

THE POLITICS OF IMPUNITY
The Cold War, State Terror, Trauma, Trials and
Reparations in Argentina and Chile

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THE SCHOOL OF THE AMERICAS: MILITARY TRAINING AND POLITICAL VIOLENCE IN THE AMERICAS. By Lesley Gill. (Durham: Duke University Press, 2004. Pp. 304. \$69.95 cloth, \$19.95 paper.)

POLÍTICAS DE REPARACIÓN: CHILE 1990–2004. By Elizabeth Lira and Brian Loveman. (Santiago: LOM Ediciones, 2005. Pp. 550.)

POLITICAL VIOLENCE AND TRAUMA IN ARGENTINA. By Antonius C. G. M. Robben. (Philadelphia: University of Pennsylvania Press, 2005. Pp. 480. \$55.00 cloth.)

THE PINOCHET EFFECT: TRANSNATIONAL JUSTICE IN THE AGE OF HUMAN RIGHTS. By Naomi Roht-Arriaza. (Philadelphia, University of Pennsylvania Press, 2005. Pp. 272. \$55.00 cloth, \$24.95 paper.)

MIXED SIGNALS: U.S. HUMAN RIGHTS POLICY AND LATIN AMERICA. By Kathryn Sikkink. (Ithaca: Cornell University Press, 2004. Pp. 288. \$29.95 cloth.)

INTRODUCTION

I have had the pleasure of reading an outstanding set of books on a critically important topic. As a group, these books expand our notions of human rights because they deal with the political and ideological sources of human rights abuses, the consequences of the abuses for individuals and societies, and the progress made in the last decade as trials against abusers are finally taking place.

Latin American societies have been struggling with the establishment of democratic institutions and the protection of individual rights since they won their independence. It is clear that lack of democracy resulted in a persistent pattern of human rights abuses and that the Cold War created a set of circumstances that intensified that pattern of abuse. What is particularly disturbing is that human rights abuses were equally prevalent in countries that had already made substantial progress toward democracy as they were in countries that lacked a democratic tradition.

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The books reviewed here deal with human rights issues at three different analytical levels: the international system, domestic politics, and the individual. In the following pages, I frame the international-level analysis around how the Cold War contributed to the establishment of abusive regimes in Latin America. The notion of impunity provides the domestic analytical framework used to explain the behavior of the Latin American military. And finally, because repression is ultimately geared to transform the mind of a society, there is also a need to look at the psychological effects that these policies have had on the societies and individuals affected by the abuses. Here the critical issue is the effects of repression on the self.

U.S. POLICIES: CLEAR OR MIXED SIGNALS?

Lesley Gill's *The School of the Americas: Military Training and Political Violence in the Americas* is an ambitious book that provides the reader with a thorough analysis of the School of the Americas (SOA), and the effects of the SOA's training on the trainees and on two Andean communities. The book concludes with an analysis of the social movements that have called for the elimination of the school. The central themes of the book are imperialism and impunity; the SOA occupies a central place in the promotion of both because it is the place where one sees the empire in action. The SOA provides the stage on which the United States trains and molds the Latin American military, which in turn is in charge of promoting U.S. interests in the region.

Lesley Gill tells us how the United States trains and sets the agenda for the Latin American military, on whom it depends for the maintenance of the empire. She is also interested in finding out how the SOA's training influences the careers of Latin American officers and soldiers and how the United States influences their geopolitical understanding and their attitudes toward insurgency movements in their countries. Moreover, she discusses how the SOA's training, which is aimed at creating order, results in more disorder and more need for military training. Finally, she discusses the role U.S. social movements played in what the school does and teaches.

Like other imperial relations, the relationship between the United States and the foreign military is highly unequal, and the United States is able to propagate beliefs about professionalism, human rights, just wars, and subversion (11). Most importantly, it is a relationship based on a notion of shared impunity: impunity of the trainers and the trainees. It is important to note that the school is only a small part of a vast training network. While the United States trains about one hundred thousand foreign soldiers every year, the SOA graduates only about six hundred police and eight hundred military officers.

The Cold War and the need to contain communism throughout the globe justified the U.S. involvement in the training of police and military forces. In the case of Latin America, containment became the responsibility of local military forces trained and indoctrinated by the United States. The Kennedy administration's National Security Doctrine taught the Latin American military that the enemy was inside the borders and that fighting this internal enemy required special training and weapons, both of which were provided by the United States. Over the years, the Cold War "evolved into a permanent state of mobilization and violence against challenges to the status quo" (62). In the process, the United States and the Latin American militaries became part of a complex web of training and military sales in which the U.S. military and arms manufacturers played a leading role.

How are these goals accomplished? The SOA, now called the Western Hemisphere Institute for Security Cooperation (WHINSEC), located in Fort Benning, Georgia, offers thirty-five courses geared to provide comprehensive training to middle-class military and police officers who come to the school for one year. Most of the training is provided by U.S.-Latino instructors, and the civic-action training provides the tactics and knowledge required to fight insurgency movements in the region. The goal of these tactics is to gain the "hearts and minds" of the people through public works and civic action, but the lion's share of the program has been the military and intelligence training programs, which provided torture manuals and other coercive methods to deal with insurgencies. Public outcry about these courses forced the school to revise its curriculum and adopt a new public relations strategy that emphasizes a softer and kinder approach. Despite the fact that its graduates have consistently pursued torture, the school now argues that its main mission is to teach democratic values to undemocratic military officers and soldiers from Latin America. One wonders how the military, an intrinsically undemocratic institution, can teach democracy.

In the SOA, instructing others to kill is a bureaucratic, highly regulated affair that takes place in classrooms and training grounds. The training dictates everything from when to initiate an ambush—with a single shot—to broader geopolitical visions that define who the enemy is (54). However, the well-being of those who bear the brunt of the repression does not become part of the training. Much to the contrary, these groups are quickly and effectively stereotyped and dehumanized, and dehumanization is used to justify violence. Trainees come from all over the region, but countries considered critical to U.S. interests are invited to send a larger proportion of officers. For instance, more soldiers from Chile were trained at the SOA during the Allende government, and in the two years after Allende's overthrow, than from any other country.

Training in the United States offers the trainees the opportunity of living within the empire and having access to the material benefits associated with U.S. society, as well as a clear path to success and power in their native countries. Training expanded the political and economic power of the Latin American military and transformed it into the most powerful social and political institution. The newly trained officers controlled societies from Chile to Panama and acquired a critical economic role both in the public and private sectors. U.S. economic and military aid gave the military the cash and weapons required to rule, bribe, and steal. The training gave them the tactics to control power.

Some of the hemisphere's most notorious dictators, death squad operatives, and assassins were trained at the SOA. In fact, a list of 60,000 graduates released in 1993 contains the names of hundreds of assassins and their leaders (135). These abuses undermined the reputation and support for the SOA within the United States, forcing the school to change its name, adopt a public relations-oriented approach, and make changes in the curriculum, such as incorporating a human rights course. However, the human rights course does little to modify the overall message provided by the school. The course is very short, based on past events or hypothetical cases, and does not mention the effects of the U.S. training on Latin America.¹

The second part of the book focuses on the effects of U.S. policies on peasant coca growers in the Bolivian province of Chapare and the Colombian region of Putumayo. Here Gill deals with the effects of the neoliberal economic policies applied throughout the region. Impunity, in her view, has not only a political/military dimension, but also an economic dimension. As a result, U.S. policies have increased poverty and generated deep social fragmentation, insecurity, and exclusion, which in turn increase social violence. States, in turn, "deal with the rising levels of violence by resorting to repression, which further disorganizes daily life at the bottom of the social hierarchy and shores up a dominant order that is intolerable for the majority of poor Bolivians and Colombians" (187). Finally, Gill spends about thirty pages analyzing the 1990s campaign to close the SOA.

The heart of this book and its central contribution is in the analysis and discussion of the SOA and its effect on the trainees who return to their native countries to participate in acts of repression. Gill certainly has enhanced our knowledge and understanding of the impact of SOA policies and the school's critical role in the preservation of U.S. political and economic power in the region. While the section dealing with the anti-SOA movement is relevant, in some ways it is an unnecessary distraction from the core issue in this book.

1. Former SOA students and instructors agree with this characterization of the course.

Those of us who have been interested in U.S. human rights policies toward Latin America know quite well that a book like *Mixed Signals: U.S. Human Rights Policy and Latin America* by Kathryn Sikkink is a much-needed and welcomed addition to the literature in this area. In fact, few comprehensive analyses of U.S. human rights policy toward Latin America have been written, and none of them has the scope and depth of Sikkink's book. It is also important that Sikkink situates her analyses and conclusions in the context of the post-9/11 world because the fight against terrorism seems to be used to justify human rights abuses once again.

The book is organized around two themes: the origins of human rights policies and the effectiveness of those policies. In the first section, Sikkink discusses the origins of and reasons why states adopt human rights policies as well as the contexts and conditions under which those policies are effective. From an analytical perspective, Sikkink opts for a combined approach that emphasizes the importance of ideas, institutions, and individuals. As she argues, "the emergence of human rights policy is not a simple victory of ideas over interests. It demonstrates the power of ideas to reshape understandings of national interest. The adoption of human rights policies signifies a fundamental shift in the perception of long term national interests" (20). As in the other books reviewed in this essay, Sikkink emphasizes the importance of key individuals, advocacy networks, international treaties, international organizations, and government bureaucracies in the development of these policies. People such as Eleanor Roosevelt, Hernán Santa Cruz, and Raphael Lemkin,² among others, were instrumental in drafting documents and using their influence to create treaties and conventions to prevent the repetition of the atrocities committed before and during World War II.

Within the United States, a human rights policy emerged as a result of a struggle between those who believed that containment of communism and the protection of human rights were incompatible policies and those who argued that U.S. security was best protected by pursuing a human rights policy. The prevalence of the realist viewpoint and its emphasis on containment was such that until 1971, no legislation instructed U.S. policymakers to take human rights into account in bilateral relations.

The first policies in the early 1970s were the result of actions of key individuals, and Sikkink illustrates how people can make a difference by looking into the role played by Representative Donald Fraser from Minnesota. Fraser, the head of the Subcommittee on International Organizations of the House Foreign Relations Committee, initiated hearings on human rights abuses in Uruguay. Fraser in turn was influenced by human rights NGOs that provided him with valuable information about

2. Samantha Power, *A Problem from Hell: America and the Age of Genocide* (New York : A New Republic Book, 2003).

abuses in Latin America. Fraser succeeded because, simultaneously, generational and institutional changes resulted in a dramatic increase in Congressional activism in the area of foreign affairs. Members had finally recognized that twenty-five years of bipartisan foreign policy and congressional inaction had opened up the path for the misuse of presidential power, such as in the cases of Watergate, Vietnam, Cambodia, South Africa, and Chile.

Fraser's committee's report became a blueprint for future human rights policies. The report called for the creation of a human rights bureau in the State Department; annual country reports on human rights practices, the suspension of military aid to human rights abusers, and the creation of the UN High Commissioner for Human Rights. What followed were congressional votes aimed at cutting military aid to human rights abusers of both the right and the left. Congressional action, in turn, set the stage for the emergence of a human rights discourse in the 1976 electoral campaign. The inclusion of human rights issues in the campaign had both moral and political bases. President Jimmy Carter believed not only in the moral importance of the issue, but also in its political impact, because it could unify the democrats and provide a campaign platform that distinguished Carter from his predecessors. Latin America occupied a special place in this discourse.

The second section of the book evaluates the purpose of U.S. human rights policy, which should be not only to stop violations, but also to address their causes and consequences. But why does repression occur? Here Sikkink reviews some practical reasons for repression and develops a theoretical framework she calls a modified "spiral model." The model incorporates the interaction between the repressive government, domestic and international groups, international organizations, international NGOs, and the United States.

Sikkink's next concern is understanding the effectiveness of suspending military and economic aid to human rights abusers, and it is here where the book makes its most important contributions. She not only highlights the importance of the "signals" that Latin American military leaders were getting from the United States but also discovers that there is a lot more to the story than just cutting military or economic aid. In fact, the highest levels of repression occurred between 1973 and 1982, the years in which aid had been suspended (104). Faced with contradictory cues, military dictators in Latin America decided that the important cue was the one provided by the National Security and anti-subversive doctrines and policies, while the human rights policy was perceived as just a temporary fad.

U.S. policies toward Chile and Argentina during the administration of Richard Nixon reveal the importance of both spoken and tacit signals. Henry Kissinger not only told the military leaders that "he understood

their situation and that he would not create difficulties for them" (119), but he never told them to replace torture with trials, he never spoke about disappearances or torture, and he never asked about those who were repressed. Consequently, Generals Pinochet and Videla believed that the U.S. administration was fully supporting their policies.³

Carter's policies produced different effects in different places. In the case of Chile, there is no indication that the condemnation of the regime led to a reduction of repression. The regime simply blocked connections between national and international NGOs in order to reduce criticism. In the Argentine case, the policy coincided with internal conflicts within the military that reduced repression. I would add here that the reduction of repression was also linked to the economic crisis. In El Salvador and Guatemala, the implementation of the policy coincided with a sharp increase in human rights abuses.

While Sikkink's view is that the effects of Carter's policies were limited to influencing internal negotiations within the military governments of the Southern Cone and lending support to the soft-liners within those regimes (144), I would argue that even this assertion is too optimistic. Certainly, in the case of Chile, the Carter policies did not strengthen the hand of the soft-liners. Much to the contrary, the period is characterized by increased repression and the consolidation of a market approach to economic policy, largely supported by the hard-liners.

It is a well known fact that the administration of Ronald Reagan did everything in its power to dismantle Carter's policies and to develop cozy relations with abusers in South and Central America. This story is aptly documented by Sikkink as she recounts the principles that inspired the Kirkpatrick doctrine and the statements supporting military rule in Guatemala and El Salvador. The degree of deception entailed in the Reagan administration's policy is certainly troubling. In Sikkink's words, "not only was the administration attempting to whitewash massive human rights abuses in Guatemala, but it also decided to attack organizations responsible for trying to document and disseminate information about these violations" (167). It is even more troubling to read that President Reagan said that President Elfrain Ríos Montt was a man of great personal integrity and that he was totally dedicated to democracy in Guatemala (168), while his administration knew that Ríos Montt had killed or disappeared at least 18,000 people. Having said this, Sikkink goes on to argue that this was a thoughtless statement. Thoughtless is used here in the manner of Hanna Arendt, implying an incapacity to tell right from wrong.⁴ I believe there was nothing thoughtless about the statement and

3. See Peter Kornbluh, *The Pinochet File: A Declassified Dossier on Atrocity and Accountability* (New York: The New Press, 2003).

4. Hanna Arendt, *The Origins of Totalitarianism* (New Haven: Meridian Books, 1958).

the policies and that policymakers could tell right from wrong. What they did not have was the capacity to move away from the Cold War paradigm that inspired their policies. Were the U.S. policymakers sending clear or mixed signals? The Reagan administration's signals were unmistakably clear and determined by a Cold War paradigm. Chile's case illustrates this point very well, as the administration's policies toward General Augusto Pinochet radically changed after 1986, signaling the need to return democracy given the lack of a Soviet threat.

While the Reagan administration succeeded in undermining the human rights cause and supporting abusive regimes, it did not succeed in dismantling the institutions created during the Carter years. In fact, the real success of Carter's policies was in their long-range international effect: the institutionalization of a human rights policy and the creation of a human rights agenda at the international level.

POLITICAL VIOLENCE AND TRAUMA IN ARGENTINA

Antonious C. G. M. Robben has written what I suspect will be the definitive account of the Dirty War and its origins and consequences. His 467 pages take the reader on a painful trip through the history of political violence in Argentina, from 1945 until the end of military rule. It is a challenge to review the book briefly. In the words of Robben, the book "combines historical chronology with social complexity, separating out particular social domains in distinct periods to interpret Argentina's multilevel political violence and traumatization. Taken together, these four parts demonstrate how various strands of violence arose at different times and interlocked in the 1970s to create an overdetermined and traumatized whole" (xi).

In order to understand the roots of the political violence and the cultural war launched by the military against Argentine society, Robben takes us to October 17, 1945, when hundreds of thousands of workers gathered in the Plaza de Mayo to express their loyalty to Juan Domingo Perón, who had just been released from prison. It was in this gathering that the Peronist movement was founded and the working class began to dominate the public space, which until then had been controlled by the "gente decente" (9)⁵. It was there that the crowds became a central actor in Argentine politics and that a pervasive cycle of violence began.

Robben's treatment of Perón's political philosophy is critical to understanding the events in the 1970s. Even more interesting is his analysis of the relationship between Perón and the crowds and his ability to control and to manipulate them, which explains both the rise and

5. *Gente decente* literally means decent people but it is used as a synonym of upper class people. The meaning is quite clear: those who are not upper class are not decent.

decline of Perón and the military's response. Perón's crowd manipulation was condoned as long as he curbed the political radicalization of the Argentinian working class. But these crowds did not need Perón. Robben carefully outlines the ability of the crowds to survive Perón's overthrow and the repression that the military launched against the working class and the students. By 1969 the crowds returned, due to declining labor conditions and repression. A dangerous cycle of political violence and instability ensued. While the revolutionary Peronists believed that the popular masses were the propelling force of history, the military was trying to learn how to combat them. Perón's return to power in 1973 marked the end of the crowd mobilization strategy and the beginning of guerrilla tactics. Perón wanted the demonstrations to end, but the disaffected Peronist Youth and the Montoneros (a radical branch of the Peronist movement) wanted to keep the crowds mobilized. Unable to influence Perón's decision, they opted for grassroots organizations and guerrilla tactics.

In a brilliant analysis of the power of the crowds, Robben argues that crowds are menacing, inspiring fear and inciting, fascinating, dominating, and mesmerizing both the leaders and the people. They had toppled and created governments and most importantly they had supported Perón's deposition and forced his return to power (81). Robben connects the power of the crowds and the ensuing repression as he argues that twenty-five years of crowd mobilization formed a mold in which other political expressions matured, including mass mobilization and vanguardism. The military strategy thus was guided by the view that "crowds were believed to be antithetical to Argentinian society, and a denial of its natural hierarchy" (84). It was the fear of the potential destruction of the societal hierarchy that mobilized the military. The control and domestication of the crowds required the destruction of their foundations which, in turn, demanded a profound social and cultural transformation. This transformation could only happen through an unprecedented repression. Thus, the Dirty War was an attempt "at social engineering, at altering people's sociality away from gregariousness and towards obedience, discipline, respect for God, and awe of the nation's leaders who have saved the country from a communist revolution and the loss of its Western, Christian civilization" (85).

After tracing the origins of the Montoneros, and the group's connections with the Cuban revolution, Robben discusses Perón's approval of the guerrilla strategy as well as its social composition and tactics. Marxist guerrillas (the PRT-ERP—Partido Revolucionario de los Trabajadores and Ejército Revolucionario del Pueblo) emerged simultaneously and their history is also traced by Robben. With the election of Perón, the radical movements, made up of about five thousand people, had accomplished their goals, but Perón's death in 1974 produced a renewal

of violence as both the Peronist and the Marxist guerrillas engaged in a struggle with right-wing squads and the military. In the process, both groups became traumatized and violence increased ever more.

The chapter entitled "Mimesis and Attrition" delineates how violence made the fairly unstructured guerrillas adopt military tactics and how the military adopted the guerrillas' organizational form. Society was caught in the middle and became the battlefield. The bellicose discourse raised the level of violence even more and both groups talked of destroying the other. Warfare became the principal mode of engagement. In Robben's view, these groups were part of a society in which the use of violence had become legitimized by its constant practice. Thus, "their nemesis established a social contract of annihilation around the pursuit of a moral community by destroying the enemy, and imposing its own cultural order. In the uneven battle, the physical, psychological, and social annihilation was carried to unimaginable extremes in which the entire Argentine society became involved" (165). In this never-ending process of violence, "the social traumas of the past became vessels of suffering whose posttraumatic effects increased with every new violent act intending to undo past hurt and preempt future victimization" (166). Each new trauma reinforced existing ones and demanded more violence. For those excluded and repressed by the military, violence and the creation of an egalitarian society were fully justified. For the military, the protection of society's Christian, Western values also justified their violence. Ultimately, the military was willing to cross every existing moral line to traumatize and subjugate the enemy.

One of the most insightful contributions made by Robben is to move the analysis away from politics and into the cultural realm. The military did not need a coup to control and defeat the guerrilla movement. However, as Robben notes, theirs was not a power struggle but a cultural war between primitive and advanced cultural forms. In the words of General Galtieri, "this is a clash of two civilizations" (172). Thus, the war was fought to eliminate that sector of the society that posed a threat to the existing cultural project. In the words of General Osiris Villegas, "the war could only be won in the terrain of the mind through the conquest of people's psyches" (189).

How to fight this war became a subject to which the military dedicated a great deal of thought and analysis. This was a permanent and total war in which there were going to be no victories or defeats; the war did not end when the enemy was killed, but continued in other social realms. The military assumed that it had been assigned a divine mission: to preserve culture and the Christian social order. In this war there were no neutrals; it was a war in which the indifferent and the timid had to be killed together with the subversives (General Ibérico

St. Jean). Accordingly, the enemy was demonized and the military was defined as representing God's troops on earth. The next question for the strategists was how to identify the subversives, and they concluded that the enemy was the negation of the self. But since this was not enough, Admiral Massera took it one step further, arguing that "We are going to fight till victory, whether it is beyond or after death" (187). Thus, this war involved three different realms: culture, the self, and the hereafter.

Robben's book contains painfully detailed descriptions of the use of torture. Torture was the preferred method to destroy an enemy defined as a negation of the self. Torture, as argued by Robben and others, "was to complete the victory on the grounds of the mind and selves of the defeated, because it was where that culture was embodied the most fully" (212). And what followed is the politics of torture pursued against men and women, children and adults, guerrillas and sympathizers. Torture was not about getting information, but about destroying the mind and dismantling a person's sociability through the traumatization of the soul. Torture was a war against the soul that had to go on forever because it was geared to kill the ideas not the ideologues. Its purpose was to secure a world without political organizations, a world where the individual will associate any future political activity with the great pain experienced while being tortured.

Disappearances were also geared to paralyze, instill fear and distrust, and force the relatives of the disappeared into loneliness and despair. However, here the military misunderstood the need for parents, especially mothers, to find their children; these mothers eventually developed the only forum where opposition to the government's policies could be expressed. Here again, the regime did not distinguish between men and women, babies or adults. The disappearance of over two hundred babies still haunts the regime's leadership since the kidnapping of children was excluded from the general amnesty given to the military in 1989 and 1990, and it has been used as the reason to put General Jorge Rafael Videla and Admiral Eduardo Massera on trial. Because the military underestimated maternal bonds, the mothers could work through their social trauma and expand into the public space, appropriating a political arena of their own.

This powerful book leaves the reader with a wealth of new information and a new way of looking at the existing information. It is Robben's central contention that this is not a case in which violence produced more violence, but a case in which trauma created more violence. As Robben explains throughout the book, the military was determined to win a cultural war, a war against the Argentine self that would, finally, allow for a consolidation of the military's values.

THE POST-AUTHORITARIAN PERIOD: REPARATIONS, TRIALS, AND THE GLOBALIZATION OF JUSTICE

Elizabeth Lira and Brian Loveman have been working on the topic of political repression and reconciliation in Chile for a number of years. They began their quest to understand the nature and implications of what Chileans call reconciliation with *Las suaves cenizas del olvido: Via chilena de la reconciliación política 1814–1932*, which was followed by *Las ardientes cenizas del olvido: Via chilena de la reconciliación política 1932–1994*. In *El espejismo de la reconciliación política, Chile 1990–2002*, the authors bring this study up to the current period. In their latest book, Lira and Loveman take this topic one step further and provide the reader with an analytical and documentary history of the politics and policies of reparations in Chile between 1990 and 2004.

Massive human rights abuses throughout the world have raised the question of the role of post-authoritarian governments in the provision of reparations to those physically and emotionally damaged by the repression. A vast literature on the subject emerged as a result of the decision of the German government to offer reparations to the victims of Nazism. Relatively recent decisions forcing German businesses to compensate the families of slave laborers rekindled discussion of the role and importance of reparations. A more limited but equally important discussion has been taking place in today's post-authoritarian environment (i.e., South Africa). To the best of my knowledge, not much has been written in the Latin American context about reparations paid to victims of late-twentieth-century military regimes. Thus, Lira and Loveman's book opens a new area of inquiry that is both timely and necessary.

Throughout their work Lira and Loveman have argued that Chilean political history has sustained an authoritarian concept of order and the need to occasionally repress to reestablish this authoritarian concept of order. Thus, the need for order has legitimized political repression since the establishment of the republic. Despite this history, the repression unleashed by General Pinochet was unprecedented and the need to repair the damage done has also acquired unprecedented proportions.

Chilean traditions established that each conflict be followed by a policy of reconciliation. This fictional reconciliation demanded forgetting about the damage and accepting amnesty for those who caused the damage. The Amnesty Law, passed by the military in 1978, fully conformed to this model. However, the amount and the extent of the Pinochet regime's abuses generated demands for reparations. The political problem here for the post-authoritarian regimes, led by the center-left coalition, Concertación, has been to define the extent and role of the government in this process.

Lira and Loveman trace the history of the human rights policies pursued by the Concertación as well as the historic precedents for the

reparation policies since the beginning of the nineteenth century.⁶ In the early 1990s, the Patricio Aylwin administration became part of a struggle between those who wanted to follow the well known historical path of amnesties and forgetting by proposing “Full Stop Laws” (Leyes de Punto Final) and those determined to obtain both trials and reparations.

Attempts to forget and exonerate, so prevalent until 1998, were undermined by the detention of General Pinochet in London, which changed the nature of the human rights debate both in Chile and in the rest of the world. His detention energized the human rights NGOs that had been calling for both trials and reparations; the victims could use new legal mechanisms to protect their rights, and new evidence made its way into the slim body of knowledge that existed regarding abuses before the detention of General Pinochet in 1998. A new cadre of judges was able not only to find a loophole in the Amnesty Law but also to uncover new evidence of brutality and massacres carried out by the agents of the Pinochet regime. Slowly but surely the political framework changed and, as argued by Lira and Loveman, by 2003 there was a growing consensus regarding the need for reparations.

In the next five hundred pages of the book, Lira and Loveman analyze human rights and reparation policies between the end of the Pinochet regime and 2004. Their work is methodical, thorough, and analytical, and it provides the reader with a wealth of primary material as well as insightful political and social analysis. The analysis includes not only government policies, but the role of the Catholic Church, NGOs, international organizations, Chilean laws, international treaties, trials, roundtable discussions, and government commissions such as the Truth and Reconciliation Commission and the Commission on Political Imprisonment and Torture, of which Lira was a member.

The role of this commission is particularly important because until 2003 the question of torture had been ignored by policymakers. By June 2004, the Commission had received more than 35,000 testimonies from people who had been tortured by the regime. The commission’s report established that during the Pinochet regime there were over one thousand detention centers, most of them in military facilities, and that all branches of the Armed Forces and the police were actively engaged in the practice of torture (106). Much like in Argentina, torture in Chile was a policy geared to destroy the self and guarantee a passive and submissive population. Much like in Argentina, also, the Pinochet regime engaged in a policy of disappearing people, and Lira

6. For an updated history, see Elizabeth Lira, “Human Rights in Chile: The Long Road to Truth, Justice and Reparations,” in Silvia Borzutzky and Lois Hecht-Oppenheim eds., *After Pinochet: Chile’s Road to Democracy and the Market* (Florida, University of Florida Press, 2006).

and Loveman provide the reader with a detailed account of how and where bodies have been discovered.

The verb *to repair* and the word *reparation* have similar meanings in English and Spanish. Reparation is the act of restoring something to a previous condition, to amend for wrong done, compensation, atonement, restitution. In Spanish *reparación* is defined as “desagravio, satisfacer al ofendido” (9). The early reparation programs included pensions, health, retraining and educational benefits, and occasionally housing benefits (30). NGOs such as the Association of the Relatives of Detained-Disappeared people played a large role in the process. Government policies were coordinated by a new governmental institution, The Corporation for Reparations and Reconciliation, charged exclusively with this function. Here one gets the impression that reparation policies were enacted in order to avoid issues of truth and justice and to continue the pattern of reaffirming impunity and denying justice.

Lira and Loveman argue that with time the criminals and their lies were uncovered. Time has not helped the criminals. Instead, the victims’ memories have rekindled and a new generation of judges, as well as some politicians, who have decided that the politics of impunity should end. Moreover, ratification of an international human rights treaty has enhanced the role of NGOs, who demand full compliance with those treaties, and has forced the always-reluctant politicians to fulfill some of the promises made in the human rights program of the Concertación.

The issue of reparations is certainly critical and deserves a great deal of attention. First and foremost, it is important to think about the purpose of reparations. Is their purpose to achieve a degree of justice or is it to deter the government from committing the same atrocities again? If this is the case, then one should ask if reparations are an effective form of justice and deterrence. What is the effect of those reparations on the individual? What is being repaired? Are the reparations just political “cover-ups”? We all know that there is no monetary value that one can assign to losing a loved one, nor there is monetary value that can repair the damage made by torture. But, having said that, for those living in poverty often small reparations can make the difference between having or not having access to health, food or education. Another set of questions deals with the issue of responsibility and of who should ultimately pay for these reparations. The practice has established that the post-authoritarian regimes should foot the bill, but I wonder if this is an indication of justice or just another injustice. If the ultimate purpose of the “dirty wars” was to consolidate a given political and economic system, maybe those who were the authors and beneficiaries of the policies should also be responsible for paying reparations. Finally, there is something that reparations should not do: they should not serve as a substitute for discovering the truth

and obtaining justice. In brief, reparations should not become another form of impunity.

Lira and Loveman's analysis of the question of repression, reconciliation, and reparations in Chile is critically important to understand Chile's history and society. One hopes that others do the same for other Latin American countries in order to put together a new version of Latin American history that addresses these fundamental issues.

While Lira and Loveman's book focuses on the need for and meaning of reparations and their role in reconstituting a damaged society, *The Pinochet Effect: Transnational Justice in the Age of Human Rights* by Naomi Roht-Arriaza looks at the role of trials in the post-authoritarian period as a mechanism geared to end the politics of impunity. The book provides a comprehensive picture of the multiple effects of General Pinochet's arrest in London and the subsequent efforts to obtain his extradition to Spain. As with the other volumes reviewed here, this book can be read at many different levels. Much like *Mixed Signals*, this is a history written by a few heroes: Joan Garcés, Alcira Ríos, Baltazar Garzón, Juan Guzmán, Leopoldo Schiffrin, and others who as lawyers, judges, or victims spent many hours pursuing torturers and criminals. Roht-Arriaza skillfully combines, and draws lessons from, personal stories and legal and political analyses. However, the book's main contribution is its skillful discussion of the transformation of the international legal system; the evolution of the concept of sovereignty; and the expansion, and later reduction, of the notion of universal jurisdiction. We also learn from Roht-Arriaza about the evolution of trials in Madrid, London, Brussels, Paris, Nuremberg, and Santiago. The attention she gives to the legal processes in each of these locations and to the painfully slow evolution of the trials is quite admirable. But what is even more admirable is Roht-Arriaza's ability to combine the legal history with an accurate political analysis.

What becomes clear after reading this book is that current trials of torturers in Argentina and Chile are the result of a long and tedious process that culminated with the arrest of General Pinochet. One also sees that progress here has been made as a result of the unique interplay of both international and national law, as well as the role of prosecutors, human rights groups, and lawyers in about half a dozen countries. Most importantly, the arrest of Pinochet, as Roht-Arriaza argues, made the trial of domestic cases possible because it produced a change in how society views human rights issues. For the first time since the end of the Pinochet regime, Chileans began to experience a sort of embarrassment, a sense that Chilean society had to do something about the egregious violations committed by the military. As a result, General Pinochet went from being one of the most powerful men in Chile to a rather pathetic figure who had to fake dementia in order to get back home.

The importance of the “Garzón effect” is undisputable. The Spanish case and the international publicity surrounding it changed Chilean society and the judiciary’s views of national and international law. The case also gave human rights groups new visibility and an infusion of energy (86). In practice, judges such as Schiffrin in Argentina and Guzmán in Chile were able to find loopholes in existing amnesty laws. Schiffrin, for instance, developed the idea of “truth trials that blurred the line between truth commissions and trials” (105), based on the notion that the society was entitled to a right to the truth. These trials produced abundant evidence of human rights violations that in turn mobilized and gave support to previously ignored human rights groups. The investigation of stolen children forced another wedge in Argentina’s amnesty law. Judge Marquevich argued that baby-snatching was a crime against humanity not subject to statutes of limitations. Moreover, because it was a continuing crime he was able to order the arrest of General Videla. The actions of these judges and others undermined the Amnesty, Punto Final, and Due Process Laws passed during the Menem administration. These laws were ultimately repudiated by both the courts and the legislature.

In Chile, those searching for truth and justice had to confront courts that were either complacent or complicit with the abuses committed. Between 1989 and the late 1990s, the majority of the courts were formed by Pinochet appointees who continued their policies of complicity, and complicity in Chile meant accepting the validity of the Amnesty Law passed by the military. The appointment of new judges, reforms to the courts and to the relationships between civilian military courts, as well as the ratification of international human rights treaties produced new interpretations of the infamous Amnesty Law allowing judges to initiate criminal investigations against military officers. Change also resulted from judicial reforms that altered the structure of the Courts and changes in the relationship between civilian and military courts. Ratification of international treaties also played a role here.

Judge Juan Guzmán ultimately broke the power that the military had over the courts. In a 1999 decision he argued that while the military was protected by the Amnesty Law in the cases of murder, the military was not protected when the body had not been recovered because in those cases there was a continuous crime (78). Thus, if the military wanted amnesty they had to produce the bodies, otherwise they would be tried for the crime of *secuestro prolongado* or permanent kidnapping, not covered by the law. This interpretation allowed Guzmán to order the arrest and indictment of a number of military officers.

But the “Garzón effect” had wider international implications. Underlying Garzón’s request for Pinochet’s arrest and extradition to Spain was the notion of universal jurisdiction. Traditional notions of sovereignty limited the power of the Courts to crimes committed within territorial boundaries

and crimes committed by nationals in other countries. The notion of universal jurisdiction, on the other hand, argues that crimes against humanity can be prosecuted everywhere. The development and acceptance of the notion of universal jurisdiction led to the proliferation of trials throughout Europe. Charges against General Pinochet, General Jorge Rafael Videla, and others were filed in Belgium, France, Switzerland, Sweden, Germany, and Italy. The most remarkable example of the use of the principle of universal jurisdiction is the 1993 Belgium law. The law gave the Belgian courts jurisdiction over those committing certain war crimes, regardless of the location of the crime or the nationality of the criminal. This law in turn generated a process of "globalization of justice" that would allow the prosecution of wrongdoers across the globe. And it is here where success can easily turn into failure "because although major political figures in powerful countries remain beyond the pale . . . the danger is not that politically motivated courts will run amok, but that complainants will overreach" (198). Ultimately, the proliferation of complaints undermined the validity of the courts and the cases brought to those courts, as well as the larger principle of universal jurisdiction.

While the role of judges like Garzón and Guzmán was brave and admirable, the role played by politicians has been pitiful. From Secretary Straw's statement that General Pinochet could not stand trial because he was not going to be able to recall events relevant to the trial, to the Spanish politicians who sought to obstruct Judge Garzón's investigation, to Chile's Foreign Minister Insulza's statement that "Chile has its own laws, and lives in a democracy, it has jurisdiction and does not recognize the jurisdiction of the courts of other countries" (26), the purpose of the politicians' actions was always the same: to protect narrow political interests. Politicians have relentlessly tried to undermine the actions of judges and lawyers because of their concern about the effects of trials on domestic and international politics. The latest example in this long history is President's Lagos's decision to commute the sentence of the military officer accused of kidnapping and killing former labor leader Tucapel Jiménez.⁷

In the final pages of this complex book, Roht-Arriaza offers her analyses of the "spiral" and "boomerang" models of human rights policymaking, which are characterized by the mutually reinforcing effects of the actions of local political activists, foreign and domestic NGOs, international organizations, and political and economic pressure from powerful states. In her words, these actions produced "a justice cascade . . . after which change comes more rapidly and decisively" (210). She also offers interesting thoughts about the interplay between the notion of democratic transition and trials that are taking place twenty years after the crimes were committed.

7. *El Mercurio*, August 20, 2005, p. 1

Here I think we should, once more, rethink the notion of transition. Initially, the end of the transition was associated with the consolidation of democratic institutions and the establishment of the rule of law, which rarely included trials against human rights abusers. Based on the evidence provided by the books reviewed here, I would argue that these trials can take place only after the transition has ended, and that while the trials do not serve to reestablish the rule of law, they will serve to reinforce the rule of law, to indicate to criminals that international treaties and agreements have some value, and to provide some historical documentation as well as some satisfaction to the victims.

Naomi Roht-Arriaza leaves us with a bittersweet message and words of caution. While international prosecution serves as a key mechanism to advance human rights, the use of this mechanism has to be measured and selective. The indiscriminate use of international trials might produce their own demise, as in the case of Belgium, which was forced to restrict the scope of its 1993 law in order to deal with the multitude of trials brought in front of the courts.

CONCLUSIONS

The books reviewed here discuss human rights violations, their origins, and their impact in Argentina and Chile, but the analysis, insights, and information they provide can be applied to the rest of Latin America and also other parts of the world. Cold War policies sent clear signals about what the local leaders had to do to eliminate threats to U.S. hegemony and these signals were applied by military leaders seeking to protect and enhance their own power and the power of the socioeconomic groups they represented. Both the "trainers and the trainees" could carry out these policies because they were protected by impunity. Impunity means freedom or safety from punishment. In the words of Lesley Gill, "The impunity-fueled violence that has swept Latin America shattered the social bonds of those who survived the repression. It displaced people from their lands, drove them into unemployment, forced them to leave their homes for uncertain life in exile, and deprived them of the friends and loved ones" (14). Impunity reinforced a highly unequal social order and protected abusers.

What was the purpose of these repressive, abusive actions? Internationally, the human rights abuses were aimed at preventing any erosion of U.S. power in the region. At the domestic level, the elimination of groups that either politically or economically challenged the status quo served to consolidate the power of the military and the domestic socioeconomic groups they represented. Psychologically, the policies were aimed at destroying the self of those who were perceived as enemies

of the existing value system. The trauma produced by the destruction of the self was expected to incapacitate and deprive the individual of his/her sociability, as well as to reassure the regime's leaders that their power remained unchallenged.

Hanna Arendt argues that totalitarian control thrives on terror and loneliness, and that loneliness produces a destruction of people's ability to engage socially, as well as a destruction of the self. Arendt argues also that the aim of totalitarian ideologies "is not the transformation of the outside world or the revolutionizing transmutation of society, but the transformation of human nature itself."⁸ The books reviewed here show that thirty years after the end of these regimes, the societies that suffered that profound destruction of the self are beginning to find the means to rebuild, punish those responsible for the crimes, and demand reparations. Battered selves are recovering because of the brave actions of people who decided to end the politics of impunity.

Unfortunately most of these books leave the reader not with a sense of victory, but with words of caution. Much progress was achieved because the end of the Cold War opened up a space for an expansion of the ideas of universal jurisdiction and trials, creating what Roht-Arriaza aptly calls a "globalization of justice." In turn, these changes affected the judicial establishments within the countries encouraging judges and lawyers to bring the abusers to justice. However, changes since 9/11 threaten once more to close that space. In the post-9/11 world, antiterrorist policies provide another ideological justification for human rights violations that can easily undermine many of the gains achieved in the 1990s. One only hopes that the process of transition to democracy is consolidated and that the antiterrorist war will not provide a new source of impunity.

8. Arendt, *The Origins of Totalitarianism*, p. 458.