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Fear of Forgetting: How Societies Deal with Genocide

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CLAREMONT MCKENNA COLLEGE

**FEAR OF FORGETTING
HOW SOCIETIES DEAL WITH GENOCIDE:
THE HOLOCAUST AND ARGENTINA'S DIRTY WAR**

SUBMITTED TO

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AND

DEAN GREGORY HESS

BY

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Dedicated to my Dad, Stephen M. Gelber, the thinker and person whom I most admire.

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I.

General Introduction

The word genocide (from the Greek word *genos* meaning “race or tribe” and the Latin word *cide* meaning “to kill”) was first coined by Raphael Lemkin, a Jewish-Polish lawyer, in 1943.¹ Lemkin then used it very purposely in his book *Axis Rule in Occupied Europe* in 1944 in his effort to gain international recognition for the Holocaust. Since Lemkin, genocide is “understood by most to be the gravest crime against humanity it is possible to commit.”² Lemkin’s effort to label mass slaughter aimed at a particular group of persons as distinct from other forms of violence was the result of his first hand experience of Nazi terror as a member of the Polish army and surviving 49 of his relatives who perished in the Holocaust.³ His presentation of a draft resolution for a Genocide Convention led to the U.N. Convention on the Prevention and Punishment of the Crime of Genocide in New York in December of 1948. Article I of the Convention states that “the contracting parties confirm that genocide, whether committed in time of peace or in time of war, is a crime under international law which they undertake to

¹ Jennifer Hyde, “Polish Jew gave his life defining, fighting genocide,” CNN World, http://articles.cnn.com/2008-11-13/world/sbm.lemkin.profile_1_armenian-revolt-genocide-raphael-lemkin?_s=PM:WORLD (accessed April 20, 2012).

² BBC News, “BBC News - Analysis: Defining genocide,” BBC – Homepage, <http://www.bbc.co.uk/news/world-11108059> (accessed March 16, 2011).

³ Barbara Perry, Brian Levin, Paul Iganski, Randy Blazak and Frederick M. Lawrence, *Hate Crimes Volume 1, 2, 3, 4 and 5* (CT: Praeger Publishers, 2009), 206- 207.

prevent and to punish.”⁴ Article II then defines the acts considered punishable by the contracting parties of the treaty. It states:

In the present Convention, genocide means any of the following acts committed with the intent to destroy, in whole or in part, a national, ethnic, racial or religious group as such:

- (a) Killing members of the group
- (b) Causing serious bodily or mental harm to members of the group
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part
- (d) Imposing measures intended to prevent births within the group
- (e) Forcibly transferring children of the group to another group.⁵

This legal formulation continues to act as the established international definition of genocide today and is currently recognized by 140 states. Yet, since the Treaty’s enactment, objections have been raised regarding the narrowness of the definition, viewed by a large group of genocide scholars as a “bias” that “reinforces a standing notion of the uniqueness of the Final Solution.”⁶ The most widely noted objections to the Treaty have been the exclusion of political and social groups, the difficulty in proving intention beyond reasonable doubt, and the moral ambiguity involved in the “in part” standard (cynically stated, ““establishing how many deaths equal genocide.”⁷)

In this thesis, I intend to discuss how certain societies (Germany, Israel, and Argentina) that have been involved in two documented cases of genocide in the twentieth Century -- one that was the source for and falls within the Treaty definition of genocide

⁴ United Nations, “Convention on the Prevention and Punishment of the Crime of Genocide, New York, 9 December 1948,” United Nations, <http://www.un.org/millennium/law/iv-1.htm> (accessed March 18, 2012).

⁵ United Nations, “Convention on the Prevention and Punishment of the Crime of Genocide.”

⁶ Esparza, Huttenbach, and Feierstein, *State Violence and Genocide in Latin America*, 1.

⁷ BBC News, “BBC News - Analysis: Defining genocide.”

(namely, the Holocaust), and one that does not (the events during the Dirty War in Argentina)⁸ -- have dealt with these events in their recent past. In dealing with these issues, I plan to use the analysis of genocide developed by the Argentine scholar, Daniel Feierstein, who has proposed that all genocides progress through a series of steps that first create what he calls a “negative otherness” to the victims of the genocide, that then isolates and debilitates the victim group, and that ultimately leads, as a penultimate (not final) step, to the physical annihilation of the victims of the genocide.

Feierstein’s most original and provocative contribution to the study of genocide, however, is his concept that there is an additional and final step -- which he calls the threat of “symbolic realization” -- that actually takes place in society after the killing or physical annihilation has been completed and the historical order has been restored. In Feierstein’s view, the purpose of genocide is to use the technologies of power of the state against the victim group in order permanently to change social relations within the state by excluding and then annihilating the victims of the genocide. For this reason, Feierstein argues that, unless the post-genocide society continues to confront the causes and reality of the genocide as a present and ongoing political and social dynamic in the society, so that the memory and cultural and social presence of the victim group is preserved in an immediate way, the genocide will be realized on a symbolic level in the sense that the change of social relations that the perpetrators of the genocide intended will in fact occur. In the analysis that follows of the issues of assigning culpability, providing

⁸ Daniel Feierstein, “Political violence in Argentina and its genocidal characteristics,” in *Political Violence in Argentina and Its Genocidal Characteristics*, ed. Marcia Esparza, Henry R. Huttenbach, and Daniel Feierstein, 44-63. (London and New York: Routledge Taylor & Francis Group, 2010).

reparations, and constructing memorials in post-genocide societies, I will argue that, whether consciously articulated or not, what drives the bitter controversy and debates over these matters in post-genocide societies is an underlying fear on the part of victims and victim groups that the significance of what they have suffered and why they have suffered will be lost and forgotten. More specifically, that it will be lost and forgotten (symbolically realized, in Feierstein's terminology) in the state's efforts at reconciliation and the restoration of order and precisely through the process of assigning guilt, awarding reparations, and constructing memorials. Going a step beyond where Feierstein leaves off, I will suggest, however, that this sort of symbolic realization is, in fact, an inevitable and unavoidable consequence of the process of writing or reporting the history of the genocide (or any event) and the detachment, analysis, contextualization, reductiveness, and simplification that history requires.

The general history of the Holocaust is well known. Following the collapse of the Weimar Republic and Hitler's ascension to power in 1933, an important centerpiece of the National Socialist agenda was racial ("Aryan") purity and the persecution of Jews and other targeted groups (Sinti, Roma, homosexuals, the mentally ill, etc.). Ultimately, Hitler's Final Solution resulted in a systematic program to remove, then isolate in labor and concentration camps, and finally use the power of the state and the technologies of science and industry to annihilate six million Jews among other victims of the Holocaust.

The history of the military dictatorship and so-called "Dirty War" that took place in Argentina between 1976 and 1983 is less well known. As Maria Soledad Catoggio has pointed out, the military dictatorship and the Dirty War was not an isolated experience in

Argentine national history. Indeed, Soledad Catoggio notes that certain authors have used the term “pretorianism” to explain what she refers to as “the naturalised alternation between political parties and the military, which tacitly establishe[d] a pendulum swing between authoritarianism and democracy within the same political model.”⁹ Referring to the various military interventions (between 1930-1932, 1943-1946, 1955-1958, 1962-1963, and 1966-1973) that preceded the Dirty War, Soledad Catoggio also notes that there had occurred an “increasing militarization of Argentine society” that had created an “ideological culture which naturalised the recourse to violence as an efficient, legitimate means of resolving conflicts.”¹⁰

Viewed in this way, what occurred during the Dirty War might be seen both as an extreme expression of the historical and political dialectic between militarism and democracy that had previously characterized Argentine history and as another (if more extreme) example of institutionalization of violence that had become part of the nation’s political vocabulary. Further, however we want to view these inherent tendencies, they were greatly intensified following the Cuban revolution in 1959, when, as part of its Cold War strategies, the United States encouraged the military in many Latin America countries to think in terms of waging “wars” *within* their own territorial borders against “subversive elements.”¹¹

⁹ Maria Soledad Catoggio, “The Last Military Dictatorship in Argentina (1976-1983): the Mechanism of State Terrorism,” in *Online Encyclopedia of Mass Violence*. http://www.massviolence.org/Article?id_article=533 (accessed October, 22, 2012), 2.

¹⁰ Catoggio, “The Last Military Dictatorship in Argentina (1976-1983),” 2.

¹¹ Feierstein, “Political violence in Argentina and its genocidal characteristics,” 45.

Following Peron's death in July of 1974, the Montoneros -- the revolutionary wing of the Peronist movement -- became much more radicalized and violent in its approach. When the Montoneros organized the assassination of Alberto Villar, the chief of the Federal Police, at the end of 1974, a State of Siege was declared, and, as Soledad Cattogio says, what followed was "the incorporation of paramilitary groups into the ranks of a specialised repressive bureaucracy."¹² According to Feierstein, the reaction against the Montoneros and the Guevarist groups with which the Montoneros aligned themselves became "a blueprint for repression after the military coup of March 24, 1976."¹³

For the Armed Forces and the conservative elements in the society (many corporate interests and the Church), the military dictatorship was seen (and is still to some extent seen) as a "legitimate antirevolutionary war against guerilla insurgency" that prevented "political disintegration" and protected and "stimulated the economy" (in the face of attacks from socialist and communist forces).¹⁴ There was also a related religious and ideological dimension: the military (with the support of the Church) viewed itself as "safeguard[ing] the nation's Christian civilization and prevent[ing] its fall to atheist communism."¹⁵ Although these descriptions of the Dirty War might be regarded on one level as revisionist "explanations" (even justifications) of what took place, they

¹² Soledad Cattogio, "The Last Military Dictatorship in Argentina (1976-1983)," 5.

¹³ Feierstein, "Political violence in Argentina and its genocidal characteristics," 46.

¹⁴ Antonius C. G. Robben, "How Traumatized Societies Remember: The Aftermath of Argentina's Dirty War," *Cultural Critique*, No. 59 (Winter, 2005): University of Minnesota Press <http://www.jstor.org/stable/4489199> (accessed January 5, 2011), 130.

¹⁵ Robben, "How Traumatized Societies Remember," 136.

also reflect the political and social motivations and views of a significant part of Argentine society.

Most commentators and historians, of course, have come to very different conclusions about the legitimacy and methods of the military dictatorship.¹⁶ To put it succinctly, it is now generally acknowledged that the military dictatorship systematically used all of the “technologies of power” and mechanisms of institutionalized “state terror[ism]” -- kidnapping, a network of 500 clandestine and secret detention centers, torture, and murder resulting in the “disappearance” of an estimated 30,000 people -- in order to totally eliminate all “political opposition” and transform and reorder all social relations within the state with its own restrictive, pro-capitalism, pro-Western, and pro-Church, pro-orthodoxy agenda.¹⁷ As Feierstein and others have noted, and as the history of the period has generally concluded, when viewed in terms of both the underlying realities and the intentions and methods of the perpetrators, the military dictatorship’s appropriately-named “National Reorganization Process” is more accurately described as a politically-motivated and socially-based genocide that was meant to eliminate a whole sector of the Argentine population (namely, “anyone with vaguely left-wing views” or social activist involvement) and to remold Argentine society as a purely “Western and Christian” nation.¹⁸ But, in the process of attempting to eliminate one source of activist

¹⁶ See, e.g., Soledad Catoggio, “The Last Military Dictatorship in Argentina (1976-1983): the Mechanism of State Terrorism”; Robben, “How Traumatized Societies Remember: the Aftermath of Argentina’s Dirty War”; Feierstein, “Political Violence in Argentina and Its Genocidal Characteristics”.

¹⁷ Feierstein, “Political Violence in Argentina and Its Genocidal Characteristics,” 47-61.

¹⁸ Feierstein, “Political Violence in Argentina and Its Genocidal Characteristics,” 48. As Soledad Catoggio points out, when the “disappeared” are broken down by age, education, gender, etc., the numbers provide some evidence of the intentions of the military dictatorship: the “disappeared” were predominantly male (70%), predominantly young between the ages of 21 and 35 (71%), and by occupation, mostly blue-collar

opposition (students and young blue-collar workers suspected of non-conformist left-leaning views), the military dictatorship created another opposition group (the victims and the family of victims), which, following the eventual collapse of the military dictatorship became entrenched and outspoken part of the Argentine society.

Although the 1948 Convention Treaty excludes political and social groups from its definition, the United Nations General Assembly Resolution 96 (I) enacted two years before in 1946 states that “Many instances of such crimes of genocide have occurred when racial, religious, political and other groups have been destroyed, entirely or in part.”¹⁹ Thus, although the destruction (“entirely or in part”) of political groups was acknowledged in the 1946 Resolution as constituting crimes of genocide, the contracting parties of the 1948 Convention decided to limit the victim groups to “national, ethnic, racial or religious group[s].” The result of this exclusion is a problematic definition that gives more weight to the characteristics of the victims than the perpetrators’ intentions and the nature of their crimes. The exclusion of political and social groups in the 1948 Convention Treaty is based on the premise that political groups lack the “cohesion or permanence of other groups.”²⁰ The more likely motivation behind its exclusion was one driven by self interest -- many contracting parties understood that inclusion of political groups would force them to confront their “recent history of domestic and/or colonial

workers (30%) or students (21%) or other employees (17.9%). The majority (62%) were abducted from their homes at night (also 62%). Cataggio, “The Last Military Dictatorship in Argentina (1976-1983): the Mechanism of State Terrorism,” 6,10.

¹⁹ United Nations, “United Nations General Assembly Resolution: December 11, 1946,” Armenian National Institute, http://www.armenian-genocide.org/Affirmation.227/current_category.6/affirmation_detail.html (accessed March 18, 2012).

²⁰ Esparza, Huttenbach, and Feierstein, *State Violence and Genocide in Latin America*, 49.

repression,”²¹ whereas exclusion of political groups would keep “the international community [from] becom[ing] involved in their internal political struggles.”²²

Because the military in Argentina between the years 1976 and 1983 targeted *political* “subversives,” these years of state terrorism are not internationally recognized as genocide. Large groups of scholars, human rights organizations, and lawyers in Argentina and Latin America, realizing that the lack of official recognition under the U.N. treaty “not only determine[s] the way these events are construed but also the possibility of bringing the perpetrators to justice,”²³ have continued to fight for recognition of the violence and abuse practiced during the National Reorganization Process as constituting genocide. Working within the current definition, they have produced a large body of work that highlights the genocidal nature (keeping with the 1948 Treaty definition) of Argentina’s state terrorism. They have also pointed out a number of problematic elements of the 1948 U.N. Treaty definition and suggested that a new definition is appropriate. In this way, arguments or disputes over the definition of genocide -- the lexicology or semantics of genocide -- have become a war for different victimized societies, scholars, and governments to fight over as part of their different political agendas and memory creation efforts.

One of the prominent scholars in this effort is Professor Daniel Feierstein of the University of Buenos Aires. Feierstein is the Director of the Center for Genocide Studies at the National University of Tres de Febrero in Argentina and 2nd Vice President of the

²¹ Esparza, Huttenbach, and Feierstein, *State Violence and Genocide in Latin America*, 48-49.

²² Esparza, Huttenbach, and Feierstein, *State Violence and Genocide in Latin America*, 49.

²³ Esparza, Huttenbach, and Feierstein, *State Violence and Genocide in Latin America*, 48.

International Association for Genocide Scholars (IAGS). He has also worked as a consultant to the United Nations in preparation for Argentina's National Plan to Combat Discrimination and National Human Rights Plan. One of Feierstein's major contributions to the field of genocide studies has been his analysis of the social, political, legal, and psychological stages in which historical genocides have unfolded. Feierstein has then looked at (compared) the Argentina experience in light of the theoretical stages of genocide that he has developed. In his book *El genocidio como práctica social: Entre el nazismo y la experiencia argentina* (Genocide as a Social Practice: Between Nazism and the Argentine Experience), Feierstein draws parallels between Argentine state terrorism between 1976 and 1983 (which, failing recognition under the 1948 U.N. Convention Treaty, is still recognized as *politicide*) and the Holocaust (the event that prompted the term genocide and the 1948 U.N. Treaty). According to Feierstein, cases of genocide are "examples of peculiar technologies of power"²⁴ that extend beyond the physical annihilation of the victim group and aim to "reorganize" hegemonic social relations through a six step periodization. (Feierstein uses the Spanish word *periodización* which, as he uses it, suggests both the division of genocidal events into historical, but not necessarily sequential, periods and the process in which genocides typically unfold.) In demonstrating the periodization's applicability to the Argentine case, Feierstein aims to

²⁴ Feierstein, Daniel, *El genocidio como práctica social: Entre el nazismo y la experiencia argentina*. (Buenos Aires: Fondo de Cultura Económica de Argentina, 2007).

distinguish the disappearances and assassinations that took place during the “dirty war” as constituting genocide.²⁵

The six “moments” of Feierstein’s periodization are 1) “*la construcción de una otredad negativa*” (the construction of a negative otherness), 2) “*el hostigamiento*” (harassment), 3) “*el aislamiento*” (isolation), 4) “*el debilitamiento sistemático*” (systematic debilitation), 5) “*el aniquilamiento material*” (physical annihilation) and 6) “*la realización simbólica*” (symbolic realization).²⁶ According to Feierstein “the concept of periodization . . . should not be understood as a successive logic (first phase one, later phase two, etc.), but as a conceptual structure that superimposes and juxtaposes actions of a diverse order”²⁷ in which each step advances the perpetrator’s objective of reorganizing social relations by destroying both the physical body and the memory of the victim group.

The first step, the construction of the negative otherness, signifies “the initial rupture, the demarcation of the social subject to be exterminated”²⁸ and occurs when authoritative “power revises existing symbols and characteristics in the collective imagination, construes new myths and symbols, [and] re-strengthens latent prejudices in

²⁵ All translations of Spanish language quotations, unless otherwise noted, are by the author of this thesis. The original Spanish language text is footnoted wherever a translation appears.

²⁶ Feierstein, *El genocidio como práctica social*, 215- 246.

²⁷ Feierstein, *El genocidio como práctica social*, 216. “El concepto de periodización, sin embargo, no debería ser comprendido como una lógica successive (primero la fase uno, luego la fase dos, etc.), sino como una estructuración conceptual que superpone y yuxtapone acciones de diverso orden.”

²⁸ Feierstein, *El genocidio como práctica social*, 218. “la ruptura inicial, a la marcación del sujeto social a ser exterminado.”

order to construct a social subject as negatively different.”²⁹ Since the 1948 Convention Treaty was based on the Holocaust, its definition naturally includes “racial” group in determining what groups of people constitute victims of *genocide*. Feierstein sees racial discrimination, however, as originating in “the imaginary construction of the concept of race as a metaphor for the notion of otherness.”³⁰ This is for him no different than the “notion of otherness” that separates societal groups by their political ideologies. He thus creates a parallel between the “biological discourse [of the Nazis] that situates the victims [Jews] as responsible for a progressive ‘degeneration’ of the race”³¹ with the political discourse of the military authorities during the Argentine dictatorship that accused liberals of being “subversives” of the same sort of degenerate nature. In both cases, the “other” needed to be eliminated “in order to guarantee the health of the whole.”³² The authoritative power portrays the victimized group as, “not wanting to be like *all*, and for this matter, *should not be*.”³³ The creation of the “other” destroys self-determination and legitimizes the ensuing stages of genocide.

The moment following the construction of the negative otherness is harassment. Feierstein characterizes this moment as sporadic attacks on the victim group testing “the

²⁹ Feierstein, *El genocidio como práctica social*, 218. “El poder retoma símbolos y características existentes en el imaginario colectivo, construye nuevos símbolos y mitos, refuerza los prejuicios latentes a fin de construir un sujeto social como negativamente diferente.”

³⁰ Soledad Catoggio, “The Last Military Dictatorship in Argentina (1976-1983),” 17.

³¹ Feierstein, *El genocidio como práctica social*, 208. “un discurso biológico que ubica a las víctimas como las responsables de una progresiva ‘degeneración’ de la raza.”

³² Feierstein, *El genocidio como práctica social*, 208. “para garantizar la salud del conjunto.”

³³ Feierstein, *El genocidio como práctica social*, 218. “no quieren ser como *todos* y, por lo tanto, que *no deben ser*.”

capacity of response of society before the implementation of direct violence”³⁴ as well as “diverse, legitimizing legal bodies of discriminatory practices”³⁵ such as property discrimination and confiscation. The third moment of the periodization is isolation of the victim group. In isolating and “delimit[ing] the space (social, geographic, political)” of the victim group, the perpetrator aims to “rupture the social ties between the negatively labeled faction and the social whole.”³⁶ Isolation can even be sought out by the victim group depending on the severity of the harassment it is forced to endure. “For example, a large part of the Jewish communities viewed as ‘relief’ the creation of the ghetto in the face of the ‘daily aggressions’ that they were suffering, without understanding that this was a qualitative jump toward their own extermination.”³⁷

After isolation, in Feierstein’s fourth moment of genocide, the victim group is systematically debilitated in three principal ways: through “*resquebrajamiento físico*” (physical disintegration) such as malnutrition, epidemics, torture, sporadic assassination, through “*resquebrajamiento psíquico*” (psychic disintegration) such as humiliating practices and assassination of family members, and through a process of “*selección*” (selection). In addition to physical and psychic disintegration, systematic debilitation incorporates a process of selection in which “some [victims] are assassinated, others die

³⁴ Feierstein, *El genocidio como práctica social*, 221. “la capacidad de respuesta de la sociedad ante la implementación de la violencia directa.”

³⁵ Feierstein, *El genocidio como práctica social*, 223. “diversos cuerpos jurídicos legitimadores de las prácticas discriminatorias.”

³⁶ Feierstein, *El genocidio como práctica social*, 226. “delimitar el espacio (social, geográfico, político),” “quebrar los lazos sociales entre la fracción negativizada y el conjunto social.”

³⁷ Feierstein, *El genocidio como práctica social*, 227. “Por ejemplo, gran parte de las comunidades judías vieron como un ‘alivio’ la creación del gueto ante las ‘agresiones cotidianas’ que sufrían, sin comprender que era un salto cualitativo hacia su propio exterminio.”

through deterioration from their conditions, [while] others adapt and cope.”³⁸ Because not all victims face the same fate and because some are selected to die while others are not, there emerges “the construction of the ‘others’ within the ‘others’”³⁹ which further weakens the strength and unity of the victim group.

Following systematic debilitation comes Feierstein’s fifth moment – that of physical annihilation or “the material disappearance of the bodies that embody targeted social relations group.”⁴⁰ Because the aim of genocide is the physical, psychic, and historic extinction of the said social group, the aim is “not only their death but their definitive material ‘disappearance’ (that of their bones, skin, teeth whatever characteristic of their existence).”⁴¹ In the first five periods of Feierstein’s genocidal process, we are led from the abstract -- the creation of the “otherness” based on imagination, myth, and propaganda -- to the physical results of mass slaughter.

Both the Holocaust and Argentine military dictatorship have experienced and surpassed the first five moments of Feierstein’s periodization and are arguably currently located in the realm of the sixth moment -- that of symbolic realization. Here, Feierstein returns to the abstract and writes, “The social practice of genocide does not culminate with its material realization ...but in the symbolic and ideological space, in the modes in

³⁸ Feierstein, *El genocidio como práctica social*, 229. “Algunos son asesinados, otros mueren por el deterioro de sus condiciones de existencia objetivas, otros se adaptan.”

³⁹ Feierstein, *El genocidio como práctica social*, 231. “la construcción de los ‘otros’ dentro de los ‘otros.’”

⁴⁰ Feierstein, *El genocidio como práctica social*, 235. “la desaparición material de los cuerpos que encarnan determinadas relaciones sociales.”

⁴¹ Feierstein, *El genocidio como práctica social*, 235-236. “no solo de su muerte sino de su definitiva ‘desaparición’ material (la de sus huesos, su piel, sus dientes, cualquier rasgo de su existencia).”

which we represent and narrate the traumatic experience.”⁴² In this stage, the physically annihilated victim-bodies experience an added level of destruction -- meaning that their deaths are even further realized --through their symbolic negation (the erasure or misrepresentation of their memory). The perpetrators’ objective of genocide of reorganizing social relations is not complete until the memory of the victim group (in addition to the victim group itself) is marginalized, diminished, and finally eliminated.⁴³ Because representing and narrating the traumatic experience does not have a physical manifestation or a determinable end, the sixth moment is arguably the longest and most abstract phase in the process of genocide.

In adding the idea of symbolic disappearance as the final stage of his periodization analysis, Feierstein aligns his work with the 1946 Resolution and against the 1948 U.N. treaty definition of genocide. The 1946 resolution states that the denial of the right of the existence of a group “results in great losses to humanity in the form of cultural and other contributions represented by these groups.”⁴⁴ If the victimized group is isolated, then debilitated, and then annihilated to the point where it can no longer contribute in a meaningful way to society, and its memory is then diminished or erased (through what Feierstein labels as symbolic realization of the genocide), then the

⁴² Feierstein, *El genocidio como práctica social*, 237. “Las prácticas sociales genocidas no culminan con su realización material ... sino que se realizan en el ámbito simbólico e ideológico, en los modos de representar y narrar dicha experiencia traumática.”

⁴³ Feierstein is not the only genocide scholar to note an added phase to genocidal killing. As Professor Samuel Totten, and William S. Parsons, Chief of Staff for the U.S. Holocaust Memorial Museum, have written, “By minimizing or distorting a particular genocide, deniers assault survivors one more time.” Samuel Totten and William S. Parsons, “Introduction,” in *Century of Genocide: Eyewitness Accounts and Critical Views*, ed. Samuel Totten, William S. Parsons, and Israel W. Charny (New York & London: Garland Publishing, Inc., 1997), xxii.

⁴⁴ United Nations, “United Nations General Assembly Resolution: December 11, 1946.”

genocide becomes complete -- social relations within the society will have been altered as intended by the perpetrators of the genocide.

In this thesis, I plan to analyze in more detail Feierstein's sixth step (that is, the step of symbolic realization) with regard to the Holocaust and the Process of National Reorganization. Based on Feierstein's periodization model and argument that Argentina's state terrorism qualified as and constituted a genocide, I will offer a comparison of the two post-*genocide* experiences, focusing in particular on efforts to create or influence collective memory. I plan to demonstrate that, despite the distinctness of the two events (their unique progressions from the first to fifth moments of genocide), the same fundamental conflicts and debates have arisen with regard to the sixth moment -- that of symbolic realization. In the same way that different groups continue to fight over the definition of genocide in order to attribute certain "significance" and "uniqueness" to particular historical events, different factions within each post-genocide society have struggled to present their own version of the genocide based on their different and conflicting agendas. The issues that have arisen in post-Holocaust societies and Argentina in determining culpability, legalizing reparations, and building monuments show that post-genocide societies face the same divisive issues in creating memory -- and that these issues are largely centered around actualizing or preventing the sort of historical "forgetting" that Feierstein equates with symbolic realization of the genocide. In the case of the Holocaust, these issues have been brought forward largely by intellectuals and scholars in some way related to the field of Holocaust or genocide studies and then countered by the Jewish community. By contrast, in the Argentine case, the issues are made clear through the bitter debate that has arisen between the Government (with the

aim to create reconciliation, restore their legitimacy, and close a chapter on the past) and human rights organizations (HROs) -- the most vociferous of which is la Asociación de las Madres -- that work towards preventing memory marginalization (through challenging the government and perpetrators, and in constructing their own narrative on the national past). While the Government demonstrates the impulse to move forward as quickly as possible, the HROs believe that rejecting reconciliation and disputing efforts at historical contextualization are the only ways to preserve memory of the genocide intact and ensure that similar events will happen “*nunca más*” (never again).

Unlike the post-Holocaust period, which saw the collapse of the state, the dispersal of victims and their families, and a reluctance to deal with the Holocaust in the early years after the War, Argentina embarked on its debate over reconciliation and memory not only instantly, but also, in large part, internally. As Regula Ludi writes in regards to the memory struggle after the Holocaust, “The shift from overcoming the Nazi dictatorship to fighting communism left transitional justice in a shambles,”⁴⁵ thus leaving historians, scholars, and intellectuals to later pick up the debate. Yet, as will become evident in this thesis, the debate between the government and HROs in Argentina regarding the determination of culpability, the legalization of reparations, and the building of monuments echo the debate among Holocaust scholars, evidencing a unique link in terms of post-genocide memory creation.

⁴⁵ Regala Ludi, “The Vectors of Postwar Victim Reparations: Relief, Redress and Memory Politics,” *Journal of Contemporary History*, Vol. 41 (3) (2006): SAGE Publications, Inc.: <http://www.jstor.org/stable/30036397> (accessed October 22, 2012), 441.

II.

CULPABILITY

Introduction

According to Michael J. Bazylar, Professor of Law and a foremost authority on the historical legal response to genocide in American and European courts, the punishment of genocidal perpetrators is not only “[p]art of the healing process” for victims, but, “[w]ithout punishment, the victim group, through its collective memory, lives with an open wound that may only begin to heal when the victims themselves become the victimizers.”¹ Post-genocide governments, in failing to secure (or even promote) justice on behalf of the victim group, reinforce Feierstein’s first four moments of genocide; in other words, in negating the victim group’s right to justice, the government denies the victims basic political power, and this denial constitutes a way for the government to continue treating the members of the victim group as “negative others,” and to harass, isolate, and systematically debilitate and destroy the victim group. What Bazylar warns is that failing to bring perpetrators to justice works against reconciliation by further marginalizing the victim group after the genocide has occurred and risks a repetitive cycle in which genocide repeats itself. In post-genocide societies undergoing democratic transitions especially, the failure to condemn perpetrators causes

¹ Michael J. Bazylar, “Using Civil Litigation to Achieve Some Justice,” in *Will Genocide Ever End?*, ed. Carol Rittner, John K. Roth, and James M. Smith (St. Paul, Minnesota: Paragon House, 2002), 151.

members of that society to lose confidence in the government's efforts to protect basic human rights.

As we will see, punishing the Nazis after the War and punishing the members of the Armed Forces in Argentina responsible for committing crimes against humanity on behalf of the state during the Dirty War followed two distinct historical and legal courses. Unlike the experience in Argentina, where the most pressing struggle to take control the historical narrative of the Dirty War was waged between the Argentine Government, on the one hand, and victims groups and human rights organizations, on the other, the post-War states of the FRG (Federal Republic of Germany) and GDR (German Democratic Republic) played no meaningful role in the disputes over how to create a narrative or history of the Holocaust. In fact, as has been pointed out by others, "It is well known that the early years of postwar Germany were characterized by widespread evasion of the Nazi past."² This is perhaps not surprising in light of the scope and nature of National Socialist crimes and the total collapse of the German state by the end of the War. Instead, the important struggle over how to deal with the Holocaust and fit it into some historical narrative took the form of a clash among intellectual theorists and between intellectuals and various victims groups.

By contrast, in Argentina, various human rights organizations engaged in an immediate, persistent, and ongoing battle with the Government in order to ensure that the perpetrators of the genocide would be punished, that the memory of the victims would be preserved, and that the historical fact of the Dirty War would not be forgotten. In an

² Gavriel D. Rosenfeld, "Alternate Holocausts and The Mistrust of Memory," in *Gray Zones: Ambiguity and Compromise in the Holocaust and Its Aftermath*, ed. Jonathan Petropoulos and John K. Roth, (Berghahn Books, 2005), 244.

effort to promote reconciliation following the collapse of the military dictatorship, the newly democratic government immediately passed a series of legal measures called The Laws of Impunity aimed at reconciliation. The Laws of Impunity had the effect of removing responsibility for the crimes of the military dictatorship during the Dirty War from the jurisdiction of the courts. According to Maria Guembe, without a clear concept of responsibility, “the difficulties in the search for justice have made it possible for the crimes committed during the dictatorship to go unpunished for long periods of time, and many of those responsible have maintained their positions in the Armed Forces.”³

Both after the Holocaust and after Argentina’s years of state terrorism during the National Reorganization Process, what becomes clear is that the process of assigning culpability is thought by those involved in the process to be closely related to their efforts to take control of the historical narrative and influence how the events of the genocide will be remembered as part of the historical record.

In this chapter, I will discuss these issues, in the case of the Holocaust, by examining the different “theories” of culpability propounded by Hannah Arendt in *Eichmann in Jerusalem: A Report on the Banality of Evil* (1963) and by Daniel Goldhagen in *Hitler’s Willing Executioners: Ordinary Germans and the Holocaust* (1996), and by looking at the reaction in Israel and among Jewish groups to Arendt’s thesis concerning the “banality of evil” and the equally adamant reaction among German commentators to Goldhagen’s thesis that the Final Solution was peculiarly German in character and only made possible by the complicity of ordinary Germans. I will then

³ María José Guembe, “Economic Reparations for Grave Human Rights Violations: The Argentinian Experience,” in *The Handbook of Reparations* ed. Pablo De Greiff (Oxford: Oxford University Press, 2006), 88.

examine the very similar struggles over issues of culpability that took place following the Dirty War in Argentina between the Government and the HRO community.

Post-Holocaust Determination Of Culpability

Even before the War's end, the four powers (American, British, French and Soviets) controlling the post-war occupation zones of what was the German state, understood the importance of establishing institutions to adjudicate the crimes of the Third Reich, especially as they related to the Reich's genocidal practices, and, in this sense, for the Allies to take charge of the moral and historical narrative. To this end, in November 1943, the Allies announced their commitment to prosecute perpetrators through the establishment of the United Nations War Crimes Commission.⁴ According to Regula Ludi, such "prompt prosecution was considered essential, not least for its symbolic message. It . . . stood for the victorious powers' determination to fight fascism's rebirth at any cost."⁵ From 1945 to 1946, the Allied powers in effect used the International Military Tribunal (IMT) at Nuremberg in Bavaria (the Nuremberg Trials) to inscribe this symbolic message in the historical record.

The Nuremberg Trials, however, did not meet with unqualified approval. They were largely criticized as failing to secure justice or aid the reconciliation process. Not only had many top Nazis died or committed suicide by the time the trials began, but, as Stuart Eizenstat writes, the Nuremberg prosecutions "barely touched the vast number of

⁴ Regula Ludi, "The Vectors of Postwar Victim Reparations: Relief, Redress and Memory Politics," *Journal of Contemporary History* 41, No. 3 (2006), 439.

⁵ Ludi, "The Vectors of Postwar Victim Reparations," 439.

German officials and private persons, including many important business and financial leaders, who supported Hitler's efforts."⁶ Even the Subsequent Nuremberg Military Tribunal trials (NMT), which were also held at Nuremberg from 1946 to 1949 and overseen by twelve American military tribunals, did not extend deeply into the ranks of the perpetrators. Furthermore, by only punishing Nazi crimes, the trials had failed from the perspective of many Germans to address Allied crimes (which were significant, especially in the concluding months of the War).

Perhaps more significantly, because the Holocaust took place before there existed adequately established jurisprudence for the prosecution by international courts of the state-sponsored mass murder of civilian populations based on race or religion or other ethnic identification (in fact, before the word "genocide" existed), the "symbolic justice" that the Nuremberg Trials intended to impose became complicated, if not compromised, by what were seen as various jurisprudential and philosophical problems or flaws. As a consequence, when historians and scholars in the second half of the Twentieth Century attempted to explain and write the history (historicize) the Final Solution, there was a tendency to do so from a theoretical or academic point of view. The resulting debates took various forms and embraced different analytical approaches: for example, should the crimes of the Reich be judged in terms of consequences or intentions (functionalism vs. intentionalism); could the Holocaust have happened anywhere or was it a very particular expression of German culture and anti-Semitism (universalism vs. particularism).

Two of the most controversial contributors to the discussion of Holocaust culpability have been Hannah Arendt and Daniel Goldhagen –two Jewish political

⁶ Stuart Eizenstat, *Imperfect Justice*, (New York: Public Affairs, 2003), 9.

scientists, albeit from different generations. Arendt was born in Hanover, Germany, in 1906 and, after studying under Karl Jaspers and receiving her doctorate in philosophy at the University of Heidelberg, she eventually became an American citizen. Between receiving her doctorate and fleeing to America during the early stages of the National Socialist campaign to make German *Judenfrei* (“free of Jews”), Arendt helped Jewish children refugees enter into Palestine.⁷ Goldhagen was born in 1959, fifteen years after the War in Europe had ended. He received his doctorate from Harvard University and stayed on to teach at the University’s Government and Social Studies departments before devoting himself full-time to writing. As we will see, both Arendt and Goldhagen, for radically different reasons, sparked an emotionally-charged public backlash due both to the contentiousness of their claims concerning the assignment of culpability for the Holocaust and the aggressive manner with which they articulated their arguments.

In rather simplistic terms, it might be said that Arendt takes a more “universalistic” approach regarding the origins of genocidal evil, while Goldhagen embraces a more “particularist” view, especially in the case of the Holocaust. For Arendt and others who have come to universalistic conclusions, the wide-scale genocide of the Holocaust could have just as easily arisen outside of Germany (and was, to a certain degree, rooted in social, political, and cultural trends apparent in continental Europe during the period preceding the rise of National Socialism). For Goldhagen, however, and those taking a more particularist approach, the Holocaust is seen more correctly as

⁷ Hannah Arendt, *Eichmann in Jerusalem: A Report on the Banality of Evil* (New York: Penguin Group, 2006) Biographical information.

specific to German culture and historical German anti-Semitism which, according to Goldhagen, found its inevitable expression in National Socialism and the Final Solution.

In 1961, Arendt covered the Eichmann trial in Jerusalem on behalf of *The New Yorker*. In the articles that followed and then in the book version of her report, *Eichmann in Jerusalem: The Banality of Evil*, Arendt articulated a number of theories or arguments about the origins and history of the Holocaust that were viewed immediately as controversial and that brought her quick condemnation by both other intellectuals and Jewish organizations. With some cynicism, Arendt contended that David Ben-Gurion, the Prime Minister of Israel, had engineered the kidnapping of Eichmann in Argentina for trial before the District Court in Israel principally for the political purpose of strengthening the Zionist movement and also for the purpose of legitimating Israel's military posture vis-à-vis its Arab neighbors.⁸ Arendt further claimed that Eichmann was more "unthinking" rather than purposefully evil, insinuating -- much to the outrage of survivor and Jewish organizations -- that, under the right circumstances, any society was capable of genocide. As Arendt put it,

the trouble with Eichmann was precisely that so many were like him, and that the many were neither perverted nor sadistic, that they were, and still are, terribly and terrifyingly normal. From the standpoint of our legal institutions and of our moral standards of judgment, this normality was much more terrifying than all the atrocities put together, for it implied -- as had been said at Nuremberg over and over again by the defendants and their counsel -- that this new type of criminal . . . commits his crimes under circumstances that make it well-nigh impossible for him to know or to feel that he is doing wrong.⁹

⁸ Arendt, *Eichmann in Jerusalem*, 4-5.

⁹ Arendt, *Eichmann in Jerusalem*, 277.

As bewildered as Arendt was with Eichmann's incredible lack of self-reflection, she seemed to agree with Eichmann's own assessment: "I am not the monster I am made out to be. I am the victim of a fallacy."¹⁰

By suggesting that the Holocaust might *not* be unique and that there might be logical or theoretical problems with legal and moral condemnation of Eichmann and the other perpetrators, Arendt created a narrative about the Holocaust that was greatly at odds with the then prevalent and accepted version of what had occurred under the Third Reich. But, even more notorious and outrageous to many Jewish groups and intellectuals at the time was Arendt's insistence on pointing out that the widespread destruction of the Holocaust would not have been possible without the cooperation of the Jews themselves and specifically the Jewish Councils (*Judenraete*).

These observations have been widely criticized as minimizing Eichmann's complicity (and the culpability of other perpetrators of the Holocaust) and of targeting Jews as partially responsible for their own genocide. In this way --in "normalizing" Eichmann and pointing to the way in which people may willingly become wound up in and participate in genocide without thinking -- Arendt's arguments work to universalize the genocidal evil at the core of the Holocaust, rather than particularize the event as a product of German culture and history.

According to Amos Elon, in his 2006 introduction to the re-publication of *Eichmann in Jerusalem*, Arendt was accused of "exculpating the murderers and offending

¹⁰ Arendt, *Eichmann in Jerusalem*, 248.

the memory of the dead”¹¹ through what many saw as falsely diminishing the moral evil of the Holocaust. When reporting on the trial, Arendt came to believe that Ben-Gurion used the trial to push his own deterministic view of Jewish history -- that anti-Semitism was an unavoidable historical fact or rule of Western Culture and that the Jews both needed and deserved a nation of their own that would be able to protect and defend Judaism. Because of this, Arendt said that the case against Eichmann “was built on what the Jews had suffered, not on what Eichmann had done.”¹² Moreover, according to Arendt, there existed a moral inconsistency between an Israeli court sitting in judgment of Eichmann (and Germany) for the Holocaust, on the one hand, and Israel’s blindness to the moral and genocidal aspects of its own treatment of its Palestinian population. Not surprisingly, “Most Jewish readers and many others were outraged”¹³ by claims of this sort regarding something as tragic and fragile as genocide. It might be said that they were especially incensed in light of their ownership of the Holocaust as a genocide that was unique in history.

Perhaps Arendt’s most controversial claim, however, was that, “Without Jewish help in administrative and police work -- the final rounding up of Jews in Berlin was, as I have mentioned, done entirely by Jewish police -- there would have been either complete chaos or an impossibly severe drain on German manpower.”¹⁴ For venturing into these subjects, Arendt elicited condemnation from Jews across the globe including

¹¹ Amos Elon, introduction to *Eichmann In Jerusalem: A Report on the Banality of Evil*, by Hannah Arendt, (New York: Penguin Group, 2006), xviii.

¹² Arendt, *Eichmann In Jerusalem*, 6.

¹³ Elon, introduction to *Eichmann In Jerusalem*, by Hannah Arendt, xi.

¹⁴ Arendt, *Eichmann In Jerusalem*, 117.

from the Council of Jews from Germany and The World Jewish Congress. Gershom Scholem, a prominent Israeli Jewish philosopher and historian born in Germany, along with many others accused Arendt of failing to create a distinction between perpetrator crimes and victim crimes.¹⁵ In a public letter, he even charged Arendt “with a lack of *Ahavat Israel*, that is, love of Jewishness.”¹⁶

Raul Hilberg, author of *The Destruction of European Jews* (1961), and Isaiah Trunk, author of *Judenrat: The Jewish Councils in Eastern Europe Under Nazi Occupation* (1972), also responded. While some historians grouped Arendt and Hilberg together -- “their conclusions were jointly popularized as ‘sheep to the slaughter’”¹⁷ -- Hilberg made vigorous efforts to distinguish his work from Arendt’s, insisting that Eichmann’s evil was far from banal. Trunk, on the other hand, argued that the *Judenraete*’s passivity and obedience was not only the most logical behavior for the Jews given their situation, but that, “when all factors are considered, Jewish participation or nonparticipation in the deportations had no substantial influence...on the final outcome of the Holocaust.”¹⁸ This, of course, arguably misses Arendt’s point, which had partly to do with practical outcomes but more to do with personal moral responsibility.

¹⁵ David Cesarini, *Becoming Eichmann: Rethinking the Life, Crimes, and Trial of a “Desk Murderer”* (Da Capo Press, 2006), 349.

¹⁶ Dan Diner, “Hannah Arendt Reconsidered: On the Banal and the Evil in Her Holocaust Narrative,” *New German Critique*, No. 71, Memories of Germany, 182.

¹⁷ Jonathan A. Bush, “Raul Hilberg (1926- 2007) In Memoriam,” *Jewish Quarterly Review*, Vol. 100 No. 4, (University of Pennsylvania Press, Fall 2010), 675.

¹⁸ Isaiah Trunk, *Judenrat: The Jewish Councils in Eastern Europe Under Nazi Occupation* (United States of America: Bison Books Edition, 1996), Xlvii.

Besides Hilberg and Trunk, another one of Arendt's most outspoken opponents was Lionel Abel, who, in his critique of *Eichmann in Jerusalem* -- which he entitled "The Aesthetics of Evil" -- accused Arendt of treating Jewish suffering as something to be aesthetically deliberated rather than treated as historical truth. Taking objection to Arendt's claim that Eichmann represents an evil that is ordinary or banal, and pointing to Eichmann's lack of displayed remorse during the trials Abel asked, "How many people have ever boasted of having killed five million people?"¹⁹ Even David Cesarini, one of the most recognized scholars on Eichmann, devotes part of his biography *Becoming Eichmann: Rethinking the Life, Crimes, and Trial of a "Desk Murderer"* to challenging Arendt. Although Cesarini agrees with Arendt in that "it is not necessary to be abnormal to become a practitioner of genocide,"²⁰ he writes that "her depiction of Eichmann was self-serving, prejudiced and ultimately wrong."²¹ Cesarini accuses Arendt of reductionism and asserts, "Despite all the evidence of Eichmann's right-wing and anti-semitic background, she reduces his decision to careerism."²²

A common thread in the arguments of Arendt's critics is an objection to what they see as Arendt's depreciation of Eichmann's individual culpability and in turn German culpability. In universalizing Eichmann's culpability, rather than isolating it as one that is incomparable -- in "broadening the criminal statement of fact"²³ -- many believed that

¹⁹ Cesarini, *Becoming Eichmann*, 350.

²⁰ Cesarini, *Becoming Eichmann*, 17.

²¹ Cesarini, *Becoming Eichmann*, 15.

²² Cesarini, *Becoming Eichmann*, 347.

²³ Diner, "Hannah Arendt Reconsidered," 179.

Arendt downplayed the evil at the core of the Holocaust and minimized the plight of Jews. Victims and victim groups took especial objection to such claims. As Dan Diner writes, for survivors, “evil was not the mere result of an administratively structured accumulation of banalities, but rather a psychologically and physically experienced monstrosity.”²⁴ The backlash, it seems, was incited mainly by Arendt’s attempt to remove the special status of victimhood from Jews by “contrast[ing] past historical reality with a universal possibility at the expense of the past.”²⁵

In Feierstein’s analytical terms, for those fighting to preserve the memory of the dead, the surest way of preventing the symbolic realization of the genocide was to distinguish the Jewish experience as historically singular. Stated another way, the controversy between Arendt and her critics over whether the malevolence at the heart of National Socialism was more banal and ordinary than unique and singular is, when abstracted, really a controversy over how Holocaust victims should be remembered as part of history. What makes the controversy so charged is what is at stake, which, according to Feierstein, is whether the genocide will be symbolically realized by a failure of memory -- that is, whether, through a process of intellectualization or otherwise, the memory of the victim group, and its cultural and social standing before the genocide, will ultimately be deleted from the historical record.

Daniel Goldhagen, by contrast, rejects Arendt’s explanation of the Final Solution as something that can be expressed in philosophically universal terms. For Goldhagen, the Holocaust was specifically a phenomenon of German culture and German anti-

²⁴ Diner, “Hannah Arendt Reconsidered,” 184.

²⁵ Diner, “Hannah Arendt Reconsidered,” 185.

Semitism. Like Arendt, Goldhagen, in a sense, sees a “banality of evil” at the core of the Holocaust, but, for Goldhagen, it is because “Every German was inquisitor, judge, and executioner.”²⁶ In other words, Goldhagen, unlike Arendt, sees the particular evil that organized the mass killings of Jews as an evil *particular* to German society. Goldhagen’s book, *Hitler’s Willing Executioners: Ordinary Germans and the Holocaust*, which originally began as his Harvard doctoral dissertation, argues that a “particular brand of anti-Semitism”²⁷ -- one that was “eliminationist”²⁸ -- was deeply rooted in German society and both invited and permitted the growth of National Socialism and the ultimate end-game which was the Final Solution. In this sense, using Feierstein’s periodization model of genocide, it might be said that Goldhagen would view Feierstein’s first moment in the genocidal process (that of creating the “negative other”) as both having been motivated by an inclination or propensity for “*ordinary* Germans to kill unarmed, defenseless Jewish men, women, and children by the thousands, systematically and without pity.”²⁹ [Emphasis added.]

In order to prove his argument that this genocidal impulse was part of Germany’s distinct “national culture,”³⁰ Goldhagen first examines the origin and development of anti-Semitism in German history, starting from and taking a close look at the anti- Jewish

²⁶ Daniel Goldhagen, *Hitler’s Willing Executioners: Ordinary Germans and the Holocaust* (New York: Vintage Books, 1996), 194.

²⁷ Goldhagen, *Hitler’s Willing Executioners*, 14.

²⁸ Goldhagen, *Hitler’s Willing Executioners*, 48.

²⁹ Goldhagen, *Hitler’s Willing Executioners*, 9.

³⁰ Edmund Cohen, “National Character, Collective Guilt, and Original Sin –The Goldhagen Controversy,” *Free Inquiry* 17, no. 2 (1997): 37.

sentiment in medieval Christianity. In the second part of his book, Goldhagen then points to three case studies that he believes demonstrate the willingness of ordinary Germans to accept and participate in the Final Solution as a result of such deeply rooted anti-Semitism. The case studies he examines are that of a police battalion, certain Jewish slave labor camps, and the “death marches” organized by the Nazis. In Goldhagen’s view, these examples are enough to warrant a “radical revision” in our thinking about the origin of the Holocaust: in his view, the case studies show that Germans were both aware of the genocide that was taking place and were very much willing to both condone it and participate. Thus, whereas Arendt was criticized for having, in some sense, exonerated Germany by universalizing (“banalizing”) Eichmann’s crimes and by bringing attention to uncomfortable and troublesome question of Jewish culpability, Goldhagen places the blame for the Holocaust squarely at the center of German culture and society.

For Goldhagen, “Historically, the expression of nationalism, particularly in Germany, has gone hand in hand with the expression of anti-semitism, since the nation was in part defined in contradistinction to the Jews.”³¹ Goldhagen’s thesis does echo Arendt’s in the sense that he emphasizes the ordinariness of perpetrators. He points out, for example, that “the Germans in police battalions, except perhaps for the small percentage of the time when they were on killing operations,”³² were generally very ordinary and led very ordinary lives within the mainstream of German society. The difference between Arendt’s thesis and that of Goldhagen’s is that Goldhagen points to an element of entrenched antisemitism unique to German society. In particularizing

³¹ Goldhagen, *Hitler’s Willing Executioners*, 45.

³² Goldhagen, *Hitler’s Willing Executioners*, 187.

German racism, Goldhagen ignited much the same degree of adverse reaction as *Eichmann in Jerusalem*, but the greater part of Goldhagen's critics were those interested in salvaging *perpetrator* memory or, perhaps more accurately, German national identity and pride.

German historian Hans-Ulrich Wehler, for example, called the book nothing more than a ““trash book””³³ and accused Goldhagen of approaching the Holocaust with ““a clear racist twist.””³⁴ Fritz Stern, a historian and specialist on National Socialism and German-Jewish relationships, wrote that Goldhagen's work is a “potpourri of half-truths and assertions, all meant to support his claim that German antisemitism was unique.”³⁵ For Stern, Goldhagen misleadingly demonizes Germans by ignoring the historical record. He points to the fact that Goldhagen omits the “astounding ascendancy”³⁶ of German Jews both culturally and economically in the period preceding National Socialism, and he accuses Goldhagen of purposely leaving out such information because it would have worked against his thesis. István Deák also wrote that “the book unwarrantedly extrapolated data on the genocidal behavior of one police unit of ‘ordinary Germans’ to German society as a whole.”³⁷ Even more severe, a large group of critics argued that the book should not even be treated as a historical, factual work. Norman Finkelstein, for

³³ Michael Pinto-Duschinsky, “Wehler on *Hitler's Willing Executioners*: A Comment*,” *German History* Vol. 16 No. 3, 397.

³⁴ Pinto-Duschinsky, “Wehler on *Hitler's Willing Executioners*: A Comment*,” 399.

³⁵ Fritz Stern, “The Goldhagen Controversy: One Nation, One People, One Theory?” *Foreign Affairs*, Vol. 75, No. 6, (1996), 129.

³⁶ Stern, “The Goldhagen Controversy,” 131.

³⁷ István Deák, “Holocaust Views: The Goldhagen Controversy in Retrospect,” in *Central European History*, Vol. 30, No. 2 (Cambridge University Press, 1997), 296. <http://www.jstor.org/stable/4546700> (accessed March 16, 2011).

example, claimed that “The historical evidence for a murderous Gentile impulse is nil. Daniel Goldhagen’s ponderous effort to prove one variant of this claim . . . barely rose to the comical.”³⁸

Underlying all of these objections to Goldhagen is a reaction to what might be called Goldhagen’s “particularism” in assigning guilt. In arguing that there was a unique and essential element of anti-Semitism engrained in German society that was ultimately accountable for the death of six million Jews, and in portraying the ordinary Germans as no less a part of the Final Solution than people like Eichmann, Goldhagen challenged the progress that Germany thought that it had made in its *Vergangenheitsbewältigung* (process of dealing with its past). In fact, one wonders if the reaction to Goldhagen’s book would have been as pointed, and even possible, in the period immediately following the end of the War. In Feierstein’s terminology, by the time of Goldhagen’s book, those hoping to ameliorate perpetrator memory and to file the Holocaust away in the deep recesses of history thus seemed to be fighting *for* symbolic realization. The reputation or culpability of the perpetrators aside, the efforts of Goldhagen’s critics tend to demonstrate the belief that deemphasizing the genocide (or at the very least preventing its exaggeration) would help to maintain the integrity of the new German state. While Arendt’s critics and victim groups feared memory minimization of the dead (the discounting of victim suffering), those interested in preserving German national character feared that the marked historical distinction of the Holocaust would jeopardize

³⁸ Norman G. Finkelstein, *The Holocaust Industry: Reflections on the Exploitation of Jewish Suffering*, (Verso, 2000), 49.

reconstruction of the German historical narrative in a manner that would emphasize the triumphs of German history and culture and de-emphasize the taint of the Holocaust.³⁹

While the criticism directed toward Arendt is largely based on her universalization of the genocidal evil of the Holocaust, the criticism that Goldhagen received was due to his argument that the genocidal intent which developed into the Final Solution was particular to German culture and the German people during the period of National Socialism and the Third Reich. In highlighting this “uniqueness,” Goldhagen thus bestows a concomitant uniqueness on the event and the survivors themselves. Critics of Arendt largely consisting of other intellectuals, Jewish groups, and survivors hope to individualize the Holocaust in history and recognize that its victims experienced a *unique* and *incomparable* sort of evil. In this way, they not only fight against the symbolic realization of the genocide, but work to gain for the Holocaust and its victims an untouchable and insurmountable place in history. Critics of Goldhagen, by contrast, and those wishing to preserve and advance Germany’s *Vergangenheitsbewältigung*, fear that the emphasis on the uniqueness of the Holocaust will taint Germany’s standing among Western nations and hinder its advancement by refocusing attention on a dark period of the country’s history that would best be forgotten.⁴⁰ While victim groups fear a minimization or devaluing of the victim memory, those linked to the reputation of the

³⁹ Indeed, the much publicized reconstruction of West Germany after the War and its role in the Cold War, especially during the Berlin Air Lift, might be seen as supplanting (or at least deemphasizing) the significance of the Holocaust as emblematic of modern German national culture. As James Young, one of the members of the Commission to create the Memorial for the Murdered Jews of Europe in Berlin noted, “Most colleagues shared my fear that Chancellor Kohl’s government wanted a ‘memorial to Europe’s murdered Jews’ as a great burial slab for the twentieth century, a hermetically sealed vault for the ghosts of Germany’s past.” James E. Young, *At Memory’s Edge*, (New Haven and London: Yale University Press, 2000), 194.

⁴⁰ This being said, the book was relatively well-received by many young Germans.

perpetrator (or, more accurately, the reputation of the modern German nation) understand that minimizing that memory will in turn reduce the amount of attention given to their genocidal crimes of the past.

Although taking distinctly different approaches in explaining the factors responsible for the Final Solution, both works were extremely successful and have been widely read. Part of what fueled both books' high level of commercial success was the biting criticism that each received from both Jews and Germans alike. Both Arendt's principal thesis of the banality of evil and Goldhagens' thesis of the complicity of ordinary Germans in the Final Solution (among other arguments posed by the authors) have evoked criticism from those with an interest in protecting victim memory *and* those with an interest in protecting the reputation of German national character.

Both Arendt and Goldhagen were attacked on factual grounds, but, perhaps equally important for purposes of the present discussion, both were also accused of being "insensitive"⁴¹ or (in Arendt's case) "inexcusably flippant"⁴² and employing a tone that was overly "self-confident"⁴³ given the inherent ambiguities of something so complex as the Holocaust. Arendt, for example, in her treatment of the Jewish Councils, says "In the Nazi-inspired, but not Nazi-dictated, manifestoes they issued, we still can sense how they enjoyed their new power."⁴⁴ Survivors unsurprisingly read such claims as an assumption on Arendt's part to understand the horror of an event that she had not herself experienced.

⁴¹ Elon, introduction to *Eichmann In Jerusalem*, by Hannah Arendt, xvi.

⁴² Elon, introduction to *Eichmann In Jerusalem*, by Hannah Arendt, xvii.

⁴³ Deák, "Holocaust Views," 296.

⁴⁴ Arendt, *Eichmann In Jerusalem*, 118.

In a similarly self-righteous tone, Goldhagen writes “the perpetrators, having consulted their own convictions and morality and having judged the mass annihilation of Jews to be right, did not *want* to say ‘no’.”⁴⁵ Both Arendt and Goldhagen are Jewish. Arendt fled Germany on the eve of the Holocaust, and Goldhagen is the son of a survivor. Yet, in failing to write with the level of restraint and judiciousness expected of historians writing about the Holocaust, Arendt and Goldhagen were (ironically) both accused of racism. But the point to be made is that, in leveling accusations of prejudice (in Arendt’s case toward Jews and in Goldhagen’s case toward Germans), their critics can also be seen at some fundamental level to be challenging Arendt’s and Goldhagen’s influence on shaping or re-shaping memory and the historical record about the Holocaust.

An examination of Arendt’s and Goldhagen’s two books and the resulting backlash that ensued demonstrate some of the inherent difficulties in creating an agreed-upon history of something so complex as genocide and how divided even the issue of assigning culpability can become in post-genocide societies. Especially in the case of these sorts of intellectual debates concerning the Holocaust, we can see clearly that the controversy is joined and centered at the point at which Feierstein has suggested is the ultimate issue of whether, following the material destruction of the victims of genocide, the genocide will be fully and symbolically realized in the way that the events are remembered and the history of the events written. As will later be shown, the same type of tensions at play in the debates between intellectuals and victim groups about the Holocaust have since played out between the military and HROs over the issue of

⁴⁵ Goldhagen, *Hitler’s Willing Executioners*, 114.

assigning culpability and punishing the perpetrators responsible for Argentina's National Reorganization Process.

Determination of Culpability After The Dirty War

Unlike the Nuremberg trials, in which international forces determined and carried out the process of weighing Nazi culpability and punishment, the process by which Argentina's newly elected democratic government prosecuted and sentenced criminals was largely internal.⁴⁶ Both the Government and HROs each attempted to assign guilt and write the history of the Argentine genocide, leading to a back and forth of protest, compromise, and revision regarding Argentina's years of state terrorism. As part of the country's democratic transition, the Government was forced to balance the conflicting goals of creating some form of reconciliation between society and the Armed Forces, on the one hand, and the need to confront the human rights abuses that took place under the various military juntas, on the other. The Government made an effort to address the country's recent past through establishing legal measures that it hoped would promote and accelerate reconciliation. Part of this discussion was the Government's creation of a formal investigative commission -- La Comisión Nacional sobre la Desaparición de Personas (CONADEP) (The National Commission on the Disappearance of Persons) to gather and publish information regarding the "disappeared" victims. Beyond this, the Government also prosecuted key members of the military dictatorship. Yet, many HRO leaders believed that the Government exhibited a tendency to put amicable relations with the military over and above securing justice and honoring the memory of the victims of

⁴⁶ Although there were domestic denatizifaciton tribunals in West Germany after 1947, they were supervised by the Allied High Commission.

the military dictatorship -- that the Government's efforts at reconciliation were based on a tendency to equate the political and moral interests of the Armed Forces with those of the victims. As will soon become evident, the concerns voiced by HROs and the military that have influenced the Government's steps toward reconciliation actually echo many of the same core objections raised with reference to Arendt's and Goldhagen's conclusions regarding the origins of the Holocaust.

From the point of view of victim organizations and the human rights movement, any government concessions to military demands in the years following the military dictatorship were nothing less than legitimating evil. The stand taken by members of the Human Rights movement is clearly seen through their objection to any sort of effort by the Government or the military to suggest that there was a symmetry of power and capability between the victims of the Dirty War and the state. In portraying the conflict as a two-sided war rather than state-sponsored violence, the state and the military were not only minimizing, but failing to acknowledge, what the HROs regarded as a genocide. HROs were most vociferous and outraged by the laws of impunity enacted under President Raúl Alfonsín that under the guise of reconciliation put the perpetrators of the military dictatorship beyond the reach of the law. This was further expressed in concerns by HROs that CONADEP would be ineffective and likely render a report that failed to address the full scope of the crimes committed. The tug-of-war between the military and the HROs about who should control the discourse and history of the military dictatorship (just like the tug-of-war seen in regards to Holocaust memory) engendered a chaotic writing and rewriting of the history -- a tug-of-war that continues today.

After the Argentine military's surrender in the Malvinas (Falkland Islands) in 1982, and while struggling to maintain its tenuous hold on power, it hastily established the Ley de Pacificación Nacional (Ley No. 22. 924) (Law of National Pacification) on September 22, 1983 (the so-called law of "self-amnesty" -- literally granting amnesty to itself.) The law, which created an amnesty covering crimes committed "with terrorist or subversive motivation or objective between 25 May 1973 and 17 June 1982,"⁴⁷ led to a protest by 40,000 people staged in Buenos Aires.⁴⁸ Sensing the hold of the military dictatorship had been sufficiently weakened, many HROs immediately attempted to take legal matters into their own hands. El Centro de estudios legales y sociales (CELS) (The Center for Legal and Social Studies), for example, encouraged families of victims and ex-political prisoners to file new lawsuits and continue existing cases regarding disappeared victims, and, in many cases, offered legal assistance to those who needed it. Creating a more general attack on the self-amnesty law, the Buenos Aires Lawyers' Association claimed on legal grounds that the Armed Forces did not constitute a legitimate ruling body and could thus not grant such a sweeping amnesty. Although Alfonsín nullified the self-amnesty law upon taking power after the collapse of the military dictatorship in 1983, the attempt to grant itself self-amnesty was evidence of the Armed Forces not only attempting to exonerate itself but also of its determination to recast in its own terms the history of the military dictatorship. In any event, Alfonsín's nullification of the self-amnesty law worked, in turn, to embolden the human rights opposition movement.

⁴⁷ Louise Mallinder, "The Ongoing Quest for Truth and Justice: Enacting and Annuling Argentina's Amnesty Laws," *Beyond Legalism: Amnesties, Transition and Conflict Transformation*, (Queen's University Belfast, May 2009), 17.

⁴⁸ Mallinder, "The Ongoing Quest for Truth and Justice," 17.

According to Louise Mallinder, human rights “concerns ‘became national issues’ during the transition”⁴⁹ from military dictatorship to democratic rule and played an especially important role in the 1983 elections.

The election of Raúl Alfonsín as president in 1983 instilled hope in HROs and victim families due to his reputation as a human rights activist. Alfonsín not only based his election campaign on an attack on the Armed Forces’ self-amnesty law, but he had previously co-founded la Asamblea Permanente por los Derechos Humanos (APDH) (Permanent Assembly for Human Rights), a NGO founded three months before the start of the National Reorganization Process to denounce human rights violations. Soon after his election, however, Alfonsín’s administration publicized what has come to be known as “*la Teoría de los dos demonios*” (The Theory of the Two Demons). This theory was created as part of Alfonsín’s attempts to balance the two forces being brought to bear on the Government during the transition: that of the military trying to preserve its reputation and power and that of the HROs to bring perpetrators to justice. The “Theory of the Two Demons” stated that Argentina’s unfortunate history in the 1970’s and early 1980’s was the result of an essentially equal two-sided (hence “two demons”) conflict -- that there occurred a symmetrical battle between the forces of leftist subversion and the forces of the military, each of which had resorted to extremist tactics. Yet, for the HROs, the excessive abuses of Argentina’s Armed Forces could not possibly be justified as proportional to the threats posed by leftist groups, especially because “the armed left-wing opposition was mostly defeated by 1977.”⁵⁰ Another argument made against *la*

⁴⁹ Mallinder, “The Ongoing Quest for Truth and Justice,” 15.

⁵⁰ Mallinder, “The Ongoing Quest for Truth and Justice,” 2.

Teoría de los dos demonios was voiced by la Asociación Madres de Plaza de Mayo in the organization's insistence that, rather than a two-sided war, the leftist groups were a much over-powered movement fighting to achieve social justice under a corrupt and oppressive government.⁵¹ In the words of Hebe de Bonafini, president of the la Asociación Madres de Plaza de Mayo, "Our children were not demons. They were revolutionaries, guerrilla warriors, wonderful and unique, who defended the country."⁵² According to the position taken by HROs, the theory of "two demons" overshadowed the fact that the number of disappeared victims was much greater than the number of insurgents involved in political leftist groups -- suggesting that the military's repressive policies extended much further and deeper into the society than simply dealing with political insurgency.

The HROs further argued that, in emphasizing two distinct sides, Alfonsín's theory of "two demons" of equal moral culpability not only failed to hold the major junta leaders accountable, but essentially created a cover story for "institutions, such as the Catholic Church and international companies, that actively supported the military regime."⁵³ For Feierstein, *la Teoría* constitutes part of "los procesos de 'transferencia de la culpa'"⁵⁴ ("the processes of the transference of blame"), which in turn is part of his sixth genocidal moment of symbolic realization. He argues that the transference of blame in the historical narrative after genocide demonstrates "a conscious manipulation and

⁵¹ Mallinder, "The Ongoing Quest for Truth and Justice," 24.

⁵² Oliver Galak, "Controversia por el prólogo agregado al informe 'Nunca más,'" *La Nación* (Buenos Aires, 19 May 2006).

⁵³ Mallinder, "The Ongoing Quest for Truth and Justice," 25.

⁵⁴ Feierstein, *El Genocidio como práctica social*, 244.

reorientation of remembering that prevents the recuperation of the identity of the victims.”⁵⁵ The inability of resurrecting the identity of the victims in memory creation successfully reorganizes social relations in the post-genocide society, and successfully completes the genocidal process. In distorting the identity of the “revolutionaries” and turning them into “demons,” Alfonsín and the Armed Forces worked precisely toward this end.

The tensions between the Government and the Human Rights movement were further exacerbated when, in 1984, the Alfonsín Government created La Comisión Nacional sobre la Desaparición de Personas (CONADEP) (The National Commission on the Disappearance of Persons). According to Maria Guembe, a lawyer and Director of the Program Memory and Fight against the Impunity of State Terrorism of CELS, during the early stages of CONADEP’s investigation, many members of HROs did not want to contribute information to the Commission due to the belief that the Commission would not be an effective manner of assuring truth and justice.⁵⁶ Many HROs had envisioned a bicameral parliamentary commission with total control to compel testimony by military members and complete access to documents regarding the disappeared. CONADEP, however, was not granted the ability to subpoena witnesses and, perhaps even more disappointing to the HRO community, Alfonsín had already issued a decree on December 13, 1983 (Decree Law 158) that required that all military personnel be tried in *military* courts. Thus, in the view of the HROs, Alfonsín had denied to the Commission precisely

⁵⁵ Feierstein, *El Genocidio como práctica social*, 245.

⁵⁶ Maria Guembe, “Challenges on the Road to Memory,” *The Public Historian*, Vol. 30, No. 1 (February 2008), 65.

the powers it needed to be effective. These shortcomings caused leaders of the human rights groups Servicio Paz y Justicia (SERPAJ) (Service Peace and Justice) and CELS to reject invitations to participate in the proceedings of the Commission.⁵⁷

Nonetheless, Alfonsín found other notables, including Ernesto Sábató (chosen to head the Commission) to participate in the investigation, and, on September 24, 1984, CONADEP presented a report of 50,000 pages to the National Government. The report documented thousands of cases of kidnappings, forced disappearance, torture, and killings. A summary of the report named *Nunca Más* (Never Again) sold more than 300,000 copies.⁵⁸ The work of CONADEP was a significant achievement for all survivor groups and HROs fighting to preserve a full accounting of the terrorism practiced by the state during the military dictatorship -- lest it be forgotten or diminished, which, in Feierstein's model, would run the risk of the genocide being realized on the symbolic level as well as a social and political reality.

This achievement of the CONADEP Report aside, many HRO groups disputed the figures presented in the Report, arguing that the true number of disappeared was closer to 30,000 – much larger than the approximate 9,000 documented in the Report. Other objections raised were that a published report would lead to a premature end to the memory struggle, or that publishing a report that concentrated on the tally or number of victims would reduce the complexity and horror of what had occurred. HRO groups also argued that the Prologue of the Report both adopted and worked to reinforce and

⁵⁷ Mallinder, "The Ongoing Quest for Truth and Justice," 31.

⁵⁸ Antonius C. G. Robben, "How Traumatized Societies Remember: The Aftermath of Argentina's Dirty War," *Cultural Critique*, No. 59 (University of Minnesota Press: Winter, 2005), 135, <http://www.jstor.org/stable/4489199> (accessed January 5, 2011).

legitimate Alfonsín's *Teoría de los Dos Demonios*. This criticism leveled against the Report by central players in the HRO community, in fact, helped to motivate a later rewriting in 2002 of the Prologue under the presidency of Néstor Kirchner. The controversies over the Report indicate the political difficulties, if not impossibilities, of creating a single narrative of the past and reaching some sort of consensus on how to determine culpability following periods like the military dictatorship. In fact, la Asociación madres de Plaza de Mayo (as noted, an offshoot branch of the of the widely recognized las Madres) -- and regarded as one of the leaders of the human rights movement -- has continued to resist collaboration with CONADEP through the present day.

Two years after establishing CONADEP, President Alfonsín, fearing that a resentful Armed Forces would threaten the country's fragile democracy, began to push la ley de Punto Final (Full Stop Law) through Congress. On December 26, 1986, Punto Final was approved, creating a decree of limitations (a sixty day limitations period) to bar new prosecutions of military personnel involved in human right abuses during the military dictatorship unless the indictments took place within sixty days following the effective date of the law.⁵⁹ The law states, if new prosecutions were not commenced by February 22, 1987 (sixty days from Congressional approval of the law), "penal action against all those who have committed crimes tied to the violent political action until December, 10, 1983 will be extinguished."⁶⁰ Alfonsín defended the law on the grounds

⁵⁹ Robben, "How Traumatized Societies Remember," 138.

⁶⁰ "Ley de Punto Final: Ley 23.492 – 24 de Diciembre de 1986," *El Proyecto Desaparecidos*. <http://www.desaparecidos.org/nuncamas/web/document/nacional/ley23492.htm> (accessed March 23, 2011).

that “the military cannot live under interminable suspicion.”⁶¹ For HROs, however, this law was further proof that the Government was giving priority to appeasing the Armed Forces, and, in doing so, allowing the Government’s interest in stability to trump the people’s interest in justice. Thus, around this time, the slogan “*Juicio y castigo a los culpables*” (“Trial and punishment for all responsible”) began to spread throughout Argentine society.

On June 4 1987, the Government then proposed la Ley de obediencia debida (Law of Due Obedience). The purpose of this law was to create three distinct levels of responsibility (which Alfonsín himself had first begun to publicize during his election campaign): those who executed orders, those who carried out these orders with excess, and those who simply obeyed orders. For those who were simply obeying orders, *only* the crimes of robbery, rape, and the kidnapping of babies were still considered punishable crimes. As a result, “most military defendants were thus left scot-free.”⁶² Perhaps more significantly, Marguerite Guzman Bouvard, a professor of political science, has pointed out, the whole concept of la Ley de obediencia debida “undermined the principles expressed in the Nuremberg Trials and established in international law, according to which obedience to orders is no excuse for committing such serious abuses as crimes of war or crimes against humanity.”⁶³

“Se extinguirá a la acción penal contra toda persona que hubiere cometido delitos vinculados a la instauración de formas violentas de acción política hasta el 10 de diciembre de 1983.”

⁶¹ Mallinder, “The Ongoing Quest for Truth and Justice,” 57.

⁶² Robben, “How Traumatized Societies Remember,” 140.

⁶³ Marguerite Guzman Bouvard, *Revolutionizing Method – The Mothers of the Plaza de Mayo* (SR Books: 1994), 134.

Of the 1,195 members of the Armed Forces that had been tried for human rights abuses, 730 benefited from the *la Ley de punto final* and 379 were absolved as a result of the *la Ley de obediencia debida*.⁶⁴ Alfonsín, once lauded by HROs for his activism in human rights, was severely criticized for basing decisions on political pragmatism and succumbing to the political pressures from the weakened, but still- influential, Armed Forces. Las Madres and CELS, for example, not only argued that each and every perpetrator, regardless of their position within the Armed Forces, should be brought to justice, but that the institution of the military as a whole needed to be condemned. The Alfonsín Government, in denouncing only a very limited number of individuals, was working to preserve the image of the institution of the Armed Forces as a whole, when, according to the human rights position, the institution as a whole must be judged for having inflicted the genocide.

Then, in 1989 and 1990, Alfonsín's successor, President Carlos Menem, sanctioned two major pardons. In 1989, Menem pardoned both military members and ex-guerrillas charged with crimes committed in the 1970's. This was followed by Menem's pardons in 1990 of Jorge Videla, Emilio Massera, and Leopoldo Galtieri among other top military leaders of the dictatorship. According to Clarín, the largest newspaper in Argentina, "the initial reaction was popular mobilization and the unification of political parties against corporate extortion"⁶⁵ (by which, of course, was meant extortion by the

⁶⁴ Michelle D. Bonner, "Defining Rights in Democratization: The Argentine Government and Human Rights Organizations, 1983-2003," *Latin American Politics and Society*, Vol. 47, No. 4 (Blackwell Publishing, Winter, 2005), 61.

⁶⁵ Carlos Eichelbaum, "Leyes de impunidad: la respuesta de Alfonsín a una transición condicionada," June 15, 2005, *Clarín.com* <http://edant.clarin.com/diario/2005/06/15/elpais/p-00601.htm> (accessed March 23,

military/corporate complex, because corporate interests had become so aligned with the military during the Dirty War period). Menem, like Alfonsín, had pardoned the leaders of the junta in order to placate the Armed Forces, and, according to Bouvard, “the pardon completed the unraveling of the human-rights prosecutions.”⁶⁶ Las Madres, determined to demonstrate their “Rebellion to struggle, courage to forge ahead” (which they had launched as their new slogan against the pardons), brought boxes of written protests to la Casa Rosada (the official residence of the Argentine President) and traveled to Europe, using media appearances from abroad to gain attention for their cause.⁶⁷ The pardons, combined with Alfonsín’s Ley de punto final and Ley de obediencia debida, are referred to as las Leyes de impunidad (Laws of Impunity) -- laws, in the view of the HROs, that granted impunity for crimes against humanity.

The pressure exerted by the Armed Forces on the Government, and Alfonsín’s and Menem’s accommodation to the military’s threats and demands, has led to the (critical) labeling of this period of history in Argentina as the era of “*políticas de olvido*”⁶⁸ or the “politics of forgetting.” Even though the state claimed to sanction las Leyes de impunidad “in the name of national security, economic stability, and progress,”⁶⁹ a large part of society believed that the laws and pardons signified the beginning of a process of forgetting the genocide of the Dirty War and filing it away as a

2011). “La reacción inicial fue la de la movilización popular y la unidad de los partidos políticos contra la extorsión corporativa.”

⁶⁶ Bouvard, *Revolutionizing Method*, 211.

⁶⁷ Bouvard, *Revolutionizing Method*, 213.

⁶⁸ Silvia R. Tandeciarz, “Citizens of Memory: Refiguring the Past in Postdictatorship Argentina,” *PMLA* Vol. 122, No. 1, (January 2007), 152.

⁶⁹ Tandeciarz, “Citizens of Memory,” 152.

closed chapter in the Nation's history -- that without true justice, the memory of what had happened and the lives that had been lost would begin to fade. According to Guembe, the Government's political concessions to the military "made it necessary for civil society to assume a role of vigilance, to continually file complaints, and to search for and systematically piece together information."⁷⁰ Thus, HROs have increasingly seen their work and activism as what might be called "memory work" -- a political stance against forgetting.

The HROs' struggle to invalidate the Laws of Impunity would continue for at least another decade. During this time, resistance also took the form of international rebuke. As Clarín reported, "in 1993, the Inter-American Commission on Human Rights attacked these laws, together with the pardons, as damaging and invalid in light of the Inter-American Commission on Human Rights of the Organización de los Estados Americanos (OEA) (Organization of the American States), despite which the Government did nothing to remove them from legislation."⁷¹ Thus, although the Argentine Government was confronting both internal civil opposition and international condemnation concerning the legitimacy or constitutionality of the Leyes de impunidad, the Government remained steadfast in its defense of the Laws of Impunity for several years.

⁷⁰ Guembe, "Challenges on the Road to Memory," 64.

⁷¹ Daniel Malnatt, "Polémica entre juristas por el alcance de la derogación," 03.02.1998, *Clarín.com* <http://edant.clarin.com/diario/1998/02/03/t-00701d.htm> (accessed March 23, 2011). "En 1993, la Comisión Interamericana de Derechos Humanos fulminó a esas leyes, al igual que a los indultos, como lesivos y nulos a la luz de la Convención Interamericana de Derechos Humanos de la OEA, pese a lo cual el gobierno no hizo nada por removerlas de nuestra legislación."

Finally, in 2001, a federal judge declared that both *la Ley punto final* and *la Ley de obediencia debida* were unconstitutional and, in 2003, both laws were nullified by the National Congress.⁷² But, before the Laws of Impunity were declared unconstitutional, the country had gone through a tortuous and somewhat chaotic twenty-year process in an effort to come to terms with events of the military dictatorship. The implementation and then invalidation of the Laws of Impunity involved much more than just how to deal with and reconcile the claims of both victims and perpetrators. At the core of the process of reconciliation was a struggle over how the memory of military dictatorship should be remembered and how to fit the period of the National Reorganization Process into the historical narrative of the nation.

In the case of both the Holocaust and the Dirty War in Argentina, it might be said that there are two forces acting on memory and how the history of these events might be written -- and that these affect and inform how we assign culpability. There are those wishing to condemn the perpetrators in such a way that the genocidal event will be divorced from all other tragic historical events -- and acknowledged in the historical narrative as having inflicted unique and incomparable suffering that is a present and ongoing reality in the society affected by genocide. HROs and survivor groups believe that they can stave off what Feierstein calls symbolic realization of the genocide by treating the memory as an ongoing project of creation. Opposing this impulse are those who bear the burden of the perpetrator memory. Daniel Goldhagen's critics and the Argentine Armed Forces, in their efforts to emphasize the ordinariness of the crimes committed (or in the Argentine case, label the event as nothing more than a symmetrical

⁷² Robben, "How Traumatized Societies Remember," 150.

two-sided war) would prefer that the events of the past be contextualized, filed away, and essentially forgotten as just another unfortunate chapter in history. In Feierstein's terms, whereas the victims and HROs fear the sort of forgetting that runs the risk of symbolic realization of the genocide, the state and the perpetrators have no such fear -- and would prefer that past crimes become woven into the state's historical narrative and obscured by the subsequent tragic events.

III.

REPARATIONS

Introduction

In *Reparations for Victims of Genocide, War Crimes and Crimes Against Humanity*, Carla Ferstman, Mariana Goetz, and Alan Stephens write, “No amount of material reparation can heal the psychological scars which remain indelible on those who have been abused and traumatized. These can never be restored except in a damaged state.”¹ That much is a given. The formulation and execution of a comprehensive and generally acceptable reparation scheme is virtually impossible. The perpetrators, even if willing, could never restore all they have destroyed culturally, psychologically, and physically. Furthermore, the issues that arise regarding reparation, restitution, or compensation in the aftermath of genocide are usually not based on the question of whether reparations can be justified in some moral or legal sense. It is generally accepted that, at least as far as the perpetrators or the perpetrator state are concerned, some form of reparations may be a necessary part of coming to terms with the moral consequences of genocide.

In the case of the Holocaust and, for its own particular reasons, also in the case of the National Process of Reorganization in Argentina, the project of creating agreements

¹ Carla Ferstman, Mariana Goetz, and Alan Stephens, *Reparations For Victims of Genocide, War Crimes and Crimes Against Humanity: Systems in Place and Systems in the Making* (Leiden: Koninklijke Brill NV, 2009), 5.

and laws regarding reparations had “no precedent”² -- even though the process in Argentina could obviously refer back to the what occurred during the post-War period in Europe. In the case of both the reparation agreements after the Holocaust and in dealing with the victims of Argentina’s state terrorism, it has been said that “history is disqualified”³ when searching for resources or references in the creation of compensatory laws. Nonetheless, two very concrete, carefully planned, and far-reaching reparations schemes were created and executed -- although whether they were comprehensive enough was itself subject to debate in certain respects. To quote Regula Ludi, “The postwar compensation payments offered to Holocaust victims often serve as the model for amendments of past wrongdoing.”⁴ In a comparably admiring tone, Guembe writes that the economic reparations agreements in Argentina have been “quite outstanding in the international arena in terms of their reach.”⁵

The reparations agreements that were signed in Luxembourg in 1952 were historically unprecedented in the sense that, unlike in instances of war, Nazi Germany had to pay reparations not to a victorious state but to a victimized *people*. Although the state of Israel was to become, as we shall see, a key player in the reparations process on behalf of the victims of the Holocaust (and on its own behalf), the state of Israel did not

² “Reparations from Germany.” Jerusalem Center for Public Affairs. www.jcpa.org/text/knesset_debates/Reparations_from_Germany.pdf (accessed March 1, 2012), 704.

³ “Reparations from Germany,” 717.

⁴ Regula Ludi, “The Vectors of Postwar Victim Reparations: Relief, Redress and Memory Politics,” *Journal of Contemporary History*, Vol. 41 (3), (SAGE Publications, 2006), 426.

⁵ María José Guembe, “Economic Reparations for Grave Human Rights Violations: The Argentinian Experience,” in *The Handbook of Reparations* ed. Pablo De Greiff (Oxford: Oxford University Press, 2006), 20.

exist during the Holocaust. Furthermore, at the time that the reparation agreements came together, the Federal Republic of Germany (FRG) (West Germany)⁶ and Israel had “no diplomatic relations at any level”⁷ -- so that the claims pressed by Israel were not made on its own behalf but on behalf of the Jewish people who were the victims of the Holocaust. It was also somewhat unprecedented that, in addition to the FRG and the state of Israel, there was also a third party involved in the reparations process -- the Conference on Jewish Material Claims (the so-called “Claims Conference”), a group made up of close to a couple of dozen non-governmental Jewish organizations. As Leslie Sebba has pointed out, this three-party “phenomenon” is “explicable only in terms of the traumatic events of the preceding years, which shattered even the normative framework of international law.”⁸ At all events, these three bodies, most of which had not existed during the Holocaust, were ultimately charged with and put in the position of negotiating levels of compensation and the mechanics for resettlement for which there was no historical paradigm. But, the sentiment in favor of reparations was not unanimous.⁹

⁶ According to the Jerusalem Center for Public Affairs’s publication, “Reparations from Germany,” unlike West Germany, East Germany “consistently considering itself as a victim rather than an heir to the perpetrators of Nazi atrocities, never considered the question of reparations.” 703. Constantin Goschler calls East Germany’s dealing with the restitution of Jewish property “a story of non-restitution.” Constantin Goschler, “Jewish Property and the Politics of Restitution in Germany After 1945,” in *Robbery and Restitution: The Conflict over Jewish Property in Europe*, ed. Martin Dean, Constantin Goschler & Philipp Ther (New York & Oxford: Berghahn Books, 2007), 113.

⁷ Leslie Sebba, “The Reparations Agreements: A New Perspective,” *Annals of the American Academy of Political and Social Science*, Vol. 450, Reflections on the Holocaust: Historical, Philosophical, and Educational Dimensions (Sage Publications Inc., Jul., 1980), 206.

⁸ Sebba, “The Reparations Agreements,” 206.

⁹ According to Constantin Goschler, even among Jewish groups that *did* favor reparations, there existed differences in opinion regarding “the question of who should be the legitimate heir to Jewish property.” The Jewish Agency for Palestine, for example, believed that restored assets should go toward the “reconstruction of Jewish life in Palestine” whereas other groups, such as the Axis Victims League and the American Association of Former European Jews, “took a decisive anti-Zionist and nondemoninational

Indeed, there was a substantial body of dissenting opinion (which was evident in the debates in the Knesset) that opposed reparations as morally corrupt and as a means of “forgetting” and diminishing the historical significance of the Holocaust through the very process of compensation and reconciliation.

Creating a reparations scheme was no less novel in Argentina, but for different reasons. Most challenging for the state was the legal classification of the victims of state terrorism as “disappeared.” This posed problems as “the civil code distinguishes between [only] living and dead persons.”¹⁰ Since the families of the victims refused to accept that their loved ones were “deceased” as opposed to “disappeared,” a disconnect resulted: reparations could not be given to the victims who were disappeared (not present) and likewise could not be given to their families, precisely because the victims were “disappeared” and not deceased. As Alicia Pierini, the Undersecretary for Human Rights, has said, “[T]here was no precedent either in national legislation or in comparative law; hence, we had to create the legal formulation from scratch.”¹¹ As we have seen was the case with the Laws of Impunity, the strongest and most persistent voice against reparations following the Dirty War in Argentina has also been la Asociación Madres de Plaza de Mayo presided over by Hebe de Bonafini. Opposition to reparations in the case of the Holocaust, especially within Israeli society, spanned across all social sectors and political parties. In the case of Argentina, la Asociación represents

stance.” Jewish communities in Germany, by contrast, “were afraid that aggressive efforts for the restitution of Jewish property might cause a resurgence of antisemitism.” These diverging perspectives and attitudes among those in favor of compensation demonstrate the complexity and division that existed within each side of the debate. Goschler, “Jewish Property and the Politics of Restitution in Germany After 1945,” 114-115.

¹⁰ Guembe, “Economic Reparations for Grave Human Rights Violations,” 35.

¹¹ Guembe, “Economic Reparations for Grave Human Rights Violations,” 36.

a more narrow (and marginalized) group within the HRO movement in Argentina, even if it is regarded as one of the most influential HRO groups in Argentina and given a disproportionate amount of media attention. Yet, this difference aside, the arguments and rhetoric employed by the branch of la Asociación opposed to reparations echo the arguments and rhetoric in the Knesset debates concerning German reparations nearly thirty years earlier.

Unsurprisingly, due to its sheer magnitude, the reparation process in the aftermath of Holocaust involved a much more complex array of issues and problems than the Argentine government confronted in creating a reparation scheme following the Dirty War. Nonetheless, despite the distinct nature of the two genocides (which includes but extends far beyond the number of victims hoping to receive government acknowledgement through compensation), both victims of the Holocaust and victims of Argentina's state terrorism voiced parallel objections to accepting reparations from the perpetrator group. In both cases, certain victims voiced the fear that the acceptance of reparations would create closure in the memory struggle, allow for negotiation with the perpetrator group (which, to the victims and victim families, signified nothing less than allowing the perpetrator group to pay off its moral debt), and symbolize the ultimate step in the reconciliation process that can only be succeeded by forgetting the significance of the genocide that occurred.

Symbolically, reparations hold the perpetrators responsible (at least partially) for their past crimes and demonstrate government acknowledgment of victim suffering. Proponents of genocide reparations argue that this acknowledgement has far reaching societal benefits and "can contribute to the individual and societal aims of rehabilitation,

reconciliation, consolidation of democracy and restoration of law.”¹² For many victims and victim groups, however, this is precisely the problem. For them, what is destroyed, stolen, and lost as a consequence of genocide cannot simply be compensated, or repaid, or replaced. There is no way of compensating for all that is lost in genocide; there is no way of bringing back the dead. As Elie Wiesel stated during the Opening Ceremony Remarks at the United States Holocaust Memorial Museum, “Even if we could receive, as a gesture of compensation or an act of repentance, all the money in the world, it would not diminish the pain we feel for the death of one Jewish child in Birkenau.”¹³ That being the case, the question that arises among victims and victim groups is whether the whole concept of reparations somehow debases the significance and magnitude of what has occurred -- precisely by monetizing loss, providing some “semblance” of punishment and recompense, and, most importantly, bringing a sense of closure to what the victims do not want “forgotten” and buried as part of history of the past.

In what follows, I will focus on the debates about the *moral* consequences and objections to reparations after genocide, rather than objections to particular flaws, loopholes, or inequalities that the two reparation schemes may present (objections, it should be noted, that would be raised no matter how exhaustive or far-reaching the agreements might be perfected to be). Additionally, for the purposes of this thesis, and in order to provide a more holistic portrayal of the controversial aspects of reparations, I plan, instead of focusing on individual stories and cases of reparations, to concentrate on the

¹² Fesrtman, Goetz, and Stephens, *Reparations For Victims of Genocide*, 8-9.

¹³ Elie Wiesel, “Opening Ceremony Remarks at the United States Holocaust Memorial Museum Elie Wiesel: Founding Chairman, United States Holocaust Memorial Council and Nobel Laureate,” in *Washington Conference on Holocaust Era Assets November 30 – December 3, 1998: Proceedings*, ed. J.D. Bindenagel (Department of State Publication 10603 Bureau of European Affairs, 1999), 16.

more general and overarching debates that took place, in the case of the Holocaust, in Sitting 38 of the Second Knesset relating to the Luxembourg Agreement, and, in the case of Argentina, through the objections raised by la Asociación Madres de Plaza de Mayo.

Holocaust Reparations and the Debates in the Knesset

In September of 1951, nearly five years after the conclusion of the International Military Tribunal (IMT) at Nuremberg, Chancellor Konrad Adenauer of West Germany announced that, ““unspeakable crimes have been committed in the name of the German people, calling for moral and material indemnity.””¹⁴ Although direct negotiations between the West German Government and Jewish groups (including possibly the state of Israel) regarding reparations had seemed (at some point) inevitable,¹⁵ it was this submission by Adenauer that triggered an organized meeting of 23 Jewish national and international organizations¹⁶ in New York and the creation of the Conference on Jewish Material Claims Against Germany (also known as the Claims Conference) to deal with the German Government regarding the issue of reparations. (Today, the Claims Conference acts as an umbrella for various funds including the so-called “Article 2 Fund,” which allocates monthly pensions to qualified Jewish victims of the Holocaust,

¹⁴ “History of the Claims Conference.” Claims Conference: The Conference on Jewish Material Claims Against Germany. <http://www.claimscon.org/?url=history> (accessed March 1, 2012).

¹⁵ Yehiam Weitz, “The Reparation Negotiations in Israeli Politics: An Introduction,” in *The Reparations Controversy: The Jewish State and German Money in the Shadow of the Holocaust 1951-1952*, ed. Yaakov Sharett (Tel Aviv: The Moshe Sharett Heritage Society, 2011), 6.

¹⁶ “History of the Claims Conference.” Claims Conference: The Conference on Jewish Material Claims Against Germany.

and the Central & Eastern European Fund (CEEF), which gives compensation to other victims in Central and Eastern Europe and the former Soviet Union.)

The Reparations Agreement -- also called the Luxembourg Agreement and signed in Luxembourg in September 1952 -- was the product of tripartite negotiations between West Germany (i.e., the FRG), the state of Israel, and representatives of the Claims Conference. The two *initial* protocols that resulted called for “laws that would compensate Nazi victims directly for indemnification and restitution claims arising from Nazi persecution”¹⁷ and the transfer of DM 450 million (the equivalent of about \$107,000,000 U.S.) from West Germany to the Claims Conference. In addition to the DM 450 million to the Claims Conference, an additional DM 3 billion in monetary relief was payable to the state of Israel over a 14-year period. (These reparation payments became a major component of the national economy of Israel, which had absorbed and resettled 500,000 survivors of the Holocaust.)

An analysis of the objections raised in the 38th Sitting of the Second Knesset in January 1952 that preceded the signing of the Luxembourg Agreement and these protocols indicates how conflicted the debate was, especially in Israel, over the philosophical and moral dimensions of reparations. There was an entrenched body of opinion within the Knesset (and, in fact within the worldwide Jewish community) that expressed “revulsion against any contact with Germany and the acceptance of ‘blood money.’”¹⁸ According to Yehiam Weitz, the reparations issue “agitated the Israeli public

¹⁷ “History of the Claims Conference.” Claims Conference: The Conference on Jewish Material Claims Against Germany.

¹⁸ “Reparations from Germany,” 703.

for many months” and opposition ranged across “the Zionist Left (the Marxist, pro-Soviet Union United Workers Party, Mapam) and the non-Zionist Left (the Israel Communist Party, IPC).”¹⁹ It also involved the more conservative, right-leaning *Herut* party, whose founder, Menachem Begin, was one of the most prominent voices against the Reparations Agreement. On close analysis, underlying these objections -- which were raised in what has been called “the most dramatic, soul-searching and heated debates in the Knesset”²⁰ -- was the concern and fear that, by agreeing to reparations, the memory of the victims of the Holocaust would be degraded and, perhaps more importantly, that the process of reparations and reconciliation itself would bring to a close (and actually work against) the ongoing struggle on the part of victim groups to keep the memory of the Holocaust and its six million victims alive.

Launching the Knesset debates, David Ben-Gurion, the Prime Minister and leader of the *Mapai* party, and one of the chief proponents of reparations, proclaimed, “Let not the murderers of our people also be their heirs!”²¹ At the time of the Knesset debates, Israel was suffering economically in its struggle to recover from the Arab-Israeli War, which had ended in 1949, and in its efforts to absorb the mass immigration Jewish refugees from the Holocaust. Ben-Gurion was careful to acknowledge that “no reparations, no matter how large they might be, could void the annihilation of millions of Jews and the destruction of their cultural assets.”²² Nonetheless, Ben-Gurion, from a

¹⁹ Weitz, “The Reparation Negotiations in Israeli Politics: An Introduction,” 1.

²⁰ “Reparations from Germany,” 703.

²¹ “Reparations from Germany,” 708.

²² “Reparations from Germany,” 707.

realist standpoint, argued -- essentially from a point of view of statecraft -- that reparations from West Germany were the only way for the new and fragile state of Israel to absorb the influx of Jewish refugees and sustain itself economically. For Ben-Gurion, moral considerations needed to be balanced against the political realities of the time. Ben-Gurion said that the government had calculated that \$1.5 billion would be necessary for the “absorption and rehabilitation of the half a million immigrants from the countries under Nazi rule.” That was a reality that he felt could not be avoided when considering the issue of reparations -- even though he acknowledged that, “according to the documented estimation of authorities on the subject, the theft was many times greater.”²³ Ben-Gurion was not alone. The case for reparations was also supported by Foreign Minister Moshe Sharett, Director General of the Ministry of Finance David Horowitz, and the Minister of Labor, Golda Meyerson (who later changed her name to Golda Meir and still later became Prime Minister herself).

As the arguments in the Knesset make clear, for the opponents of the Reparations Agreement, accepting compensation from Germany was reprehensible in both historical and moral terms -- notwithstanding that reparations would mean economic recovery for victims and their families and the strengthening of the newly created Jewish state. There was a strong sentiment that introducing the concept of compensation into any discussion of the Holocaust would deprive the Holocaust of its unique historical status, degrade the memory of the victims, and, to use Feierstein’s terminology, run the risk of symbolically realizing the genocide by treating the Holocaust as just another legal matter to be dealt with and put in the past. In the context of the times and understanding Israel’s desperate

²³ “Reparations from Germany,” 705.

economic situation and the amount of money involved (money that would be used directly to the benefit of Jews), the objections raised against accepting reparations are extremely revealing in this respect.

One of the first and strongest opponents in the Knesset was Elimelech Rimalt of the General Zionists, a more or less centrist party in the Israeli political universe. In his response to those advocating an agreement with Germany regarding reparations, Rimalt raised the question of moral integrity. In this regard he asked, "Have we imagined to ourselves the moral destruction which will ensue? For we are a people with something peculiar, a special Jewish spiritual uniqueness, without which there is no hope This uniqueness guarded us through all the generations and did not allow us to be destroyed."²⁴ In this claim to the spiritual uniqueness of the Jewish people, what Rimalt was pointing to is the Jewish doctrine of "prohibition against benefit" (a general concept that one should not benefit from the loss of others and that there was no compensation for certain types of loss). For Rimalt, in accepting German reparations, the Jews would not only act in contradiction to the religious tenets that had historically sustained (and authenticated) them through the ages, but they would lose their "uniqueness" -- a religious, cultural, a social uniqueness that the Nazis tried so desperately to destroy in the annihilation of six million of its people.

Returning for the moment to Feierstein's sixth moment of the genocidal process, Feierstein argues that the aim of genocide does not culminate in the physical annihilation of the victim group but in the reorganization of the social relations in the society that the victim group once inhabited. The perpetrators, through physically annihilating the victim

²⁴ "Reparations from Germany," 713.

group, intend to create a society which operates as if the victim group had never existed -- and, along with the physical destruction of the victim group, this calls for the subsequent destruction of all cultural, religious, and social remnants of the victim population. Although Feierstein does not go so far, and although Rimalt and the others opposed to the Reparations Agreement did not put it in these terms, I would argue that the underlying, subconscious concern or fear here, is that, in accepting reparations, the Jews would destroy an essential aspect of their identity.

For Rimalt, the spiritual uniqueness of the Jewish people would be lost in any negotiations with the Germany (the nation of the perpetrator group) regarding reparations, since such negotiations would involve compromising certain of the religious principles on which the uniqueness of the Jewish people was based. This would render the physical annihilation of six million Jews completely meaningless, and also mean that there would follow an annihilation on some level through compromise and compensation of important components of Jewish spiritual and cultural identity. Rimalt, in directly appealing to specific Jewish religious doctrine, was making an argument that reparations would involve the capitulation of important Jewish values and that, in a fundamental way, this would amount to an acceptance on a cultural and symbolic level of the genocide that the Holocaust attempted to realize in the physical domain.

The rationale that it was both the prerogative and obligation of the Jewish people, in the aftermath of the Holocaust, to preserve, protect, and promulgate its unique and defining characteristics can even be found in the arguments made by proponents of reparations. MK Yitzhak Raphael of the *Hapoel Hamizrachi* party (a somewhat more conservative Zionist-based party), while acknowledging that “building up the country

calls for sacrifices, physical and mental alike”²⁵ (including the mental sacrifice of entering into direct negotiations with the FRG on reparations), also maintained that any agreements should be negotiated specifically by Holocaust survivors who would ensure a necessary linkage between the victims, their religion, and reparations: “our representatives at the negotiations should not be of German extraction. Our people should speak to them through an interpreter. They should include Holocaust survivors who experienced the atrocities.”²⁶ Although Raphael argued that reparations were necessary to address Israel’s grave financial situation and to aid the recovery and rehabilitation of survivors, his argument -- the way that he hoped to convince the Knesset -- was that agreements could be reached without sacrificing any aspect of the Jewish identity. In making the issue of the preservation of Jewish identity a key component in their Knesset speeches, Rimalt and Raphael (a staunch opponent and strong proponent of genocide reparations, respectively) both acknowledged what was at risk in accepting genocide reparations. Even those in favor of reparations understood that reparations can be part of a type of reconciliation that lends itself to the forgetting of both the perpetrator crimes and the victim group’s role and contribution within the affected society.

This sense that what might be at risk in the process of reparations was nothing less than a “loss” (or detachment from) the memory of the Holocaust and a depreciation in the value of its historic uniqueness -- what we have called for purposes of analysis “symbolic realization” of the genocide -- was not a limited, but a persistent and

²⁵ Sharett, Yaakov, editor. *The Reparations Controversy: The Jewish State and German Money in the Shadow of the Holocaust 1951-1952* (Tel Aviv: The Moshe Sharett Heritage Society, 2011), 177.

²⁶ Sharett, *The Reparations Controversy*, 178.

continuing part of the Knesset debates. For example, another key speaker in the Knesset debates who opposed reparations was Yaakov Hazan. Hazan belonged to *Mapam* party (United Workers Party), indicating again that opposition to reparations was, rather than a one-party or particularly political phenomenon, a sentiment that spanned both the right and the left of Israel's political spectrum. Taking a different approach against reparations than Rimalt (albeit with no less forceful and evocative rhetoric), Hazan argued that negotiations with Germany would mean "the denial of the heroic struggle of the ghetto fighters, a betrayal of the hell of suffering experienced by the Jewish people."²⁷ This argument, too, demonstrated a perceived relationship between economic compensation and the risk of what Feierstein has termed "symbolic realization." For Hazan, entering into discussion with what he considered "a government run mainly by ex-Nazis, and whose army is already Nazi"²⁸ would signify the last insult to those who had died in the Holocaust, but, beyond this and more importantly, would mean an acceptance by the victims' own people that closure, reconciliation, and normalization was possible and that the genocide could be put in the past.

The most prominent voice in opposition to reparations with West Germany, however, was Manachem Begin, founder of the *Herut* party, a major right-wing party that ultimately was absorbed in today's *Likud* party; and we can see in Begin's opposition the same concerns about the effect of reparations on the process of memory. Begin was born in Poland and, at the age of sixteen, joined the nationalist youth movement *Betar* (*Brit Trumpeldor*), part of the Zionist Revisionist Movement. After receiving his law degree

²⁷ "Reparations from Germany," 715.

²⁸ "Reparations from Germany," 716.

in 1935, he was imprisoned for helping to lead a demonstration in front of the British Legation in Warsaw against British influence in Palestine. Shortly after the outbreak of the Second World War, Begin was arrested in 1940 by the Soviets (ironically on suspicion of being a British agent) and sent to a Gulag. As the Holocaust unfolded and the War progressed, many of his family members (including his father and mother and brother) became Holocaust victims.²⁹ Begin had arrived in Palestine as part of the Polish Anders Army in 1942 and had subsequently become part of the *Irgun* (a Zionist paramilitary group), an original member of the Knesset, and eventually Prime Minister in 1977.

Echoing Rimalt's call to preserve the "spiritual uniqueness" of the Jews, Begin insisted that the important point against reparations is that "the money will be used up, will eventually disappear, but the shame will remain."³⁰ (Emphasis added.) Begin pointed out that Israel could expect, at most, \$300 million in West German goods, while the amount plundered and looted was estimated at a value of \$6 billion, but, more important than the monetary calculus, what was important for Begin was that there be no capitulation, no reconciliation -- that the wound of the Holocaust remain open to preserve the memory of the victims and the guilt of the perpetrators. For this reason, Begin argued that Israel must neither ask for nor accept any sort of reparations. He claimed, "if you do not go to Bonn, then the property remains plundered and Israel's claim still stands; but if you go to Bonn and sign an agreement . . . you announce . . . that

²⁹ Sharett, *The Reparations Controversy*, 390.

³⁰ "Reparations from Germany," 731.

95 percent of the Jewish property is to remain in the hands of the murderer.”³¹ In other words, for Begin, reparations meant acceptance, and acceptance would become a form of validation, which ultimately would mean that the Holocaust would be forgotten on some level and hence lose its historical significance. In referring to the Germans in Bonn as “the murderer,” Begin was really saying two things: that, as a political reality, the Nazis had not lost their power and influence in aftermath of the War, but also that, as a symbolic matter, the taint of the Holocaust should not be so easily removed from the German people.

In Begin’s speeches before the Knesset, we can therefore also see very direct links between the collection of reparations and the forgetting of the tragedy. He asked “how can we teach the gentile world and Jewish youth not to forget and not to forgive extermination . . . ? I therefore demand that the government or the Knesset decide and publicly state that the phrases implying that the State of Israel recognizes the restoration of Germany into the community of nations be annulled.”³² For Begin and the other opponents of genocide reparations, a financial settlement would constitute nothing less than allowing the German nation -- the nation that “burned our fathers, drowned our mothers, smashed the heads of our babies against rocks, made mattresses from the hair of our sisters, soap from or brothers’ bone marrow”³³ -- to close a chapter on its past and restore its legitimacy.

³¹ Sharett, *The Reparations Controversy*, 179.

³² Sharett, *The Reparations Controversy*, 83.

³³ Sharett, *The Reparations Controversy*, 82.

In spite of his extreme rhetoric (he called Ben-Gurion, his arch political enemy, both a “maniac” and a “murderer”), Begin received remarkably widespread support and incited a mass protest against reparations in Tel Aviv involving 15,000 demonstrators -- predominately made up of, but ranging beyond, members of the *Herut* party. Rallied by Begin, the demonstrators marched on and stoned the walls of the Knesset building and a riot ensued in which many of the protestors, police, and some Knesset members were injured. According to reports, the police required five hours to quell the demonstration and ended up arresting hundreds of demonstrators.³⁴ The extent to which Begin’s radical rhetoric and arguments resonated with the public and the highly fraught atmosphere in which the Knesset debates were held demonstrate not only how prevalent anti-German sentiment remained in Israel, but also the fear that the memory of the Holocaust and its victims was already by 1952 being overtaken (and set to the side) by economic and political concerns.

The proponents of the Reparations Agreement with Germany believed that Israel could sit and negotiate with Germany no differently than, in the words of Golda Meyerson, “a victorious nation sits with a vanquished nation.”³⁵ For the opponents, however, this was both a moral impossibility and a mistake in terms of crafting the historical significance of the Holocaust. Reparations would allow West Germany to re-enter the world community as a legitimate state less than a mere decade after perpetrating a genocide that killed six million people and would, in the eyes of many Jews, “demand

³⁴ Sharett, *The Reparations Controversy*, 385.

³⁵ “Reparations from Germany,” 741.

restitution without showing any signs of conciliation and forgiveness.”³⁶ And this would symbolize that the Jews were willing to move on and, in the process, forfeit their unique Jewish identity and the historical significance of the Holocaust itself. In other words, in terms of the Feierstein model and our analysis of how genocide can be “perpetrated” and fulfilled on a symbolic level, it would mean that, through acceptance, and forgiveness, and reconciliation, the Jews would ironically be realizing for themselves (and by their own doing) the cultural genocide underlying the physical or material intent of the Final Solution. Precisely the same sort of objections and fears are also evident in an examination of the prominent voices opposing reparations after Argentina’s “Dirty War.”

The Argentine Case

When compared to the debate and associated violence that the issue of Holocaust reparations provoked in Israel following the War, the controversy concerning both reparations in the aftermath of the National Reorganization Process in Argentina might be seen as less intense and certainly less dramatic. As we shall see, however, the issue of reparations has in many ways become a more entrenched, persistent, and ongoing part of the Argentine national dialogue than what occurred in Israel (or West Germany) after the war. Unlike reparations in the case of the Holocaust, this was due in no small part to the fact that the issue of reparations (like other forms of reconciliation) needed to be worked out in Argentina *within* the politics and social order of the state that had perpetrated the genocide against its own citizens. Additionally, the political origins of the Dirty War not only remained unresolved but continued (and still continue) to be a contested chapter in

³⁶ “Reparations from Germany,” 722.

the Argentine national narrative. Unlike Germany, which was a defeated nation willing to accept reparations as a means of moving beyond the horror of National Socialism and re-entering the community of nations, and unlike Israel, the Jewish state created in the ashes of the Holocaust, Argentina in the aftermath of the Dirty War was a society composed of *both* perpetrators and the victims -- each of which had very different views of what was at stake and had occurred during the period of the military dictatorship between 1976 and 1983 and each of which had their own reasons for resisting any form of reconciliation.

In the foregoing circumstances, in which the “memory” of the Dirty War was still being contested by both sides and both sides were still important components of Argentine society following the collapse of the military dictatorship, it is perhaps not surprising that the notion of reparations, as well as other forms of reconciliation, was itself a matter of ongoing dispute. Following the collapse of the military dictatorship, the state attempted to ameliorate these conflicts through a series of moves that were intended to placate one side or another.³⁷ As previously mentioned, Alfonsín almost immediately nullified the military’s self-amnesty decrees and established CONADEP, but he also then bent to pressure from the military by imposing a 60-day time limit to bring claims against

³⁷ Interestingly, in terms of compensation or reparations, the military government, just before its final collapse and the transition to democracy, attempted to establish as sort of parity or equivalence between both the perpetrators and victims of the Dirty War. As Mallinder reports: “Despite attempting to deny victims and their relatives their rights to truth or justice, the Law of National Pacification provided for the enactment of a ‘special law’ to ‘determine compensatory regulations on the part of the State’. Following the elections in October 1983, on 2 November 1983, the military government enacted Law No. 22.962 aimed at ‘guaranteeing the rights of those injured to receive fair compensation from the state’, as established in Article 6 of the Law of National Pacification 1983. This law extended to victims of both state and guerrilla violence. It was planned that the compensation would be funded by the state lottery, and that the beneficiaries and amounts given would be determined by the executive branch, but ‘acting under the control of the judiciary’.” (Mallinder, 19).

those involved in human rights violations during the Dirty War (the so-called Final Point legislation enacted in 1986) and (in 1987) exempting from prosecution everyone below the rank of lieutenant colonel who had actively participated in the “antisubversive struggle.”³⁸ Unlike what occurred following the end of the War in Germany and Israel, where discussion of the Holocaust was for a number of years initially repressed and internalized, the “memory struggle” concerning the Dirty War was, very soon in the period following the collapse of the military dictatorship, a highly conflicted and “contested, contradictory, and heterogeneous process of selective memories among different groups.”³⁹

On the one hand, the military leaders, which remained an important political force in Argentina, largely held the belief that the National Reorganization Process was justified, and that no form of apology, let alone prosecutions and reparations were appropriate. Robben quotes Admiral Massera’s testimony at his trial in 1985 as representative of the military’s version the correct “history” of the Dirty War:

I have not come to defend myself. Nobody has to defend himself for having won a just war. And the war against terrorism was a just war. Nevertheless, I am put on trial here because we won that just war. If we would have lost it then we wouldn’t be here – neither you nor we -- because the highest judges of this Chamber would have been replaced some time ago by turbulent people’s tribunals, and a ferocious and irrecognizable Argentina would have replaced our Fatherland. But here we are. Because we won the military war and lost the psychological war.⁴⁰

³⁸ Antonius C. G. Robben, “How Traumatized Societies Remember: The Aftermath of Argentina’s Dirty War” *Cultural Critique*, No. 59 (University of Minnesota Press: Winter, 2005), 60. <http://www.jstor.org/stable/4489199> (accessed January 5, 2011).

³⁹ Robben, “How Traumatized Societies Remember,” 127-128.

⁴⁰ Robben, “How Traumatized Societies Remember,” 136.

Aside from casting itself as the nation's defender in a justified war against insurgency and initially denying that that mass disappearances actually took place, the military tended also to see itself as the "victims of political persecution" and tried, in fact, to erect memorials in honor of the heroes and victims of the military's "war against the Marxist subversion."⁴¹ These views obviously informed and complicated any discussion or reparations or other forms of reconciliation following the end of the military dictatorship.

As Bonner notes, the whole topic of reparations was and continues to be "very controversial in the human rights community."⁴² The division can be seen in the opposing views of two lines or factions of las Madres movement. The "founding" line, las Madres de Plaza de Mayo Línea Fundadora, supported reparations as a means of compensating the victims of the crimes of the military dictatorship, whereas the more radical *la Asociación Madres de Plaza de Mayo* opposed reparations. Beyond the Holocaust-inspired and politically correct *Nunca Más* (Never Again) mantra adopted by CONADEP, the operating slogan of many HROs was *Ni olvido, ni perdon* (Neither forgetting, nor pardon) -- and this was taken quite literally.⁴³ For *la Asociación Madres de Plaza de Mayo* and certain other HROs, reparations would mean not only that the state would be able to buy itself out of responsibility for what had occurred during the Dirty War, but also, and perhaps more importantly in terms of the political fundamentals, that

⁴¹ Robben, "How Traumatized Societies Remember," 137-138.

⁴² Michelle D. Bonner, "Defining Rights in Democratization: The Argentine Government and Human Rights Organizations, 1983-2003," *Latin American Politics and Society* Vol. 47, No. 4 (Blackwell Publishing Winter, 2005), 65 <http://www.jstor.org/stable/4490433> (accessed March 23, 2011).

⁴³ Elizabeth Jelin, "The Politics of Memory: The Human Rights Movements and the Construction of Democracy in Argentina," *Latin American Perspectives*, Vol. 21 (2) (1994), 39 <http://www.jstor.org/stable/2633874> (accessed June 23, 2011).

the state (and the military) would be able use reparations as a means avoiding recognition that the disappeared were not subversives or terrorists.⁴⁴

Additionally, according to Guembe, the whole concept of “disappeared” victims as well as “the incapacity of human rights advocates to speak openly about forced disappearances”⁴⁵ during the military dictatorship created some unforeseen difficulties later on in passing compensatory laws.⁴⁶ Guembe uses the term “incapacity” to refer to the problems that the Argentine HRO movement created regarding reparations through the propagation of the label “*Desaparecidos*.” Although many Holocaust victims were also missing and unaccounted for in the years after the War, the tactic of branding Argentina’s victims with the label and status of “disappeared” was a conscious effort by the affected survivors, families, and HROs to keep the discussion concerning the Argentine genocide open and ongoing. The term *los Desaparecidos* emphasized not only the state’s clandestine methods of kidnap and torture and that the justice secured for the victims’ families remains incomplete, but also lent itself to the idea that the search for the unharmed and live bodies of the victims was ongoing: the term “disappeared” is significantly less conclusive and considerably more open-ended than the more definite victim categories of simply “killed” or “dead.” Accordingly, some families and HROs have utilized the term in order to complicate and forestall the reparations process. In demanding that reparations be addressed to the actual disappeared victims, HROs have

⁴⁴ Bonner, “Defining Rights in Democratization,” 65-66.

⁴⁵ Guembe, “Economic Reparations for Grave Human Rights Violations,” 46.

⁴⁶ The reticence to speak openly about the disappearances during the military dictatorship does not refer to las Madres de Plaza de Mayo, who were rightly regarded as the political conscience of Argentina precisely because of their open and courageous opposition to the military dictatorship. See Robben, “How Traumatized Societies Remember,” 143-144.

purposely made it more difficult for families to exercise their right and claim the allotted compensation.⁴⁷ Through such demands, they hope to slow government attempts of reconciliation and prolong the memory struggle.

In the thinking of many members of the human rights groups in Argentina following the Dirty War, we can also see the same set of objections arise towards government reparations that marked the Knesset speeches in Israel in the early 1950s. Just as many Jews associated reparations with compromising with (and, in a sense, exonerating) Germany, many in Argentina “saw the payments as a consolation prize, and even as a measure for replacing justice”⁴⁸ -- that compensatory laws were simply intended to advance current political agendas without coming to terms with the genocide that had occurred. This view was further enforced by the fact that, as part of the political equation, reparations in Argentina were issued “in the absence of punishment for the perpetrators”⁴⁹ (after the Laws of Impunity were passed and before they were deemed unconstitutional in 2001). And, in the same way that Rimalt and Begin had argued in the Knesset that reparations were a shameful act for the Jewish people (in the sense that the acceptance of compensation from the perpetrator group would contradict certain unique,

⁴⁷ “Responding to pressure for information from the families of the *disappeared*, the junta passed the law on presumption of death because of disappearance in August 1979 (Law No. 22.068) and a law granting economic reparation to families of the deceased (Law No. 22.062). It authorized the families of the *disappeared* to exercise the right which laws regarding pensions and retirements would grant after the deaths of those persons were proved. This law established a quick route to obtaining a pension, which could be paid the day after the first six months of absence. After three years it was necessary to decree legally the death to continue collecting the pension, and anyone registered as missing between November 6, 1974, and September 12, 1979 could be declared dead by the state. The intent of the legislation was to change the status of those who were *disappeared* to ‘presumed dead.’” Marguerite Guzman Bouvard, *Revolutionizing Method – The Mothers of the Plaza de Mayo*. (SR Books, 1994), 139.

⁴⁸ Guembe, “Economic Reparations for Grave Human Rights Violations,” 47.

⁴⁹ Guembe, “Economic Reparations for Grave Human Rights Violations,” 47.

religious teachings of Judaism and, in the process, sacrifice part of what the Nazis sought to destroy), Guembe writes that, in Argentina, “the debate within the human rights movement on this subject was shy, cryptic, and hampered by a strong sense of guilt.”⁵⁰ La Asociación Madres de Plaza de Mayo, in fact, regarded reparations “like prostitution; that it is equivalent to selling the bodies of their children”⁵¹

Echoing the concerns of those in the Knesset who opposed the reparations agreements with Germany, many HROs in Argentina believed that there were fundamental moral, political, and philosophical problems with accepting reparations that were a component part of the Government’s agenda at reconciliation. The HROs’ objections were based on the belief that the symbolic taint of the country’s government as human rights abuser and criminal (instead of protector) should not be so easily removed. It was their belief, after all, that the purpose of CONADEP was “truth and adversity, not reconciliation and forgiveness.”⁵²

The call for reparations after Argentina’s years of state terrorism can be traced back to 1984 as part of the Alfonsín government’s efforts at accommodation and reconciliation, and when CONADEP published the recommendation that -

‘Norms should be enacted in order to provide economic assistance to the children and/or family of the disappeared persons during the repression: scholarships, social assistance, and job positions. Likewise, measures deemed convenient for alleviating the social and family problems created by the forced disappearance of persons should be taken.’⁵³

⁵⁰ Guembe, “Economic Reparations for Grave Human Rights Violations,” 47.

⁵¹ Bonner, “Defining Rights in Democratization,” 66.

⁵² Robben, “How Traumatized Societies Remember,” 131.

⁵³ Guembe, “Economic Reparations for Grave Human Rights Violations,” 22

Although the CONDADEP recommendation was a significant first step, the reparations movement really took hold when HROs and a group of jurists combined forces to create el Grupo de Iniciativa para una Convención contra las Desapariciones Forzadas de Personas (the Initiative Group for the Convention against the Forced Disappearance of Persons). In October 1988, el Grupo de Iniciativa organized a colloquium in Buenos Aires with “international experts and nongovernmental organizations (NGOs), as well as the affected persons, and clearly laid out the duties of the State under international law regarding serious human rights violations, including forced disappearances.”⁵⁴ The matters discussed, including the issue of reparations, were later presented to the United Nations.⁵⁵

Unsurprisingly, however, the group’s work immediately sparked opposition from survivors and family members. According to Guembe:

Initially, the possibility of receiving economic reparations had provoked resistance among certain human rights organizations formed by those who were directly affected by the crimes: mothers, grandmothers and other family members. This resistance stemmed from the idea that receiving reparations implied exchanging, for a sum of money, the lives of their disappeared relatives and abandoning their demands for justice.⁵⁶

The basis for the resistance that Guembe describes is very similar to the primary objections voiced by Holocaust survivors and certain speakers in the Knesset debates. Those closest to the victims and *los Desaparecidos* feared that, in accepting reparations and in recognizing the Government’s efforts at reconciliation, the HRO movement and

⁵⁴ Guembe, “Economic Reparations for Grave Human Rights Violations,” 24.

⁵⁵ Guembe, “Economic Reparations for Grave Human Rights Violations,” 24.

⁵⁶ Guembe, “Economic Reparations for Grave Human Rights Violations,” 24.

family members would lose ground in terms of their efforts to keep the issue of the disappeared alive as a means of continuing the conflict and thereby shaping Argentina's national "memory" of what occurred during the Dirty War. The last thing that they wanted during the country's transition to democracy was to allow for any closure (and for them, reparations were a means to such closure) regarding government crimes. As Robben has noted, for many of the same concerns, la Asociación Madres de Plaza de Mayo also opposed exhumation of bodies "in terms of a critique of the ongoing memory construction. A majority felt that, however painful, the wounds of the disappearances had to be kept open to resist a national forgetting."⁵⁷

Despite the fears and opposition of many HROs, including specifically la Asociación, the Government had a clear interest in promoting reconciliation and moving the political discussion beyond the period of the military dictatorship. Accordingly, between 1991 and 2004, a number of different reparation schemes were adopted under the Menem and Kirchner governments creating successive programs for compensating the families of the victims of the Dirty War. In the early 1990's, 270 cases of claims for compensation were presented to the Inter-American Court. The Court (which CELS had designated as a mechanism of international protection and justice for the victims and their families) had already previously ruled that the state owed some form of compensation to the families of victims and ex-political prisoners. In 1991, the Government, in response, adopted a law giving compensation to all of the 270 claimants who had presented their claims through the Inter-American Court. Then, in 1992, the reparation law was extended to provide that victims who had at some point experienced imprisonment could

⁵⁷ Robben, "How Traumatized Societies Remember," 144.

receive a compensation of \$76.66 per day that they had been incarcerated. Addressing the issue of disappeared victims, the Inter-American Court then decided in 1994 that \$240,000 should be awarded to the families of victims for every person who was disappeared during the period of the military dictatorship. According to Guembe, in the face of these reparation schemes, “the main concern of the victims was that the State would be exchanging money for silence about what happened and impunity for those responsible.”⁵⁸ As a means of keeping the issue of the disappeared front and center (and resisting any sort of closure that might relegate the disappeared to just another chapter in the historical record), the families, therefore, demanded that the reparations be officially addressed to the actual disappeared victims themselves, rather than their descendants.

Although the HRO movement in general opposed the moral implications of reparations, the most forceful objection came from la Asociación Madres de Plaza de Mayo. The group voiced its opposition to monetary reparations based on the idea that accepting reparations would acknowledge the deaths of their children and close the chapter on the Dirty War, both of which were unacceptable. In their publication *Nuestras Consignas* (Our Orders), la Asociación stated its opposition to reparations precisely in these terms:

We do not accept putting a price on life: Our children taught us what life is worth. They spent their lives in the service of those who are oppressed and of those that suffer injustice. Las Madres de Plaza de Mayo reject economic reparation and declare that only life is of equivalent worth to life. And that life is only of worth when we give life in service of others. The life of a human, much less, the life of a revolutionary, cannot be equated with money The radicals and “menemistas”⁵⁹ that pardon the

⁵⁸ Guembe, “Economic Reparations for Grave Human Rights Violations,” 35.

⁵⁹ The term “menemista” is used to refer to President Menem’s underlying officials and supporters.

assassins now want to cover their crimes with money Las Madres de Plaza de Mayo continue to affirm that those that collect economic reparations prostitute themselves.⁶⁰

In arguing in this and other *Consignas* that the acceptance of reparations would be no different morally than prostitution, la Asociación was making a similar case against reparations as those voiced in the Knesset debates against the reparations agreement with Germany. The term “prostitution” signifies *moral sacrifice* for the sake of money -- moral sacrifice that debases and degrades something essential to the victim groups’ identity. In publicizing their *Consignas*, the Madres of la Asociación made it clear that they hoped to convince victims and their families to hold themselves to a higher moral standard in order to hold fast to the ideals for which they and their sons and daughters were persecuted.

In a related way, many HROs also opposed reparations on the basis that accepting money would require consensus on issues that might terminate the memory struggle that the HROs believed needed to be kept alive and contested in order to avoid “forgetting.” Part of this belief stemmed from the idea that the creation of a reparations scheme would signify that different groups (the state, the HROs, including la Asociación, and others) had reached consensus on the number of victims and would bring both the actual and

⁶⁰ Asociación Madres de Plaza de Mayo, “Nuestras Consignas,” *Asociación Madres de Plaza de Mayo* <http://www.madres.org/navegar/nav.php?idsitio=5&idcat=32&idindex=25> (accessed March 11, 2012). No aceptamos que se le ponga precio a la vida. Nuestros hijos nos enseñaron el valor que tiene la vida. Ellos la pusieron al servicio de todos los oprimidos, de los que sufren injusticias. Las Madres de Plaza de Mayo rechazamos la reparación económica y decimos que la vida sólo vale vida. Que la vida sólo vale algo cuando la ponemos al servicio del otro. La vida de un ser humano no puede valer dinero, y mucho menos la vida de un revolucionario... Los radicales y menemistas que perdonaron a los asesinos, ahora quieren tapar sus crímenes con dinero. Nadie le va a poner precio a la vida de nuestros hijos. Las Madres de Plaza de Mayo seguiremos afirmando que los que cobran las reparaciones económicas se prostituyen.

symbolic search for victims to an end.⁶¹ For example, in October 1986, the Alfonsín government enacted legislation granting pensions to spouses and direct descendants of the children of disappeared. To do this, the law first had to define who were the victims of forced disappearance. The definition adopted was “those persons who had been deprived of their freedom and had then disappeared, or those who were kept in clandestine detention places or were deprived of their right to due process” -- which seemed reasonably broad and encompassing.⁶² But this and other compensatory laws then had to deal with the actual number of victims who qualified under the definition: an issue that went to the heart of the fundamental disagreements among the various actors involved in the memory struggle and would arise again in the creation of a memory park and monument in Buenos Aires.

According to an article in *Clarín* as late as 2003 entitled “Una duda histórica: no se sabe cuántos son los desaparecidos” (A historical uncertainty: one does not know how many disappeared), CONADEP in 1984 had presented 8,961 cases of disappeared victims. On the other hand, according to the Secretary of Human Rights, there are 13,000 officially registered cases of disappearances.⁶³ The majority of HROs, however, claim that the number is much higher, closer to 30,000. The perpetrators of the genocide, of course, claim the number was quite small in the scheme of things and that, in any event,

⁶¹ As explained elsewhere in this thesis, as the years have passed and the prospects of “returning” the disappeared becomes increasingly more remote, the demands of *las Madres* for the return of their children nonetheless continues to function in a profound symbolic way in the sense that it is a moral demand that can never be satisfied and thus acts to keep the issue of the disappeared alive as part of Argentina politics 30 years after the end of the military dictatorship.

⁶² Guembe, “Economic Reparations for Grave Human Rights Violations,” 26.

⁶³ Pablo Calvo, “Una duda histórica: no se sabe cuántos son los desaparecidos,” *Clarín.com*, October, 6, 2003 <http://edant.clarin.com/diario/2003/10/06/p-00801.htm> (accessed March 23, 2011).

the “disappearances” were part of the military’s legitimate campaign against subversives, revolutionaries, and terrorists. Given the significant loss of life under even the CONADEP calculation, it may seem of questionable importance whether the number is 9,000 or 30,000, but, for the families of the victims and how the historical narrative of the genocide is written, the number of victims and what happened to them has dramatic consequences. Thus, even though the idea of reparations may be motivated by reconciliatory motives at least on the part of the state, any legislation regarding compensation had to deal with unknown information that figured very differently in the memory agendas of the HRO and victim groups, the state, and the perpetrators. In this context, if they were to reach a consensus or a compromise on even the number of victims, many HROs felt that they would be contributing to the genocide. Just as those opposed to the reparations agreements with West Germany argued that the Jews themselves held the power (through the decision of accepting or refusing reparations) to reinforce or repudiate the death the 6 million Jews killed in the Holocaust, la Asociación clearly felt that its choice to accept or reject reparations would have deep consequences for both their political status and their agenda in terms of how they wanted the history of the Dirty War to be written.

It should be noted that the position towards reparations taken by las Madres (that memory should be created based in suffering, not reconciliation) does not represent a universal viewpoint within the complex HRO movement in Argentina; for example, many former political prisoners, especially younger victims aiming to attend school or begin a profession after the democratic transition, wanted and believed that they had a

right to economic reparations.⁶⁴ Nonetheless, the arguments and rhetoric employed by la Asociación Madres de Plaza de Mayo must be considered in any discussion regarding Argentina's ongoing memory struggle regarding the military dictatorship and the Dirty War. Since the founding of las Madres, this particular HRO has been looked upon as the emblematic voice and political conscience of the HRO movement as a result of its open and courageous confrontation with the Government and the Armed Forces during the military dictatorship. And though currently split into two opposing branches, both la Asociación and la Línea Fundadora receive a large amount of media attention and constitute much of scholars' ongoing analysis of the human rights movement in the country. Furthermore, although the HRO movement in Argentina encompasses a wide spectrum of views regarding monetary reparation for human rights abuses and loss of life, all or most of these groups, according to Michelle D. Bonner, "agree that reparation is not sufficient justice and does not prevent the abuses from occurring again."⁶⁵ As noted above, according to Bonner, the problem with reparations as far as most of the HROs are concerned is that, with reparations, "the state can compensate families without recognizing that the disappeared were not subversives or terrorists."⁶⁶ In other words, as long as reparations did not also require the government to yield to the HRO version of the historical narrative, the state could continue in its efforts at reconciliation to employ *la Teoría de los dos demonios* (and thereby give equal credence to the highly questionable

⁶⁴ Yael Daniele, "Massive Trauma and the Healing Role of Reparative Justice," in *Reparations For Victims of Genocide, War Crimes and Crimes Against Humanity* ed. Ferstman, Goetz, and Stephens (Leiden: Koninklijke Brill NV, 2009), 60.

⁶⁵ Bonner, "Defining Rights in Democratization," 66.

⁶⁶ Bonner, "Defining Rights in Democratization," 66.

justifications of the perpetrators). All HROs, no matter their approach to government reparations, understood this -- that compensation is a means for the government to quickly reconcile the conflicting sides in the memory struggle without necessarily providing justice or truthfully acknowledging the past crimes against humanity.

In sum, whereas there were very real political reasons both in Germany and in Israel that ultimately drove a consensus of sorts (even if a somewhat different consensus in Germany than in Israel) regarding the evils of National Socialism and the horrors of the Holocaust, there was, as Robben points out, “no uniform or even hegemonic Argentine memory about the dirty war.”⁶⁷ Because both the military and the victims groups (and the HROs representing the victims and their families) emerged as continuing and important components of Argentine society after the end of the Dirty War, and each had its own agenda regarding how the “history” of the Dirty War should be written, what occurred following the return to democracy was that the war itself in effect continued, albeit on a symbolic, political, and psychological level. This, in turn, made the issue of reparations -- and, in fact, any form of reconciliation -- much more complex and difficult, although it was obviously in the interest of the state to move beyond the experience and stigma of the Dirty War. Whatever the interests of the state, however, for many of the HROs, and the victims and the families that these HROs represented, it was seen as vitally important to resist any form of reconciliation, including specifically reparations, in order to continue to the struggle and thereby prevent the crimes of the Dirty War from ending up as just another historical event that would be narrated, contextualized, and consigned to books. Like the survivors of the Holocaust, the victims

⁶⁷ Robben, “How Traumatized Societies Remember,” 153.

of the Dirty War and HROs feared that this sort of historical contextualization would be the final victory of the perpetrators -- but, perhaps even more so than the victims of the Holocaust, the victims of Dirty War and the HROs have attempted to make their resistance a current and ongoing part of the Argentine political discussion.

IV.

MONUMENTS

Introduction

A third front on which victim groups and the government make their competing claims to genocide memory is that of concrete memory work. It is most helpful to refer to memory forms such as art, literature, film, and, monuments, and museums as “concrete memory” in order to distinguish them from legal memory forms. Legal memory forms, such as the trials held and the laws enacted either to punish or exempt perpetrators or provide reparations, are driven by concerns for reconciliation. We saw this in the examples of the Nuremberg trials, las Leyes de impunidad, and the reparations scheme created in both post-genocide societies to acknowledge victim suffering. By contrast, individuals create concrete memory forms first and foremost for the purposes of remembering (not letting traumatic events like genocide be forgotten) and understanding (incorporating traumatic events like genocide and war into some version of a historical or national narrative). Affected societies, at the urging of victim groups, do this through the creation of commemorative art and public spaces and, in this way, attempt to process and come to an understanding of the genocide for the present and for future generations. According to Barbie Zelizer, “Western epistemology has always been ocular-centric or vision-based.”¹ Through lasting and durable mediums, societies aim to commemorate the

¹ Barbie Zelizer, *Visual Culture and the Holocaust*, (New Brunswick, New Jersey: Rutgers University Press, 2000), 1.

dead.² In *Memoria, dictadura y derechos humanos* (Memory, Dictatorship and Human Rights), Claudia Fava of la Universidad Nacional de Cuyo (National University of Cuyo), similarly points out that, from a Latin American perspective, public places devoted to memory “open a space in which each individual can realize a significant appropriation to the recent past” and “practice self-reflection.”³ Thus, whereas legal memory forms aim to provide some sort of resolution and then closure to a specific matter, concrete memory forms are meant to persist and be a part of (or interact with) society more permanently.

Yet, despite the distinct purposes of legal memory and concrete memory, the same conflicts arise in the creation of both. The root of the conflicts remains unchanged and is based on memory’s pluralistic nature: most notably, the fact that “there is not one memory, but ‘memories’ that coexist, many times in conflict.”⁴ James E. Young, who specializes in art and Holocaust memory at the University of Massachusetts, Amherst, and served on the Findungskommission for the Memorial for the Murdered Jews of Europe, accepts the inescapable pluralistic nature of memory in commemorative art by rejecting the entire “notion of any memorial’s ‘collective memory.’”⁵ In place of *collective memory*, which is arguably impossible to achieve, he examines “‘collected memory,’ the many discrete memories that are gathered into common memorial spaces

² Jeffrey Karl Ochsner, “A Space of Loss: The Vietnam Veterans Memorial,” *Journal of Architectural Education* (1997), 157.

³ Claudia Fava and Vilma Verdaguer, *Memorias Presentes: Una Mirada desde el compromiso cotidiano* (Mendoza: Ediciones Culturales de Mendoza), 13. “abrir un espacio en el que cada uno pueda realizar una apropiación significativa del pasado reciente/ intentar poner en práctica en nuestra generación la autocrítica.”

⁴ Fava and Verdaguer, *Memorias Presentes*, 16.

⁵ Young, *Texture of Memory*, xi.

and assigned common meaning.”⁶ Monuments and memorials in particular provoke “many discrete memories” as they are meant to be located very publicly within the living and working environments of affected societies. In this sense, the memories they represent are in some sense inescapable and unavoidable. In the cases of genocide commemoration, they also require the participation and collaboration of members of society and government: together the two groups must determine how “a state [is to] incorporate shame into its national memorial landscape.”⁷

As a continuation of the post-genocide comparison between the Holocaust and Argentina’s Dirty War, I will offer a comparison of two monuments erected after each event and the debates that surrounded them. Although there are countless monuments and memorials dedicated to the victims of the Holocaust, I have chosen for purposes of comparison the Memorial for the Murdered Jews of Europe in Berlin that was inaugurated in 2005. The Memorial for the Murdered Jews of Europe is one of the most internationally recognized Holocaust monuments. Furthermore, the competition and building processes of this memorial provide a clear and recent example of the series of challenges and political entanglements that post-genocide monuments encounter. Argentina, due to the recent date of the last military dictatorship and a much more limited level of international recognition, does not offer the same plenitude of monuments. Yet, el Parque de la Memoria – Monumento a las víctimas del terrorismo de estado (Memory Park- Monument to the Victims of State Terrorism) in Buenos Aires is recognized as one of the most important public spaces of remembrance to *los Desaparecidos* in Latin

⁶ Young, *Texture of Memory*, xi.

⁷ Young, *Texture of Memory*, 7.

America and has encountered many of the same challenges on its path from inception to realization as the Berlin Memorial.⁸

Because the Berlin and Argentine monuments are both recent projects, the supervisory councils of each (the bodies in charge of selecting the site, choosing the design, and over-seeing the construction of the memorials) were able to learn from the construction of previous monuments to genocide and benefit from the growing body of work relating to how to process and deal with genocide experiences through artistic expression -- what I have termed “concrete memory” work. In gaining legal approval to build these monuments, both councils publicized the intention to mark each public space with some level of “silence and absence”⁹ in order to leave the task of interpretation with the visitor. In other words, both councils declared very purposefully that their goal was not to provide an “answer to memory,”¹⁰ but to open up a space for reflection. Jenny Edkins calls this approach one of “encircling the trauma” rather than facing the trauma directly. She writes that, “we cannot try to address the trauma directly without risking its gentrification.”¹¹ Edkins later defines her use of the word “gentrification” as a neutralization of the trauma. If concrete memory were to provide direct answers, the memory struggle would reach a conclusion and thus, in a way, “neutralize” the tragedy --

⁸ From March to July 2011, just five years after its establishment, I worked at PaYs - Presentes ahora y siempre (Present now and always), the memory park’s research center located next to the monument. During my months researching children, artist, and writer victims, I was able to gain a closer understanding of what the current staff hopes to achieve through its memory work and the controversy the monument park has faced since its initial conception.

⁹ Zelizer, *Visual Culture and the Holocaust*, 4.

¹⁰ Young, *At Memory’s Edge*, (New Haven and London: Yale University Press, 2000), 206.

¹¹ Jenny Edkins, *Trauma and the Memory of Politics*, (Cambridge: Cambridge University Press, 2003), 15.

presumably in the sense of attempting to make understandable something (like genocide) that is essentially incomprehensible.

Yet, as in any art or memory project, direct decisions have had to be made. Most fundamentally, the designers of both the Memorial for the Murdered Jews of Europe and el Parque de la Memoria had to answer the question of what memory means in the context of mass murder by addressing a mix of aesthetic and pedagogical choices. Does the memorial require a design that is human-scale or “larger than life” as part of its message? Should the memorial involve active participation of the visitor? Does creating a monument that is a *memorial* mean listing the name of every single victim – omitting not a single victim? Does it mean building a memorial structure that is so complicated that one necessarily “gets lost” inside – with the intended effect that visitors will experience a sense of physical disorientation that parallels the historical dislocation produced by the trauma being memorialized?

Attempting to answer these questions but also to “encircle the trauma” (to use Edkin’s formulation) meant finding a design that bridged a middle ground between “self-certainty” and the “inanimate and therefore benign.”¹² Although both of the councils sought meaningful designs that would be provocative in the sense of eliciting reflection and possibly also memory, both of the projects were underwritten by the government and had to remain within the limits of what was politically correct and acceptable. As we shall explore, the perception of these final versions of memory as politically-based or quick-fixes towards reconciliation was a major area of contention for certain intellectuals and dissatisfied victim groups. The objections raised to the final designs of both of the

¹² Young, *At Memory’s Edge*, 201.

projects demonstrate that, even in aiming for a middle ground (perhaps even in achieving it), no amount of foresight can produce a work that is entirely undisputed when a monument concerns something so complex and politically and emotionally charged as state-sponsored genocide. Although the directive councils and staff behind each monument argued that the monuments offer contemplation, preservation, and healing, the final designs agreed upon in both cases were “far from unanimous.”¹³ In both cases, the political realities and “encircling the trauma” proved incompatible. Each monument became the source of much controversy that was, in turn, emblematic of the uncontrollable elements of traumatic memory and its inability to be “encircled.”

The predominant objections that have arisen have to do with the determination of which victims are to be memorialized, what sort of design is appropriate, and where, if placed, the monuments would most effectively preserve the memory of the tragedies. These issues have slowed, challenged, and rerouted the planning and implementation of each project. But, while important in their own right, these political and aesthetic issues may also be seen as reflective of some of the underlying disputes about the purpose and politics of memorials and monuments concerning state-sponsored genocide in a nation’s past. Not surprisingly, an important part of the objections directed toward these concrete memory forms originate from the fear that “memorialisation often constitutes a form of forgetting.”¹⁴ There inevitably comes a point where debates cease and a design plan is decided upon and then executed. The members of some victim groups argue -- echoing the arguments made about reparations -- that once a monument or a museum is opened to

¹³ Young, *At Memory’s Edge*, 208.

¹⁴ Edkins, *Trauma and the Memory of Politics*, xiii.

the public, “we have to some degree divested ourselves of the obligation to remember.”¹⁵ In the case of both the Berlin and Buenos Aires memorials, it has been suggested that the governments’s attempts at reconciliation constitute a form of forgetting -- that any attempt to “assign singular, overarching meaning to either the events”¹⁶ marginalize or erase memory and thus trend toward the sort of symbolic realization that Daniel Feierstein suggests is the intended last step of genocide. The government leaders responsible for or involved in these types of projects, on the other hand, tend to have political objectives, which, in their most benign form, mean that they want monuments and museums to disseminate knowledge, promote healing, and ultimately return society to a path of reconciliation.

The long and tortured process of agreeing upon an appropriate dedication and design for the Berlin Memorial demonstrated that Jews, other Nazi victims, and Germans actively resisted the government’s efforts to use the monument as a means and gesture of reconciliation. Not only did victim groups fail to agree upon an appropriate single aesthetic embodiment for the genocide, but, some Germans (whose opinions were voiced most prominently by German writer, Martin Walser) argued that this very public and costly gesture of reconciliation came at the expense of the effort to regain national self-respect -- that, in marking the German landscape with a site to remind the German people of the nation’s past crimes, in forcing upon German society a singular narrative about which the majority of Germans had no say, the German Government was hindering the states’ *Vergangenheitsbewältigung*. In the case of el Parque de la Memoria, the same

¹⁵ Young, *Texture of Memory*, 5.

¹⁶ Young, *At Memory’s Edge*, 10.

arguments were made -- HROs voiced the concern that genuine remembrance is impossible through a singular, large-scale government project, whereas others (principally the more conservative elements of the society more aligned with the prior military dictatorship) argued that the monument was needlessly dredging up disputes of the past.

The Memorial to the Murdered Jews of Europe

The idea to construct a memorial to the Jewish victims of the Holocaust that would later be realized as the Memorial to the Murdered Jews of Europe in Berlin was initially proposed by Lea Rosh and Eberhard Jäckel in 1988.¹⁷ At this point, there already existed a number of prominent memory sites in Germany. At Buchenwald, for example, Fritz Cremer had in 1958 realized his sculpture group *Revolt of the Prisoners*. Heading South to Dachau, there already stood Hermann Guttman's and Nandor Glid's memorials erected in the late 1960's. By 1988, Germany had also already experienced the so-called *Gegen-Denkmal* (countermonument) movement; in 1983, Jochen Gerz and Esther Shalev-Gerz created a pillar of dark lead, that, as it was signed by visitors, was lowered into the ground, defying the traditional idea of monuments as permanent additions to society.

For their part, in proposing the Memorial to The Murdered Jews of Europe, Rosh and Jäckel also hoped to challenge the conventional purpose of a monument. The first major question that arose with their proposal pertained to the purpose to which the memorial would be dedicated -- whether or not the site should aim to honor all victims

¹⁷ Joachim Schlör, *Memorial to the Murdered Jews in Europe: Berlin* (Berlin: Prestel, Verlag, 2005), 32.

of Third Reich or commemorate *Jewish* victims alone (with the justification being that National Socialist ideology was based predominantly on racial anti-Semitism). After six years of deliberation, the official artistic jury announced that the memorial would be attributed to the ““unique nature of the murder of the Jews of Europe,””¹⁸ thus prompting non-Jewish victim groups to launch other memorials or memory projects. The artistic competition for the memorial was organized by the Federal Minister of the Interior, the Berlin Senate Office of Science, Research, and Culture, and the *Förderkreis* (Sponsors), which announced or published the following objective for the artistic design of the memorial: ““Contemporary artistic power should symbiotically link grief, shock and respect with reflection in shame and guilt. Knowledge shall be able to grow, also for future living in peace, freedom, equality and tolerance’.”¹⁹ It is no surprise that, with such an ambiguously defined goal of linking “grief, shock and respect,” the discussion following the proposal proved to be contentious. The panel initially received 528 entries and ended up rejecting the jury’s first choice after receiving “forceful criticism, not least from the Central Council of Jews in Germany.”²⁰ This would mark the onset of many rejections, changes, and adjustments to the memorial plans, and would demonstrate that, even and especially at this early date, the memorial served as “the ‘site’ in which all attitudes to the treatment of the Nazi past and the politics of remembrance were publicly

¹⁸ Schlör, *Memorial to the Murdered Jews in Europe*, 34.

¹⁹ Gerd Knischewski and Ulla Spittler, “Remembering in the Berlin Republic: The debate about the central *Holocaust* memorial in Berlin,” *Debatte*, Vol. 13, No. 1 (Routledge, April 2005), 28.

²⁰ Knischewski and Spittler, “Remembering in the Berlin Republic,” 28 and Schlör, *Memorial to the Murdered Jews in Europe*, 34.

discussed.”²¹ Finally, in 1997, a five-member Findungskommission was assembled by Peter Radunski, Berlin’s Minister of Culture, and the Commission soon thereafter endorsed American architect Peter Eisenman’s design proposal. After a series of modifications and the addition of an information center, Eisenman’s design was realized and became what we see today: the Memorial to the Murdered Jews of Europe.

A fear of both misrepresentation and inappropriateness (impudence) -- expressed by Jews and Germans alike -- characterized the twenty year process from the initial conception of the Holocaust monument through its dedication on May 10, 2005. The changes and revisions (some in reaction to public criticism and some preemptive) show that, at the core of “Germany’s memorial conundrum,”²² there existed a fear of either overstatement or the minimization of memory through any concrete aesthetic embodiment of the genocide. Emblematic of the entangled and slow process is the “Walser-Bubis debate” which broke out in 1998 when Martin Walser – considered “one of the most prominent of the postwar generation of German writers”²³ -- asserted in his speech accepting the Peace Prize of the German Book Trade that the memorial meant “paving over the center of our capital to create a nightmare the size of a football field.”²⁴ Ignatz Bubis, president of the Central Council of Jews in Germany, responded with criticism similar to that evoked in the Arendt and Goldhagen controversies: that the

²¹ Schlör, *Memorial to the Murdered Jews in Europe*, 34.

²² Young, *At Memory’s Edge*, 186.

²³ Thomas A. Kovach and Martin Walser, *The Burden of the Past: Martin Walser on Modern German Identity Texts, Context, Commentary* (New York: Camden House, 2008), 1.

²⁴ Martin Walser. “Writer Martin Walser Reflects on the Difficulties of Living with German Guilt (October 11, 1998),” *German History in Documents and Images* Vol. 10. *One Germany in Europe, 1989-200*, 3.

Holocaust was a unique historical event directed most essentially at Jewish victims and that it deserved and required a singular place in history or its significance and meaning would be lost. The Walser-Bubis debate demonstrates how the process of dealing with Holocaust memory and fitting it into some historical narrative -- just like the debates on Holocaust culpability and reparations -- took the form of a clash among intellectual theorists, and also between intellectuals and various victims groups, for control of the narrative that would be written into history. As we will see, at the root of this conflict -- and what is also currently being addressed by the staff of Argentina's Parque de la Memoria today -- has to do with whether the memorial will have the effect of ultimately realizing the genocide in the symbolical sphere precisely through the process of memorialization -- a process which might be seen as unavoidably reductive, a form of forgetting, and too easy psychologically on the state that perpetrated the genocide.

Victim Inclusion

The call for a memorial that would exclusively honor Jewish victims of the Holocaust is rooted in the conviction that "anti-semitism and the aim of the extermination of the Jews had been the central element of Nazi ideology and practice."²⁵ The Central Council of the Jews in Germany and the World Jewish Congress (the same organizations that had so publicly voiced their objection to Arendt's thesis on the "banality of evil") aggressively endorsed the idea of creating a memorial that would single out Jews as the primary victims of the Nazi regime. In fact, Bubis had even previously refused to attend the opening of the Central Memorial of the Federal Republic of Germany for the Victims

²⁵ Knischewski and Spittler, "Remembering in the Berlin Republic," 26.

of War and Tyranny due to his reservations that the memorial could be read as a dedication to both Jewish *and* German soldier victims.²⁶ There exist clear parallels between the arguments made by Arendt's critics (accusing her of minimizing the Jewish plight in her refusal to acknowledge the anti-Semitism of National Socialism as unique) and the arguments made by prominent Jews, intellectuals, and historians that articulated a fear of an overcrowding of victim memory in one commemorative location.

Not surprisingly, once the plan to honor Jewish victims exclusively was publicized, other victim groups, feeling slighted, began to publicly argue that they were equally worthy of the Government's resources and attentions and deserved the same acknowledgement as Europe's Jewish population. Sinti and Roma in Germany, for example, accused the Government and the memorial council of a "hierarchization" of victims.²⁷ Many intellectuals and historians, including Jürgen Kocka, Günter Grass, György Konrád, and Walter Jens, also publicly voiced their opinions that *all* Nazi victim groups deserved either to be acknowledged in the Berlin Memorial or to receive their own large-scale memory project. In February 1998, a group of nineteen intellectuals including Grass, Konrád, and Jens voiced this sentiment in a public letter to Chancellor Kohl,²⁸ going so far as to demand that any sort of exclusionary project should be abandoned altogether.²⁹ Excluding any victim group, they feared, would reinforce the

²⁶ Knischewski and Spittler, "Remembering in the Berlin Republic," 28.

²⁷ Knischewski and Spittler, "Remembering in the Berlin Republic," 26.

²⁸ Germany's Memorial. "Germany's National Memorial to the Murdered Jews of Europe." *PBS Frontline* (May 31, 2005) <http://www.pbs.org/wgbh/pages/frontline/shows/germans/memorial/cron.html> (accessed February 16, 2012).

²⁹ Knischewski and Spittler, "Remembering in the Berlin Republic," 32.

selection criteria that was so inherent in Nazi ideology. Such fears of exclusion and “hierarchization” worked directly against what the Government hoped to achieve through the Berlin Memorial project; instead of aiding reconciliation through the public acknowledgement of the state’s past genocide, the project seemed to pit different groups of Nazi victims against each other based on competing claims to memory. As Julius Schoeps had speculated, “The memorial will hardly make everyone fall into each other’s arms and collective well-being break out I would have wished for a memorial for all the victims of National Socialism.”³⁰

These complaints were largely ignored, however, and the recognition of other Nazi targeted groups is currently only addressed in the information center’s exhibition rooms. Homosexual, Sinti, and Roma groups have since been active in voicing demands for the building of additional memorials. But, according to Michael Zimmermann, Professor of Religious Studies, “other groups of victims have hardly found intercessors for their cause, and probably will miss out, or will have to suffice with the already existing memorials that do not highlight their specific narrative of suffering.”³¹

Location

Adding to the difficulties that arose in determining the purpose to which the memorial would be dedicated was the decision of where the memorial should be located. The appropriateness of Berlin was clear from the start; after all, “The order for the

³⁰ Julius Schoeps and Jan-Hendrik Wulf (Interview). “Remembrance Is the Cause of a Few Activists.” *PBS Frontline* (May 31, 2005) <http://www.pbs.org/wgbh/pages/frontline/shows/germans/memorial/schoeps.html> (accessed February 16, 2012).

³¹ Michael Zimmermann, “The Berlin Memorial for the murdered Sinti and Roma: Problems and points for discussion,” *Roman Studies* 5, Vol. 17, No. 1 (2007), 4.

organized savagery came from Berlin.”³² Despite the chosen location’s proximity to these “authentic” historical sites, some argued that a truly appropriate location would be *at* the site of a National Socialist institution. The Active Museum Fascism and Resistance (Aktives Museum Faschismus und Widerstand), for example, fought for an “authentic site” of memory in organizing an event in which volunteers would literally dig up the terrain in locations that were actually part of the machinery of the Third Reich. They felt that such an operation would force participants to confront “not only symbolic memory but actual ruins: the basement and kitchen areas of Gestapo headquarters,”³³ for example. Schoeps lamented that the memorial represents “a constructed place, a non-place,” and suggested that it would have been more effective to use the funding for a memorial to drive people to actual authentic sites of remembrance, such as Sachsenhausen or Ravensbrück.³⁴ As Schlör put it, “What message could an abstract monument not associated with a particular place or event be expected to have?”³⁵

Rosh and Jäckel, who initially proposed the memorial, both envisioned the memorial to be built on the Gestapo-Gelände – the headquarters of the infamous secret police on the Prinz-Albrecht-Strasse. Yet, because that area was already being considered as a site for commemorating all the victims of the Gestapo, the location was rejected. After the consideration of a few other locations, a spot of close proximity to Hitler’s bunker and the Reich Chancellery was chosen. This spot, in a kind of “no man’s land”

³² Schlör, *Memorial to the Murdered Jews in Europe*, 21.

³³ Young, *The Texture of Memory*, 88.

³⁴ Schoeps and Wulf (Interview), “Remembrance Is the Cause of a Few Activists.”

³⁵ Schlör, *Memorial to the Murdered Jews in Europe*, 33.

straddling the Berlin Wall, and now at the heart of the re-unified Berlin, also, as of 2008, bordered the new Embassy of the United States. Young adds that it had “become one of Berlin’s most sought-after pieces of real estate -- and was thus regarded as a magnanimous, if monumental, gesture to the memory of Europe’s murdered Jews.”³⁶

The site’s proximity to Hitler’s bunker itself became a subject of contentious debate due to the thought that the bunker “could become a shrine for neo-Nazi pilgrimages, that it sits on ‘historically contaminated soil’ and should be erased, or is simply too macabre.”³⁷ Others argued that the closeness of the memorial to the bunker lends necessary significance as it links the memory of the memorial with “the biggest perpetrator of all”³⁸ -- Adolf Hitler. For Goldhagen, for example, a memorial must link abstract forms created in the present with actual historical sites in order to truly confront the visitor. Goldhagen accordingly suggested that the bunker should be preserved and come under the care of the United Nations World Heritage Committee in order to “let people see the contemporary evil, be horrified by it . . . and defeat it with a single minded purpose.”³⁹

Design

The design of the monument proved to be just as controversial as the singular purpose to which it was dedicated. The two first-prize winners of the initial competition

³⁶ Young, *At Memory’s Edge*, 187.

³⁷ William J.V. Neill, *Urban Planning and Cultural Identity* (London: Routledge, 2004), 58.

³⁸ Neill, *Urban Planning and Cultural Identity*, 58.

³⁹ Neill, *Urban Planning and Cultural Identity*, 58.

(which, as noted, produced 528 submissions) were announced in March 1995.⁴⁰ The winners were Christine Jacob-Marks and Simon Ungers, although it was announced that Jacob-Marks's design alone would be built with the possibility of incorporating elements of the Ungers design. The announcement of the winning design, however, "generated an avalanche of artistic, intellectual, and editorial criticism decrying this 'titles gravestone' as too big, too heavy-handed, too divisive, and finally just too German."⁴¹ Bubis immediately rejected the design and Chancellor Kohl withdrew government support. The fact that a winner was chosen, announced, and then immediately rejected by both the leader of the Jewish community and the Chancellor immediately demonstrated the fragility and inherently contested nature of the plan to build a memorial to Europe's murdered Jews.

In 1997, a new five member Findungskommission was formed to extend the search for a new design that would be more appropriate for the memorial. The Findungskommission consisted of Cristoph Stölzl, Dieter Ronte, Werner Hoffmann, James Young, and Josef Paul Kleihues -- a group with expertise ranging from museum directorships to post-war architecture. According to Young, it was essential for him that the chosen designers acknowledge void and loss as much as horror and destruction; the memorial, he believed, should be able to encompass the idea that the Nazis had not only killed European Jewry, but had caused the "extirpation of a thousand-year-old civilization from the heart of Europe."⁴² For the Findungskommission, the proposal submitted by

⁴⁰ Young, *At Memory's Edge*, 189.

⁴¹ Young, *At Memory's Edge*, 67.

⁴² Young, *At Memory's Edge*, 197-198.

Peter Eisenman and Richard Serra entitled “Waving Field of Pillars” most captured this sentiment due to its “pointedly anti-redemptory design.”⁴³ The design created by the New Jersey-born architect (Eisenman) and San Francisco-based sculptor (Serra) -- which received immediate support from Chancellor Kohl -- consisted of what seemed like a never-ending field of pillars ranging from “ground level to sixteen feet high, spaced three feet apart.”⁴⁴ Yet, although the design was met with immediate approval by both Kohl and the members of the commission, the latter nonetheless demanded that certain modifications be made to the design in order to make it more comprehensible and visitor-friendly. This caused Richard Serra to drop out, leaving Peter Eisenman to continue with the project alone.

One of the changes that Eisenman made was to reduce the size and number of the pillars. According to Young, who consulted Eisenman about the modifications and revisions, “Where the ‘monumental’ has traditionally used its size to humiliate or cow viewers into submission, this memorial in its humanly proportioned forms would put people on an even footing with memory.”⁴⁵ However, in the case of the Memorial to the Murdered Jews in Europe, achieving an even footing with memory, cannot be understood as *encapsulating* any unified memory or conveying clear understanding. According to Joachim Schlör, Eisenman’s design is instead meant to throw visitors back to their own memory and reflective faculties. Starting from the premise that complete, honest, and

⁴³ James Young, “Germany’s Holocaust Memorial Problem—and Mine,” *The Public Historian*, Vol. 24, No. 4 (University of California Press, Fall 2002), 76.

⁴⁴ Young, *At Memory’s Edge*, 206-207.

⁴⁵ Young, *At Memory’s Edge*, 210.

untainted representation remains out of grasp for any type of concrete memory project, the memorial in no way directs or guides the visitor and “succeeds in wholly avoiding creating an impression of finality.”⁴⁶ This lack of finality, although endorsed by the Findungskommission, would provoke some critics to label the memorial design as too benign and thus uncommitted and ineffective in portraying the horrors of genocide, suggesting once again that what was driving the discussion was the need of the different groups or contingencies to have input into and control over how the historical narrative (in the case of monument form) would be constructed.

Eisenman’s resulting Field of Steale consists of 2,711 concrete blocks and required in its construction, cold, mathematical calculations. Each block was planned to be a certain height and length echoing “the system that planned and – in the cold language of bureaucracy – ‘implemented’ the millionfold murders.”⁴⁷ According to Schlör, “the monument ‘illustrates how an apparently rational and orderly system loses its connection with human reason if it becomes too big and grows beyond its intended proportions.’”⁴⁸ The site itself is nearly five acres large. Such an expansive site filled with concrete matter, yet lacking any sort of direct symbolism, is intended to leave interpretation open to the visitor.

Young was initially skeptical about the memory project. Fearful that memory sites inevitably become “amnesiac”⁴⁹ as afflicted societies move forward, he initially

⁴⁶ Schlör, *Memorial to the Murdered Jews in Europe*, 38.

⁴⁷ Schlör, *Memorial to the Murdered Jews in Europe*, 45.

⁴⁸ Schlör, *Memorial to the Murdered Jews in Europe*, 45.

⁴⁹ James Young, “James Young: Germany’s Holocaust Memorial,” *UCtelevision* available at: http://www.youtube.com/watch?v=GmxyYXtf_vw (accessed February 16, 2012).

endorsed using the money set aside for a centralized national memorial instead “to preserve the great variety of Holocaust memorials already dotting the German landscape.”⁵⁰ With time, however, he came to believe that his perspective as an academic -- his preoccupation with perpetuating the debate over a central monument -- actually had the effect of avoiding the memory of the Holocaust itself. He thus came to endorse Eisenman’s design and “regarded [its] very openness in the tradition of anti-monuments as the strength of the design as it forces each individual into their own active process of remembering.”⁵¹ The design explicitly declares that real understanding is not possible, and this impossibility challenges and continuously engages the visitor. Eisenman himself insists his design has an element of *unheimlichkeit* (uncanniness) “derived precisely from the sense of danger generated in such a field, the demand that we now find our own way into and out of such memory.”⁵²

In a profound way, the same reasons that Young came to believe that the Berlin monument succeeded -- its lack of agenda and openness to interpretation -- is also the source of its failures for others. Despite the various rounds of design competition and the adjustments made to Eisenman’s design, the design of the memorial continued to generate a considerable amount of criticism, precisely for its lack of meaning and failure to adopt any historical view. According to Peter Rigny, a visitor “might be forgiven for

⁵⁰ Young, “Germany’s Holocaust Memorial Problem –and Mine,” 70.

⁵¹ Knischewski and Spittler, “Remembering in the Berlin Republic,” 32.

⁵² Young, “Germany’s Holocaust Memorial Problem –and Mine,” 76.

mistaking it for a vast field of modern art.”⁵³ The very abstract nature that Young and the rest of the commission had endorsed, believing that it would prevent accusation of hegemonic memory, was, to many critics, far too mild (and uncommitted) for the nature of the event being commemorated. In Rigny’s view, as a result of the Berlin monument’s strong and deep association of modern art, “the memorial runs the risk of losing much of the reference to the Holocaust through its associative openness.”⁵⁴ Ilka Piepgras, an editor of the influential German weekly *Die Zeit*, also criticized the memorial’s high degree of abstractness. In her review of the memorial published in *Newsday*, she said that the abstract design was emotionless and the concrete slabs, lacking any sort of symbolism or connotation to the Holocaust, do nothing to disturb, shock, or invoke reflection in the visitor. Instead of commenting on genocide, she wrote that the memorial is “inviting” to the point that visitors are tempted to picnic on the concrete slabs.⁵⁵

In these debates over the purpose and design of the memorial, we can see how intellectualized and aestheticized -- and I would argue marginalized and minimized -- the essential tragedy of the Holocaust and the death of six million Jews had become. We can also sense how trenchant and profoundly troubling Feierstein’s notion seems: that the real risk is that a symbolic realization of the genocide will follow upon the actual physical or material event through a process of contextualization and forgetting. In this

⁵³ Peter Rigny, “A Visit to the Memorial,” *PBS Frontline* (May 31, 2005) <http://www.pbs.org/wgbh/pages/frontline/shows/germans/memorial/visit.html> (accessed February 16, 2012).

⁵⁴ Rigny, “A Visit to the Memorial.”

⁵⁵ Germany’s Memorial. “Reviews of Germany’s National ‘Memorial to the Murdered Jews of Europe,’” *PBS Frontline* (May 31, 2005) <http://www.pbs.org/wgbh/pages/frontline/shows/germans/memorial/reviews.html> (accessed February 16, 2012).

regard, it might be said that the Berlin monument was both able to be built and succeeds only because it has nothing profound to say one way or another about the genocide. But, by having nothing to say, it certainly does not work to preserve the memory of the victims' culture or avoid the sort of symbolic realization that Feierstein describes. Instead, it becomes a monument about monuments.

The Walser-Bubis Debate

At the root of the ideological and aesthetic criticisms that have been voiced in regards to victim inclusion, location, and design of the Memorial to the Murdered Jews of Europe, lies the question of whether or not memorials created by “a few activists and intellectuals”⁵⁶ for the masses (such as the Berlin Memorial and el Parque de la memoria in Buenos Aires) represent genuine and effective attempts at commemoration.

A major set of fears relating to the Memorial to the Murdered Jews of Europe, was motivated by the fear that the Berlin Memorial as part of the German physical landscape would inescapably “monumentalize the German shame.”⁵⁷ In other words, society's obsession with Holocaust memory would, in fixating on its shameful past, hinder Germany's *Vergangenheitsbewältigung*. According to this view, in marking Auschwitz as defining element in Germany's historical identity, historians were hindering the country's national mission of normalization and inhibiting the German people from addressing current issues, including political and racial problems. This concern was at the heart of the so-called Walser-Bubis Debate.

⁵⁶ Schoeps and Wulf (Interview), “Remembrance Is the Cause of a Few Activists.”

⁵⁷ Knischewski and Spittler, “Remembering in the Berlin Republic,” 33.

In October of 1998, German author Martin Walser, upon receiving the Peace Prize of the German Book trade in the Pauluskirche, gave a speech that touched on a range of topics relating to the then current German political and intellectual atmosphere. Part of the speech included criticism of the planned Berlin Memorial, which he labeled “The monumentalization of our disgrace,”⁵⁸ and the assertion that the media was unfairly pigeon-holing Germans into the position of the “accused.” According to Walser, remembrance is only truly possible on an individual level -- through, for example, writing or personal reflection. Identification with and sympathy felt for Holocaust victims, if done in the public rather than personal sphere, is essentially false and allows for the redemption of guilt-consciousness at the expense of the dead. More controversially, however, Walser argued that those, including intellectuals and members of the Jewish community who focused on and continued to bring up the symbolism of Auschwitz “fall prey for a moment to the illusion that, because they have labored once more in the grim service of memory, they have relieved their own guilt somewhat, that they are even for a moment closer to the victims than to the perpetrators.”⁵⁹ The building of the memorial for Walser was, therefore, a part of this effort to enter into an illusion of innocence and would only exacerbate what was already “the media’s sensationalist exploitation of the Holocaust”⁶⁰ -- which he regarded as harmful to Germany’s national self-image. Whereas Young originally feared that the horror of the Holocaust would be minimized -- perhaps

⁵⁸ Walser, Martin, “Writer Martin Walser Reflects on the Difficulties of Living with German Guilt,” 3.

⁵⁹ Walser, Martin, “Writer Martin Walser Reflects on the Difficulties of Living with German Guilt,” 2.

⁶⁰ Alexander Mathäs, “The Presence of the past: Martin Walser on Memoirs and Memorials,” *German Studies Review*, Vol. 25, No. 1 (German Studies Association, Feb. 2002), 3.

trivialized -- by attempts to reduce such a complex event that affected millions of lives to a simple monument, Walser was afraid of just the opposite result. For Walser, fifty years after Auschwitz, decisions were being made (such as the decision to build a Memorial to the Murdered Jews of Europe) that had the effect of labeling and influencing the perception of the German people -- and, more significantly, perpetuating a cycle of permanent condemnation.

Walser's speech was greeted with immediate applause which "indicates that Walser struck a nerve"⁶¹ with the audience. But his speech did not sit well with everyone. The contingency he upset was the same that took objection to Arendt's observations in *Eichmann in Jerusalem*. Kai Evers offers a compelling parallel:

While Hannah Arendt saw a 'banality of evil' . . . , Walser accuses German intellectuals and writers of a 'banality of good.' By constantly patronizing, moralizing, and shaming the German people with rituals of public remembrance, these public speakers prove their own superior conscience—which, for Walser, is their 'banality of good' – at the cost of their silenced audience, the German people who remain suspected of anti-Semitism.⁶²

For such "public speakers," Walser came across as anti-Semitic and was perceived as condoning a decision to "forget" the Holocaust -- to remove it as a centerpiece in history. The backlash was immediate, "prompt and vociferous."⁶³ According to Alexander Mathäs, "the media coverage of the ensuing controversy, although politically charged, opened a widespread discussion on the ideological underpinning of Germany's coming to

⁶¹ Kai Evers, "Monological versus Dialogical Remembrance: Gert Neumann's Novel *Anschlag* in the Context of the Walser-Bubis Controversy," *The Germanic Review* (Heldref Publications, 2005), 10.

⁶² Evers, "Monological versus Dialogical Remembrance," 10.

⁶³ Mathäs, "The Presence of the past: Martin Walser on Memoirs and Memorials," 2.

terms with its anti-Semitic past.”⁶⁴ Thus, although one might view Walser as taking exception to the planned Berlin Memorial based on his belief that public forms of commemoration create singular and artificial narratives which are heavily influenced by the media and political agendas of the time, his speech was viewed as both dismissive of the moral significance of the Holocaust and as essentially anti-Semitic.

For Ignatz Bubis, Walser’s speech was part of an effort to end Holocaust remembrance and flippantly minimize the tragedy of Nazi genocide. Bubis devoted much of a speech he gave on November 9, 1998 to honor the 60th anniversary of Kristallnacht to responding to Walser. According to Margit Sinka, the speech, “read by Bubis in a Berlin synagogue -- slowly, with unmistakable consternation” was so moving that “Walser’s words no longer had the kind of ring that had prompted the standing ovation in the Pauluskirche.”⁶⁵ In the speech, Bubis aggressively attacked Walser for having voiced that the media’s unceasing images of the Holocaust had taught him to “look away.” Bubis warned that looking away and the failure to confront such images “was more than customary under National Socialism and to which we must not become accustomed again today.”⁶⁶ In this way, Bubis equated minimizing or relativizing the Holocaust with forgetting and insinuated that forgetting leads to the possibility of history repeating itself.

⁶⁴ Mathäs, “The Presence of the past: Martin Walser on Memoirs and Memorials,” 2.

⁶⁵ Margit Sinka, “Holocaust Discourses and Martin Walser’s Discontents,” review of *The Burden of the Past: Martin Walser on German Identity: Texts, Contexts, Commentary*, by Thomas A Kovach and Martin Walser. *H-German, H-Net Reviews*. April, 2010. <http://www.h-net.org/reviews/showrev.php?id=29783> (accessed February 16, 2012).

⁶⁶ Ignatz Bubisi, “Ignatz Bubis, the Chairman of the Central Council of Jews in Germany, warns against Relativizing the Holocaust (November 9, 1998),” *German History in Documents and Images* Vol. 10. *One Germany in Europe, 1989-2009*.

Yet, Walser was not the only one who felt that a memorial would unfairly and needlessly monumentalize Germany's shame. According to Michal Bodemann, Eisenman's concrete field "isn't an engagement with history that includes lessons for today. I have the impression that in Germany the age of National Socialism is often conjured up as a distant, deluded, dark past that serves as an angle to escape the present."⁶⁷ According to Bodemann, the obsession with the historical anti-Semitism that led to the rise of National Socialism has prevented Germans from addressing current racial problems (for example trends of racism toward Germany's Muslim population). Much like Walser (and Hannah Arendt), Bodemann saw a danger of singularizing the anti-Semitism that led to the Holocaust -- in making it so "singular that it seems obscene to relate it today."⁶⁸ We often become drowned, he says, in "a culture of commemoration that only circles around itself."⁶⁹

Walser, Arendt, and Bodemann were concerned with historical singularization that distorts remembrance or prevents the acknowledgement of current social and political problems. Bubis, and (to a certain extent) Goldhagen, and the vast majority of Jews, believe that relativizing the Holocaust or, even worse, "looking away" from it, dishonors the memory of the victims and allows more quickly for history to repeat itself -- perhaps in a different place, under different circumstances, at a different time, but for genocide to occur nonetheless.

⁶⁷ Michal Bodemann and Stefan Reinecke Interview, "The Germans Have a Nazi Obsession," *PBS Frontline* (May 31, 2005)
<http://www.pbs.org/wgbh/pages/frontline/shows/germans/memorial/bodemann.html> (accessed February 16, 2012).

⁶⁸ Bodemann and Reinecke Interview, "The Germans Have a Nazi Obsession."

⁶⁹ Bodemann and Reinecke Interview, "The Germans Have a Nazi Obsession."

But, while we might wish to believe that there is a way not to “look away,” we need to ask ourselves the question that I am proposing in this thesis: whether Robert Musil might be correct in his often noted assertion that “There is nothing in the world so invisible as a monument,”⁷⁰ and that, while Feierstein has provided us with a useful tool to analyze how post-genocide societies deal with their recent history and what the victims and perpetrators believe is at issue, the sort of intellectualization, contextualization, and forgetting that is involved in what Feierstein calls “symbolic realization” may be both inevitable and unavoidable.

At all events, despite the two camps’ irreconcilable views, the Memorial to the Murdered Jews of Europe was built and continues to attract thousands of visitors from both Europe and abroad today. As the memorial is less than a decade old, it remains unclear whether or not its permanent place in Germany’s physical landscape will one day create for Germany a *geistigmoralische Wende* – “a spiritual and moral renewal.”⁷¹ What is certain is that the process of building it was slowed by the “quagmire of politics”⁷² that is inevitably entrenched in memory creation. This quagmire was in large part due to the attempt to accommodate and balance the two conflicting influences -- namely, the desire to create a sacred spot for survivors and others to memorialize and remember the victims of the Holocaust and the unavoidable complication that what is being commemorated is, after all, a state-sponsored genocide perpetrated by a nation that

⁷⁰ Peter Carrier, *Holocaust Monuments and National Memory Cultures in France and Germany since 1989*. (Berghahn Books: 2005), 15.

⁷¹ Knischewski and Spittler, “Remembering in the Berlin Republic,” 25.

⁷² Young, *At Memory’s Edge*, 193.

politically and otherwise would like to put these events in the past and move on. This balance would likewise prove difficult to achieve in Argentina as it was forced to come to terms with its recent experience during the Dirty War.

Monumento a las Víctimas del Terrorismo del Estado: Parque de la Memoria

In the words of Andreas Huyssen, a Professor of German and Comparative Literature at Columbia University, the debates and politics surrounding Holocaust commemoration, “so prominent in the global media and in the countries of the Northern Transatlantic, have functioned like a motor energizing the discourses of memory”⁷³ on other contemporary concrete memory projects. One of these projects was the creation of el Parque de la Memoria in Buenos Aires, Argentina. In 1997, fourteen years after Argentina’s transition to democracy, representatives from ten HRO’s, including the Abuelas de Plaza de Mayo (Grandmothers of the Plaza de Mayo), the Permanent Assembly for Human Rights, and the Centro de Estudios Legales y Sociales (CELS) presented an initiative to the legislators of the city of Buenos Aires to construct a monument and sculptures to commemorate the detained-disappeared and assassinated victims of the military dictatorship. The Legislature approved the initiative with 57 out of 60 votes favoring the proposed plan. The new law was established as Ley (Law) 46.⁷⁴ According to the head of Institutional Relations of el Parque, Ana Clara Gargiulo, el

⁷³ Andreas Huyssen, “El Parque de la Memoria: The Art and Politics of Memory,” *ReVista Harvard Review of Latin America*, (Many Voices, Many Visions, Winter 2001) <http://www.drclas.harvard.edu/revista/articles/view/513> (accessed March 6, 2011).

⁷⁴ Ana Clara Gargiulo (of Institutional Relations at *el Parque de la memoria*). Interview by Emily Gelber. In-person and e-mail Interview. Buenos Aires, 2011.

Parque has since depended administratively on the Government of the City of Buenos Aires and is financed through the annual budget approved by the city Legislature.⁷⁵

Like the council responsible for the design competition of the Memorial to the Murdered Jews in Europe, the Comisión Pro-Monumento (Commission of the Monument) ensured that its members would represent a cross-section of stakeholder groups, in order to preemptively quell accusations that the project was meant to incorporate a particular political agenda. The Commission that was established as part of Ley 46 called for the inclusion of members representing the ten original HRO's, eleven legislators “respecting the proportions of different political groups represented in the Legislature,”⁷⁶ four city government officials, and a representative from the University of Buenos Aires.⁷⁷ (This original Commission has since been replaced by the Consejo de Gestión del Parque de la Memoria y del Monumento a las Víctimas del Terrorismo de Estado (Council of Management of the Memory Park and Monument to the Victims of State Terrorism), but continues to include members from the same fields in order to continue to ensure that each of the various groups continues to have a voice in el Parques’ ongoing educational and art projects.)

Despite being a collaborative project between ten prominent HROs and the Government, the establishment of el Parque nonetheless both provoked tension within the

⁷⁵ Ana Clara Gargiulo (of Institutional Relations at *el Parque de la memoria*). Interview by Emily Gelber. In-person and e-mail Interview. Buenos Aires, 2011.

⁷⁶ Nora Hochbaum and Florencia Battiti, *Monumento a las víctimas del terrorismo de estado Parque de la memoria*, Catálogo oficial del parque de la memoria, (Gobierno de la Ciudad Autónoma de Buenos Aires, 2010), 20.

⁷⁷ Hochbaum and Battiti, Catálogo oficial del parque de la memoria, 20.

Commission and “caused an uproar among [other] human rights organizations”⁷⁸ and academics. The monument, which incorporates a list of the names of victims of the military dictatorship (a source of controversy that the Berlin Memorial managed to avoid), marked the first time after the publication of the CONADEP Report that a formal and permanent list of victims was exhibited in a public space. In this regard, the monument, along with the mixed Commission responsible for its design and construction, was one of the first instances of state intervention in what were previously regarded in Argentina as issues belonging exclusively to “the field of human rights.”⁷⁹ But more than simply the naming of names was at stake. What was at the core of the disputes that were generated was the politically charged and complicated question of how to define who exactly were the victims of the military dictatorship.

According to Virginia Vecchioli of the University of Buenos Aires, in “creating a faithful list of names, the ‘consensus’ between the members of the Commission seemed to vanish, and the proper definition of ‘victim of state terrorism’ became an object of debate.”⁸⁰ Although the Berlin Memorial did not and could not include a list of the names of the millions of victims of the Third Reich, the dedication of the Berlin Memorial to Jews alone was perceived as a government-created definition of the “victim

⁷⁸ Antonius Robben, “How Traumatized Societies Remember: The Aftermath of Argentina’s Dirty War,” *Cultural Critique*, No. 59 (University of Minnesota Press, 2005), 149.

⁷⁹ Virginia Vecchioli, “Políticas de la memoria y formas de clasificación social. ¿Quiénes son las ‘víctimas del terrorismo de estado’ en la Argentina?” In “La Imposibilidad del Olvido. Recorridos de la Memoria en Argentina, Chile y Uruguay,” *Bruno Groppo y Patricia Flier* (La Plata: Colección Diagonos, Ediciones Al Margen), 89. “en el campo de los Derechos Humanos.”

⁸⁰ Vecchioli, “Políticas de la memoria y formas de clasificación social,” 90. “definir puntualmente los nombres que integrarán la nómina, el ‘consenso’ entre los miembros de la Comisión parece desvanecerse, y la propia definición de ‘víctima del terrorismo de Estado’ es objeto de debate.”

of Nazism” -- a definition to which, as we have seen, other victim groups took strong objection. Moreover, in the case of the both the German and Argentine experience, the controversies over how to establish an appropriate definition of victimhood was representative of deeper anxieties about how to come to terms with and redress the claims of the various victims of the genocide.

As Andreas Husseyn has noted, in the case of Argentina and el Parque, “the debate about a memory park on the banks of the La Plata in Buenos Aires within striking distance of the infamous military torture chamber during Argentina’s ‘dirty war’ is tightly linked to claims against military officials in the courts and in the public sphere.”⁸¹ Just as we have seen in connection with the process of determining legal forms of memory, the creation of concrete memory was and continues to be “a major bone of political contention”⁸² in both Berlin and Argentina. In both post-genocide societies, HROs and individual scholars involved in the memory struggle actively reject all notions that quick and sweeping projects can restore justice or create reconciliation.

In Argentina, the members of the groups objecting to the memorial both agree with Young’s insistence that memorial work on genocide “cannot, must not, be redemptive in any fashion,”⁸³ and also argue that a memory park “cannot, must not” even aim to be representative of the repression, torture, and assassination that occurred under the military dictatorship. On a very fundamental basis, for Feierstein and others, the concern is that concrete memory in the form of a memorial that claims to be

⁸¹ Huyssen, “El Parque de la Memoria: The Art and Politics of Memory.”

⁸² Huyssen, “El Parque de la Memoria: The Art and Politics of Memory.”

⁸³ Young, *At Memory’s Edge*, 9.

representative of such violence would tend to bring to an end to the ongoing memory struggle concerning the Dirty War, and, by doing so, in effect ensure that the disappeared bodies become disappeared once again in the symbolic sphere of memorialization. According to Nancy Gates Madsen, “while there is no shortage of physical spaces in Buenos Aires that possess the emotive power of commemoration . . . , due to the government’s unwillingness to promote official reckoning of past events, such spaces have tended to become loaded silences.”⁸⁴ El Parque, like the Memorial to the Murdered Jews of Europe, provides an example of government *willingness* to address its past. Yet, somewhat similar to Walser’s concerns about the political and social consequences of the ongoing government-sponsored memorializations of the Holocaust in Germany, the opponents of the memory park in Buenos Aires believe that such willingness is part of a particular political agenda -- and that “loaded silences” are not only preferable to politically tainted memory, but the only acceptable and possibly unavoidable means of addressing and preserving the memory of genocide.

Victim Inclusion

Unlike the Berlin Memorial, the monument of el Parque displays the written names of the victims. As with the determination and distribution of reparations to the victims of the Dirty War and their families, the administrators of el Parque have had to confront the issue of defining who and who does not qualify as a victim of the military dictatorship. According to Vecchioli, “the creation of the said list [of victims] is...one of

⁸⁴ Nancy Gates Madsen. “Silence and the Sacred: The *Parque de la Memoria* in Buenos Aires.” Paper presented at the 2004 Meeting of the Latin American Studies Association, Las Vegas, Nevada, October 2004.

the principal tasks of the Commission,”⁸⁵ and the resulting list, created through “flexible, mobile and ambiguous limitations will acquire a solidity equivalent to the stone out of which the actual monument is created.”⁸⁶ The criteria established by Ley 46 left certain key decisions to the Commission – decisions that would cause tension between its members as well as public criticism from certain HROs. The most forceful and vociferous rebuke among the HROs, as was also the case in the reactions to both las Leyes de impunidad and the government’s reparations scheme, has come from la Asociación de las Madres de Plaza de Mayo.

The major point of conflict has been el Parque’s “official consecration of a [specified] social category: ‘victims of State Terrorism.’”⁸⁷ In creating the label “victims of State Terrorism,” the list of victims to be etched into the monument actively rejected and excluded other formulations, some of which would have had evident (albeit different) political overtones, for example, “‘victim of terrorism,’ ‘revolutionary,’ or ‘martyrs in the popular fight.’”⁸⁸ Yet, while attempting to avoid the most obvious politically-charged problems that certain definitions would have involved, the Commission wanted to be inclusive. In this way, Vecchioli writes, “the Legislature operates a distinction between a broader collective of possible victims: those who experienced repressive measures of the

⁸⁵ Vecchioli, “Políticas de la memoria y formas de clasificación social,” 84. “La confección de dicha lista es, en consecuencia, una de las áreas principales de la Comisión encargada de implementar el proyecto de ley de creación del monumento.”

⁸⁶ Vecchioli, “Políticas de la memoria y formas de clasificación social,” 84. “Una consigna de límites relativamente flexibles, móviles y ambiguos, adquirirá una solidez equivalente a la piedra que servirá de soporte al monumento.”

⁸⁷ Vecchioli, “Políticas de la memoria y formas de clasificación social,” 89. “consagrando oficialmente una categoría social: ‘víctimas del terrorismo de Estado.’”

⁸⁸ Vecchioli, “Políticas de la memoria y formas de clasificación social,” 89-90. “‘víctima del terrorismo’, ‘revolucionario’ o ‘mártires de la lucha popular.’”

state before 1970, those that were liberated from clandestine detention centers, or those who were exiled.”⁸⁹ For example, the Commission made the decisions to include detained-disappeared and assassinated *foreigners* in Argentina as well as Argentine citizens that were disappeared or assassinated abroad.⁹⁰ Clara Barrio, the staff member at el Parque responsible for the compilation of the victims list, says that, “in regards to specific, difficult cases, the HROs integrated in the Pro-Monument Commission underwent debate regarding the inclusion or exclusion of each name.”⁹¹

In determining the date at which “victims” would begin to be considered “victims of State Terrorism,” according to Barrio, the Commission decided to “compile names beginning in 1969 -- choosing Cordobazo as the initial event of state repression.”⁹² The name Cordobazo refers to a student and worker mobilization in Córdoba that was violently repressed during the military dictatorship of Juan Carlos Onganía. Due to the exclusionary nature of creating any set list of victims, however, there did not exist a “univocal sense for legislators, families of the victims and representatives of HROs that

⁸⁹ Vecchioli, “Políticas de la memoria y formas de clasificación social,” 90. “la Legislatura opera una distinción entre un conjunto más amplio de posibles víctimas: quienes sufrieron el accionar represivo del Estado con anterioridad a 1970, quienes fueron liberados de centros clandestinos de detención, o quienes padecieron el exilio.”

⁹⁰ Gargiulo. Interview by Emily Gelber.

Explanatory Note: Forced disappearances and assassinations were taking place in countries outside of Argentina through the collaborative plan between the dictatorships in Latin America under “Plan Condor.”

⁹¹ Clara Barrio (of Coordination in Names and Database at *el Parque de la memoria*). Interview by Emily Gelber. E-mail Interview. Buenos Aires, 2011. “En los casos de difícil definición fueron los organismos de derechos humanos (integrantes de la Comisión Pro -Monumento) quienes debatieron acerca de incluir o no cada nombre.”

⁹² Barrio. Interview by Emily Gelber. “Fue una decisión adoptada por la Comisión de recopilar los nombres a partir de 1969 con la represión de lo que acá se conoció como Cordobazo.”

participate[d] in the project.”⁹³ In fact, la Asociación Madres de Plaza de Mayo decided not to participate in the creation of el Parque de la Memoria for such reasons. In their very public response to el Parque entitled “*¿Por qué tanto monumento a la muerte?*” (“Why a monument to the dead?”), the group and its leader, Hebe de Bonafini, wrote that “No one in this country has taken responsibility of the genocide Why so much interest in molding the dead in monuments, stones, tributes and all paths that confirm death? La Asociación Madres de Plaza de Mayo refuses acknowledging the deaths of our beloved children. They are disappeared forever.”⁹⁴ According to Natalia Carolina Marcos, the branch of las Madres rejects and “criticizes the inscribing of names in monuments, plaques and other types of remembering, given that this would imply creating a monument to the dead, burying their children and their struggle, and distancing the responsibility from the Armed Forces and the state.”⁹⁵ Just as Walser argued that the Berlin Memorial and other government-sponsored memorializations of the Holocaust had the effect of replacing personal reflection with a singular political vision of how the Holocaust should be remembered as part of German national history, Hebe de Bonafini voiced the fear that concrete memory in the form of el Parque will be used to replace

⁹³ Vecchioli, “Políticas de la memoria y formas de clasificación social,” 84. “El propósito común de inscribir los nombres de las víctimas no tiene un sentido unívoco para los legisladores, familiares de las víctimas y representantes de organismos de DDHH que participan del proyecto.”

⁹⁴ Hebe de Bonafini, “*¿Por qué tanto monumento a la muerte?*” *Asociación Madres de Plaza de Mayo*. <http://www.madres.org/asociacion/novedades/novedades.asp> (accessed March 6, 2011). “Nadie de este país se hizo cargo del genocidio... ¿Por qué tanto interés en plasmar la muerte en monumentos, baldosas, homenajes y toda clase de caminos que la confirmen? La Asociación Madres de Plaza de Mayo se niega a reconocer la muerte de nuestros amados hijos. Ellos están desaparecidos para siempre.”

⁹⁵ Natalia Carolina Marcos, “La memoria insurgente de las Madres de Plaza de Mayo,” *Aportes Andinos* No. 23. Quito: Universidad Andina Simón Bolívar, Sede Ecuador (Programa Andino de Derechos Humanos, Noviembre 2008), 4. “Critica que se escriba el nombre de los desaparecidos en monumentos, placas o cualquier tipo de recordatorio, dado que ello implicaría hacer un monumento a la muerte, enterrar a sus hijos/as y su lucha y esligar de toda responsabilidad a las Fuerzas Armadas y el Estado.”

honest confrontation of the tragedy. This faction of las Madres, continuing the objections they raised in regards to monetary compensation, declared that there could be no justice or closure other than the safe return of each of their disappeared loved ones. Thirty years on, the actual return of the victims, of course, becomes a hopeless outcome. But, for Bonafini and la Asociación, the “safe return” of the disappeared victims of the Dirty War needs to be understood in psychological, political, and metaphorical terms. Without the safe return of the victims, the memory of the disappeared should continue to bleed and any efforts to memorialize the Dirty War or file it away in history will therefore be resisted.

Location

Just as the choice of locating the Memorial to the Murdered Jews of Europe in Berlin (the capital of the Third Reich) was significant, the decision to build el Parque in Buenos Aires meant creating concrete memory of state violence within the perpetrator state that inflicted it. Also similar to the Berlin Memorial, which is located not far from Hitler’s Chancellery and bunker, el Parque de la Memoria is located in a neutral site but in close proximity to sites of memory intimately linked to the victims’ suffering. According to the official catalog of el Parque, the choice to situate the memory site in the northern part of Belgrano district of Buenos Aires, in front of el río de la plata (River of Silver) “constituted an authentic, fundamental decision.”⁹⁶ The intentional proximity of the el Parque to both the river and la Ciudad Universitaria (City University of Buenos Aires) was both purposeful and appropriate. Many of the victims were students who had close associations with the University, and an important instrument of terror used by the

⁹⁶ Hochbaum and Battiti, Catálogo oficial del parque de la memoria, 41.

military dictatorship were the infamous death flights (“*vuelos infames de la muerte*”⁹⁷) which involved drugging the victims and then throwing their bodies into the river or ocean out of airplanes. The presence of the chosen site near to the la Escuela Mecánica de la Armada (the Navy Petty-Officers School of Mechanics) was also appropriate as the Navy Petty-Officers School served as a clandestine detention and torture center during the Dirty War.

Yet, although located near these landmarks of the military dictatorship and otherwise in a remarkably peaceful location that would appear to be suitable for quiet reflection, the distance from el Parque to the city has been criticized as a means of “marginalizing the memory of the trauma which should have taken center stage in the city’s government or business districts.”⁹⁸ According to María Silvina Persino, “the functionality of a memorial depends on its place of installation” and, in the case of el Parque de la Memoria, “the river is not present in the daily lives of the majority of *porteños* ...the metropolitan airport leads some there from time to time, but they are immediately separated [from the site of memory] once in flight.”⁹⁹ Because the location of el Parque does not expose the majority of *porteños* (residents of Buenos Aires) to the monument, she writes that “the selection of this fringe of the city to erect el Parque de la Memoria probably allows a marginalization that is in opposition to the fundamental

⁹⁷ Silvia R. Tandeciarz, “Citizens of Memory: Refiguring the Past in Postdictatorship Argentina,” *The Modern Language Association of America* (2007), 153.

⁹⁸ Tandeciarz, “Citizens of Memory,” 153.

⁹⁹ María Silvina Persino, “Memoriales, Museos, Monumentos: La Articulación de una memoria pública en la Argentina Posdictatorial,” *Revista Iberoamericana*, Vol. LXXIV, No. 222 (Enero-Marzo, 2008), 4. “La funcionalidad de un memorial depende de su lugar de emplazamiento. En este sentido, la ribera del río no está presente en la vida cotidiana de la mayoría de porteños. El aeroparque metropolitano lleva a algunos de vez en cuando a ella, para inmediatamente separarse por aire.”

purpose of the park: to preserve memory and consciousness.”¹⁰⁰ Just as opponents to the Berlin memorial argued that locating the memorial in a more directly historically significant site would have resulted in a more powerful experience for the visitor, many Argentines observing the building of el Parque have doubted how a memory site in such a marginalized location would be able to attract the amount of traffic necessary to preserve memory.

Design

The layout and design of el Parque further exacerbated the tensions created in determining the definition of “victim of State Terrorism.” The design of the actual monument echoes the design of the Vietnam Memorial on the Washington Mall; the way that the monument zig-zags across the park is meant to represent “an open wound on a grassy hill.”¹⁰¹ The official catalog of el Parque describes how “the path moves along a ramp like a procession, leading visitors to encounter the names of each one of the people disappeared or assassinated.”¹⁰² According to Huyssen, the design “is classically modernist in its geometric configuration and felicitously minimalist in its lack of ornamentation and monumental ambition.”¹⁰³ Like the Memorial to the Murdered Jews in Europe, the monument “never approaches the risk of aestheticizing traumatic

¹⁰⁰ Persino, “Memoriales, Museos, Monumentos,” 5. “De ahí que la elección de esta franja de la ciudad para erigir el Parque de la Memoria lo condene, probablemente, a una marginalidad que está en contra de su propósito fundamental” despertar la memoria y la conciencia.”

¹⁰¹ Hochbaum and Battiti, Catálogo oficial del parque de la memoria, 24.

¹⁰² Hochbaum and Battiti, Catálogo oficial del parque de la memoria, 24.

¹⁰³ Huyssen, “El Parque de la Memoria: The Art and Politics of Memory.”

memory.”¹⁰⁴ Of course, as I have suggested in this thesis, there remains the issue whether the minimalization and de-aestheticization of the memorial is a way of contextualizing the Dirty War and in the process removing the genocide from immediate, ongoing, and present contemplation.

The four walls that constitute the zig-zaging structure present 30,000 plaques of stone -- the current estimation (more or less agreed upon by HROs) of the total number of victims. Yet, more than 20,000 plaques remain blank. El Parque, like the official report *Nunca Más* (Never Again) put forth by CONADEP, can only account for the current number of documented victims which remains at approximately 9,000. The documented victims are ordered by year of disappearance between 1968 until 1983 and, within each year, alphabetically. Age is noted next to each name, reminding the visitor of how young the majority of the victims tended to be -- and suggesting that a promising generation was wiped out. Other than the alphabetical order, there is no hierarchy within the ordering of the names. According to Jeffrey Ochsner, writing with reference to the Vietnam Veterans Memorial, when names are not ordered in a “hierarchical abstracted fashion, we directly confront the names, immediately experiencing each as representing someone who was once as alive as we are today.”¹⁰⁵ Rather than an order which is hierarchical, the plaques at el Parque are structured “according to a mobile system, so that they can be displaced”¹⁰⁶ when information arises regarding a new disappeared person -- giving some sense that the effort to memorialize the Dirty War remains open and

¹⁰⁴ Huyssen, “El Parque de la Memoria: The Art and Politics of Memory.”

¹⁰⁵ Ochsner, “A Space of Loss: The Vietnam Veterans Memorial,” 163.

¹⁰⁶ Giunta, Andrea. “Politics of Representation. Art & Human Rights.” *Hemispheric Institute E-Misférica*. <http://hemi.nyu.edu/hemi/es/e-misferica-72/giunta> (accessed March 6, 2011).

unresolved. The presence of blank plaques and the ability to add newly discovered victims as Argentina moves forward in its memory struggle represent the ongoing and incomplete nature of memory. This idea remains especially important in the case where disappeared bodies and concealed information prevent proper burials. The ability to add names is thus a feature less intended to inspire hope among victims' families than to demonstrate that memory requires active participation in the present. The staff at el Parque has publicized this as being one of their main educational objectives.

While the design of the Berlin Memorial itself provoked criticism, it has been the surrounding statues at the monument in el Parque that have sparked a large degree of scrutiny. Surrounding the monument are sculptures that were selected through an International Contest in which 665 art projects were submitted to the Commission from around the world. Each sculpture intends to create an image of the disappeared. A major critique of the design of el Parque has been based on the observation that the enormous sculptures manifest an excess of memory due to their associations with other places and times, and because they attempt explicitly to narrate the trauma.¹⁰⁷ According to Nelly Richard, the interpretation of the sculptures “freezes the symbol in a commemorative block without fissures that deify the past...[running] the risk of projecting a static image on a detained past.”¹⁰⁸ As Feierstein asserts, the creation of “a universal image...[implies] a detraction from the comprehension of the genocidal process in

¹⁰⁷ Tandeciarz, “Citizens of Memory,” 155.

¹⁰⁸ Tandeciarz, “Citizens of Memory,” 157.

electing them as representative symbols.”¹⁰⁹ The sculptures thus “compete”¹¹⁰ with one another in narrating the trauma and “risk overwhelming the spirit of the monument”¹¹¹ which was intentionally made minimalist and abstract in design to give the visitor space for self-reflection and interpretation.

The objections raised against el Parque de la Memoria -- both the monument itself and surrounding sculptures -- all seem to beg the same question: Will the memorial work, in the psychological and symbolic sphere, prevent the memory of the victims from disappearing, even though their physical bodies have, in the material sphere, already disappeared? The voices of opponents, most clearly voiced by la Asociación de Madres, reject any “guarantee that it stands as a persuasive effort to take responsibility for the past rather than serve merely as a symbolic, non-committal gesture.”¹¹² For la Asociación and other victim groups hoping to influence Argentina’s memory struggle, the Government will never be able to take full responsibility for the past because the Government will never be able to undo the genocide -- to return the live and unharmed bodies of the victims. Thus, the only way of preventing full realization of the genocide -- that is, symbolic realization of the genocide -- is in the rejection of “the socially accepted modes of remembrance (through plaques, monuments, flowers, etc)” and in keeping the wounds

¹⁰⁹ Feierstein, *El genocidio como práctica social*, 242. “imagen universal...implicaba desvirtuar la comprensión del proceso genocida al elegirlos como símbolo representativo.”

¹¹⁰ Tandeciarz, “Citizens of Memory,” 157.

¹¹¹ Tandeciarz, “Citizens of Memory,” 158.

¹¹² Huyssen, “El Parque de la Memoria: The Art and Politics of Memory.”

of the Dirty War open.¹¹³ The question which this thesis asks, of course, is whether this will continue to be a realistic possibility in the face of society's efforts to promote reconciliation, as las Madres age, new generations removed from the Dirty War are born and come of age, other events intervene, and the intellectual process of trying to understand and contextualize the Dirty War and fit it into some historical narrative takes over.

¹¹³ Marcos, "La memoria insurgente de las Madres de Plaza de Mayo," 5. "Subvierten, así, los modos socialmente aceptados de como se debe recordar (a través de placas, monumentos, flores, etc.)."

V.

Concluding Thoughts

In *Eichmann in Jerusalem*, Hannah Arendt relates two stories that raise questions both about the nature of history and about what might be termed the “cynicism” or “fragility” of historical studies. It is perhaps inescapable, as Winston Churchill was supposed to have observed, that “History is written by the victors.”¹ Alluding to the legal and philosophical problems involved in the prosecution of Eichmann (when Eichmann himself was, in Arendt’s view, no more than unthinking military bureaucrat following orders of a “criminal state”²), Arendt quotes Joseph Goebbels as observing in 1943 that “We will go down in history as the greatest statesmen of all times or as their greatest criminals.”³ We should perhaps not find it surprising that the Reich Minister of Propaganda would regard history as something subject to manipulation and multiple interpretations. Yet, there is something disturbing about the notion that even the mass murder of millions of people can be – and will inevitably be – fitted into one historical narrative or another, depending on who tells the tale.

¹ The popular attribution to Churchill is suspect. *The Yale Book of Quotations* regards the saying as a modern proverb and observes that “survivors” or “winners” is often substituted for “victors.” In the context of this thesis, which concerns itself with the “memory struggles” that are inevitably waged over how events of genocide are remembered and written into history, the interchangeability of “victors” and “survivors” touches on different versions of the past that are embraced by “survivors” as opposed to “victors.” Joseph Epstein, editor., *The Yale Book of Quotations* (New Haven: Yale University Press, 2006), 527.

² Hannah Arendt, *Eichmann in Jerusalem: A Report on the Banality of Evil* (New York: Penguin Group, 2006), 262- 276.

³ Arendt, *Eichmann in Jerusalem*, 22.

A second story that Arendt relates concerns Reichsführer SS Heinrich Himmler. In late 1944 as the War was drawing to a close, Himmler issued an order to halt the exterminations and to dismantle the concentration camps of which he was the principal architect and overseer. According to Arendt, despite the mass deportation and extermination of millions of Jews and other victims of the Reich, Himmler held the “absurd but sincere conviction that the Allied powers would know how to appreciate this obliging gesture” -- and that this gesture would enable Germany to negotiate an advantageous peace as Prussia had done after its defeat in the Seven Years’ War.⁴ Apparently, the Reichsführer SS believed that the War and the crimes of the Third Reich could easily be folded into the fabric of history and, if not forgiven, need not be given much thought.

Genocide scholar Daniel Feierstein, who has focused part of his work on analyzing the similarities between the Holocaust and the Argentina’s Dirty War, views genocide as the use of the technologies of power to radically transform social relationships in a society by eliminating (destroying) a particular group of the population.⁵ As discussed in more detail in this thesis, Feierstein believes that all genocides are ultimately aimed at what he terms a “symbolic realization” of the genocide -- by which he means that, beyond the physical or material destruction of the population group, the victims must also be “symbolically erased” in the sense that even the capacity to recover the memory of their existence and their cultural and social standing is

⁴ Arendt, *Eichmann in Jerusalem*, 116.

⁵ Daniel Feierstein, “Political violence in Argentina and its genocidal characteristics,” in *Political Violence in Argentina and Its Genocidal Characteristics*, ed. Marcia Esparza, Henry R. Huttenbach, and Daniel Feierstein (Routledge, 2010), 55.

destroyed. In Feirestein's view, "genocidal social practices don't culminate with their material achievement... they are carried out in the symbolic and ideological field, in ways of representing and narrating it."⁶ This is why for Feirestein the battle over control of the historical narrative is of fundamental importance if symbolic realization of the genocide is to be resisted.

In this thesis, I have argued that, although not explicitly or consciously stated in the same theoretical terms that Feierstein uses, an essential feature of post-genocide societies is a fear on the part of survivors, victims, and victim groups that the memory of the victims and significance of what they have suffered will be lost and forgotten, and that this fear is at the core of the disputes that are experienced in post-genocide societies concerning issues such as culpability and reparations and the building of monuments. But, going a step beyond Feierstein, I have also suggested that the process of historical analysis and narration, like the creation of legal and concrete forms of memory necessarily requires an intellectualization, contextualization, and re-contextualization of events that is unavoidably and ultimately selective and reductive. It is perhaps inescapable, but nonetheless ironic, that, while the goal of history is to account for the past, the writing of history necessarily condenses and miniaturizes events and transforms and reduces experience into analysis and narrative, even events as monumental and catastrophic as genocide. We are, accordingly, left with the troubling concern that, while Goebbels and Himmler were most definitely on the wrong side of history, they may have been correct about the inherent tendency to forget the past while claiming to preserve it.

⁶ Daniel Feierstein, *El Genocidio como práctica social: Entre el nazismo y la experiencia argentina* (Buenos Aires: Fondo de Cultura Económica de Argentina, 2007), 237. "Las prácticas sociales genocidas no culminan con su realización material (es decir... sino que se realizan en el ámbito simbólico e ideológico, en los modos de representar y narrar dicha experiencia traumática."

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