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**1999-06-11T07:06:10Z**
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1999

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# CONFESSIONS OF TORTURERS:

## Reflections from Argentina

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Paper presented at the History Workshop and CSVR conference, *The TRC: Commissioning the Past*, University of Witwatersrand, 11-14 June 1999

Truth-telling has become a widespread practice in settling accounts with past repressive regimes. It has also assumed a variety of forms from government-mandated truth commissions to NGO-sponsored historical memory projects to individual testimonials.[1] In nearly all of these media, victims of repression seized an opportunity to break the silence imposed on them by authoritarian regimes, or, as Ariel Dorfman writes, to "rebel against the false and immaculate tranquility of the official versions" of the past.[2] The recent debate over Rigoberta Menchú's testimonial illustrates the complications inherent in establishing new truths through victims' accounts. But this paper examines an even thornier issue for "truth-telling:" torturers' confessions.

The paper begins with a discussion of the logic behind including torturers' confessions in the truth and reconciliation processes. The second part of the paper challenges that logic, illustrating its weakness with examples from four Argentine confessions. It concludes, however, with a discussion of the conditions under which confessions might advance truth and reconciliation despite their failure to fulfill the ideal embodied in the logic.

## THE LOGIC

A relatively new literature, drawing heavily from the South African Truth and Reconciliation Commission, suggests four overlapping roles that torturers' confessions might play in advancing reconciliation in post-authoritarian countries: establish the ***truth***; ***acknowledge*** victims' stories to promote individual and societal healing; bring ***justice***; and create collective ***memory*** to avoid repeating the past.[3] Regarding truth, torturers' confessions, like victims' testimonies, defy official silence and denial by recounting their experiences in prisons. Torturers' admissions, therefore, contribute to an authoritative and truthful version of the violence committed by the authoritarian regime. Moreover, these confessions also reveal previously censored information — e.g., the whereabouts of victims' bodies, and the cause and circumstances of deaths -- that advances victims' efforts at reaching closure.

Most therapists working with victims of torture also concur that a crucial component of healing involves acknowledgment. While silence perpetuates self-blame, confusion, and rage that prevent healing, confirmation of human rights violations allow victims to reconstruct pasts erased by the regime's silence.[4] Victims require the acknowledgment that **someone** did this to them. With accountability, victims rid themselves of blame for crimes committed against them. Torturers' confessions, therefore, confirm victims' accounts and acknowledge responsibility for violent acts, advancing the healing process.[5]

Torturers' confessions contribute to justice by providing the evidence needed to investigate, prosecute, and convict perpetrators. Even where amnesty, immunity and pardons prohibit that process, confessions contribute to restorative or moral justice.[6] By exposing the truth through torturers' confessions, governments publicly acknowledge past wrongs. Sometimes they even accept the debts of the prior regime. In addition, torturers' confessions may provide the only conclusive evidence allowing governments to issue legal death certificates and expunge

criminal records drafted under authoritarian laws. With the death certificates, families can perform important burial and grieving rituals that permit closure. Acknowledging past wrongs also allows for collective remembrance: ceremonies, rituals, and memorials to prevent "forgetting" and repeating the past. Erving Goffman, remarking on the potential power of restorative justice, concludes that "Remorse, apologies, asking forgiveness, and generally, making symbolic amends are a more vital element in almost any process of domination than punishment itself"[7]

Confessions, finally, serve the collective memory project of remembering to avoid repeating the past. By disclosing the truth about state terrorism, confessions put "still potent events into the more distant category of 'history'."[8] The role of memory and acknowledgment is crucial to individual and societal healing. On the individual level, Flanigan states that, "Without remembrance, no wound can be transcended."[9] Silence "swallows up" personal histories, preventing individuals from coming to terms with it.[10] The function of memory on the societal level is slightly different. Baudrillard hints that without memory, the authoritarian regime becomes the victor: "Forgetting the extermination is part of the extermination itself"[11] Social scientists further conclude that denying past violence, failing to establish truth, healing, justice, and memory, perpetuates unresolved violence since society itself has failed to claim it and end it.[12] With public admission of torture, official history can be rewritten to condemn past political violence.

These are powerful arguments in favor of torturers' confessions. They contend that the confessional text (truth, acknowledgment) and the public response to it (acknowledgment, justice, collective memory) pave the way to truth and reconciliation. This paper claims, however, that confessions fall far short of these lofty goals. Confessional texts only occasionally and marginally advance truth and acknowledgment. Moreover, governments rarely respond to confessions in a manner that promotes acknowledgment, justice, or collective memory, preferring to bury the past. Torturers' confessions, as a result, may impede, rather than advance, truth and reconciliation. Examples from Argentina illustrate the limitations of the relationship between confessions and truth and reconciliation.

## ARGENTINE CONFESSIONS

The common understanding of confession involves the admission of guilt and remorse. But torturers' confessions in Argentina illustrate a great deal of variety. Beginning in 1994, Argentine torturers came forward to recount their roles during the infamous Dirty War (1976-83) responsible for the death and disappearance of an estimated 30,000 individuals. All of those who confessed did so voluntarily and under an amnesty provision that prohibited prosecution. But only some of them took the common confessional form of *guilt* and *remorse*. More obscure definitions capture the other types of confession, particularly *a simple declaration*, and *a fiction invented to deceive*, and hint at the limitations of establishing truth and reconciliation from confessional texts.[13]

Argentine confessions also took place in a variety of institutional settings highlighting

further complications in their role in truth and reconciliation. The examples presented here include four different settings. One closely approximates the *private religious confessional* oriented toward repentance, moral judgment, and absolution, but it eventually takes a public form. A second involves a public declaration, or confession. The third confession took place in a *commercial market*, where testimony was exchanged for material gain. The last example involves public testimony under oath, closely approximating a *court of law*. These settings play a crucial role in shaping the confessional texts and the responses to them.

Confessions are also subject to interpretation by a variety of audiences. All of the confessions examined here became public and scrutinized by victims, fellow perpetrators, and government authorities.[14] Indeed, responses to confessions have an equally important impact on the truth and reconciliation as the confessions themselves. Some responses generate the sense that the perpetrators continue to determine politics, as in this statement: "Once again, essential questions of public life are being settled by an Army chief and that, in a country like Argentina, is serious."[15] In other cases, however, responses may reverse the deleterious impact confessional texts alone might have had on truth and reconciliation

The Argentine examples provided below indicate the limitations of the confessional text alone in generating truth and acknowledging atrocities. It also illustrates how settings and responses to confessions may further weaken the relationship of confessions to truth and reconciliation. But the conclusion of the paper draws on these cases to highlight conditions under which these confessions play a positive role in truth and reconciliation.

## Scilingo's Remorse

*"I entered the Naval School as a sailor and I left an assassin."*[16]

Adolfo Scilingo approached leftist journalist Horacio Verbitsky in the Buenos Aires subway one day in 1995 and told him that he needed to talk to him about his experiences in the Navy School of Mechanics (ESMA) No doubt because of his tortured look, Verbitsky assumed Scilingo had been a victim in that infamous concentration camp, an impression Scilingo corrected over the next several months as he recounted the murders he committed as a Navy captain. Scilingo subsequently aired his confession on television, reported in newspapers, and told in books in Argentina and abroad.[17]

In his confession, Scilingo accepted personal responsibility for the murder of 30 of the so-called "disappeared." While the head of the Automotive Division of ESMA, Scilingo participated in two of the weekly "death flights" in which tortured and clandestine prisoners were drugged, stripped, shackled, and pushed to their death from a hole in the plane.[18] His confession shocked Argentina and the world, but not because he revealed new information. An official report, academic studies, numerous human rights agencies' records, and countless testimonies and testimonial novels written by prison survivors had previously documented the numbers and names of the tortured, torture techniques, and torture centers.[19] Even the ESMA "death flights"

appeared in one official account of the Dirty War. The shock resulted from his break with the military's "conspiracy of silence" about the Dirty War. For the first time a military officer admitted his responsibility in the military regime's repressive apparatus. In addition, repression no longer looked like an abstract system; Scilingo attached a human and personal dimension to an inhuman and depersonalizing brutality. Decades earlier, Hannah Arendt referred to such shock as the "banality of evil." She described Nazi war criminals as "neither perverted nor sadistic," but rather "that they were, and still are, terribly and terrifyingly normal" and "this normality was much more terrifying than all of the atrocities put together."[20] Scilingo's avuncular look rocked common perceptions about the type of person capable of committing mass murder.

Scilingo's confession recounts his transformation from sailor to assassin. A confirmed anti-Communist, he believed in the war against subversion. He even accepted, at least in the abstract, the need to engage in illegal activities to eliminate subversion. His patriotism and sense of military duty convinced him that the war was just and necessary. But this sympathy with the war, also made the silence around the violence unbearable. It undid him.

He sought solace in religious confession. But the priests Scilingo encountered rejected his act of contrition. Instead, they reassured him that his acts were Christian, recounting the biblical parable of separating the wheat from the chaff and arguing in favor of painless and peaceful deaths. These reassurances only increased Scilingo's unraveling; he wondered if he was alone in his revulsion against the military's tactics, and brought a new officer into the concentration camp to register his reaction to the inhuman conditions. He expressed relief that the officer's facial expression reflected profound horror at the prisoners' conditions. Scilingo tried to explain to his superiors his unease with the "death flights" and torture, but this cost him promotion within the Navy. Scilingo took early retirement, but leaving the Navy did not end his nightmares. He was non-functional in civilian life. He withdrew from his family. Having lost his moral compass, he participated in shady business schemes. He lost all of his money and his wife's inheritance. And he anesthetized his emotional pain with alcoholic binges and tranquilizers. The ghosts continued to haunt him, forcing him to confront the source of his insanity.

But political events, and not the nightmares, catalyzed Scilingo's confession. The Senate denied promotion to two of Scilingo's colleagues -- Captains Antonio Pernias and Juan Carlos Rolón (discussed below) -- because of their involvement in the Dirty War. Scilingo considered them to be loyal officers, like himself, who deserved promotion. He blamed the promotion denial on the military High Command who kept silent about the systematic use of torture and murder and blamed "excesses" on renegade officers, thereby forcing loyal officers to take the fall for the Dirty War.

Scilingo initially came forward not to repent, but to criticize the High Command. His confession, in other words, began as a declaration. Scilingo's remorse is evident, however, if tentative, even in his official retelling of the war. His tentativeness maybe resulted from fear. Scilingo knew about and discussed, the military's reaction to "traitors." He recounted, for example, the case of Lieutenant Jorge Alberto Devoto, who "disappeared" in a death flight after

objecting to the military's repressive policies and asking for retirement. But he never considered himself a traitor. Instead, he explained events from the perspective of a loyal soldier fighting the heroic War against Subversion, the version of the story silenced by the military's denial. Because of this motivation, Scilingo struggled to wrest control of the confession from Verbitsky's interventions. He wanted to control what he confessed to and how he confessed it. He hoped to keep intact his self-image as a loyal soldier

Scilingo used euphemism and avoidance to control the confession. When Verbitsky pressed for details, for example, Scilingo withdrew. He turned off the tape recorder when he needed to reestablish his control. He denied knowing certain facts. He failed to recall others. He claimed only vague recollections of events He changed the subject to return to issues he sought to emphasize He put off talking about certain themes, stating that he might be willing to discuss them later. But, despite these tactics, Scilingo still lost control over the confession. Feeling trapped, as if held against his will, he pleaded: "I don't want to talk about it. Let me go."[21]

Such reluctance to admit murder is hardly surprising. Trauma induces shutting out information as a form of self-protection The process of filtering and selecting facts, seeing only what is convenient to see, and knowing but refusing to acknowledge the implications of that information, is part of creating the myths or "vital lies" that keep our images of ourselves and our acts intact.[22]

But Scilingo had less trouble admitting to his role in the death flights than discussing relatively minor aspects of his military service. He could not, for example, recall how the vehicles under his control were acquired or even his own code name. This is not an issue of "doubling," or separating his good professional soldier image from the criminal soldier,[23] because even when discussing his criminal self Scilingo initially avoided describing his acts as criminal. He corrected Verbitsky's use of terms, using euphemism to disguise brutality and attempting to put Verbitsky in the loyal soldier's frame of mind Here is one example

> No Navy officer participated in kidnaping, torture, and clandestine eliminations. The entire Navy participated in detentions, interrogations, and the elimination of the subversives, which could have been done by various methods.[24]

Scilingo even tried out on Verbitsky some of the rationalizations he had accepted to justify the death flights: "Shooting someone is immoral too. Or is it better? Who suffers more, the one who knows he is going to be shot or the one who dies by our method?"[25] Recognizing himself that his acts were immoral prevents him from understanding how he could commit them. He tried to find explanations in the regime's discourse, but these explanations had failed him in the past, and continued to fail him during his confession.

Scilingo's tentativeness may also have resulted from his need to deflect Verbitsky's harsh criticism. Verbitsky exhibits no empathy, but only revulsion for Scilingo and his acts. He calls Scilingo a coward and sick But Scilingo could not have expected any other attitude from

Verbitsky, whose political views could have put him on one of ESMA's death flights

And yet Scilingo chose Verbitsky as his confessor. Why? The retelling of the story points to happenstance: they ran into each other in a Buenos Aires subway. But happenstance does not explain why Scilingo would follow through with Verbitsky rather than telling his story to a more sympathetic ear. It doesn't explain why Scilingo repeatedly subjected himself to Verbitsky's hostile questions. Perhaps Scilingo sought an antagonist because those on his side repeatedly ignored him. While he was on active duty, none of his superiors listened to his concerns. After he retired, he tried writing to former Junta leader General Videla, the Navy chief of staff, and President Menem, but no one answered him.[26] Serendipity might have brought Verbitsky and Scilingo together in the subway, but the subsequent meetings confirmed Scilingo's need to have his story heard and acknowledged as truth. Scilingo must have known that only a handful of journalists would aid him in such an endeavor.

Despite his confession to Verbitsky, Scilingo still faced efforts to silence him. One "friend" in the Navy offered him money in exchange for silence. One of his superiors urged him to be silent to maintain his family's health insurance. Scilingo described one occasion in which his friend's wife railed against him for ignoring the consequences of his acts for his fellow officers. He responded, "That's fine, but what do I do with my 30 dead ones?"[27] The Menem government also tried to silence Scilingo, referring to him as a mythomaniac, a criminal, and a scoundrel.[28] Using Scilingo's 1991 fraud conviction, Menem stripped him of his retired military status and jailed him.[29] By jailing him for fraud, Menem cast doubt on Scilingo's character and the motives behind his confession. Scilingo looked like a self-serving crook who would sell anything for profit. Menem's acts also sent a warning through the armed forces that military officers considering confession should understand the price they would pay in personal integrity.[30] Other key political figures followed suit in silencing Scilingo. The Minister of Foreign Affairs dismissed the confession as internally inconsistent and therefore unreliable.[31] Navy Admiral and former Junta member Emilio E. Massera simply denied the death flights. Monsignor Emilio Bianchi de Carcano categorically rejected Scilingo's claim that the church knew about or justified the death flights.[32] Despite all of these denials, Scilingo's confession certainly threatened some groups. In September 1997, unknown assailants kidnaped Scilingo and carved the initials of three journalists into his face, warning him that if he continued to speak, he and the journalists would die.

These responses to his confession emboldened, rather than silenced, Scilingo. He felt catharsis, which he modestly described in this way: "Though it may be a little egotistical to say so, my public confession has brought me a certain relief. Before, I had a secret I couldn't talk about to anyone. Now I can talk to everyone. But the problem still exists."[33] Euphemisms and avoidance of the past have yielded to direct accusations like this one:

> The Navy is guilty. What is it trying to hide? Those who criticize me say that what happened during the Dirty War was a patriotic defense to

save the country from falling into Communist hands. Fine, if they are so proud of this why do they hide the issue of the disappeared? What is the problem? This is inconsistent: I feel proud of my participation in the War against Subversion, but at the same time I continue hiding the truth. So, it's clear: we are ashamed, they are ashamed to say what we did.[34]

He has begun to "re-member," both in the sense of publicly recalling specific events and finding a unitary foundation for his previously fractured self. Scilingo has provided information on death flights that killed two French nuns. He has collaborated with efforts to discover the lists of "disappeared." This recall is consistent with Scilingo's image. His identity is no longer built around the loyal soldier who fought a heroic war against subversion, but in the moral soldier who spoke out against the war's atrocities. Scilingo justifies his confession as loyalty to the armed forces and future soldiers, not to the past military regime. He is committed to telling the truth to prevent the armed forces from committing immoral and illegal acts in the future:

> ...we could offer up a true, permanent *mea culpa* and pay our debt. And the most important effect of that would be on those who remained in the institution, people who are new or who didn't get their hands dirty. It would help them to reflect, as a reminder of what they must not do. The president should order the chief of staff of the Navy to inform the country of everything that happened during those years, to give out the list of the disappeared. It did me good to speak, it would also do the society good, and it would do the Navy good. Especially the new generations of the military, so they don't continue to bear the stigma of ESMA. Otherwise we can't be sure these things won't happen again some time.[35]

Scilingo also accepts punishment for his acts. He claims that contrition is too easy, and ignores the seriousness of the crimes committed. As he states: "I am not a repentant, the facts are too out of the ordinary; it's too easy to say "I'm sorry" and everything is ok."[36] His willingness to face prosecution was tested in early 1998 when Scilingo voluntarily submitted to questioning by

Spanish judge, Baltasar Garzón, without immunity from prosecution.[37]

Scilingo's confession has served important functions in the process of reconciliation. It broke a silence imposed on the armed forces. Other officers have since come forward to tell their stories, which have helped reconstruct the truth about repression, both in terms of individual families learning about their "disappeared" as well as the country beginning to rewrite history accurately.[38] The confession also prompted institutional soul-searching and even apologies. Commander and Chief of the Army, General Martin Balza, confirmed that the military used illegal methods during the war and condemned the immorality of obeying immoral orders. Some sectors of the Argentine Catholic Church have apologized for their complicity. Thus, both truth and acknowledgment about past violence have been served by the Scilingo confession. In terms of justice, the confession has opened up the possibility of revisiting the laws that protected torturers. Pressure has mounted, for example, to annul the amnesty provisions of the Due Obedience and Full Stop Laws and to reconstruct the list of detained individuals. Former Junta leaders Videla and Massera and others are facing trials for kidnaping and trafficking babies of former prisoners, one of the only crimes not covered by the blanket pardons and amnesties. Similarly, some of the most notorious torturers, like retired General Antonio Domingo Bussi, current governor of Tucumán province, face embezzlement charges revealed through investigation of Swiss Bank accounts.[39] Lastly, Scilingo's confession to the death flights has played an important role in collective memory. The flights form part of songs, poems, novels, and cultural symbols about the Dirty War.

Because of its positive contribution to reconciliation, Scilingo's confession must be mined for understanding. Remorse is central, but it is not clear how Scilingo escaped the socialization within the military that silenced other torturers. The confessional process appears to have played a crucial role: Scilingo only broke with the military version once the confession began. While he initially concealed his guilt through euphemism and avoidance, the act of confession allowed him to confront that guilt. Borrowing from analyses of testimonies of victims, the confessional act forced him to "know" the event: to speak the unspeakable and inscribe the event for the first time, by breaking with the official version and the silence imposed on him. By explaining to those "outside" the repressive apparatus exactly what took place, he began to see himself and his acts without the protective shield of official discourse.[40]

The unique features of Scilingo's confession point to limitations even of this ideal confessional type. First, they are scarce. Even with immunity from prosecution, torturers close rank. Torturers may want to confess about the past, but lives in an insecure environment, without certainty that they can avoid recriminations of either a personal or institutional nature. They justify silence in noble virtues, like protecting their families, colleagues, the armed forces, and political stability. But torturers have also learned to live with their secrets. They accept the justifications provided to them as the only way to distinguish what they did from criminal acts.[41]

Second, confessions, even when remorseful, involve rhetorical devices intended to shield the individual from criticism. All of us are familiar with these devices. When we recount our own

unflattering behavior in the past, we exclude certain details and eventually forget them. We gloss over the parts of the story that are inconsistent with our own coherent construction of events and image. We phrase the story in a way that projects a particular image. We deflect criticism by identifying ourselves as well-intentioned, betrayed, or misled (by our superiors). These fictions and partial truths suggest that full disclosure, when it involves self-incrimination, is nearly impossible.[42]

In the case of torturers, these rhetorical devices may block truth. The torturer confesses with the hope of receiving forgiveness, empathy, or comprehension. Toward that end, he withholds information that might subvert his cause. If he provides too many gruesome details he will be viewed in the glaring light of the torture chamber, undeserving of pity or forgiveness. Thus, he must conceal details. Moreover, he must find some way of explaining that he is not a monster despite having committed these acts. Fear is an effective device. The torturer portrays himself as a victim of the same system that repressed victims of torture. His refusal to torture would, thus, transform him into a victim of torture. Obedience to authority also provides a justification. The torturer contends that now he knows right from wrong, but that in the context of fear he could not question his orders. Torturers, in other words, use avoidance, amnesia, selective memory, euphemisms, and self-identification as the victim in their rhetorical techniques to reduce their culpability.

Third, these confessions may hinder reconciliation because of the audience's mixed reactions. Torturers themselves may interpret the confession as either a green light to come forward with their own *mea culpa* or try to silence those voices with acts of revenge. Governments also react in contradictory ways. President Menem aggressively silenced Scilingo, questioning why he wanted to pour salt in old wounds.[43] This silencing seemed intended not only for Scilingo, but for others contemplating public confessions. On the victims' side are those who know that reconstructing events will depend on confessions of torturers. But these confessions will occur only with immunity from prosecution. How do societies reconcile the need for truth with the need for justice?

Remorseful confessions, in short, involve a tangle of contradictions that impede the truth and reconciliation process. The torturer's fractured identity tends toward contradictory motives: from self-flagellation to denial. The multiple functions of the confession and its mixed audience produces veiled confessions. And these limitations leave audiences uncertain that they can, or should, put the past behind them.

## Astiz's Heroic Confession

*"I wasn't a torturer; I did intelligence."*[44]

In confessional terms, Alfredo Astiz is the antithesis of Scilingo. Although he was a Navy Captain, like Scilingo, and was implicated in the ESMA tortures and murders, Astiz's confession constitutes a denial of his own personal involvement in torture while simultaneously justifying the

Dirty War. His confession, thus, provides an example of "heroic" confessions and the constraints they place on truth, acknowledgment, justice, and memory.

Astiz is best known for his infiltration of the Madres de Plaza de Mayo. Posing as a young man looking for his "disappeared" brother, Astiz quickly won the affection of the Madres. They once called him the Blond Angel to capture his good looks and sweetness, and now refer to him as the Angel of Death because of his role in the 8 December 1977 kidnaping and "disappearance" of two Madres, two French nuns, and other human rights activists from the Santa Cruz Church in Buenos Aires, some of whom were later murdered in ESMA's death flights. By kissing particular women, Astiz signaled to on-looking soldiers which of them should be kidnaped from the church. Among Astiz's other murders is the Swedish-Argentine teenager, Dagmar Hagelin. Mistaking her for another blond teenager he had been waiting to seize, Astiz shot Hagelin in the back as she fled from capture.

Protected by the Due Obedience amnesty law, Astiz cannot face charges for these human rights abuses. And his image within the military is untarnished. A 1997 investigation revealed that Astiz had been working for Naval Intelligence since the end of the military regime. Navy Chief, Molina Pico praised Astiz's military service and supported him in his bid for promotion, referring to him as a "good soldier." A group of officers protested when Astiz was subsequently denied that promotion. He is widely viewed within the armed forces as a "gentleman sailor," free of petty scandals.

But Astiz has not avoided incriminations outside the armed forces. Despite strong support within the military High Command, Astiz did not receive his promotion. In fact, he was forced into early retirement in 1996. French courts, moreover, tried Astiz *in absentia*, imposing on him a life sentence for the murder of the two French nuns. In the absence of formal justice, Astiz has faced popular forms of revenge for his acts. The Madres de Plaza de Mayo plastered walls surrounding Astiz's favorite discotheques with posters exposing Astiz and his murderous past, and urging young women to avoid him. Astiz has also suffered spontaneous retributions. On an Argentine ski slope in 1995, a former concentration camp victim assailed Astiz as a "Son of a Bitch" and a "Murderer of Teenagers" before punching him in the nose. In another encounter in Buenos Aires, two University students apparently recognizing Astiz, pulled him out of his car and severely beat him, while a passenger on a passing bus shouted "Good boys! Kill him!"[45]

Despite the obvious hostility toward him, or maybe because of it, Astiz has not remained silent. In January 1998, Astiz made his confession to *Revista Tresputos*

> I never tortured anyone. It wasn't my job. But would I have tortured if I was told to? Yes, of course. The army taught me to destroy, not to build; to plant mines and set off bombs; to infiltrate and destroy an organization; to kill. I know how to do all of this well. I am the best-prepared man in Argentina to kill a politician or a journalist.[46]

Astiz made this declaration-style confession voluntarily. He admitted to his training, his

preparation, and his capacity. Astiz characterized the military as a destructive force, but glorified the heroism in that image: the manliness, the expertise, and the danger. He denied his own use of torture, but confessed that he would have engaged in torture if that had been part of his job. And he boasted of his qualifications to murder, issuing a thinly veiled warning that the Dirty War has not ended.

The Menem government reacted quickly to his confession. It charged Astiz with "provocation with dangerous social and political intent." The government sentenced him, stripped him of his military rank and status, and put him in jail.[47] Astiz, like Scilingo before him, serves time in prison not for murder, but for his confession.

Astiz's confession illustrates the types of rhetorical devices typical to heroic confessions. One is justification. Astiz construed his acts as a personal sacrifice to the nation. To do this he characterized the enemy as demonic, capable of undermining the country. The enemy threat justified violence for the greater good. Indeed, the enemy's clandestine and extensive networks throughout the country demanded interrogation under torture and death. Heroic confessions, in short, re-assert the authoritarian regime's justification for violence, blame the victim for the violence, thereby silencing victims behind the authoritarian regime's official version.

A second rhetorical device is contradiction. Heroic confessions simultaneously deny and glorify violence. They generally deny personal involvement in torture, the practice of systematic torture, and the extent or brutality of violence. They sometimes admit to excesses, but blame them on "the bad seed" officer who acted on his own. At the same time, heroic confessions openly support violence, consider it noble and justified, and even claim that they would use it, if necessary. Heroic confessions, in other words, minimize the extent and the nature of torture, shrouding it in the patriotic language of personal sacrifice to the nation, and burying facts with rhetorical contradictions.

The motivation behind heroic confessions differs from remorseful ones. As one scholar of memory states, "Memory is never shaped in a vacuum; the motives of memory are never pure."[48] Heroic confessions intend to restore dignity to the security forces. The confessions seek to clear responsibility for their actions by rewriting the past from their own perspective. They want to reclaim history from the victims and transform the image of the torturer (and the authoritarian regime) from pathological and brutal to heroic and patriotic. Heroic confessions, in other words, constitute what Scott calls "enactments of power," that employ "affirmation, concealment, euphemization and stigmatization, and finally, the appearance of unanimity" to sustain the official and dominant version.[49] This is especially true since the "audience" for these confessions are not only victims, but also colleagues who may need to be reminded of the official line. Scott states, "elites are also consumers of their own performance."[50] These heroic confessions provide the means to reinforce, maintain, and adjust the official story to maintain its dominance.[51]

Astiz's confession could also be viewed as constituting one stage in the "spiral of denial."[52] Such a spiral begins with outright denial: torture did not happen. This is certainly what the

authoritarian regime claimed. In the face of testimonies, investigations, and evidence, that denial became untenable. Thus, the second part of the spiral acknowledges torture, but claims that it was different than the way it is popularly portrayed. Torture is reconstructed in a more positive light to shroud the violence involved. In their trials, Junta leaders denied that torture was systematic and blamed it on "excesses" by middle and lower-ranking officers. The third stage of the spiral is justification. Astiz admitted that torture occurred, but justified it as necessary to protect the nation from subversives immune to conventional military strategies.

Heroic confessions, illustrated by Astiz, appear to undermine truth and reconciliation. After all, Astiz's "truth" not only denied his own involvement (despite ample evidence to the contrary), but also justified violence. Instead of acknowledging atrocities, moreover, Astiz accused victims of unleashing the violence that justified the war. He silenced victims' versions and reasserted the military regime's official version of the Dirty War. In terms of justice, Astiz served time in jail for his confession. As with Scilingo, the sentence was intended to silence him. But in this case, the Menem government silenced a perpetrator attempting to justify and glorify torture as national and heroic virtue. This official reaction is unlikely to change the views of those who share the heroic image of torture and who, no doubt, consider Astiz a martyr. But Menem's silencing of Astiz prevented the reversal of victims' accounts that had begun to shape collective memory of the Dirty War. It, thereby, reassured victims and critics of torture that the nation's history would not be written in the torturers' words. The justice and collective memory impact, therefore, means even heroic confessions can play a role in advancing truth and reconciliation.

### El Turco Julián's Exchange Confession

> "*What I did I did for my Fatherland, my faith, and my religion. Of course I would do it again...I am not repentant. I'm no crybaby like that sorry Scilingo...This was a war to save the Nation from the terrorist hordes. Look, torture is eternal. It has always existed and always will. It is an essential part of the human being.*"[53]

This confession submitted by Julio Simón, alias Julian the Turk, has many of the characteristics of the heroic confession analyzed above. Simón initiated the television interview in which he made this confession. He showed absolutely no remorse, but on the contrary considered torture a natural part of life with the virtue of protecting the nation.

But Simón's confession is distinct from Astiz's in two important ways. First, Simón admits to engaging in torture, albeit "on very few occasions."[54] What does Simón mean by a very few occasions? The meaning is obscured by his own statement that "The norm was to kill everyone and anyone kidnaped was tortured." The audience can interpret the ambiguity in a number of ways. Simón may have intended the statement to reflect that while torture was widespread, he participated in very little of it. Scholars have documented a torturers' code that identifies individuals who surpass an acceptable threshold of numbers and level of brutality.[55] So perhaps Simón means that some torturers enjoyed their role and got carried away, while he controlled his natural urges. But the ambiguity suggests other interpretations. Perhaps Simón felt

that he would have liked to engage in more torture sessions. Maybe he feels that the military regime did not kidnap enough "subversives," and suspects that those not kidnaped run the government today. But when Simón's statement that "torture didn't always work, it left people too destroyed,"[56] is added to his other comments, one suspects that he is trying to show that torture served a function, i.e., to fight subversion. And it was only used in that noble fight. Simón, then, like Astiz, considered torture heroic in the struggle for national defense.

The second difference between the confessions of Simón and Astiz is that Simón submitted his in exchange for payment. Unlike Astiz, Simón was not employed by Navy intelligence after the military's demise. To make ends meet, the destitute Simón searched for a buyer for his testimony as well as his personal "archives" from the war.[57]

"Confession peddling" began shortly after Scilingo's admission, when unconfirmed rumors circulated that Hollywood had offered him a million dollar deal for a movie contract. After Simón made some money from his confession, even more torturers came forward with their story, no doubt in search of lucrative deals.[58] These have tended to resemble heroic confessions, like Astiz's, rather than Scilingo's remorseful confession. Thus exchange confessions possess the limitations already observed in heroic confessions. They also present new limitations built in to the exchange relationship. Exchange confessions, for example, produce information which will secure the reward. They, therefore, generate partial truths, since torturers need only confess to the minimum needed for the reward. But they also produce fictions. They invent confessions on torture, for which they have immunity, to reduce sentences on robbery and other criminal charges for which they do not have immunity. A human rights activist involved in the Argentine truth commission, CONADEP, describes torturers fictions in this way:

> Lying was a trait they had in common, also a need to be in the limelight, and to get revenge on the institution they felt betrayed them. Virtually all of these men had separated from their force, in fact most of them were in jail for stealing more than their 'fair share' of the war booty. They were so intent on peddling testimony (in exchange for immunity from prosecution or leniency in sentencing) that they'd get together in their cells and concoct stories, taking an element from this one's experience, another detail from someone else. It was hair-raising. They were profoundly, essentially criminal.[59]

A willingness to lie about torturing under oath, selling those lies for profit, and inventing stories for public consumption is not unique to Argentine torturers. A study of Japanese confessions revealed a pattern whereby individuals invented confessions to serious crimes in exchange for a meal.[60]

And, yet, as the Scilingo case suggests, it is unlikely that torturers will confess without the "exchange" of immunity.[61] In order to convince individuals to come forward with their story, they will need protection from retribution. Otherwise, the incentives are too low and the costs are too high. In this light, nearly all confessions involve some kind of exchange relationship.

Exchange confessions, in sum, create incentives to tell partial truths or lies for material gain. They also provide evidence to support government accusations that confessions are often lies sold for profit. As a result, exchange confessions lose their value in promoting truth and acknowledgment. Justice is also undermined since exchange confessions are rarely taken seriously as testimony. Exchange confessions finally have a limited impact on collective memory projects, since they are considered false testimony.

**Pernias and Rolón Deposed**

*I tried to do things as humanely as possible...but it's difficult for anyone who wasn't there to understand that.*[62]

*All officers rotated into the task forces that were formed to carry out what was called the anti-subversive struggle.*[63]

Captains Antonio Pernias and Juan Carlos Rolón provided the catalyst for Scilingo's confession. They both lived in Scilingo's neighborhood and Scilingo counted Rolón among his friends. More importantly, these officers symbolized for Scilingo the High Command's abandonment and treachery of silence. Scilingo indicted the High Command for failing to defend the war and its tactics, resulting in the condemnation, shattered careers, and broken lives of loyal officers.

Having noticed that officers with human rights records had slipped through the Senate promotion board, the Senate began public hearings. The Senate called Pernias and Rolón to testify in 1994 and their testimony admitted, for the first time in an official hearing, officers' use of torture. Pernias, known for developing poison darts to facilitate kidnaping and testing them on prisoners, participating in the Santa Cruz church attack, and infiltrating exile organizations abroad, admitted that torture was "the hidden weapon in a war without rules."[64] He confessed that "I did my part just like many others."[65] Rolón also admitted to torture, claiming that it involved nearly everyone in the Navy.[66]

There is little doubt about the power of such testimonies and the admissions made under oath. Neither Pernias nor Rolón would have confessed without the hearings. And surprisingly, their confession and the repercussions for their promotions brought a chain reaction of confessions, beginning with Scilingo. Yet their admissions hardly involved remorse, repentance, or even regret. The closest Pernias came to such emotions was his statement that "What bothers me is the death of innocent people." But when he cites examples of those "innocent people," he mentions "Lieutenant Mayol, petty officers, and also civilians."[67] The closest Rolón comes to accepting responsibility for his actions was stating that he would never become involved in such activities again, that he now knows they were wrong, but that he could not make that judgement at the time.

Rather than repentance, these two confessions involved defensiveness. They justified their

actions on a variety of grounds. They had a duty, for example, to follow orders and not question them. As good and loyal officers they would carry out an order whether issued under an authoritarian or a democratic regime. Rolón cynically questioned whether the Senate expected him to challenge the orders of commanding officers promoted by that same legislative body. Both officers also claimed that they had no alternative since they would have had to retire if they didn't carry out orders.

The second defense in these confessions involved the nature of the war. Pernias, avoiding the "Dirty War" moniker, referred to it as an unconventional war that required unconventional methods. Rolón defended the violence by demonizing the enemy, he falsely labeled it "the largest urban guerrilla movement in the history of the world."[68] Both officers admitted that the armed forces were unprepared for this type of war. They were trained for conventional, not anti-subversive, war. "This was really unprecedented and we were unprepared," stated Rolón, "We received very little training and then we were sent off to participate in these urban operations."[69] He added that no one liked the "traumatic methods required to resolve the traumatic events, least of all those of us who had to carry them out. [But] These were historical circumstances."[70] But while admitting to their involvement in the Dirty War, these two officials also tried to plead their innocence. Pernias, for example, argued that the Navy had dismissed from its ranks any of the officers who had used excessive force in the anti-subversion war. While he refused to "name names" of purged officers, Pernias emphasized that he had remained on active duty, attesting to his own good record.

Third, these officers justified their involvement in the Dirty War because of their goals to defend democracy and the country. Pernias claimed that he was motivated by the desire to end the war as soon as possible to avoid "unnecessary deaths."[71] Rolón described his involvement as "service...to reestablish a democratic style of life in Argentina."[72] They both confessed that they now know better than to use torture, but more accurately, they felt that circumstances had changed so dramatically that they would not be called upon to use that kind of force again. In Rolón's own words, "I believe that this was an unprecedented experience and that the situation will never occur again."[73]

The Pernias and Rolón confessions illustrate the effect that confessions made in hearings or trials might have on uncovering the truth. The obvious point of reference for these types of confessions are the Nuremberg Trials. Domestic criminal trials and international war tribunals continue to occur, albeit infrequently. Among the most well-known forced confessions is Eichmann's testimony in Israel. Rather than accepting blame or asking forgiveness, Eichmann reconstructed his participation in the Third Reich as his personal struggle to protect the Jews.[74] His testimony constituted a unique twist on the heroic confession.[75]

Pernias and Rolón's confessions further contribute to a view that confessions in public hearing hide the truth behind lies and misperceptions, heroic justifications, euphemisms, and denials. Even where the torturer receives amnesty for confession, as in the South African Truth and Reconciliation Commission, these confessions tend to include the rhetorical devices employed

in voluntary-heroic confessions. Facing prosecution, torturers will attack the forum as a "kangaroo court" or a show trial. If they confess at all, they admit to nothing by claiming amnesia, using avoidance tactics, minimizing their involvement, or pleading innocence. Alternatively, they justify their acts as following orders, thereby blaming higher authorities, or rationalize their actions in terms of historical circumstances and national threats. They had to be careful to tell the truth to get their promotion, but not to tell too much of the truth that might deny their promotion.

Yet despite such limitations in uncovering truths, the Argentine case suggests that confessions in public hearings have the greatest potential of achieving justice. These confessions force torture and torturers into the public, thereby acknowledging victims' claims, even where the torturers themselves do not admit to specific acts and justify violence. The stigma shifts as torturers, once protected from public scrutiny now face their charges, while victims, stigmatized by past violence, are vindicated. With immunity from prosecution, these trials rarely bring retributive justice. But even as "show trials" they provide symbolic justice. Pernías and Rolón did not even face trial, but by denying them promotions, the Senate imposed a sanction on them that officers, not forced to confess, avoided. The public hearing, while not a court of law, symbolizes an official recognition of human rights protections. So, ironically, confessions in public hearings may mask truths, but provide acknowledgment, partial justice, and collective memory.

## CONCLUSION

These four Argentine examples allow us to draw a number of conclusions about the relationship between torturers' confessions and the truth and reconciliation process. First, one objective of the paper is to demonstrate the weak role torturers' confessions play in advancing truth and reconciliation processes underway around the world. As the examples from Argentina show (summarized in Figure 1) torturers' confession do not serve the ideal embodied in the logic behind including them in truth and reconciliation processes. Not one of the confessions satisfied the goals of advancing truth, acknowledgment, justice, and collective memory. Thus, regardless of perpetrators' motivations, the setting, or government responses, confessions fall short in achieving truth and reconciliation goals.

**Figure 1: Summary of Argentine Cases**

| Perpetrator | Truth | Acknowledgment | Justice | Collective Memory |
|---|---|---|---|---|
| **Scilingo** | yes, specifics | yes, remorse | no | yes, death flights |
| **Astiz** | partial admission | no, heroic war | partial | yes, silencing |
| **Simón** | partial admission | no, heroic war | no | no |
| **Pernías Rolón** | partial admission | partial and tempered | yes, promotion denied | yes, public hearing |

The second objective of this paper, however, appears to contradict the first. That is, confessions contribute to the process of truth and reconciliation. The variety of examples from Argentina illustrate when and how they advance that process. Figure 1 above illustrates that the group of confessions analyzed in this paper contributed most to truth-gathering, albeit in a more partial way than anticipated in the truth and reconciliation logic. Confessions provide the knowledge, or confirm the existence, of torture. In some cases they even provide specific information about torture.

Where confessions have proved more uneven in contributing to the truth and reconciliation process is in the areas of acknowledgment, justice, and collective memory. The third conclusion of this paper, therefore, identifies the conditions that allow confessions to advance the truth and reconciliation process.

Scilingo's confession, for example, most closely approximates the ideal style confession for advancing truth and reconciliation. Remorse allowed Scilingo to distance himself from the military, criticize it, and even provide specific information about its repressive apparatus. He, therefore, provided both truth and acknowledgment. Moreover, because he did so in public fora, death flights have figured prominently in re-opening the debate around immunity from prosecution and have become a powerful symbol in the collective memory of the Dirty War.

The odds of reproducing this kind of confession are low. Torturers have been socialized by the repressive apparatus to resist feelings of empathy toward the victim. Deliberate obfuscation to retain their dignity, amnesia resulting from trauma or socialization, or rhetorical devices aimed to hide truth, impede perpetrators' willingness and capacity to provide full disclosure. Perpetrators also fear retribution, and for good reason. Summarizing the paralyzing effect of fear, a former conscript who confessed to hand-delivering lists of kidnaped prisoners to the Military Command, said that he had not come forward sooner because, "I was afraid that they would make me disappear."[76] The kidnaping, assault, and death threats against Scilingo confirmed these fears.

Moreover, Scilingo's confession evolved through a process difficult to reproduce in an institutional setting. Scilingo's initial confession belied remorse, but rather reinforced Dirty War logic. Only over time, and after numerous conflicts with the antagonistic Verbitsky, could Scilingo let go of his defenses and admit his remorse. And yet Scilingo submitted to Verbitsky voluntarily! Remorseful confessions, while rare and nearly impossible to institutionalize, have a powerful impact in terms of truth, acknowledgment, and collective memory.

The catalyst behind Scilingo's confession sheds further light on the conditions most likely to render remorseful confessions. Scilingo confessed not only because he could not live with his past acts, but because he felt betrayed. His sense of betrayal permitted him to break with the Military High Command and his military socialization because he no longer felt the need or desire to belong. Thus, the public confessions by Rolón and Pernías prompted Scilingo to make a remorseful confession, which, in turn, unleashed a spate of confessions. With each confession, the

fear of retribution diminished. And as the number of confessions increased, the possibility of remorseful confessions also increased.

The fourth conclusion involves the apparent trade-off between truth and justice. It is extremely unlikely that any one of these perpetrators would have come forward with their "truths" without immunity from prosecution. And granting immunity seems to involve a Faustian bargain: immunity facilitates truth, but precludes justice. Victims of human rights' abuses and their families might finally understand who did what, when, and why to them, but they cannot do anything to punish the perpetrators for their crimes. Justice, in other words, is abandoned in favor of truth and acknowledgment.

The Argentine case suggests that this trade-off is less acute when analysis focuses on the confessional settings and the responses to the confessions, as much as the confessional text. The institutional public hearings in the Senate, for example, provided some justice (promotion denial) without violating amnesty provisions. Similarly, Scilingo and others have produced confessions that have promoted investigation into crimes for which officers do not have immunity, thereby circumventing amnesty laws. Charges and imprisonment for fraud, embezzlement, and kidnaping children have ensnared torturers otherwise protected under the Due Obedience Law. Certainly none of these "punishments" match the enormity of the crimes. They do, however, serve at least some role in creating symbolic justice and shift the stigma from the victim of violence to the perpetrators. They also contribute to public acknowledgment of victims' experiences, and check the "culture of impunity" rampant in Latin America.

Heroic confessions that reassert the military regime's official version of the violence also demonstrates the importance of responses to confessions in contributing to truth and reconciliation. While Astiz's heroic confession undermined victims' accounts, the government's response to it brought justice and collective memory by landing one of the most notorious perpetrators in jail. Similarly, the government-run television station seemed to endorse Simón's heroic confession by dressing him up in a respectable sartorial guise. But a private media source countered this image with a more accurate portrayal of the desperate man peddling his confession for material gain.

The importance of civil society attention to confessions is also apparent in the near spectacle of confessions on Argentine talk shows. One Argentine, responding to an earlier version of this paper, criticized the Jerry Springer-style programs that bring victims together with their torturers on split screens. She remarked tragically that, Argentines "have become accustomed to living with the torturers." The Argentine case demonstrates that the degree to which confessions contribute to collective memory, amnesia, or "normalcy," depends as much on the confessional text as responses to it.

To conclude, perpetrators' confessions are crucial to the truth and reconciliation process. Confessions of torturers break the authoritarian regime's silence about violence in a way no other group can -- from the inside. But this paper has suggested that the role of the confessional text

should not be exaggerated. These texts often attempt to reassert the official military regime's version of the past, instead of acknowledging atrocities committed against victims. In the context of amnesties, moreover, these confessions often do not lead to investigation or prosecution. This paper shows, however, that particular public confessional settings, and government, citizen, and media responses to confessions can promote truth-telling, acknowledgment, symbolic justice, and collective memory of atrocities. They can roll back the authoritarian regime's official story. And they can minimize the trade off between immunity from prosecution and truth and reconciliation.

## Notes

1. For a review of official truth commissions, see Priscilla B. Hayner, "Fifteen Truth Commissions — 1974-1994: A Comparative Study," *Human Rights Quarterly* 16 (1994), 597-655. The Catholic Church has sponsored a number of projects to disclose the truth, for example the *Brasil: Nunca Mais* (Petrópolis, 1985) and the Proyecto Interdiocesano de Recuperación de la Memoria Histórica, *Guatemala: Nunca Más* (Guatemala City: ODHAG, 1998). The proliferation of testimonials have constituted a genre analyzed by literary critics. See, for example, "Voices of the Voiceless in Testimonial Literature" *Latin American Perspectives*, Issue 70 (Summer 1991), 18:3 and Barbara Harlow, *Resistance Literature* (New York: Methuen, 1987).

2. Ariel Dorfman, *Some Write to the Future: Essays on Contemporary Latin American Fiction*, translated by George Shivers with the Author (Durham and London: Duke University Press, 1991), p.189.

3. One source of scholarly work on the value of truth for reconciliation is Margaret Popkin and Naomi Roht-Arriaza, "Truth as Justice: Investigatory Commissions in Latin America," *Law and Social Inquiry*, 20:1 (Winter 1995): 79-116. The South African Truth and Reconciliation Commission is designed to establish truth by providing those involved in human rights violations immunity from prosecution in exchange for their confessions. It is premised on the four assumptions described in this paper. For more information on this Commission and its work, see its website: http://www.truth.org.za.

4. Beverly Flanigan, *Forgiving the Unforgivable*. (NY: Macmillan Publishing Company, 1992) p. 106.

5. As Johanna North states, "Forgiveness does not remove the fact or event of wrongdoing but instead *relies* [her emphasis] upon the recognition of wrong having been committed in order for the process of forgiveness to be made possible." Johanna North, "The 'Ideal' of Forgiveness: A Philosopher's Exploration" in Robert D. Enright and Joanna North (eds.) *Exploring Forgiveness* (Madison: University of Wisconsin Press, 1998), p.17. I refer to "closure" and "healing" to avoid the term "forgiveness." While some therapists consider forgiveness a critical step in the healing process, I believe that such a process may be nearly impossible and puts an unreasonable burden on the victim of violence. Even "forgiveness scholars" question whether this is always possible. North claims, for example, that unforgivable acts include torture and murder of children and genocide or mass extermination. Ibid, p.27. Flanigan contends that injuries that assault our belief system are the most difficult to forgive. Beverly Flanigan, "Forgivers and the Unforgivable," in Enright and North, *Exploring Forgiveness*, p.98.

6. Restorative justice is defined as restoring wholeness to the lives and relationships of victims of criminal offenses. Walter J. Dickey, "Forgiveness and Crime: The Possibilities of Restorative Justice" in Enright and North, *Exploring Forgiveness*, pp.107-8.

7. Erving Goffman, *Relations in Public*, p 113 ff. See also James C. Scott, *Domination and the Arts of Resistance: Hidden Transcripts* (New Haven and London: Yale University Press, 1990), p.57.

8. Popkin and Roht-Arriaza, "Truth as Justice," p.93.

9. Flanigan, *Forgiving the Unforgivable*, p 5

10. Dori Laub, "Bearing Witness or the Vicissitudes of Listening," in Shoshana Felman and Dori Laub, *Testimony: Crises of Witnessing in Literature, Psychoanalysis and History* (New York: Routledge, 1992), p.64

11. Jean Baudrillard cited in James E. Young, *The Texture of Memory: Holocaust, Memorials, and Meaning* (New Haven: Yale University Press, 1993), p 1

12. Michael A. Milburn and Sheree D. Conrad, *The Politics of Denial* (Cambridge: MIT Press, 1996), p. 167. This book relies excessively, from my perspective, on the authoritarian personality approach, but it makes a key contribution in showing how the same justifications used to promote support for war, make it nearly impossible to accept blame for atrocities in that war. They emphasize the importance of healing not only the victims, but also the perpetrators who have fractured lives as a result of the war.

13. See *The Oxford Dictionary of English Etymology* (Oxford: Clarendon Press, 1992) and *The New Shorter Oxford English Dictionary* (Oxford: Clarendon Press, 1993). For a different taxonomy of confessions, but from which I have drawn for insights, see Martha K. Huggins, "Brazilian Police Violence: Legacies of Authoritarianism, a Study of Torturers and Murderers," paper presented at a conference on *Legacies of Authoritarianism: Cultural Production, Collective Trauma, and Global Justice*, Madison, WI 3-5 April 1998.

14. Drawing from theories of authoritative discourse and performance, confessions have to be examined through the actor-torturer, his lines, the stage, the audience, and the backdrop. See, for example, Michel Foucault, *The Archaeology of Knowledge*, trans. Alan Sheridan, (New York: Pantheon, 1972); Bruce Lincoln, *Authority: Construction and Corrosion* (Chicago: University of Chicago Press, 1994); J.L. Austin, *How to Do Things With Words* (Cambridge: Harvard University Press, 1962); and John R. Searle, *Speech Acts: An Essay in the Philosophy of Language* (London: Cambridge University Press, 1969)

15. Martin Abregú quoted in *Página 12*, March 18, 1995, p.2 and reprinted in Marguerite Feitlowitz, *A Lexicon of Terror: Argentina and the Legacies of Torture* (New York: Oxford University Press, 1998), p. 224.

16. Samuel Blixen, "Para que no haya mas Scilingos," *Brecha*, 7 June 1996, http://www.brecha.com.uy/numeros/n549/tapa.html.

17. Verbitsky first played excerpts from the confession during the popular Argentine television news program *Hora Clave* on 2 March 1995. The following day, Verbitsky published Scilingo's confession in his article "The Final Solution" in the newspaper *Página 12*, and subsequently in a book entitled *El Vuelo*. Horacio Verbitsky, *El Vuelo* (Buenos Aires: Planeta, 1995). See also the English translation, Horacio Verbitsky, *The Flight: Confessions of an Argentine Dirty Warrior*. Translated from the Spanish by Esther Allen. (New York: The New Press, 1996) Scilingo's story was widely published and televised in Europe and in the United States, including his appearance on the CBS program *60 Minutes* in a segment entitled "Tales from the Dirty War," 2 April 1995.

18. Scilingo also confessed knowledge of the so-called "barbecues" in which prisoners were burned on a pyre of rubber tires. After his interviews with Scilingo, he confessed to knowledge of lists of "disappeared" and specific murders, for example the two French nuns discussed below

19. The government report is Comisión Nacional Sobre la Desaparición de Personas (CONADEP), *Nunca Más* (Buenos Aires: Editorial Universitaria de Buenos Aires, 1992). Some of the most widely cited academic studies include Carlos H. Acuña and Catarina Smulovitz, "Ni Olvido, Ni Perdón: Derechos Humanos y Tensiones Cívico-Militares en la Transicion Argentina," *Documento CEDES*, no. 69 (1991); Martin Edwin Anderson, *Dossier Secreto: Argentina's Desaparecidos and the Myth of the "Dirty War"* (Boulder: Westview Press, 1993), Alison Brysk, *The Politics of Human Rights in Argentina: Protest, Change, and Democratization* (Stanford: Stanford University Press, 1994); Frank Graziano, *Divine Violence: Spectacle, Psychosexuality, and Radical Christianity in the Argentine "Dirty War"* (Boulder: Westview Press, 1992). Americas Watch and Amnesty International published their reports based largely on archives collected by Argentine human rights groups such as Centro de Estudios Legales y Sociales (CELS) and the Madres de Plaza de Mayo. Testimonies like Jacobo Timerman, *Prisoner Without a Name, Cell Without a Number*, trans. Toby Talbot (New York: Vintage Books, 1982) and testimonial novels such as Luisa Valenzuela, *Cambio de Armas* (Mexico: M Casillas, 1983) sold widely in Argentina and abroad.

20. Hannah Arendt, *Eichmann in Jerusalem: A Report on the Banality of Evil* (NY: Viking Press, 1963), p.276. Emilio Mignone, co-founder of the Center for Legal and Social Studies (CELS) describes this shock around Scilingo in this way

> In our day and age people need to see faces. It's the only way for them to realize that nice-looking, well-dressed, articulate Mr. Scilingo, that gentleman who could be your next-door neighbor, is the very embodiment of the Process, the very horror itself, and here he is addressing you in your living room night after night.

Interview in Marguerite Feitlowitz, *A Lexicon of Terror: Argentina and the Legacies of Torture* (NY: Oxford University Press, 1998), p.195.

21. Verbitsky, *The Flight*, p 49. Unless otherwise noted, I have relied on Esther Allen's published translation rather than translating Scilingo's confession myself.

22. Daniel Goleman, *Vital Lies, Simple Truths: On the Psychology of Self Deception* (New York: Simon and Schuster, 1985). See also the application of this approach to human rights violations in Stanley Cohen, "Human Rights and Crimes of the State: The Culture of Denial" *Australian and New Zealand Journal of Criminology*, v 26 (1993), pp 98-106.

23. For more information on "doubling," see Robert Jay Lifton, *The Nazi Doctors: Medical Killing and the Psychology of Genocide* (New York: Basic Books, Inc., 1986), p 121 and Chapters 19 and 20.

24. Verbitsky, *The Flight*, pp.35-36.

25. Verbitsky, *The Flight*, p 31.

26. Scilingo had written and personally delivered a letter to former Military Junta leader, General Jorge Rafael Videla. When he received no response from Videla, he wrote two unanswered letters to the Navy Chief of Staff, Admiral D. Jorge Osvaldo Ferrer. Scilingo then wrote a letter to President Menem attaching his previous letters to Videla and Ferrer. Menem did not respond to Scilingo, but apparently sent a note to Brigadier General Andres Antonietti, the Navy's representative to the Presidential Palace, demanding that he "stop this madman" and that the Navy deal with him itself. Scilingo's wife, Marcela, claims to have seen the note from Menem attached to Scilingo's letter when she was called in to speak to Antonietti. Feitlowitz, *A Lexicon of Terror*, p. 201.

27. Scilingo's word choice in Spanish is quite unusual: "Esta todo muy bien, pero, ¿qué hago con mis 30 muertos?" His words suggest that he lives with the ghosts of 30 dead people, but he does not admit to the act of killing them. Blixen, "Para que no haya mas Scilingos."

28. The Menem government employed some of the same tactics that the military regime had used against the Madres de Plaza de Mayo to undermine the power of his story. The military referred to the Madres as the "Locas [crazywomen] de Plaza de Mayo."

29. Scilingo participated in a scheme to attract investors to an entertainment complex with a pool, disco, and recreational activities. He and his partners are accused of writing bad checks, opening bank accounts under false names, and defrauding suppliers.

30. Scilingo puts forward this strategy in his interview with Samuel Blixen, "Para que no haya mas Scilingos." This idea is also reflected in an interview with Martin Abregú, Director of the Center for Law and Social Studies (CELS), in Calvin Sims, "In Exposing Abuses, Argentine Earns Hate," *New York Times News Service*, 28 October 1995, http://www.latinolink.com/arg1028.html.

31. Minister Guido DiTella cited in Blixen, "Para que no haya mas Scilingos."

32. Jason Webb, *Reuter*, 8 March 1995, http://www.mosquitonet.com/ prewett/reutmar95.html

33. Verbitsky, *The Flight*, p.153.

34. Blixen, "Para que no haya mas Scilingos."

35. Verbitsky, *El Vuelo*, p. 153.

36. "No soy un arrepentido, los hechos son demasiado aberrantes; es demasiado facil' me arrepiento, y asunto arreglado." Cited in Blixen, "Para que no haya mas Scilingos."

37. Two Spanish judges -- Manuel Garcia Castellon and Baltasar Garzon -- have begun investigations of military officers in Chile and Argentina. Garzón has charged 110 former and active police and military chiefs with illegal detention and murder of 320 Spanish citizens during the Dirty War. He has issued 11 arrest warrants. Marlise Simons, "Madrid Throws Cold Water Into Latin Atrocities" *New York Times*, 4 January 1998, p 5

38. I draw extensively on the discussion of these confessions and their political context in Feitlowitz, *A Lexicon of Terror*, pp.193-255. In addition to the confessions I examine in this paper, she includes those by Victor Ibañez, Dr. Jorge Antonio Bergés, Federico Talavera, Pedro Caraballo, Juan Antonio del Cerro, and Osvaldo Etchecolatz.

39. For recent events in Argentine politics see, Inés Izaguirre, "Recapturing the Memory of Politics," *NACLA: Report on the Americas*, 31:6 (May/June 1998), 28-34

40. John Beverley, "The Real Thing," in Georg M. Gugelberger (ed.) *The Real Thing: Testimonial Discourse and Latin America* (Durham and London: Duke University Press, 1996), p.276 and Dori Laub, "Bearing Witness or the Vicissitudes of Listening," in Felman and Laub, *Testimony*, pp. 59-63.

41. For an excellent treatment of the socialization and fear process that promotes loyalty among torturers, see Ronald D. Crelinsten, "In Their Own Words: The World of the Torturer" in Alex P. Schmid et al. (eds), *The Politics of Pain: Torturers and their Masters* (Boulder: Westview Press, 1994), pp.35-64.

42. As Flanigan states:

> Offenders try to manipulate those they injure into believing their renditions of injuries. They try to expunge themselves of blame, their main objective being to manage the other person's impressions. People try to get others to think well of them even if they have lied, betrayed, or broken promises.

Flanigan, *Forgiving the Unforgivable*, p. 84

43. Interview on *60 Minutes* program, "Tales from the Dirty War," 2 April 1995.

44. Alfredo Astiz cited in Feitlowitz, *Lexicon of Terror*, p 227.

45. Both accounts are recorded in Feitlowitz, *A Lexicon of Terror*, p 246

46. *Revista Trespuntos*, 15 January 1998. Also cited in Inés Izaguirre, "Recapturing the Memory of Politics," *NACLA: Report on the Americas*, 31 6 (May/June 1998), p 34

47. "Finalizacion del sumario militar al Capitan de Fragata (re) Astiz," 4 September 1998, http://www ara mil.ar/informacion/sumario htm

48. Young, *The Texture of Memory*, p.2.

49. Scott, *Domination and the Arts of Resistance*, p 45

50. Ibid, p 49.

51. Scott, *Domination and the Arts of Resistance*, p 45

52. Cohen, "Human Rights and Crimes of the State," pp 102-3

53. Cited in Feitlowitz, *Lexicon of Terror*, p 212

54. Ibid, p.210

55. Huggins, "Brazilian Police Violence"

56. Ibid, p.210.

57. Ibid, p.213.

58. Not everyone, however, succeeded in peddling their confessions. Despite running the notorious La Perla concentration camp, Captain Hector Vergez could not find a buyer for his story, which he valued at $30,000. He did, however, get a job investigating the 1994 bombing of the Jewish Cultural Center. According to Feitlowitz, Vergez approached the Federal Intelligence Services (SIDE) who hired him to investigate the 1994 bombing of AMIA in which 86 people were killed and 200 wounded. By his own admission, he received $2 million to build a case against an early suspect. Vergez, she notes, is a reputed anti-Semite, having participated in the Comando Libertador de América known for its pro-Nazi views. Trafficking in human misery has proved lucrative for Vergez, who during the dictatorship held political prisoners for ransom and

sold the housewares stolen from their houses. Feitlowitz, *A Lexicon of Terror*, pp 214-15.

59. Graciela Fernández Meijide in Feitlowitz, *Lexicon of Terror*, pp 208-09

60. See Gavan McCormack, "Crime, Confession, and control in Contemporary Japan," and Igarashi Futaba, "Forced to Confess," (translated by Gavan McCormack) in Gavan McCormack and Yoshio Sugimoto, *Democracy in Contemporary Japan* (Armonk, NY: M.E. Sharpe, Inc, 1986), pp.186-214.

61. The South African Truth and Reconciliation Commission is set up to provide amnesty only to those who confess the truth. It is probably the best case of an exchange confession

62. "Testimonio de Pernias en el Senado," reprinted in Verbitsky, *El Vuelo*, p 168

63. "Testimonio de Rolón en el Senado," reprinted in Verbitsky, *El Vuelo*, p 171

64. Feitlowitz, *A Lexicon of Terror*, p.203.

65. "Testimonio de Pernias en el Senado," reprinted in Verbitsky, *El Vuelo*, p 158

66. "Testimonio de Rolón en el Senado," reprinted in Verbitsky, *El Vuelo*, p 176

67. "Testimonio de Pernias en el Senado," reprinted in Verbitsky, *El Vuelo*, p.167

68. Feitlowitz, *A Lexicon of Terror*, pp.202-03

69. "Testimonio de Rolón en el Senado," reprinted in Verbitsky, *El Vuelo*, p 173.

70. "Testimonio de Rolón en el Senado," reprinted in Verbitsky, *El Vuelo*, p 170-71

71. Ibid, p.168.

72. Cohen refers to these tactics as "neutralization theory." Cohen, "Human Rights and Crimes of the State," p.107.

73. "Testimonio de Pernias en el Senado," reprinted in Verbitsky, *El Vuelo*, p 163

74. Arendt, *Eichmann in Israel*.

75. The case of the trials of Greek military officers is one case, soldiers from Bosnia and the former Yugoslavia face prosecutions in the International War Tribunal in the Hague. Spanish prosecutors have attempted to bring Latin American torturers to trial in Spain for their torture of Spanish citizens as well as Latin American citizens, arguing that as members of the Geneva Convention they have a duty to prosecute human rights violations if the country is unwilling or

unable to do so.

76. Luiz Muñoz cited in Feitlowitz, *A Lexicon of Terror*, p 226.