Political violence in Argentina and its genocidal characteristics

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Summary of the problem

The purpose of this article is to examine the question of whether it is legally and sociologically appropriate to use the term “genocide” to designate the events of repressive violence which took place in Latin America under the Doctrine of National Security and, particularly in this study, to designate as genocide the repressive events which occurred in the Republic of Argentina between 1974 and 1983. Although the main objective is the analysis and categorization of the events which took place in this country, I believe that the discussion regarding the genocide aimed against political groups—and in particular the analysis of such a specifically subtle and innovative case as the one in Argentina—will contribute to the discussion about the type of social practice which genocide represents, its functionality and innovation for modernity, and the character and problems of the processes of memory of the genocide experiences.

Processes of repression in Argentina, 1974–1983

To begin this discussion within parameters of understanding commonly shared, it is essential to summarize briefly the events which took place in Argentina. The repressive activities began around the middle of 1974. However, it is important to clarify that events which began at that time, and which reached their height in the 1976–1979 period, cannot be understood in a historical sense without analyzing the previous years. A number of trends and practices were especially significant. One was the particular political atmosphere created after the military coup, which imposed the repression of Peronism (1955). Equally crucial was the development of a popular “resistance” to these measures, which lasted through numerous military regimes and controversial pseudo-democratic interregnums, each of which was longer and more severe than those preceding it. The political conflict in Latin America was radicalized as a result of this and for other reasons. Among them were the Cuban revolution of 1959; the development of the Doctrine of National Security and its connections with the counterinsurgency
in Algeria; the Vietnam War; the emergence of small armed left wing groups (both Peronists and Marxists); the victory, in the 1973 elections of a neo Peronism which sought to “integrate” these movements; and, finally, the growing atmosphere of uncertainty generated after the death of General Perón in July 1974.2

Although some authors describe the period which preceded the systematic repressive events as a period of “civil war” and, others, as a period of “political radicalization and repressive escalation,” it is clear that, starting at the end of 1975, the repressive movement exceeds both the traditional political repression and the characteristics of a civil war. 1974 is characterized by the existence of sporadic and specific attacks against left wing militants carried out by a semi-official organization, the Triple A, the Argentine Anti-communist Alliance, with a well-known base of operations in the Ministry of Social Welfare of the Peronist government, managed by José López Rega, and in members of the security forces.3 In 1975, “Operation Independence” began in the province of Tucumán. According to the order that the government of Isabel Perón had established by decree, it was aimed at the “annihilation of the activities of subversive forces.” (It provided a model which would be applied to the country as a whole after the coup d’état of March 24, 1976, when the Armed Forces took control of the state machinery and instituted a dictatorship which would extend until December 10, 1983).

After the coup d’état, the repressive activities became systematized, in an extensive campaign of kidnappings and torture in clandestine detention centers, followed by the annihilation of massive numbers of people. Those targeted were members of armed left wing organizations (the number of which did not exceed a thousand) militants of the most diverse social organizations, including labor unions, student centers, welfare kitchens, neighborhood centers, doctors, professional and social work organizations. All those targeted had in common not their political identity, but rather the fact that they participated in the social movements of that time. These ranged from Peronist groupings, to the entire scope of the left, and even several independent movements without any clear partisan affiliation.

Although the confirmed reports of murders and “disappearances” currently exceeds 12,000, human rights organizations calculate that the final number is between 15,000 and 30,000 victims. The majority of the murders and disappearances took place in the 1976–1978 period, from the time of the military coup until the visit of the Inter-American Commission on Human Rights to the country in 1979.

Unlike the discussions about Nazism, which assign a significant degree of improvisation to the genocide activities,4 in the case of Argentina, the level of planning was surprising. The entire territory was divided into five operation areas and 19 sub-areas, under the operational control of the Armed Forces. Nearly 350 clandestine detention centers were opened in a country with 25 million inhabitants.5 There was not a single city which did not have one of those centers nearby. The multi-killings were carried out with a speed and an accuracy which showed years of previous conceptual elaboration and learning.
The perpetrators did not refrain from applying any of the mechanisms of destruction of subjectivity from previous genocides or repressive experiences. The concentration camps in Argentina were a compendium of the worst aspects of the concentration camps of Nazism, of the French camps in Algeria, and of the American counter-intelligence practices in Vietnam. Concepts such as torture by means of the “cattle prod,” the “submarine” (systematically submerging the head of the victims in a bucket of water until nearly causing their drowning), the everyday humiliation and denigration of prisoners, mistreatment, overcrowding, and hunger.

These techniques were added to some specific features of the Argentine experience, such as torturing prisoners in front of their children, torturing prisoners’ children or spouses in front of their parents or partners, and the illegal appropriation and subsequent delivery to military families of many children of the “disappeared.” This period is a chapter in history which is still lacerating Argentina’s social fabric today, and in which there are at least 500 reported cases of appropriation of minors, of which slightly more than 70 have been returned to their original families.

The ideological origins of these practices have never been denied by the witnesses of the genocide. Numerous testimonies describe the presence of Nazi emblems in many concentration camps, the identification of many Argentine officers with Nazism, the diffusion of speeches by Nazi leaders during the nights at detention centers, the abundance of swastikas and, of course, the “special treatment” given to those Jewish prisoners who happened to fall into this Latin American version of hell.

As an example, we can quote the testimony of Daniel Eduardo Fernández, who states that “every kind of torture was applied against the Jews, but in particular there was one which was extremely sadistic and cruel: the ‘rectoscope,’ which consisted in inserting a tube into the victim’s anus, or into a woman’s vagina, and then releasing a rat into the tube. The rodent would try to look for a way out and tried to go forward by gnawing at the victim’s internal organs.” Or the testimony of Pedro Miguel Vanrell, who asserts that “the torturers would laugh, take the prisoners’ clothes off and paint swastikas on their backs with spray paint.”

Other testimonies, including one provided by Jacobo Timerman, describe the dehumanizing objective of the agents of repression, with their insistence on making Jewish prisoners imitate the behavior of a dog, forcing them to walk on four legs or to imitate the barking of the animal. It is striking to see the similarity between these practices and the humiliations carried out by Nazism on the bodies of Jewish and gypsy prisoners, in a frenetic obsession to demonstrate the supposed subhuman nature of their victims.

Furthermore, Barrera’s and Ferrando’s testimony states that in the detention center ‘El Atlético,’ prisoners were forced to shout “Heil Hitler,” and that recordings of speeches by Nazi leaders were played during the night. The testimony provided by Peregrino Fernández (an officer of the Federal Police and a member of the group of collaborators of Harguindeguy, Minister of the Interior)
summarizes the institutionalization of this activity when he states that “Villar and Veyra (officers of the Federal Police) acted as the ideologues: they indicated literature and commented books about Adolf Hitler and other Nazi and Fascist authors.” It was not a particular “excess” of some repressors, but rather an institutionalized practice within the security forces in power during those years. However, the repressive activities were not guided by the anti-Semitic dimension, but rather by the “fight against subversion,” as they themselves called it.

In the 1999 ruling of Judge Baltasar Garzón, numerous expressions are quoted in this regard, such as the statements made in March 1976 by Admiral Mendia who, when exhorting the officers under his command in Puerto Belgrano at the dawn of the coup d’état, warns them that the orders of the military leaders are “to combat everything which goes against western and Christian ideology. For that purpose,” he says, “we have the approval of the Church.” Mendia himself explains the method that the Navy must follow in their “fight against subversion”: “Thus, we shall act with civilian clothing, in quick operations, intense interrogations, practice of tortures and physical elimination by means of operations in aircrafts from which, during the flight, the living and narcotized bodies of the victims will be thrown into the air, thus giving them ‘a Christian death’.”

This speech was accompanied, from the Argentine Catholic pulpit, with expressions calling the Armed Forces to a “holy war.” For example, the Military Vicar and General Provicar of the Argentine Armed Forces, Vitorio Bonamin, on September 23, 1975, stated in the presence of General Viola: “I salute all the men of the Armed Forces who have come here to Jordan to clean themselves from the Blood in order to take the lead of the entire country. The Army is expiating the impurities of our country. Wouldn’t Christ want the Armed Forces to be beyond their function one day?”

In subsequent statements, justifying the repressive events, the Archbishop of the city of Bahía Blanca, Jorge Mayer, on June 27, 1976, said, “The subversive guerilla wants to steal the cross, the symbol of all Christians, to crush and to divide all the Argentine people by means of the hammer and the sickle.” In front of General Bussi, on October 10, 1976, Bonamín, referring to the actions of the Task Forces, said, in Tucuman, “This fight is a fight for the Republic of Argentina, for its integrity, but also for its altars ... This fight is a fight in defense of morality, of man’s dignity; it is ultimately a fight in defense of God. That is why I ask for divine protection in this dirty war to which we are committed.”

In their discourse, the perpetrators of what we will call the “Argentine genocide” explicitly stated that this is not simply a military war against an armed enemy. The very structure of the civil society is being attacked by the enemy in order to transform it. The main target is those individuals who seek to revolutionize social relationships. The following examples prove this:

In 1977, the Ministry of Education of the dictatorship distributed a pamphlet entitled “Subversion within the educational system.” They considered as part of the enemy action “the evident offensive in the area of children’s literature, the aim of which is to send a type of message starting from the child and which
may enable him or her to become self-educated on the basis of liberty and choice.” The same official pamphlet states that “the intention of Marxist publishers is to offer books to accompany children in their struggle to delve into the world of things and the world of adults, to help them not to be afraid of freedom, to help them to love, to fight, to assert themselves, to defend their ego against the ego which parents and institutions try to impose upon them on many occasions, consciously or unconsciously victims of a system which has tried to make them in its own image.” General Jorge Rafael Videla himself, president of the Nation, defines his “enemy” in the following terms: “a terrorist is not only someone with a weapon or a bomb, but anyone who spreads ideas which are contrary to our western and Christian civilization.” This means that, both in their actual practice and in the statements of their perpetrators and accomplices, the repressive events in Argentina constituted a political fight which extended beyond a mere ideological dispute. It became a conflict which sought to reshape social relationships by means of terror and death, destroying the projects of autonomy whether or not they were conducted by certain political parties, and homogenizing society into a verticality which is not only ideological, but religious as well, what the perpetrators have called “Christian westernness.”

This is the background against which we will resume both the legal and the historical-sociological analysis, to consider the appropriateness and consequences of categorizing these events as genocide, and the appropriateness and consequences of not including them in this concept of criminality.

The legal definition of genocide practices: the law as a producer of truth

If we understand memory as a social construction, we cannot leave aside the analysis of the discussions of law around these matters. It is the legal discussion that imposes both the discourses of truth and the actual possibility of acting through criminal proceedings.

The concept of genocide first appears at a legal level in the Convention on the Prevention and Punishment of the Crime of Genocide, approved by the United Nations in December 1948, as a consequence of the events experienced during the Second World War. It has a history in international law which begins with Resolution 96 (I) of the United Nations, which calls upon the member states to meet and define this new criminal category, as a direct consequence of the events experienced under Nazism in the Second World War. The Resolution states that “genocide is a denial of the right of existence of entire human groups, as homicide is the denial of the right to live of individual human beings; such denial of the right of existence shocks the conscience of mankind, results in great losses to humanity in the form of cultural and other contributions represented by these groups, and is contrary to moral law and to the spirit and aims of the United Nations. Many instances of such crimes of genocide have occurred when racial, religious, political and other groups have been destroyed, entirely or in part. The punishment of the crime of genocide is a matter of international concern.”
That is, not only is the genocide of political groups contemplated in the first resolution of the UN, but the crime is also defined through an analogy with homicide. The definition establishes the characteristics of the event through the typology of the action (collective death against individual death) and not through the characteristics of the victim, which are merely mentioned in order to provide an example (racial, religious, political) but where the term “other” completes the categorization by stating that the crime is not defined by the identity of the victim (which does not define any criminal type either) but by the characteristics of the material action which is carried out.

Within the framework of the discussions which were generated by the treatment of this project, Rafael Lemkin (the first promoter of the categorization of genocide) expressed doubts as to whether political groups should be included among those protected by the Convention. It was asserted that political groups lacked the persistence, strength, or permanence which other groups could offer. In addition, the inclusion of political groups was supposed to be able to jeopardize the acceptance of the Convention by a large number of states, since they did not want to involve the international community in their internal political fights. The final decision was that the protection of political groups and other excluded groups should be ensured outside the scope of the Convention under the respective national legislations and the “Universal Declaration of Human Rights.”

In contrast to this idea, Donnedieu de Vabres said that the express exclusion of the political group might be interpreted as the legitimization of crimes perpetrated against a political group.

Three discussions were on the table:

a) Whether the definition of genocide should be universal (like any criminal categorization) or limited to certain groups.

b) Whether the limitation was an aid to facilitate the approval of the Convention by the largest possible number of states; but, in contrast to this.

c) Whether leaving certain groups explicitly out of the categorization might not represent a way of legitimating their annihilation.

After arduous negotiations and disagreements (and the reactions of certain states, just as Lemkin expected), the United Nations eventually defined genocide practices as a new legal typology, explicitly stated in Article 2 of the Convention on the Prevention and Punishment of the Crime of Genocide, which specifies that “genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such.”

Political groups were finally excluded from the definition, which was now no longer inclusive but became arbitrarily restrictive. We must ask why “religious ideology” should carry more weight than “political ideology,” when both of them constitute systems of beliefs. Just as Donnedieu de Vabres feared and Ward Churchill explains, it is possible to employ a conspiracy hypothesis, though this is not generally the most useful. The states achieved what is on many occasions the result of international events: a resolution which was
innocuous enough to become merely an instrument operating over the past, but
never a tool to prevent the future. Although reality does not tend to operate in
such a conspiratory manner, the exclusion is conspicuous, since it does not
correspond to reasonable legal foundations. This fact was highlighted in numerous
interventions by academicians and politicians, the most resounding example of
which was the report elaborated for the United Nations by Benjamin Whitaker,
the Rapporteur appointed for that purpose.

The principle of equality before the law: inequality before death?

The need to define the crime of genocide became essential after Europe itself felt
shocked by its internal paroxysm of genocide practices. Comparable acts had not
been seen as so alarming when they took place in colonial countries—that is, in
places in which people had always been perceived as “others.” The goal of
Nazism focused on the problem of genocide towards the population of Europeans’
own states, as a form of crime which did not allow itself to be subsumed into the
mere accumulation of individual homicidal actions and which, on the other hand,
could not continue to be ignored.

The annihilation of a population group due to its characteristics as such seemed
to become clearly different from repeated homicide or multiple murder. It was the
particular characteristic of the practice—and, we insist, the ethical discussions
around Nazism—which forced the United Nations to approve a new type of
international crime, under the category of “genocide.”

This new type of crime shakes the very foundations of a body of individualistic
criminal law. Even so, the fact that genocide practice was defined in a restrictive
manner, by focusing the categorization on the characteristics of the victims,
implied the elaboration of a legal gibberish which tends to violate fundamental
principles of law such as the principle of “equality before the law”—just to
mention the most important of them—and, related to it, the impossibility of
hierarchization of the value of human life.

In the definition adopted by the Convention, genocide is restricted to four
groups (ethnic, national, racial, or religious). By specifying this restriction, a
criminal category was designed which has the particular characteristic of estab-
lishing a differentiated law (that is, not egalitarian). The same horrible practice,
undertaken with the same systematization and viciousness, can only be identified
as such if the victims of the practice have certain characteristics in common, but
not if they possess others.

Let us suppose that a genocidal state decides to annihilate all Lombrosos,’ born
criminals (classified as being “ugly” in their appearance and identifiable as such)
and establishes, for that purpose, concentration and extermination camps, reduces
their bodies to ashes in order to eliminate the possibility of reappearance, and
annihilates their children due to the biological danger that they represent. That
would not constitute a crime of genocide for the UN, since “born criminals” (or
“ugly” ones) do not constitute an ethnic, racial, or even a national or religious
group.
Unlike the criminal construction of “aggravating circumstances” for various crimes, it is not possible to find anywhere in Argentina’s criminal code, any other construction which is based not on the definition of the practice but on the characteristics of the victim. The basic form of typification (the first section of the descriptions of each type of crime) always makes reference to a general conceptual construction in a manner similar to the wording of Section 79 (homicide): “anyone who kills another person.” The characteristics of such “other person” do not modify the practice. A homicide will always be a homicide, regardless of the person who is killed. Perhaps some aggravating circumstances may increase the sentence, since the killing is considered equally serious, but a family relationship between the killer and the victim may introduce a nuance to a crime which, in any case, can only be typified based on the nature of the practice (killing), just as with any other crime.

A crime is never defined based on the victim who suffers it and, although some aggravating or extenuating circumstances are connected with the characteristics of the victim, this connection is established in such a way that it does not alter the principle of equality before the law. It does not refer to protected or unprotected “groups of persons,” but to temporary characteristics of such persons (age or family relationship) which, if present at the time of committing the crime, may allow a slight quantitative differentiation in sentencing, but never a qualitative differentiation of the action. This “special treatment,” now with a contrary sign, actually does nothing but legitimate the very same excluding order which it seeks to judge, by establishing that the death of some is more significant than the death of others. That is, the marking, codification, and continuity of some groups (regarding the practice of their exclusion and annihilation) seems to contain, in itself, a negativity which is higher than the same process applied to other groups.

We might call this perspective hegemonic since it covers the criminal classifications of genocide in many of the states which have succeeded in inculcating the Convention with their own legal codes. Its success lies in the numbing effects of this model of classification, which, by making reference to past negativity, penalizes those past actions as it dissolves them, without too many consequences for the analysis of the present. Of course, in Lemkin’s opinion, it was understandable that a Convention of this kind should receive the support of a larger number of states.

“The dead that you kill.” From the Whitaker Report to Spanish Judge Baltasar Garzón

For the last three decades, however, some legal reflections have arisen against the hegemonic lines of the legal classification of genocide (all this without taking into consideration the simultaneous discussions in the fields of history and sociology, which will be tackled in the following section). Three which are worth highlighting are the Whitaker Report of the 1980s, the documents and sentences of Spanish Judge Baltasar Garzón regarding Latin American dictatorships at the end of the
1990s and, at the turn of the century, the discussions and analyses of the International Criminal Courts regarding the events which took place in the Balkans and in Rwanda.

Due to the particular perspective of this work, it becomes simpler and more clarifying to devote the main body of the analysis to the reasonings of Judge Baltasar Garzón in the trial for “genocide and terrorism” initiated in Madrid against Argentine repressors. The deliberations of the International Criminal Courts (taking place after Garzón’s sentence) will be used in order to sustain some of Garzón’s own arguments based on their appearance in discussions on processes with some analogous problems, which emerged both in the Balkans and in Rwanda.

In 1997, after presentations by several human rights organizations of Madrid, the Spanish justice opened a case against the Argentine military for the crimes of “terrorism and genocide,” which fell under Baltasar Garzón’s competence. The jurisdiction of the Spanish justice, in this case, was to wait for the classification of such crimes as genocide; therefore, the contingent need to “do justice,” and not a mere theoretical concern, introduced Garzón into the discussion.

Garzón did not tackle the analysis of the classification of the Convention directly; he chose a method which was apparently more specific and complex but, in the end, much more conceptual. He had to come to a conclusion which could state that his way of understanding the events was ontologically in keeping with the classification of genocide, even if it seemed not to be explicitly so, and that even if considered from its explicit construction in the Convention of 1948, such behavior as was exhibited in the Argentine genocide might also be subsumable in its type formulation (that of genocide).

Let us consider the tone of the line of argument, by taking a sentence from November 2, 1999. The logic of the legal line of argument is multiple, with elements juxtaposed:

a) the unconstitutionality of the ethnicization of the victimized national groups in the Spanish legislation, as a condition for its classification as genocide (subsection one);
b) the possible appropriateness of the classification of genocide associated with the extermination of “political groups,” in spite of its explicit exclusion from the Spanish legislation (subsection two);
c) the appropriateness of the term “national group” to classify the events which took place in Argentina (subsection three);
d) the appropriateness of the term “religious group” to classify the events which took place in Argentina, in association with the ideological element which underlies religious belief, and the possible comparison between these two levels (subsections three and four);
e) the appropriateness of the term “religious group” based on the Argentine military discourse and its association with the establishment of the “Western and Christian” order (subsections three and four);
f) the explicit description of the political nature of the racist thinking and, there-
fore, of an apparent politicization of the concept of “racial group” which, due
to its imaginary nature, would always represent the construction of a “political
group” (subsection five); and

g) the appropriateness of the term “ethnic group” for the “special treatment” of
the Judeo-Argentine population, as regards both its symbolic definition and
its association with the specific nature of its treatment (subsection five).

Arguments about the legal and theoretical inconsistency of the exclusion of
“political groups” from the definition of genocide, such as those described in para-
graphs a and b, have already been sufficiently considered within this work, but
even so, it would be useful to specifically analyze the construction of the lines
of argument of the subsequent paragraphs.

On the one hand, using the characterization “national group” is absolutely valid
to analyze the events which took place in Argentina, since the perpetrators sought
to destroy structures of social relationships within the state, in order to substan-
tially alter the life of the whole. Given the inclusion of the term “in whole or in
part” in the definition of the 1948 Convention, it is evident that the Argentine
national group has been annihilated “in part,” a part which substantially altered
social relationships within the nation itself. And the decade of the 1990s provides
a tragic example of the extent to which the destruction of one part of the national
group has consequences on post-genocide economic, social, and political develop-
ment.

It is interesting to mention the discussions of the International Criminal
Tribunal regarding the events which took place in the Balkans in the decade of
1990. Because this case involves a series of overlapping genocide processes, the
International Criminal Tribunal for the events of Yugoslavia (hereafter, the
ICTY), was faced with the problem of determining “which part” of the population
must be annihilated in order that the situation could be classified as “genocide.”
Lemkin had already suggested that “in part” meant the destruction of a “substan-
tial part” of such group, but, how do we define “substantiality”? The ICTY stated
that such “substantiality” could be observed when the annihilated portion rep-
resented the political, administrative, religious, academic, or intellectual leader-
ship of a population, and that the focal point of such perception “must be
viewed within the context of the fate of the rest of the group.” In this regard,
the discussions of the ICTY strengthen Garzón’s arguments. The annihilation in
Argentina was not spontaneous nor was it by chance. It was about the systematic
destruction of a “substantial part” of the Argentine national group, with the objec-
tive of transforming it as such, of refining its nature and altering its social rela-
tionships.

Paragraph ‘d’ was devoted to the analysis of the “religious” content of the
repression and its association with ideology. It is one of the richest paragraphs.
On the one hand, the institutional statements of support and justification, and
the participation of members of the Argentine Catholic Church in conducting
the concentration camps, provide a framework for the construction of the identity
of the genocide regime, based on “Christian westernness” as the core of its “mission” (which was explicitly considered a “crusade”). In turn, this definition, based on a religious worldview, of an internal and external, evinces—like any religious construction—signs of contact with an ideology. This is true because both cases are about systems of beliefs and, therefore, challenge even further the Convention’s definition of “genocide,” which includes some systems of beliefs (religious) while excluding others (political).

But finally, an analysis of the Argentine genocide as an ideological battle with religious characteristics has a particular historical richness, since it focuses more on events which took place than on the definition of “politicide” which will be covered below, or on “political genocide.” And this is because, unlike other Latin American experiences, in the case of Argentina, the aims of the dictatorship’s “national reorganization” were not only political. Even the name it itself gave to its campaign—“Process of National Reorganization”—made it clear that it sought an absolute rupture and a total transformation of the ways in which identities were constituted inside their territory. It sought a reconstitution of social relationships which affected morality, ideology, the family, and institutions.

Even though this would be enough to fit the definition of genocide, it was about more than eliminating the members of one or several political forces; it was about transforming the society, eliminating those who embodied certain ways of constructing social identity. It was about materially and symbolically eliminating the possibility of adopting this social construction. Beyond its legal usefulness, this analysis is fundamentally significant to understanding the particular characteristics of what we are calling the “Argentine genocide.”

Paragraph ‘f’, relating to the political nature of racism, can also not only support the analysis of the Argentine case, but can also serve to question the Convention—that is, if, with modern anthropology and biology, the subjective and non-historical nature of the concept of “race” is being questioned. What could be the meaning of the fact that a Human Rights Convention acts as a guardian for a race? It can simply mean that it is in opposition to a political system based on racism against races which do not exist; it can still support the imaginary construction of the concept of “race” as a metaphor for otherness.

What is new about the concept of “race” is that it presents an otherness which is absolutely radical, original, and unassimilable. However, it is clearly a political concept, i.e. one which is applied politically. Given this, it is important to ask ourselves whether, even without using the imaginary figure of “race,” there were elements of this racist construction in the fashioning of the figure of the “subversive criminal” in Argentina. Even though there were many differences between these two constructions—“race” and “subversive criminal”—the image of the latter figure also showed a radical and unassimilable otherness.

Finally, paragraph ‘g’ reestablishes a historical continuity from the field of empiricism. Numerous testimonies insist on the role Nazism played in constructing a school for the perpetrators. With all the differences between both processes, the genealogical sequence between both is indisputable. Argentine perpetrators
identify with Nazi perpetrators, no matter how we try to explain the differences between the two. And the Jews themselves suffered because of these models of identification, these genealogies, in the Argentine concentration camps.

The conceptual discussion: thinking beyond the law

Although it is clear that in the sphere of the law (and of the classification of genocide practices) the differential classification of a crime according to the characteristics of the victim who suffers such a crime, it is illegitimate and damaging to the principle of equality before the law. It still does not tell us everything about a more profound discussion, which makes reference to the historical-sociological analysis of social practices.

Under the law, a homicide must always be, in principle, a homicide. For the social sciences, however, some homicides can be so peculiar as to justify the development of a term to explain them, due to the particularities which highlight them even within the category of homicides generally. We call the systematic and industrial annihilation of the Jewish population under Nazism the Shoah because it requires a particular term to designate its specificities. The doubts fall on the usefulness of restricting the term “genocide” to this experience of the Shoah or, in any case, to the theoretical limits of the category of “genocide” for the historical-sociological analysis, which leads us to think about its specificity.

Unlike what occurs in criminal classification, in the social sciences, the element which becomes important for the construction of the concept is what we might call the “structural similarities” of the unique events which the concept covers. Each historical event is unique. Yet we use concepts to categorize them based on the “structural similarities” that they possess which, beyond their specificities, describe social practices which are analogous in their methods of construction, design, implementation, and consequences.

It is important to insert a second discussion, which tends to overlap with and to influence the legal discussion: that is the question of when different historical processes deserve the same conceptual description (e.g. genocide), and when it is necessary to create new terms in order to account for processes which are qualitatively different.

The historical-sociological discussion regarding the definition of the term includes the following summary:

a) Genocide has its practice as the common element. Therefore, any systematic annihilation of masses of population due to their characteristics as a group (whatever those characteristics may be) constitutes a genocide (see, for example, the definitions by Chalk and Jonassohn, Henry Huttenbach, Mark Levene).

b) The element which defines a genocide is the intention of systematically destroying the entire group, and not only a part of it (Steven Katz).

c) Any systematic annihilation of masses of a population constitutes a genocide, as long as such population is in a situation of “defenselessness” or it does not
constitute a “real threat” for the perpetrator (Israel Charny, maybe Dadrian and Horowitz and, to an even greater extent, Helen Fein).

d) There is a qualitative difference between genocide and politicide, two types of annihilation of a population which make reference to the characteristics of the victims. When the perpetrator defines victims based on their class position or their political confrontation with the régime, it is a case of “politicide” and not a case of “genocide.” (Barbara Harff and Ted Gurr)

It would be interesting to analyze the Argentine experience in light of these four types of definitions, not only to think about the peculiarities and the conceptualization of the events which took place in Argentina, but also as an exercise to think about the possibilities, limits, and consequences of each of the types of definition summarized above.

The adequacy of the Argentine case to the different types of definition

The first type: genocide as the annihilation of a group as such

The first type of definition is extremely clear and inclusive. For Chalk and Jonassohn, it is a genocide when the state or any other authority decides to carry out a massive action of unilateral extermination directed against a group as such, as that group is defined by the perpetrator. The Argentine state defines a group which they categorize as “the subversion.” The components of such a group are different political groups (the numerous Peronist and non-Peronist left-wing groups), and also many other people who are categorized socially, not politically (union, student, and neighborhood activists, social workers, teachers, professionals, etc.). What these people have in common as a group, according to the definition of the perpetrator, is their defiance of “Christian Westernness.”

That is to say, although the definition is implicitly political or even if, as I have suggested in other works, the regime sought the destruction of a “social relationship” (the social relationship of autonomy and, particularly in the Argentine case, of “political autonomy”), on its explicit level the definition is both political and religious (since the western element has the political characteristic of alignment with the “Cold War,” and the Christian element has the characteristic of religion). That is, it is ideological in the entire sense of the word, in a synthesis that is both political and religious (hence the tangential anti-Semitism of the dictatorship, the persecution of Jehovah’s Witnesses, the participation of the Argentine Catholic ecclesiastical hierarchy legitimating the process, etc.).

Huttenbach’s definition simplifies the analysis even further: undoubtedly, it is about the destruction of a “specific group” within the national population, which is characterized by the type of practices carried out by such group. The destruction is so effective that this social practice (autonomous, critical, solidarity) vanishes in the Argentine society for at least one or two generations.16
The second type: regarding the level of generalization (or “success”) of the annihilation

Steven Katz’s definitions introduce an element which is too subjective. How do we measure the total characteristic of the annihilation? As a consequence of the subjectivity of the definition, the Argentine case might fit the definition or, on the contrary, it might be far away from it, according to the point of view one chooses to take. If we consider the percentage of murders in relation to the Argentine national population, it is evident that it is extremely small (between 15,000 and 30,000 in a population of 25 million; that is, nearly 0.1%). If, on the other hand, we focus as we suggested in the previous paragraph on the consequences of the disappearance of this group, we might think that the annihilation was “practically total,” since the behavior for which people were persecuted (autonomy, political opposition, critical thinking) was eliminated almost entirely for two generations.

Contained in these “offenses” are several ways to define the victim which might, to a greater or lesser extent, become adequate. Many political groups lost virtually all their members; a large percentage of them disappeared from the Argentine political scene. Others, however, continue to exist, and Peronism, that strange political figure of the country, began to bring victory for candidates in elections again—though with policies which had little to do either with early Peronism (1946–1955) and the Peronist resistance of the 1955–1973 period, or with the third Peronism in 1973–1976.

The subjectivity of this second type of definition makes it impossible to perform a sensible assessment. The element of this way of looking at this phenomenon which might be questioned is the use of the term “total,” which contains such a level of subjectivity that it becomes unusable for the sociological field. If we were to be strict about a characteristic such as “totality,” the Nazi genocide itself might also become excluded from the definition, due to the existence of surviving Jewish victims. On the other hand, assessing the “intent” of total destruction is also a complex task due to the different tendencies of the various groups perpetrating genocidal social practice.

The third type: the “defenselessness”

In the opinion of Fein and, to a certain extent, of Charny, the specific element of their definitions, and the difference from those analyzed under the “first type,” is the inclusion, in the definition of genocide, of the “defenselessness” of the victims. Although “defenselessness” is also a very debatable category, the Argentine case, in principle, does not seem to fit this type of definition.

Again, the problem lies in how the victimized group is defined. Many of the political groups persecuted by the dictatorship were armed organizations. Their operational capacity and their ability to defy state power were always limited, and are impossible to compare with other political processes, such as those in Cuba, Nicaragua, El Salvador, or Guatemala, for example, where the left wing armed organizations had actual power to effectively resist state forces. In spite of that, the category of “defenselessness” does not seem to apply very well to
groups which had a military organization and the perspective of an armed conflict, however basic or weak it was.

To make the analysis even more complex, most of the victims of the repressive events in Argentina were members, not of these armed organizations, but of political organizations with a greater or lesser degree of association with groups that had either political machinery or affinity or strong disagreements about the decision to develop an armed strategy or a military resistance against the régime, or with individuals with no clear political affiliation. The relationship of the victims with those in the Argentine society who decided to engage in armed conflict was contradictory, not unequivocal, and ranged from the armed fighters of left wing organizations, to militants who were strongly opposed to this approach.

On the other hand, most of the murders were carried out by kidnapping victims from their homes, on the street, at work, transporting them to concentration camps, subjecting them to torture sessions, and subsequently executing them. That is, the victims were kidnapped regardless of their affiliations “in a situation of defenselessness,” even when many of them at various times and in various ways supported the “idea” of armed conflict. This is the aspect which sets the Argentine case apart from many of the civil wars fought in the Third World.

Therefore, if we accept Fein’s definition, we might say that those victims who were not members of armed organizations qualify as victims of genocidal processes, while those who were members of armed organizations but were kidnapped in a situation of defenselessness fall into a contradictory category regarding their subsumption into the concept of genocide; and finally, a small fraction of the victims—the members of armed organizations who died in confrontations—do not qualify as victims of a genocidal process.

This analysis, in my view, does more to expose the problems inherent in the concept of “defenselessness” than it does to clarify the analysis of the Argentine case. Furthermore, it raises unwanted and rather unfortunate questions about the degree of activism of the victims, which may even result in a new indictment for them. The need to prove “defenselessness” reverses the burden of proof, forcing an investigation as to how defenseless the victim actually was. Should the Armenian rebels of Lake Van actually be excluded from the definition of genocide? Should the thousands of young people enrolled in Jewish resistance groups in Warsaw, Bialystok, Vilnius and countless Polish ghettos, who died with weapons in their hands, be placed on separate lists from those who obediently marched into Auschwitz or Treblinka?

The fourth type: does a new concept become necessary?

Harff and Gurr extend the definition of politicide not only to political groups but also to those who stand up against the régime, by using the adverb “fundamentally” to refer to the hegemonic direction of the process and not to a universal content. In doing so, they make it clear that the Argentine case corresponds to the definition of “politicide” and not to that of “genocide,” since “victim groups are defined primarily in terms of their hierarchical position or political opposition
to the regime and dominant groups.” Those who engaged in “political opposition to the régime” were clearly the ones who were persecuted by the Argentine repressors, regardless of the fact that members of some of those groups (though only a minority) expressed opposition only in the obtuse imagination of the perpetrators.

We need to question the need and usefulness of this specification or, more accurately, whether the relationship between genocide and politicide is a relationship between different types of persecution which, therefore, require different concepts or, as I may venture to suggest, politicide is one subcategory within the larger category of genocide. This might also be the case with an ethnocide, or a genocide against a national group, or with genocide against a religious group, or with a specific genocide against any other group.

It is clear that the work of Harff and Gurr is a response to the limitations the Convention imposed by excluding “political groups” from the definition. Harff’s and Gurr’s aim is to analyze different modalities in the annihilations of masses. The fundamental discussion revolves around the question of whether “politicide” is one “variety” of genocide, as are those others specified in the Convention’s definition (i.e. national, religious, and ethnic groups), or whether all of these constitute a unit which, on the level of type, contradicts the category of genocide.

I believe that genocide perpetrated against political groups has, in fact, its own particular characteristics, and that the genocide carried out in Argentina clearly belongs to this variety of genocide processes which we might categorize, together with Harff and Gurr, as “politicide.” However, these particular characteristics are the same as those which differentiate a genocide carried out with national or geopolitical purposes from one carried out with an ethnic criterion. On the other hand, these different “varieties” of the “genocide” type are often interwoven into historical events, and so are difficult to differentiate. For example, the “Western and Christian” character used by the Argentine perpetrators simultaneously has a political characteristic and a religious characteristic, as already discussed above. On one hand, as an ideological construction which encompasses the two systems of beliefs, politics and religion, it differs in some respects from the genocide processes which were based on national or ethnic criteria. On the other hand, its “structural elements”—modality of operation, effects on the destruction of social relationships, negativization of otherness, absolutization of the figure of the enemy, binary construction, among many other symbolic processes—are similar.

The concept of “politicide” may become useful as a variety of the genocide type but, due to the specific individual exclusion of political groups from the category of genocide within the Convention of 1948, it can also be used to trivialize or minimize the genocide processes directed against political groups, blocking their inclusion into the structure of the concept of genocide. In extreme cases, it can become a tool for legitimizing the impunity of its perpetrators.17

Conclusions or “a discussion with ever political consequences”

In two historical processes, testimonies speak to us about concentration camps, about “transferals” which mean death, about the ambiguous use of language,
about the human and rational wickedness of the torturers, about collective and individual resistances. But these phenomenological similarities still do not manage to give the events the ability to “be discussed together” epistemologically, the possibility of designating them one and the same concept: that of genocide. And this is because their factual “phenomenality” still tells us nothing about their “structural similarity”; it still does not tell us that the strategic logic used has been one and the same.

Because here lies the difference between “discussing the events together” or “discussing them separately.” If Nazism has an irrational logic which is associated with its racial delusions and, therefore, impossible to compare to repressive processes which entail a rational logic of a binary friend–enemy confrontation, the inapprehension of the former has its equivalent in the comprehension of the latter. That is the reason why they are discussed separately: Jewish people had done nothing to be annihilated; the Argentine “subversive criminals” had indeed done something which allows us to understand their annihilation. But this is a process of denials, concealments, re-denials, and legitimizations.

Let me explain. Denials: there were no political-ideological deaths during Nazism. Concealments: there were no ideologized or politicized Jews. Re-denials: the Jewish identity is genetic or ontological, and therefore there is no explanation which may account for the death of Jewish people. Legitimizations: subversive criminals do have an identity, and it is a political identity which is contrary to that of the dominant régime; therefore, their annihilation can indeed be understood.

The sacralization of the Holocaust as inapprehensible desacralizes those processes of annihilation which appear as expressly rational (in particular, those which are political-ideological), thus diminishing their rank, by transferring the identity assignment constructed by the genocides to the will of the victim, in a categorical and epistemologically untenable division between the ontological being (a being which is beyond practice, a being “since birth”) and an “action” which is clearly logical and conscious; a product of the “will.”

Therefore, the historian (together with the sociologist, the philosopher, the politician) becomes a judge who determines the extent to which the “actions” of the victims makes their annihilation understandable. Because, if their victimization is due to something that goes beyond their mere existence, the genocide nature of the action is then called into question. But, is it possible to have a being without an action? Does the fact that the politicized communities of Guatemala were also indigenous give them back the use of the category of genocide?

Applying the same term (genocide, in this case) to different historical processes does not mean that we say they are the same. It does not mean that we do not know the differences between the Germany of the 1940s and the Argentina of the 1970s (differences in context: in time, in space, in ideological frameworks), or the enormous differences between each of these two events and other genocide social processes such as the annihilation of Armenians at the beginning of the 20th century, the annihilation of the communist opposition in Indonesia and East Timor, the “class” annihilations generated by the Khmer Rouge in Cambodia,
or the annihilation of nearly one million people in Rwanda, just to mention a few. It does not mean that we ignore the difference in magnitude (both in quantity and quality) between the industrial annihilation and incineration (using the mechanics of “mass production”) of millions of human beings and the extermination (let us call it “handcrafted,” in order to differentiate it from the “industrial scale” of Nazism) of tens of thousands of people buried in common graves or thrown into the ocean from military airplanes.

However, using the same concept does indeed mean that we suggest the existence of a connecting thread which makes reference to a technology of power in which the “denial of others” reaches its peak: their material disappearance (the disappearance of their bodies) and their symbolic disappearance (that of the memory of their existence). A technology of power in which, unlike war, this disappearance has an effect on the survivors: the denial of their own identity as the synthesis of a being and an action; the disappearance of a given form of articulation, precisely, between a way of being and a way of doing (a particular type of identity which is defined, like all others, through a particular way of living). That is the reason why the specificity of the term genocide appears only in the middle of the 20th century (and, in any case, the specificity of its historical practice towards the end of the 19th century), to designate a disappearance which exceeds the extermination resulting from a war, because it does not end with the deaths that it generates, but begins with them.

Notes and References

1 Daniel Feierstein is also the author of, Seis Estudios Sobre Genocidio (Buenos Aires: EUDEBA, 2000); Tinieblas del Crisol de Razas (Buenos Aires: Cálamo, 2000); Hasta que la Muerte nos Separe. Poder y Prácticas Sociales Genocidas en América Latina (Buenos Aires: Ediciones al Margen, 2004), among other works on genocide in academic journals in Spanish, English, and Hebrew).

2 For the period after 1955, it is important to highlight the work of Daniel James, Resistencia e Integración: El Peronismo y la Clase Trabajadora Argentina, 1946–1976 (Buenos Aires: Sudamericana, 1990) In a different perspective, also the work of Juan Carlos Marín, Los Hechos Armados. Argentina 1973–76. La Acumulación Primitiva del Genocidio (Buenos Aires: La Rosa Blindada and PLCA.SO., 1996). For a third perspective, among many others, see Eduardo Luis Duhalde, El Estado Terrorista Argentino. Quince Años Después, Una Mirada Crítica (Buenos Aires: EUDEBA, 1999).

3 For an analysis of the operation of the “Triple A,” see Ignacio González Janzen, La Triple A (Buenos Aires: Contrapunto, 1986).

4 In this regard, see the works of the “functionalist” school for the consideration of the Shoah, such as the classic work by Karl Schleunes, The Twisted Road to Auschwitz. Nazi Policy Toward German Jews, 1933–1939 (Chicago, IL: University of Illinois Press, 1990). Also, Raúl Hilberg, The Destruction of the Jews of Europe (New York: Harper & Row Publishers, 1961).

5 For a detail of the location and characteristics of the clandestine detention centers, as well as the operation of the repressive structure and its levels of organization and responsibility, see the work by José Luis D’Andrea Mohr, Memoria Debita (Buenos Aires: Colihue, 1999).

6 File No 1131 of the CO.NA.DEP (Comisión Nacional sobre la Desaparición de Personas—National Commission on the Disappearance of Persons), created by the first post-dictatorship democratic government in order to investigate the events which had taken place during the years of the repressive process.


8 Ibid, File No 1132.

9 Jacobo Timerman; El caso Camps. Punt Inicial (Buenos Aires: El Cid Editor, 1982). By the same author, for a revised and extended version, Preso sin Nombre, Celda sin Número (Buenos Aires: Ediciones de la Flor, 2000).
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10 CO.NA.DE.P. Nunca más, op cit.
11 Sentence of Judge Baltasar Garzón in the trials for “terrorism and genocide” held in Spain against the Argentine perpetrators, November 1999.
12 For the elaboration of the concept of “autonomy” and its association with the genocide social practices, see Daniel Feierstein, “El fin de la ilusión de autonomía: las contradicciones de la modernidad y su resolución genocida” in Daniel Feierstein, ed., Genocidio: problemas teóricos y metodológicos (Buenos Aires: EDUNTREF, 2005).
13 José Luis D’Andrea Mohr, Memoria debida, op cit, p 70.
15 Nevertheless, it is important to mention some cases of criminal typification of genocide during the decade of 1990 which have incorporated the concept of political groups, such as the case of the typification in Costa Rica, France, Finland, Bangladesh, Panama, Peru, Slovenia, and Lithuania, among some other States; a small but growing trend.
16 However, it is important to point out that, at the beginning of the conversations which I had the opportunity to hold both with Henry Huttenbach and with Frank Chalk as regards to the appropriateness of their categorizations to define the Argentine case, the use of the concept of genocide was absolutely not evident for them. This article partially owes its content to the conversations I have held with them, as well as with Eric Markusen, Enzo Traverso, Bruno Groppo, Barbara Harff and Ted Gurr, among others.
17 It is clearly not the case of Harff and Gurr, who are fighting for the inclusion of the “political groups” into the universe of “protected groups”, through an International Convention on Politicide.

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