics, the counter power of anti-capitalism, anti-globalisation developed and expanded territorially through the actions of neighbourhood assemblies, workers’ and trade union mobilisations, unemployed workers’ movement, co-operative movement and of occupied factories, human rights, retired people, savers and artists movement (*ahorristas*) [Dinerstein 2004b:12].

Mabel Thwaites Rey notes how this rise of anti-politics is often seen in terms of autonomy, by those engaged in action, their advisors, and the theorists who reflect on them. In investigating this notion of autonomy, with origins in older emancipatory movements, she observes that the idea “of alternative political construction ought not to have the conquest of State power as its central axis, but should rather construct “another world” through the potentiality found in the collective actions that emerge from and are rooted in society” [Thwaites Rey 2004:14].

Many scholars and practitioners of social protest found hope and encouragement in the revitalization of community activism that emerged around the turn of the 21st century. However, even who see these “new practices of resistance” in terms of anti-politics tend to see the limits of their ultimate ability of bring about lasting change in terms of their distance from established modes of power . As noted by sociologist Óscar Landi, “The reality of our multitudes in the street has its shades of grey. They are not direct democracies, alternatives to the party representatives, because they are far from all sources of power. They are supported by their own words and by taking charge of their own uncertainty; they are not the embryo of a defined political institution.”⁷ It is precisely this need to utilize and draw from established power that I argue has been instrumental in both the choices for engagement with state and political institutions and the internal debates over appropriate methods for its realization.

Furthermore, while the tendency to view these experiences in terms of anti-politics takes the important step of highlighting the surge in forms of protest that had not been prominent during neoliberalism, I find that it often deemphasizes key aspects in

⁷ Landi, Óscar. “La metamorfosis del ciudadano: Democracia de carne y hueso,” *Clarín (Zona)*, 24 March 2002.

both the rhetoric and functioning of these movements. In arguing for a definitive break with prior forms of political activism and engagement, expressed as a rejection of traditional party and union structures and classical leftist philosophy, it fails to account for the importance of notions like work, struggle, memory, and *compañerismo*, which are best understood through considering their historical roots and development. It also fails to devote sufficient attention to the role and importance of traditional leftist parties in the planning and implementation of both tactical and strategic proposals for action, and the willingness and need to interact within and in accommodation to state institutional practices. As I hope to have shown in this dissertation, this kind of anti-politics that was seen to have emerged around the events of 2001 is not so much a move outside and away from established political practice, but to be found instead in the discursive injunctions against politics (as the field of corruption and impunity, specifically). Though new forms of organization and practice arise in conjunction with these anti-political discourses, even within the development of these new forms of action there is a necessary relationship with established modes and locations of power.

I have attempted here in this dissertation to account for the imbrications of social action with political practice, understood not only as the actions of state officials but as located in the interactions between individuals and groups interested in utilizing or altering relationships of power in seeking to bring about an intended effect. However, the fact that I see the actions of the groups I studied as being intricately interlaced with rather than oppositional to political practice should not be taken as an injunction against their means or methods of conduct. Rather, my intent has been to focus on precisely the need to understand politics as an intricate and deep-seated feature of social life. Considering anti-establishment movements or new organizational practices as anti-political obscures part of the very heart of these efforts, centered on the desire to destabilize and redefine the notion of political practice along their own lines. The locally inflected framing tropes of impunity and corruption allow them to pose this challenge in a way that resonates across society, and embodies a new conceptualization and set of practices for understanding their role as citizens in the nation. Ultimately, what I have shown here is how it is precisely the force of the debates over how this engagement with established

political systems should proceed that leads to the tendency towards division among Argentine social movements.

Picture 7.1



Picture 7.2



“Ibarra and Chabán – Guilty in the Death of Our Children”

Picture 7.3



“Cromañón – Failure to comply with the Constitution kills – These 194 victims demand justice!”

Appendix

Presidential Decree 812/05

Decreto Presidencial 812/05

VISTO el expediente N° 148.226/05 del registro del MINISTERIO DE JUSTICIA Y DERECHOS HUMANOS, y el acta de la audiencia celebrada en la ciudad de WASHINGTON, ESTADOS UNIDOS DE AMÉRICA, el 4 de marzo de 2005 en el marco del 122 período ordinario de sesiones de la COMISIÓN INTERAMERICANA DE DERECHOS HUMANOS, en la petición N° 12.204 del registro de la Comisión; y

CONSIDERANDO:

Que habida cuenta de la petición formulada ante la COMISIÓN INTERAMERICANA DE DERECHOS HUMANOS por las organizaciones no gubernamentales MEMORIA ACTIVA, CENTRO DE ESTUDIOS LEGALES Y SOCIALES (CELS) y CENTRO POR LA JUSTICIA Y EL DERECHO INTERNACIONAL (CEJIL), en la que estas denunciaron, en relación con el atentado perpetrado el 18 de julio de 1994 contra la sede de la ASOCIACIÓN MUTUAL ISRAELITA (AMIA) la violación, por el Estado argentino, de los derechos a la vida (art. 4 de la CONVENCIÓN AMERICANA SOBRE DERECHOS HUMANOS), a la integridad física (art. 5, ídem), a las garantías judiciales (art. 8, ídem) y a la tutela judicial efectiva (art. 25, ídem) así como el deber de garantía (art. 1.1, ídem), el mencionado organismo regional de protección de los derechos humanos convocó a la audiencia referida en el "Visto", a efectos de escuchar a las partes una vez finalizado el juicio oral y público de la denominada "conexión local" del atentado contra la AMIA.

Que en dicha audiencia, las partes acordaron formalmente iniciar un proceso de arreglo amistoso conforme lo contemplado por el arto 41 del Reglamento de la COMISION INTERAMERICANA DE DERECHOS HUMANOS.

Que el Estado argentino, como consta en el acta suscripta en dicha oportunidad, reconoció la responsabilidad que le incumbe por las violaciones denunciadas, en cuanto existió incumplimiento de la función de prevención por no haber adoptado medidas idóneas y eficaces para prevenir el atentado - teniendo en cuenta que dos años antes se había producido un hecho terrorista contra la Embajada de Israel- y porque existió encubrimiento de los hechos y medió incumplimiento grave y deliberado de la función de investigación adecuada del ilícito, lo cual produjo una clara denegatoria de justicia, conforme lo declaró, en su sentencia del 29 de octubre de 2004, el Tribunal Oral Federal en lo Criminal N° 3.

Que la sustanciación del juicio ante el mencionado tribunal fue seguida, paso a paso por la COMISION INTERAMERICANADE DERECHOS HUMANOS, que a tal efecto designó observador al Profesor y Decano de la Facultad de Derecho de la American University, Dr. CLAUDIO GROSSMAN, quien en su informe final concluyó que las *"dificultades para hacer justicia en este caso, emblemático en la lucha contra la impunidad, son innumerables. Bastaría decir que a más de diez años*

de que ocurrieran los hechos, las dificultades de reorientar una investigación son extraordinariamente difíciles por el solo paso del tiempo, que ha permitido a los autores de este criminal ataque terrorista amplias oportunidades de esconder sus huellas. La búsqueda de justicia, sin embargo, no es una alternativa sino un deber. La rica experiencia de la COMISION INTERAMERICANA DE DERECHOS HUMANOS en el hemisferio ha demostrado su compromiso inquebrantable con los derechos humanos y la búsqueda de la justicia pueden contribuir a que, ese deber se transforme en realidad concreta",

Que el Tribunal Oral, en el pronunciamiento recordado, llegó a la conclusión de que la investigación estuvo plagada de irregularidades cometidas en forma sistemática para sostener una hipótesis inculpativa más allá de lo realmente acontecido, y a propósito de lo cual no funcionó, por mucho tiempo, ninguno de los numerosos órganos de control que habrían debido corregir el curso de los hechos. La actitud ahora adoptada por el Estado argentino en la audiencia de la COMISION INTERAMERICANA DE DERECHOS HUMANOS refleja, en el marco regional, el trascendente cambio en el tratamiento institucional del caso en el ámbito local, cuyo punto de inflexión coincide con el comienzo del juicio oral y público, caracterizado por la transparencia y el irreprochable proceder de los integrantes del tribunal. Las medidas adoptadas por el PODER EJECUTIVO, a partir de la segunda mitad del año 2003 especialmente las que levantaron el secreto de la actividad de inteligencia, evidenciaron el firme y decidido propósito del gobierno de avanzar decididamente hacia la recuperación de la verdad y la justicia escamoteadas del modo expresado por el Tribunal Oral.

Con el acuerdo solemnizado en Washington, se ha abierto, por iniciativa,

1) La pública difusión, que se materializa mediante el dictado de presente decreto, del reconocimiento de la responsabilidad del estado argentino por el incumplimiento de los deberes impuestos y quebrantamiento de los derechos garantizados por la CONVENCION AMERICANA SOBRE DERECHOS HUMANOS precedentemente enumerado.

2) La publicidad del Informe Final del Decano Claudio GROSSMAN, que se insertará en la página de internet del MINISTERIO DE JUSTICIA Y DERECHOS HUMANOS.

3) La adopción, por las jurisdicciones que correspondan, de medidas de apoyo a la investigación, incluyendo pero sin reducirse a las siguientes: a) Profundizar el fortalecimiento de la Unidad Fiscal Especial AMIA del MINISTERIO PÚBLICO; b) Medidas tendientes a garantizar la investigación del atentado y del encubrimiento y las sanciones a los responsables; c) Fortalecimiento de la Unidad Especial de Investigación del caso AMIA del MINISTERIO DE JUSTICIA Y DERECHOS HUMANOS; d) profundización del proceso del relevamiento de archivos del caso AMIA en poder de la SECRETARIA DE INTELIGENCIA del Estado y de las Fuerzas de Seguridad; e) extensión de las unidades de relevamiento a la DIRECCIÓN DE MIGRACIONES e informatización de los registros migratorios.

- 4) Creación de una unidad especializada en catástrofes, tanto para la atención de las emergencias médicas como para la recolección y protección de pruebas en casos criminales, lo que incluye la elaboración de un plan de contingencia para casos de atentados.
- 5) Medidas relacionadas con reformas normativas con el objeto de: a) Transparentar el sistema de utilización de fondos reservados de la SECRETARÍA DE INTELIGENCIA; b) facilitar el acceso a la información de inteligencia por parte de los jueces en investigaciones vinculadas con hechos de terrorismo,
- 6) Promover la sanción de una ley de reparación para todas. las víctimas del atentado.
- 7) Cuestiones vinculadas con las costas en el proceso interno e internacional.

Que a partir de cuanto se ha hecho, las cuestiones incluidas en la agenda que antecede, así como los temas señalados en el informe Final del Decano GROSSMAN señalan el camino que será necesario transitar a partir del dictado del presente decreto.

Que ha tomado debida intervención la DIRECCIÓN GENERAL DE ASUNTOS JURIDICOS del MINISTERIO DE JUSTICIA Y DERECHOS HUMANOS, expidiéndose favorablemente,

Que esta medida se dicta en virtud de las facultades conferidas por el artículo 99, inciso 1° de la CONSTITUCION NACIONAL.

Por ello,

EL PRESIDENTE DE LA NACION ARGENTINA
DECRETA:

ARTÍCULO 1°: Apruébase el Acta de fecha 4 de marzo de 2005 firmada en la ciudad de WASHINGTON, ESTADOS UNIDOS DE AMÉRICA, en la audiencia celebrada en el marco del 122 periodo ordinario de sesiones de la COMISIÓN INTERAMERICANADE DERECHOS HUMANOS, en la petición N° 12.204 del registro de la citada Comisión, en la que se reconoce la responsabilidad del Estado Nacional, en los términos expresados en los considerandos del presente decreto y se ' adopta, para la solución amistosa del asunto, la agenda allí expuesta.

ARTÍCULO 2°: Los MINISTROS del INTERIOR y de JUSTICIA Y DERECHOS HUMANOS dictarán, en el ámbito de sus respectivas competencias, las resoluciones necesarias para el cumplimiento de los objetivos establecidos en la agenda a que se refiere el articulo anterior para los que no sea necesaria una norma legislativa o un decreto del PODER EJECUTIVO.

ARTÍCULO 3º: Comuníquese, publíquese, dése a la Dirección Nacional del Registro
Oficial y archívese.
DECRETO N° 802

FIRMANTES:
SEÑOR PRESIDENTE DE LA NACION
SEÑOR MINISTRO DEL INTERIOR
SEÑOR MINISTRO DE RELACIONES
INTERNACIONAL Y CULTO
SEÑOR MINISTRO DE JUSTICIA Y
EXTERIORES, COMERCIO
DERECHOS HUMANOS

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